

**Mayor**  
John Aneralla

**Mayor Pro-Tem**  
Danny Phillips

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



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

**Assistant Town Manager**  
Gerry Vincent

**Town Clerk**  
Janet Pierson

**Town Attorney**  
Bob Blythe

**AGENDA**  
**Regular Town Board Meeting**  
**March 20, 2017 - 6:30 PM**  
**TOWN HALL (101 Huntersville-Concord Road)**

**I. Pre-meeting**

- A. Budget Work Session - Emergency Services. (5:15 p.m.)
- B. Closed Session - Economic Development. (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, Land Development Ordinances Advisory Board)
- D. Commissioner Gibbons (NC 73 Council of Planning, Veterans Liaison)
- E. Commissioner Guignard (Centralina Council of Governments, Planning Coordinating Committee)
- F. Commissioner Kidwell (Charlotte Regional Transportation Planning Organization, Olde Huntersville Historic Society)
- G. Commissioner Phillips (Lake Norman Chamber Board, Visit Lake Norman Board)

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

**VII. Agenda Changes**

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

**VIII. Public Hearings**

- A. Conduct public hearing to receive comments on the proposed economic development incentives to Oerlikon Metro relating to their establishment of new manufacturing facility in Huntersville. *(Ryan McDaniels)*

**IX. Other Business**

- A. Consider adopting resolution authorizing the execution of a Business Investment Program Grant with Oerlikon Metco. *(Ryan McDaniels)*
- B. Consider decision on Petition #R16-09, a request by Daniel Phillips, Madeline Phillips, and Helga Haddix to rezone 9.25 acres (portion of parcel #00902202, known as 14936 Brown Mill Road) from Rural to Special Purpose Conditional District to allow the construction of a 123,225 sq. ft. mini warehouse facility. *(Brad Priest)*
- C. Consider approving Lake Norman Charter School Joint Use agreement. *(Michael Jaycocks)*
- D. Consider appointing Susan Thomas as the Planning Board representative to the Huntersville Ordinances Advisory Board to replace Joanne Miller. *(Commissioner Boone)*
- E. Consider approving payoff of Bank of America loan and budget amendment in the amount of \$491,004.98 from General Fund Balance in FY 2017.. *(Jackie Huffman/Gerry Vincent)*
- F. Consider adopting resolution urging the Metropolitan Transit Commission to reject the current Charlotte Area Transit System budget for fiscal year 2018 and fiscal year 2019. *(Mayor Aneralla)*

**X. Consent Agenda**

- A. Approve the minutes of the March 6, 2017 Regular Town Board Meeting. *(Janet Pierson)*
- B. Appoint Gerry Vincent as the Town's representative to the NCMPA1 Board of Commissioners. *(Janet Pierson)*
- C. Cancel the July 3, 2017 Regular Town Board Meeting. *(Janet Pierson)*

**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**  
**3/20/2017**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Ryan McDaniels, Executive Director, LNEDEC  
**Subject:** PH Economic Development Incentives

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Conduct public hearing to receive comments on the proposed economic development incentives to Oerlikon Metro relating to their establishment of new manufacturing facility in Huntersville. The grant will be for a period of 10 years and up to 90 percent of new ad valorem tax revenue created by the development. There will be a public benefit from the incentive grant by the creation of 93 new jobs over a 5 year period paying an average of \$93,011 annually and there will be an addition to the ad valorem tax base for the Town.

**ACTION RECOMMENDED:**

Conduct Public Hearing

**FINANCIAL IMPLICATIONS:**

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**3/20/2017**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Ryan McDaniels, Executive Director, LNEDEC  
**Subject:** Economic Development Incentives

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Consider decision on proposed economic development incentives to Oerlikon Metro relating to their establishment of new manufacturing facility in Huntersville. The grant will be for a period of 10 years and up to 90% of new ad valorem tax revenue created by the development. There will be a public benefit from the incentive grant by the creation of 93 new jobs over a 5 year period paying an average of \$93,011 annually and there will be an addition to the ad valorem tax base for the Town.

**ACTION RECOMMENDED:**

Adopt Resolution Authorizing the Execution of a Business Investment Program Agreement

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

Description	Type
□ Resolution	Resolution



**RESOLUTION AUTHORIZING THE EXECUTION  
OF A BUSINESS INVESTMENT PROGRAM AGREEMENT**

The Board of Commissioners of the Town of Huntersville, having conducted a public hearing on March 20, 2017, at the Town Hall in Huntersville, North Carolina, on the consideration of a grant of certain economic incentives to Oerlikon Metco (US) Inc. (“Oerlikon”), or its affiliates, as described in its Business Investment Program Grant Application to the Town and Mecklenburg County (the “BIP”), and having considered the economic benefits to be derived from the agreement, does hereby find and determine:

1. That the grant will be for a period of 10 years and in an amount equal to up to 90% of new *ad valorem* tax revenue; and
2. That the incentives granted in the BIP will help stimulate the local economy, promote business, and result in the creation of 93 new jobs within five (5) years.

Therefore, it is hereby RESOLVED by the Board of Commissioners of the Town of Huntersville that the Town enter into a Business Investment Program Agreement with Oerlikon Metco (US) Inc., and the Interim Town Manager is authorized and directed to execute and deliver such documents as are necessary to carry out the intent of this Resolution.

Adopted by the Board of Commissioners at its regular meeting on the 20<sup>th</sup> day of March, 2017.

ATTEST:

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John Aneralla, Mayor

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Janet Pierson, Town Clerk

Approve as to Form:

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Robert B. Blythe, Town Attorney

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**3/20/2017**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Brad Priest, Senior Planner  
**Subject:** R16-09: Blythe Landing Mini Storage

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**Rezoning:** R16-09 is a request by Daniel Phillips, Madeline Phillips, and Helga Haddix to rezone 9.25 acres (portion of parcel #00902202, known as 14936 Brown Mill Road) from Rural (R) to Special Purpose Conditional District (SP-CD). The purpose of the rezoning is to allow the construction of a 80,091 sqft mini warehouse facility with 7,690 sqft of office/office flex. The rezoning is located near the corner of Beatties Ford Road and Brown Mill Road.

**ACTION RECOMMENDED:**

Consider taking final action on 3/20/17.

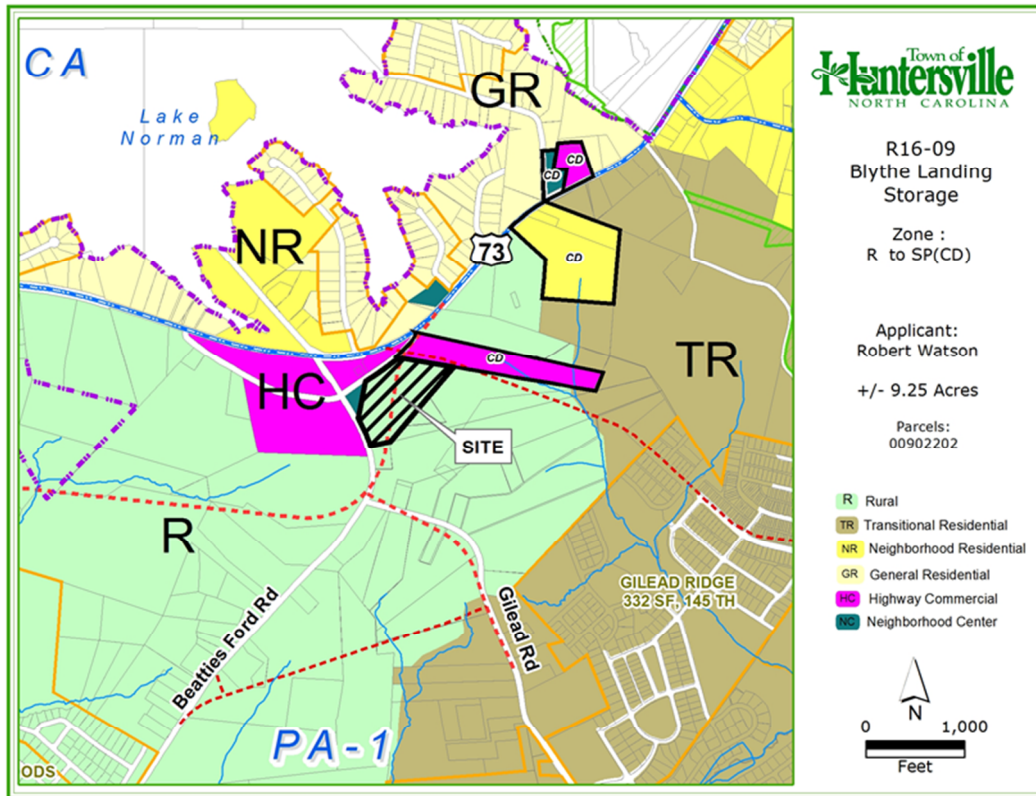
**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Staff Report - Updated	Staff Report
<input type="checkbox"/> Rezoning Plan and Elevations - Updated 3/9/17	Exhibit
<input type="checkbox"/> Planning Board Minutes - 2/28/17	Backup Material
<input type="checkbox"/> Town Attorney Email - Thoroughfares	Staff Report
<input type="checkbox"/> Past Rezoning - Thoroughfare Plan	Backup Material
<input type="checkbox"/> MUMPO Thoroughfare Presentation	Backup Material
<input type="checkbox"/> MUMPO Approved Alignment - NC-73	Backup Material
<input type="checkbox"/> Boundary Survey	Backup Material
<input type="checkbox"/> Neighbor Letter of Support	Backup Material
<input type="checkbox"/> Neighborhood Meeting Invitation List	Backup Material
<input type="checkbox"/> Neighborhood Meeting Summary	Backup Material
<input type="checkbox"/> Portions of Beatties Ford Road Small Area Plan	Backup Material
<input type="checkbox"/> TIA Determination - No Need	Backup Material
<input type="checkbox"/> Application	Backup Material

## Petition R16-09: Blythe Landing Mini-Storage

### PART 1: PROJECT SUMMARY



**Applicant:** Bob Watson

**Property Owner:** Daniel Phillips, Madeline Phillips, and Helga Haddix

**Property Address:** 14936 Brown Mill Road

**Project Size:** 9.38 acres (portion of existing parcel)

**Parcel Numbers:** Portion of 00902202

**Existing Zoning:**

Rural (R)

**Proposed Zoning:**

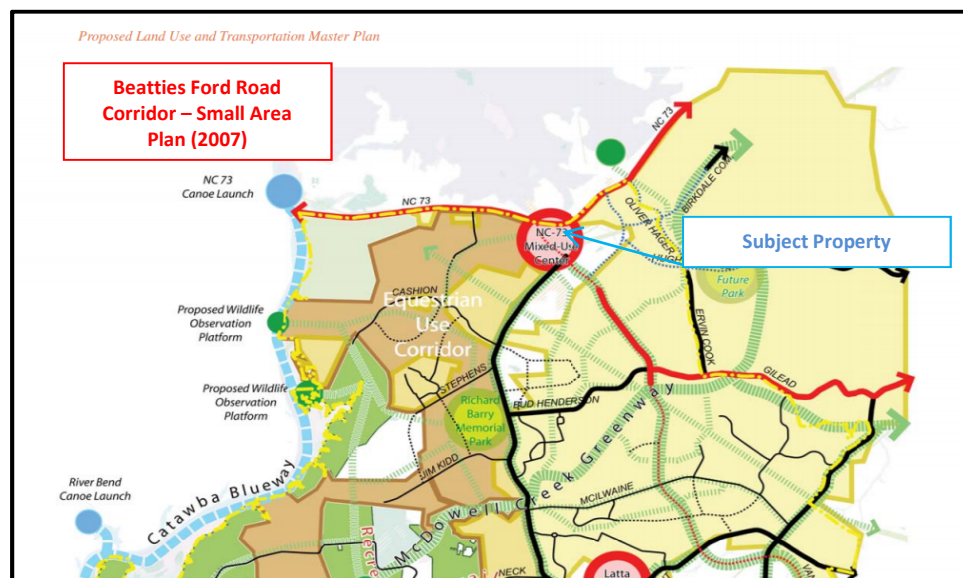
Special Purpose  
Conditional District (SP-CD)

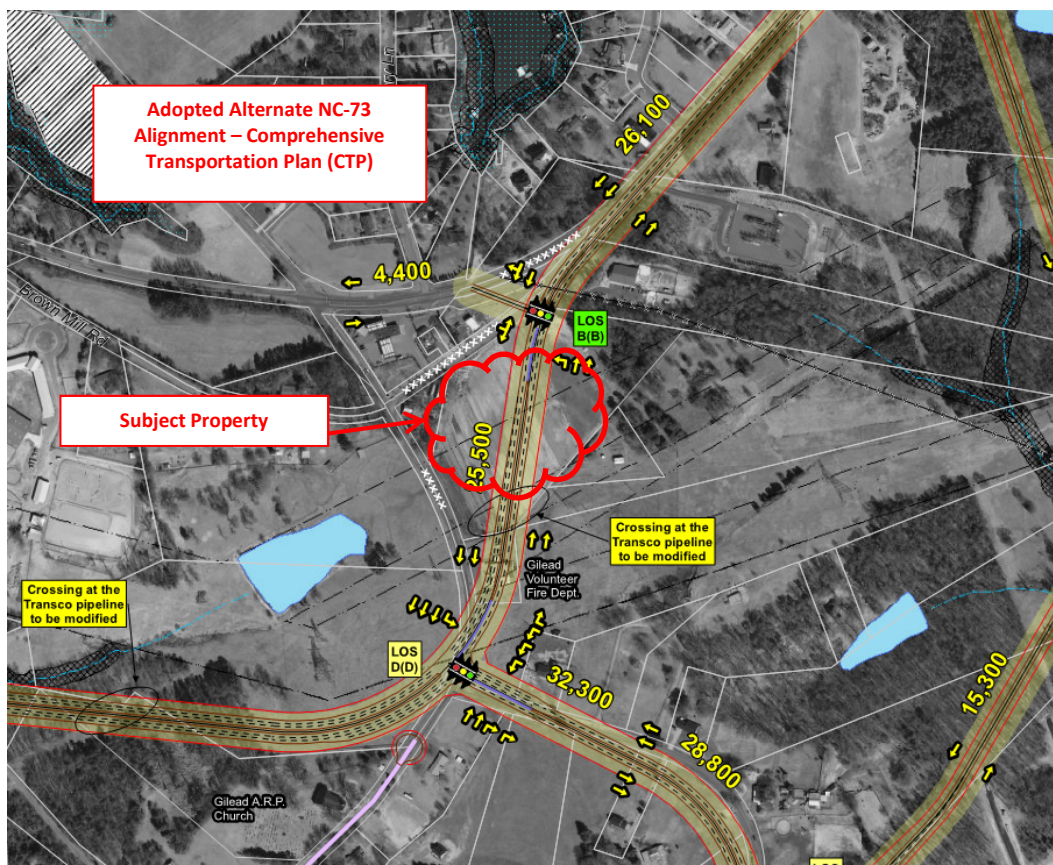
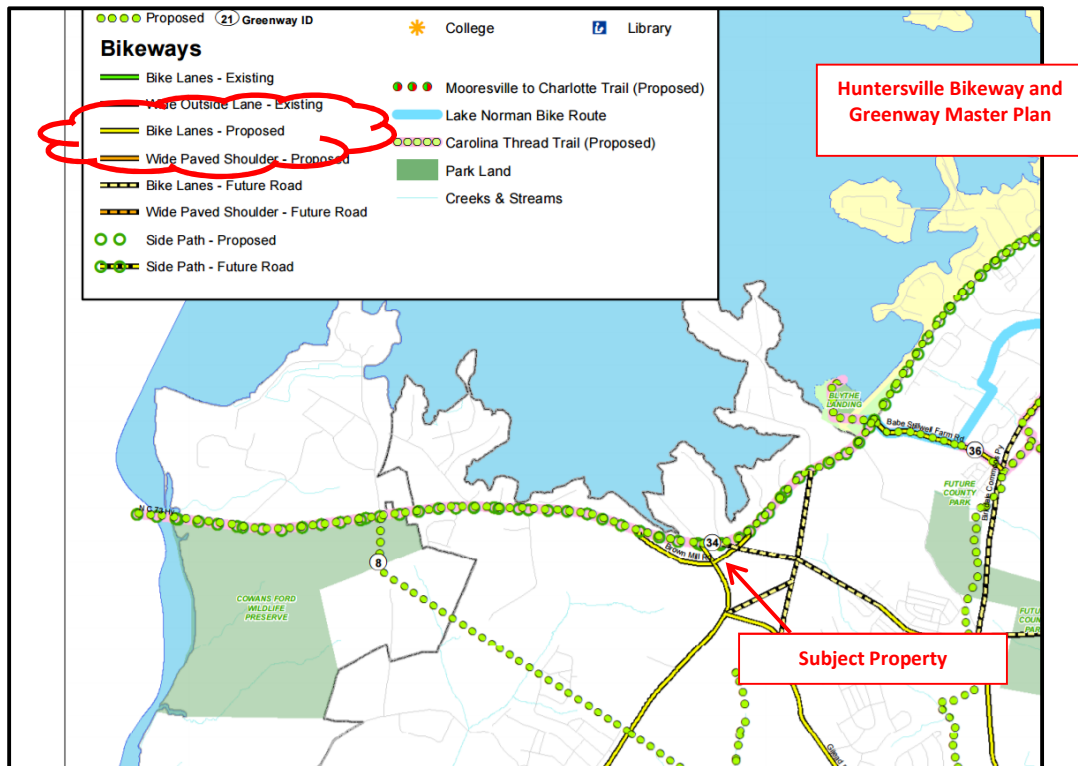
#### Application Summary:

1. Daniel Phillips, Madeline Phillips, and Helga Haddix have proposed to rezone a portion of their property at 14936 Brown Mill Road from Rural (R) to Special Purpose Conditional District (SP-CD). The purpose of the rezoning is to develop a 138,562 sqft mini storage facility with 7,690 sqft of office and office/flex.
2. **UPDATE 2/22/17:** Recently, the plan has been updated with many changes along Brown Mill Road. Rather than being predominately ministorage, the buildings proposed there are now office and office flex space (office with accessory warehousing). The buffers have been updated to provide more detail as well. In response, the Town Board has sent the application back to the Planning Board for further review and recommendation. The Town Board will revisit the application on March 6, 2017.
3. **UPDATE 3/9/17:** On March 6, 2017 the Town Board continued the application until its March 20, 2017 meeting.
4. **Adjoining Zoning and Land Uses**
  - North: *Neighborhood Center (NC), Old Store Market, Highway Commercial (HC), Grease Monkey Automotive Oil Change Service*
  - South: *Rural (R), Huntersville Fire Station #1, Single Family Residential, Piedmont Natural Gas Regulator Facility*
  - East: *Highway Commercial Conditional District (HC-CD), Pet Paradise Grooming Facility, Rural (R), Vacant Land*

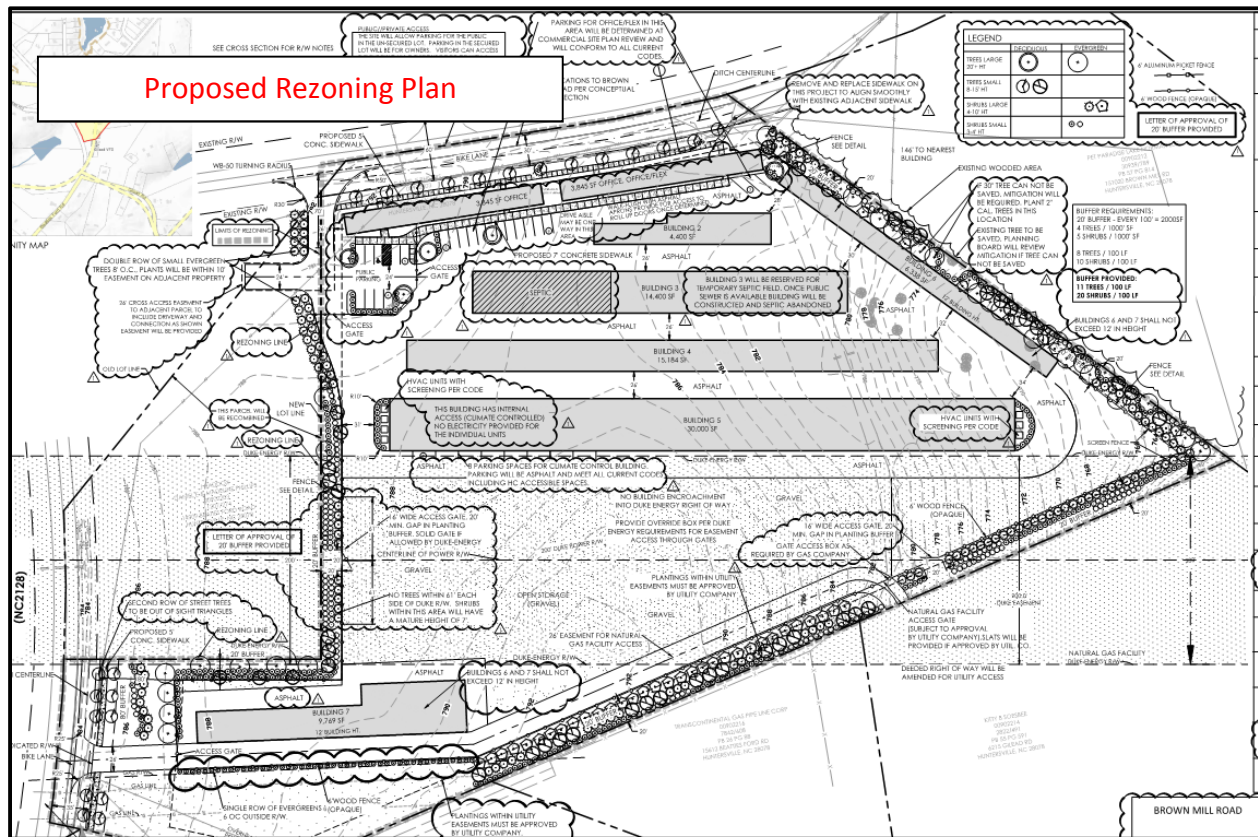
West: Highway Commercial (HC), Farm Land, Rural (R), Vacant Land and Horse Stables

5. Mini-storage facility uses are only allowed under the Town of Huntersville Zoning Ordinance in the Special Purpose (SP) zoning district, therefore the application for the ministorage facility development is to rezone to SP-CD.
6. The applicant proposes to recombine a portion of the 11.29 acre tract with the Old Store property at the southeast corner of Brown Mill Road and Beatties Ford Road. As currently proposed only 9.28 acres are proposed to be rezoned for the mini-storage facility and office.
7. UPDATE 2/22/17: The subject parcel is located in an area studied by the Beatties Ford Road Corridor Small Area Plan (BFRCSAP). The plan calls for the area around the intersection of NC-73 and Beatties Ford Road to be developed as a “Mixed-Use Center”. The applicant has expanded the office component of the development to include all the frontage area along Brown Mill Road. With that change staff believes part of the intent of the BFRCSAP has sufficiently been met, to provide pedestrian oriented development along the street. Staff is supportive too of the mini-storage in the rear due to the location of utility areas that make traditional commercial development more difficult to establish.
8. Per the Huntersville Greenway and Bikeway Master Plan both Beatties Ford Road and Brown Mill Road are bikeway routes with proposed bike lanes. Please see the Greenway and Bikeway map below. To accommodate the bikeway plan, the applicants have proposed to add bike lanes along their frontages of Beatties Ford Road and Brown Mill Road. Please see the proposed rezoning plan below on page 3.
9. The property in question lies in the path of the proposed NC-73 Realignment on the Comprehensive Thoroughfare Plan (CTP). This alignment was recommended by the Town Board by 3-2 vote on September 6, 2011 and adopted by the Mecklenburg-Union Metropolitan Planning Organization (MUMPO, now the Charlotte Regional Transportation Planning Organization (CRTPO)) on November 16, 2011. Please see the adopted NC-73 realignment added to the CTP on page 3 below. This alignment is currently considered one of two options for the final NC-73 location. Please see page 6 below for discussion of the environmental study status and the NC-73 alignment selection process.
10. A neighborhood meeting for this application was advertised for and held on September 28, 2016. An invitation list, attendance list and summary report for the meeting are included in the agenda packet.









## PART 2: REZONING/SITE PLAN ISSUES – **UPDATE 3/9/17**

- Article 7.5 of the Zoning Ordinance requires that developments in the Special Purpose (SP) zoning district establish an 80 foot buffer adjacent to properties not zoned SP or CB. The applicant is requesting a modification of the buffer requirements under the conditional district rezoning provision of Article 11.4.7 (K), which states: “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.”
  - Staff is comfortable with the reduction to 20 feet along the southern and northeastern portion of the property. To the south, the surrounding properties are inundated with utility easements and right of ways that will make development very difficult. Therefore a significant buffer to the south may not prove useful. To the northeast the Pet Paradise conditional district rezoning requires a 30 foot undisturbed buffer on the adjacent property. Thus with the 30 foot existing buffer plus the 20 proposed, a significant opaque screen between uses will be established.
- **UPDATE 3/9/17:** Mecklenburg County has approved the storm water concept plan for the project.
- **UPDATE 3/9/17:** In order to address the comments from the Planning Board at their February 28<sup>th</sup> meeting, the applicants have updated their zoning plan. Some of the updates include:
  - New parking spaces closer to the eastern office/flex building.
  - Added notes about security of the site and access.
  - Added notes about circulation and functionality of the eastern office building parking area.
  - Added turning radius sheet showing the ability of a large truck to circulate the site (sheet Z03).
  - Staff has no issues with the added information. The circulation, parking, and driveways of the site will need to be reviewed more closely at permitting stage. If some minor alteration to the site plan becomes necessary to accommodate interior site access, staff does not view that as a major concern.

### PART 3: TRANSPORTATION ISSUES – UPDATE 2/13/17

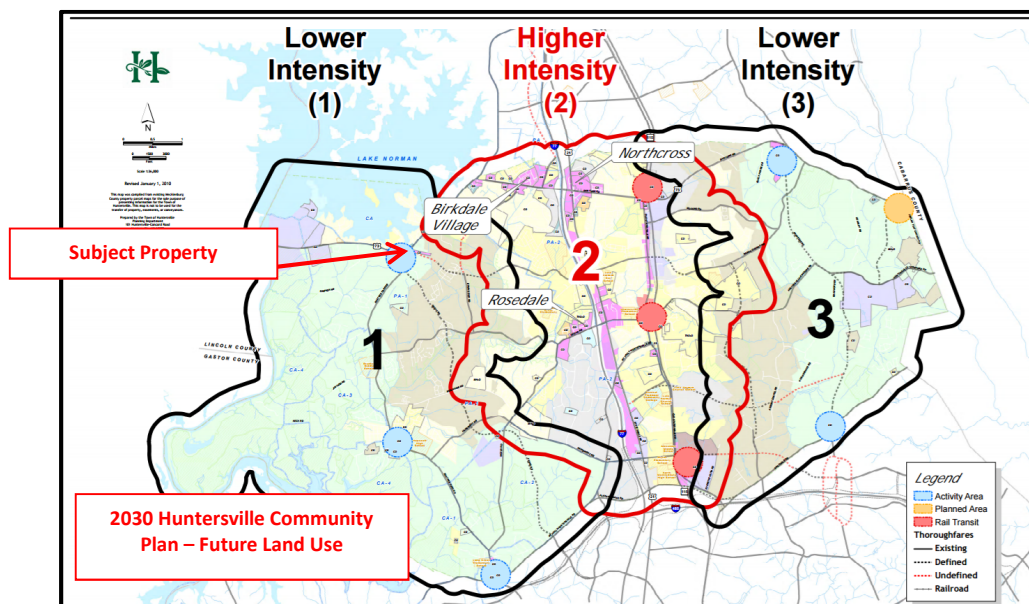
- The property proposed to be rezoned currently lies directly within the path of the adopted realignment of NC-73 on the Comprehensive Transportation Plan (CTP).

### 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 located in the activity area “node” identified in the 2030 plan. 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 CD-1: Land Use/Transportation Integration.** This policy calls for the continued integration of land uses and transportation elements along with consistency with adopted long range plans. As described below on page 7, the proposed development lies directly in the path of the approved NC-73 realignment. Therefore the proposed land use plan fundamentally conflicts with current approved transportation plans.
- Policy CD-5: Infrastructure.** This policy calls for adequate public infrastructure to either exist or be made available to support all new development. Similar to the concern above, the proposed development lies directly

in the path of the NC-73 realignment. The approval and construction of this development could impede the construction of the NC-73 realignment, thus hindering the extension of public infrastructure to the area.

STAFF COMMENT – Staff finds the proposed use not consistent with **the Adopted Comprehensive Transportation Plan (CTP)**

- The widening and improving of NC-73 in the area of Beatties Ford Road (State Project number R5721) is scheduled for construction on the North Carolina Transportation Improvement Program (NCTIP) for the year 2023. The drafted updated CTP proposes moving the construction start date up to 2021. The property proposed to be rezoned currently lies directly within the path of the adopted realignment of NC-73. This alignment was recommended by the Town Board and then adopted into the Comprehensive Transportation Plan (CTP) by the Charlotte Regional Transportation Planning Organization (CRTPO) in November 2011. The North Carolina Department of Transportation (NCDOT) has recently begun conducting an Environmental Study for R5721 and will study the environmental and historical impacts of two potential alternatives; the expansion and improvement of the current alignment of NC-73 and that of the new realignment alternative adopted. Please see the study alternative map below on page 7. The alternative that ultimately is found to present the most benefit with the least level of negative impact will be chosen. The first draft of the study is scheduled to be released in the summer of 2018 and be ultimately approved in the summer of 2019. Staff does not recommend approving the intensification of any property within an approved thoroughfare alignment. However if after having studying both alignments, and the original NC-73 alignment is ultimately chosen, then the proposed development would no longer be in conflict with the updated plans.
- UPDATE 1/30/17: It has been mentioned in conversation with staff that NCDOT officials are preliminarily voicing their opinion on which alignment is preferred. According to NCDOT there have been no cost estimates done yet for either of the alignments and no preference has been observed nor communicated at this time. It is still expected that the environmental assessment will be complete in the Summer of 2018, at which time it is possible a preference and selection of the alignment could be deduced, but not finalized
- UPDATE 2/13/17: During the Town Board meeting on February 6, 2017 (when the application was deferred) the question arose on whether or not state law conflicted with the ability of the Town to consider the thoroughfare when making rezoning decisions. Bob Blythe sent planning staff the following response for clarification on the matter. The email is also attached in your agenda packet for reference.
  - “This is in reference to the question of a potential thoroughfare alignment affecting a proposed rezoning of property which would be affected by the thoroughfare. There seems to be a thought that there is a state law, either by statute or by court ruling, that the location of the road cannot be considered by the decision makers in a rezoning case. I believe that the genesis of this opinion is the fairly recent North Carolina Supreme Court case of Kirby, et.al. v. North Carolina Department of Transportation. Although you can never say with certainty how a court might rule in a different case, I do not believe that Kirby stands for this proposition at all. This case arose out of the so-called Map Act, a North Carolina statute that permits NCDOT to establish a thoroughfare alignment after public hearing, etc., and then to record that corridor in the county Register of Deeds. At that point certain restrictions become placed on the use of the property within the corridor including (with certain exceptions) the right to obtain a building permit. The court in essence held that the imposition of these restrictions had the effect of affecting the value of the property, and therefore constituted a taking for which the landowner was entitled to compensation. The court did not find the MAP Act unconstitutional. (The legislature did adopt legislation in the 2016 session cancelling all outstanding Map Act corridors, and placing a moratorium on new corridors until July 1, 2017). Note that the possible thoroughfare here is not a corridor under the MAP Act. In any event, I don’t see that the proposed alignment constitutes a legal restriction on the use of the property. From a zoning standpoint, it can still be used for whatever is presently permitted. And I see nothing that precludes the Board from taking the existence of the possible alignment into consideration in their deliberations in their legislative capacity.”

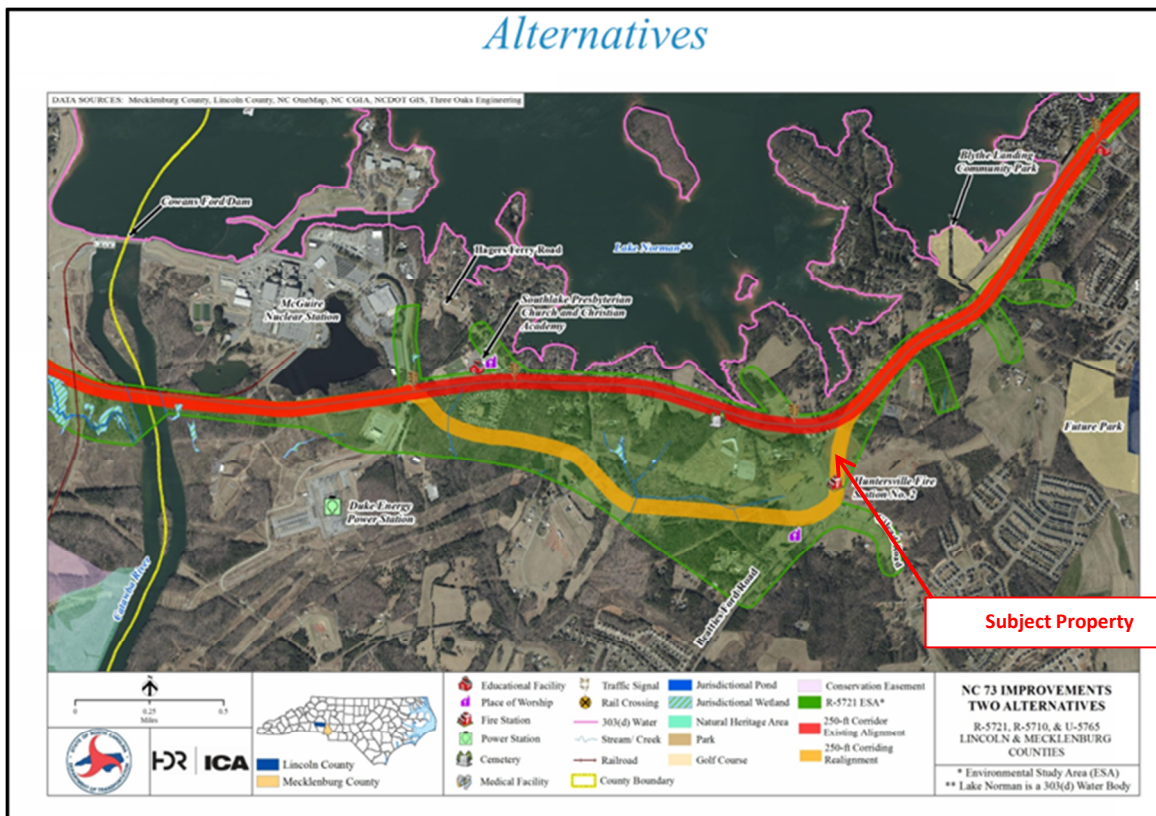


Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

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

STAFF COMMENT:

Although there is no Special Purpose (SP) zoning anywhere in the area of the proposed development, commercial activity is common near NC-73 and Brown Mill Road to the north, with a gas station and oil change facility both zoned Highway Commercial (HC). The Old Store retail building at the corner of Brown Mill Road and Beatties Ford Road is also a commercial operation along that street frontage. Therefore with the buildings along Brown Mill Road now broken up into two separate buildings, having added architectural detail, and now providing street door connections, and the mini-storage reserved for the rear of the site, staff finds the development consistent with the overall character of adjacent 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:

- In regard to the adequacy of the roadway system, per Huntersville Transportation Staff, the proposed use as currently submitted will not create enough vehicle trips to necessitate the submittal of a Traffic Impact Analysis (TIA).
- Since the property proposed has less than 10,000 of office proposed, the Adequate Public Facilities Ordinance does not apply to this 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 – UPDATE 11/8/16**

The Public Hearing was held on November 7, 2016. Two individuals from the public spoke in opposition to the plan due to the conflict with adopted plans and the Town’s ordinances. Discussion in the hearing centered on the outstanding site issues and the status of the NC-73 realignment. Specific items that were mentioned which needed to be addressed were: the new zoning line needed to be clarified and the question on whether or not the application showed a subdivision needed to be answered. STAFF COMMENT: The plan includes a label that states the intent is to recombine the corner parcel on Brown Mill Road with the proposed development parcel, thus only shifting the property line to the east (no subdivision). However, if that is the intent it needs to be clarified on the plan as separate and additional property lines are shown which causes confusion.

**PART 6: STAFF RECOMMENDATION – UPDATE 3/14/17**

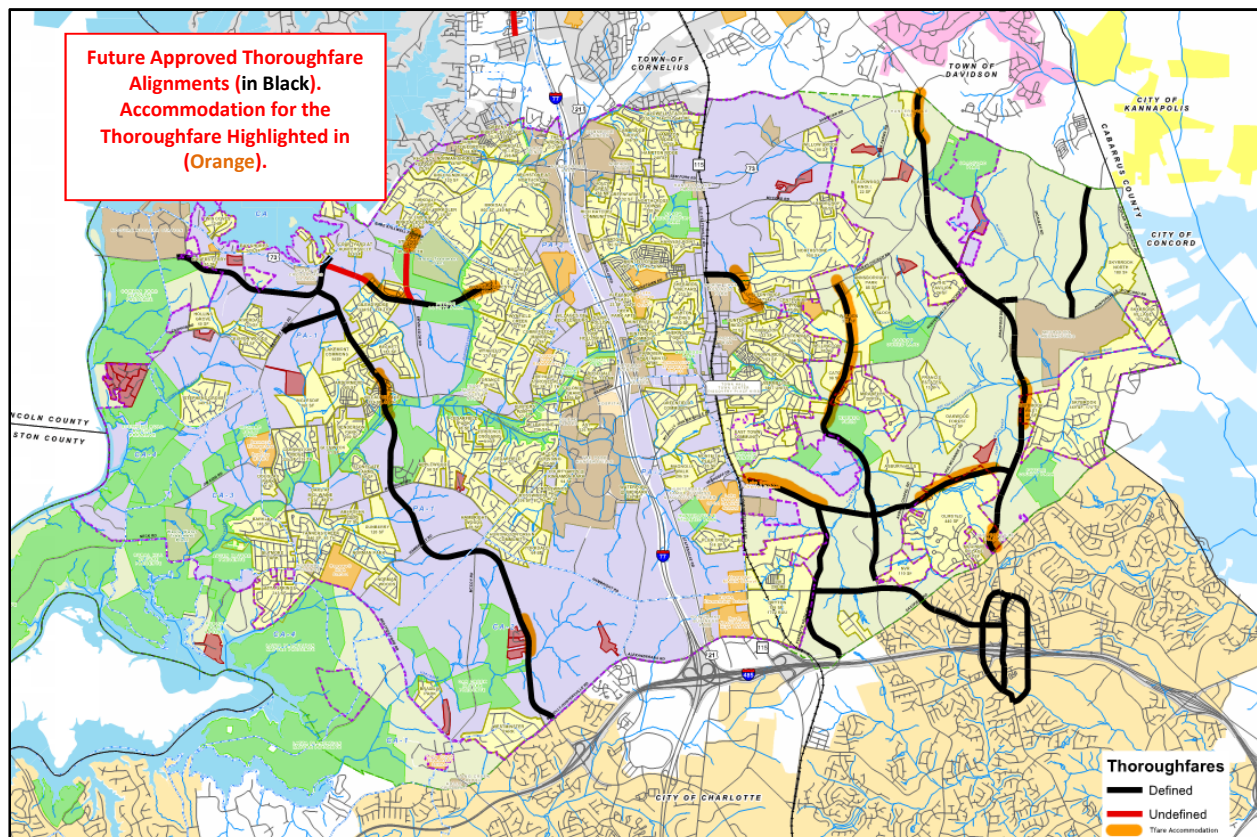
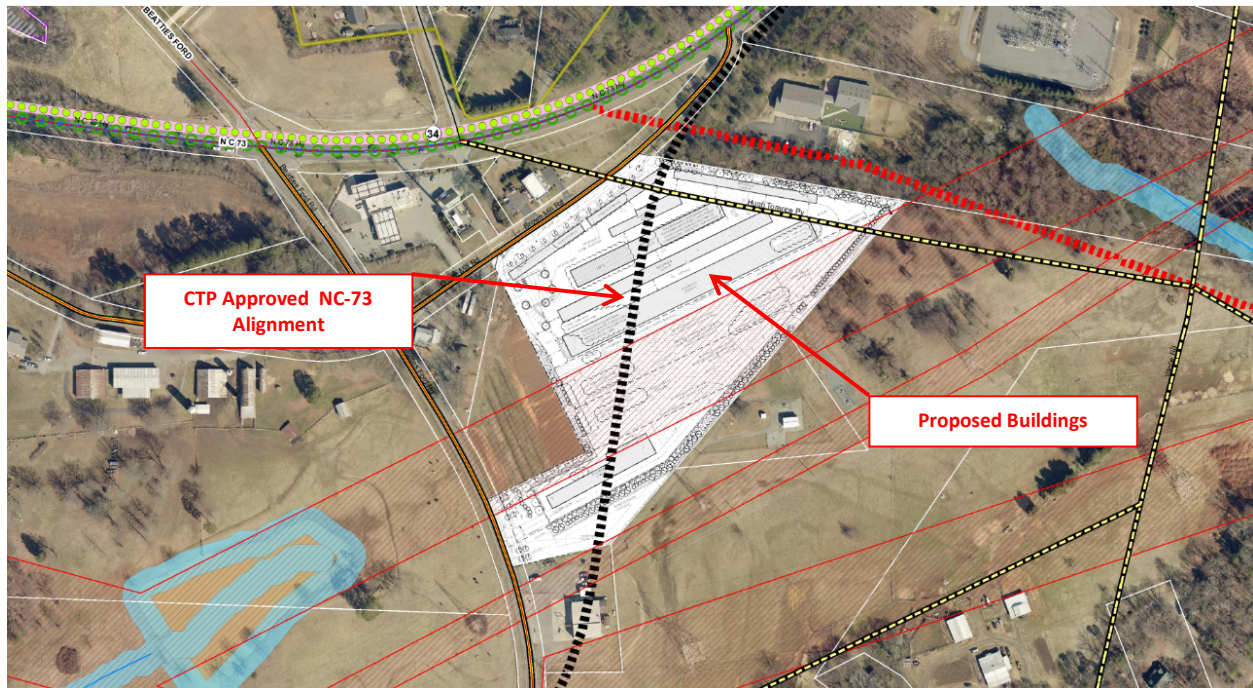
Staff recognizes and appreciates the fact that the overall design and conformance to the ordinance has significantly improved since the beginning of the review process. The applicant has been very responsive to staff recommendations when possible. However at this time staff recommends denial of the application for the following reasons:

- The plan is in direct conflict with the approved and adopted Comprehensive Transportation Plan (CTP) for the NC-73 realignment. Staff does not recommend intensifying the zoning of a property when it conflicts with an approved thoroughfare. We are not aware of any other development being approved in current staff’s tenure that did conflict with an approved thoroughfare plan. Not only does the property in question lie directly along the proposed route, but the proposed rezoning plan would construct buildings immediately in the path of the road. Please see the overlay of the proposed plan and the CTP below on page 9. If the approved alignment is chosen and the proposed development is approved, it will cost the public more to build the thoroughfare and the buildings constructed will in a few years ultimately be taken right back down. It is recommended that no decision be made until the environmental study is done next year when the alignment to be chosen will be more clear.
  - Please find attached in your agenda package a power point presentation presented to the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) in 2011 providing background on how the current and approved alignment came to be.
- Staff is concerned that approving a rezoning for a development that conflicts with a thoroughfare alignment that has been approved by the Charlotte Regional Transportation Planning Organization or its predecessors could set a precedent that may compromise the validity of the Town’s future transportation network. Please find below on page 9 a map of the approved future thoroughfare alignments in the Town of Huntersville jurisdiction. In it is an estimated 26.8 miles of approved future roads. As mentioned above, staff is unaware of any rezonings approved in the past that conflicted with an approved thoroughfare route. However several



rezonings have accommodated them. Please find an email to the applicant outlining those instances attached in your agenda package.

- The plan is inconsistent with policies CD-1 and CD-5 of the Huntersville 2030 plan which recommends consistency with approved transportation plans and infrastructure as described above.



**PART 7: PLANNING BOARD RECOMMENDATION – UPDATE 3/1/17**

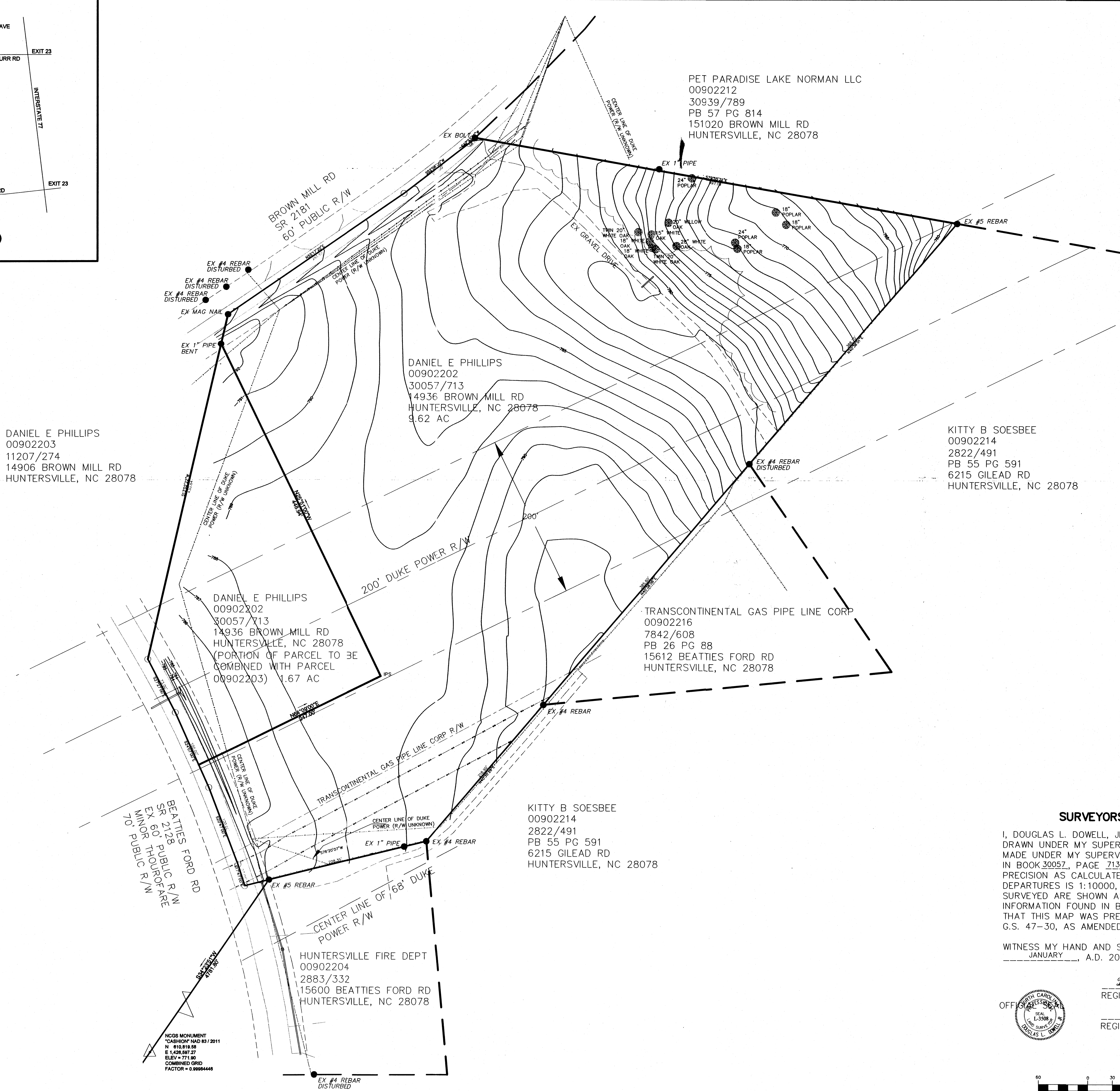
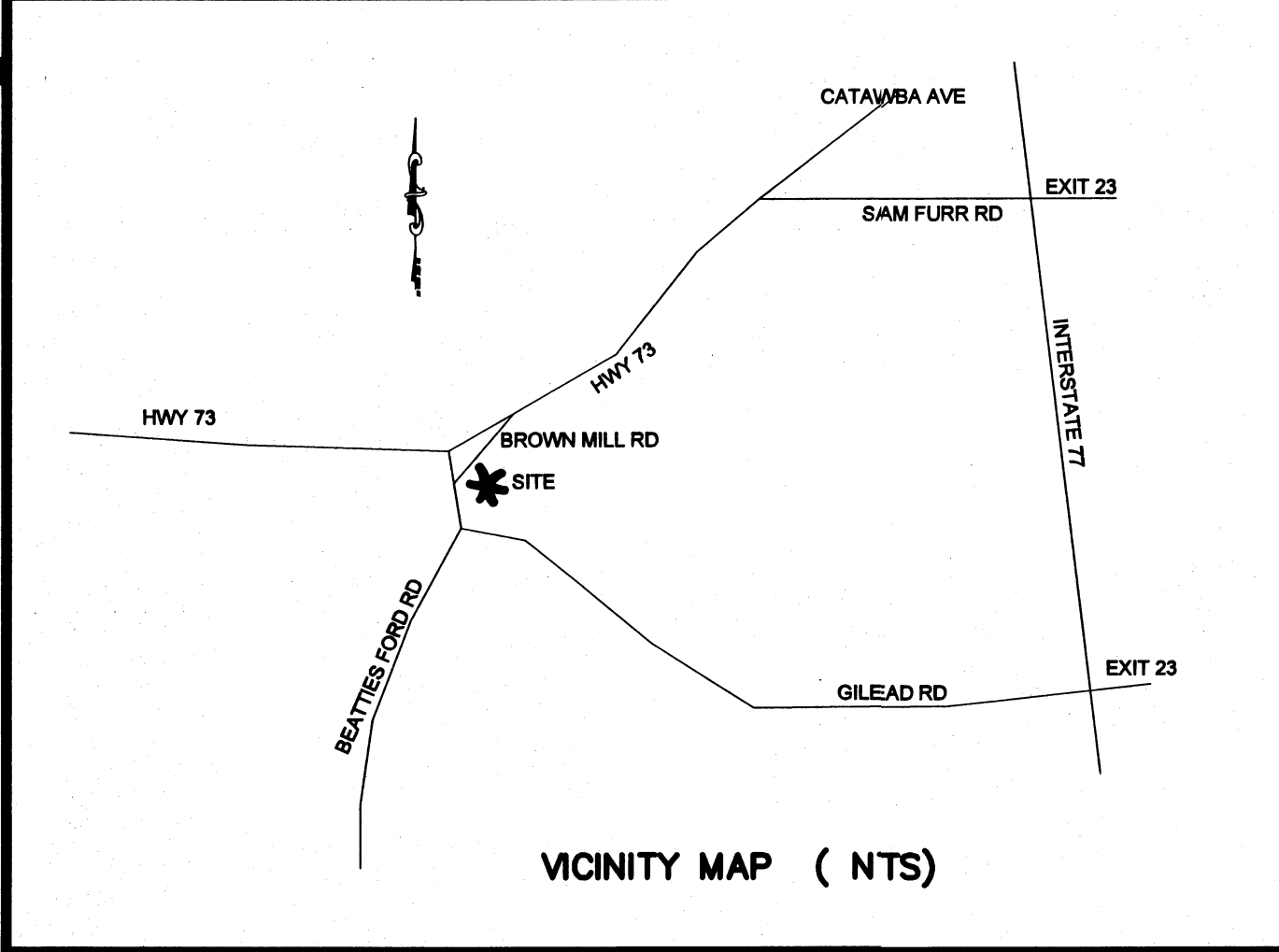
On February 28, 2017 the Planning Board reviewed the updated application and recommended the Town Board deny the application by a 6-2 vote. The Planning Board found that the rezoning is not consistent with the 2030 Community Plan, and the Beatties Ford Road Corridor Small Area Plan. It is not reasonable and not in the public interest to rezone this property, because it does not accommodate the approved future road improvement; it is not consistent with mixed use development pattern called for in the adopted plans, nor does it conform to the Zoning Ordinance in regard to the buffering. It also poses security issues within the site; proposes traffic challenges for trucks entering and exiting for flex space use; only provides 5.8% of office flex space, which does not meet the intent of a mixed use development even though it might meet the spirit; it is not pedestrian oriented; the storm water concept plan has not been approved; parking lot and/or parking spaces for office and flex space use have not been provided on the sketch plan in accordance with the Ordinance; and in addition to the Community Plan policy CD1 and CD5, it does not meet the requirements of policies H2, H3, H4, H8 and CD3.

The draft minutes for the February 28, 2017 Planning Board meeting are included in your agenda package for reference.

**PART 8: CONSISTENCY STATEMENT - R 16-09: Blythe Landing Mini-Storage**

Planning Department	Planning Board	Board of Commissioners
<b>Approval:</b> N/A	<b>APPROVAL:</b> N/A	<b>APPROVAL:</b> In considering the proposed rezoning of Petition R16-09, Blythe Landing Mini-Storage located on Brown Mill Road, the <b>Town Board</b> finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend approving the conditional rezoning plan for the Blythe Landing Mini-Storage as shown in Rezoning petition R16-09. It is reasonable and in the public interest to rezone this property because... <i>(Explain)</i>
<b>DENIAL:</b> In considering the proposed rezoning of Petition R16-09, Blythe Landing Mini-Storage, Planning Staff finds that the rezoning is not consistent with Policies CD-1 and CD-5 of the Huntersville 2030 Community Plan or the adopted Comprehensive Transportation Plan. We recommend denial of R16-09. It is not reasonable and not in the public interest to rezone this property because it does not accommodate for future road improvements.	<b>DENIAL:</b> In considering the proposed rezoning of Petition R16-09, Blythe Landing Mini-Storage on Brown Mill Road, the <b>Planning Board</b> finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and the Beatties Ford Road Corridor Small Area Plan. It is not reasonable and not in the public interest to rezone this property because it does not accommodate the approved future road improvement; it is not consistent with mixed use development pattern called for in the adopted plans, nor does it conform to the Zoning Ordinance in regard to the buffering. It also poses security issues within the site; proposes traffic challenges for trucks entering and exiting for flex space use; only provides 5.8% of office flex space, which does not meet the intent of a mixed use development even though it might meet the spirit; it is not pedestrian oriented; the storm water concept plan has not been approved; parking lot and/or parking spaces for office and flex space use have not been provided on the sketch plan in accordance with the Ordinance; and in addition to the Community Plan policy CD1 and CD5, it does not meet the requirements of policies H2, H3, H4, H8 and CD3.	<b>DENIAL:</b> In considering the proposed rezoning of Petition R16-09, Blythe Landing Mini-Storage on Brown Mill Road, the <b>Town Board</b> 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 R16-09. It is not reasonable and not in the public interest to rezone this property because..... <i>(Explain)</i>



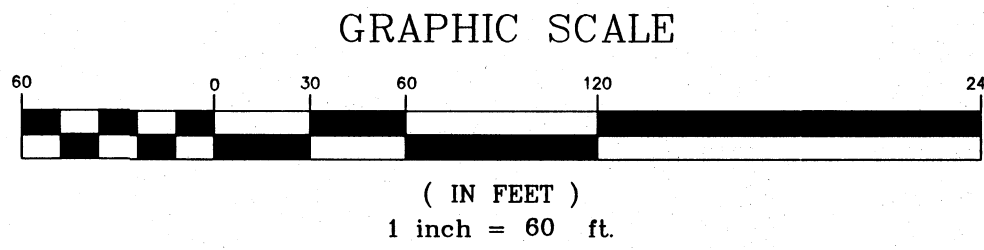
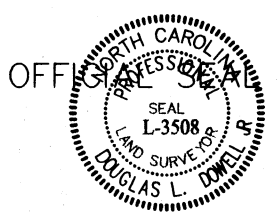


**SURVEYORS CERTIFICATION**

I, DOUGLAS L. DOWELL, JR. CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED DESCRIPTION RECORDED IN BOOK 3005Z, PAGE 713; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10000. (THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_); THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

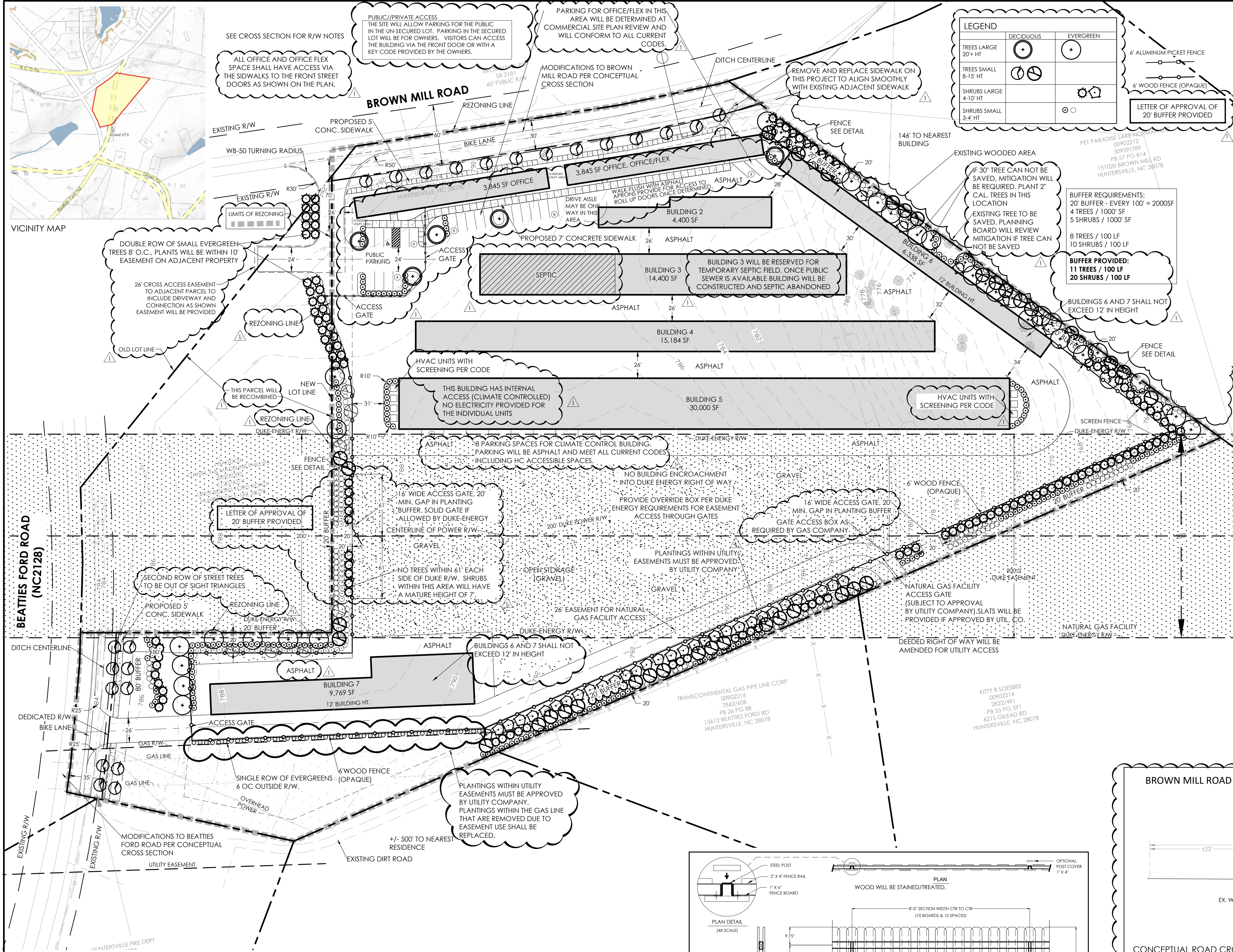
WITNESS MY HAND AND SEAL THIS 4 DAY OF JANUARY, A.D. 2017.

*Douglas L. Dowell Jr*  
REGISTERED LAND SURVEYORS  
L-3508  
REGISTRATION NUMBER



ENGINEER
SEAL
DLD
DRAWN BY:
JAN 4, 2017
DATE PREPARED
REVISIONS
NO: 1
NO: 2
NO: 3
NO: 4
SHEET 1 OF 1
JOB NUMBER 16-1098
SCALE Horz: 1" = 60' Vert:
<b>BOUNDARY TOPOGRAPHIC SURVEY</b> OF <b>BROWN MILL ROAD SELF STORAGE</b> TOWN OF HUNTERSVILLE, MECKLENBURG CO., NC
<b>BLTYHE LANDING MINI STORAGE LLC</b>
<b>DOWELL &amp; CO., P.C.</b> Engineering • Surveying • Planning 344 Railing Hill Road, Suite 103 • P.O. Box 3504 • Mooresville, N.C. 28117 (704) 664-5177 Fax EMAIL: <a href="mailto:ldowell@dwellsurvey.com">ldowell@dwellsurvey.com</a> C - 2177

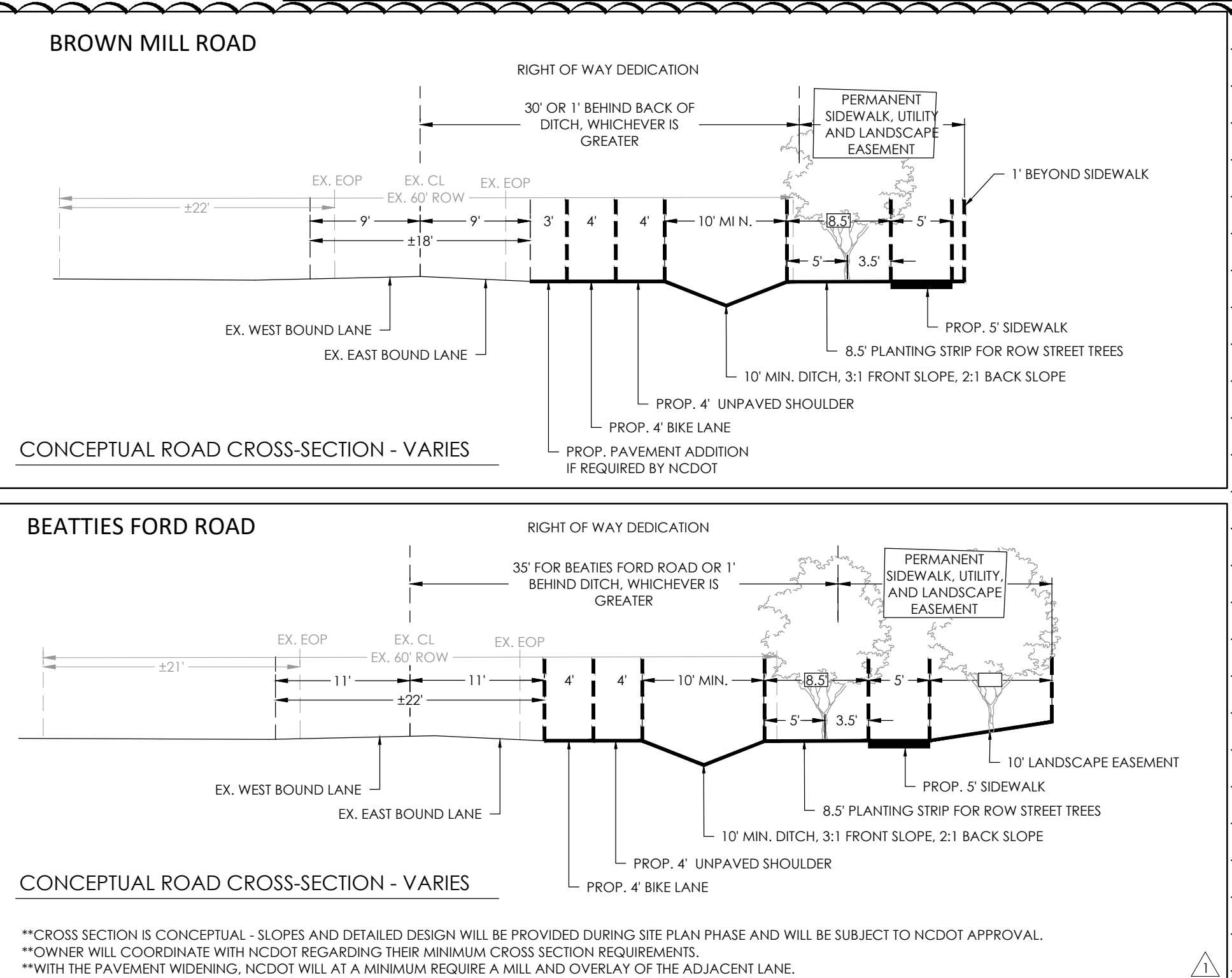
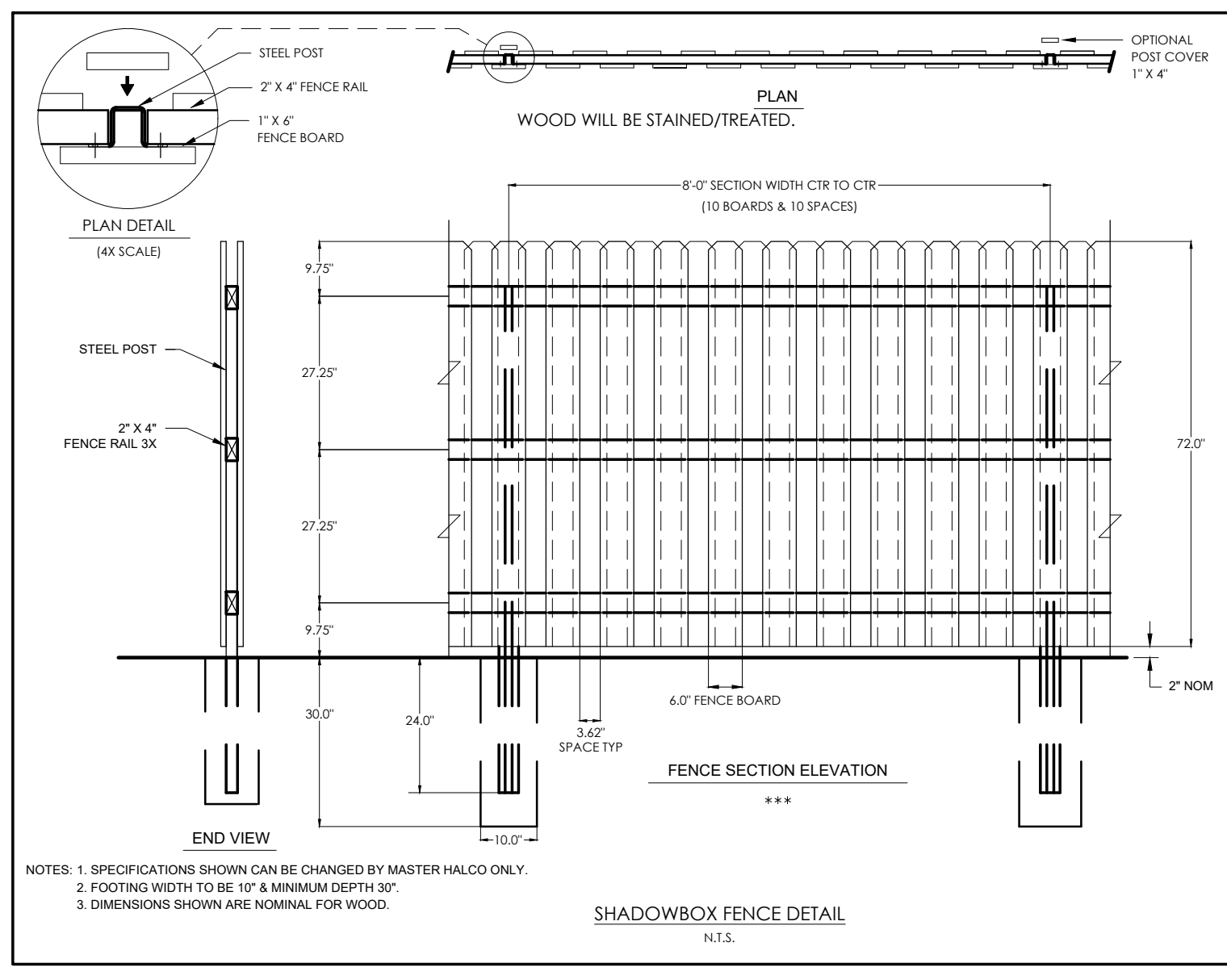




SITE DATA	
LOCATION:	15614 BEATTIES FORD ROAD (PID # 00902202) HUNTERSVILLE, MECKLENBURG COUNTY 28078
EXISTING ZONING:	R (RURAL DISTRICT)
PROPOSED USE & ZONING:	MINI STORAGE & SPCD (SPECIAL PURPOSE CZ)
CONTACT:	HENSONFOLEY (JAY HENSON) 704-875-1615
ITEM	PROVIDED
LOT AREA	11.29 AC
MIN. FRONT SETBACK	15' BUILDING
MIN. SIDE SETBACK	15' BUILDING
MIN. REAR SETBACK	15' BUILDING
MAX. BUILDING HEIGHT	2 STORIES
FEMA MAP NUMBER	3710462100K
FEMA EFFECTIVE DATE	08/02/2015
SOIL TYPE	CeB2 HsB
BUILDING - LOT TYPE	HC

IMPERVIOUS SUMMARY			
ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL SITE AREA	491,792 SF	11.29 AC	N/A
NEW BUA	5,958 SF	0.14 AC	1.21 %
EXISTING PERVIOUS	485,834 SF	11.15 AC	98.79 %
PROPOSED BUILDING (BUA)	54,026 SF	1.24 AC	10.99 %
PROPOSED PAVEMENT (BUA)	120,257 SF	2.76 AC	24.45 %
PROPOSED CONCRETE (BUA)	2,545 SF	0.06 AC	0.52 %
PROPOSED GRAVEL (BUA)	95,854 SF	2.20 AC	19.49 %
TOTAL BUA	278,640 SF	6.40 AC	56.66 %
TOTAL PERVIOUS	213,152 SF	4.89 AC	43.34 %
**WATERSHED: MOUNTAIN ISLAND LAKE (PA-1)			

ZONING CODE SUMMARY			
ITEM#	ITEM	BUILDING SIZE	PROVIDED
1	BUILDING		#80,091 SF STORAGE #58,471 SF OUTDOOR STORAGE (BOATS/TRAILERS, ETC.) 30,000 SF CLIMATE CONTROLLED STORAGE (BLDG 3) IS INCLUDED WITHIN THE 83,936 SF @ .25 SPACE PER 1000 SF = 8 SPACES #7690 SF OFFICE, OFFICE FLEX @ 1 SPACES/500 SF = 17 SPACES
2	PARKING SPACES REQUIRED		25 SPACES
3	PARKING SPACES PROVIDED		31 SPACES
4	HANDICAP SPACES		1 SPACES (1 VAN)
5	BUILDING HEIGHTS		1 STORY (12' AND 15')
6	BUILDING TYPE		HIGHWAY COMMERCIAL



- ### GENERAL NOTES
- #### BUILDINGS
- THE BUILDINGS WILL BE LOCATED WHERE GENERALLY DEPICTED ON THE PLAN. THE PROJECT SHALL NOT EXCEED 90,000 SQUARE FEET.
- #### PARKING
- PARKING WILL BE LOCATED AS GENERALLY DEPICTED ON THE PLAN. THERE ARE APPROXIMATELY 25 PARKING SPACES SHOWN IN THE MAIN PARKING FACILITY. PARKING FOR THE GARAGE BUILDINGS WILL BE AT EACH UNIT.
- #### BUFFERS AND SETBACKS
- AN 80' BUFFER WILL BE PROVIDED ALONG BEATTIES FORD ROAD.
  - A 20' BUFFER WILL BE PROVIDED ON THE EAST, SOUTH AND WEST.
  - PLANT MATERIAL IS CONCEPTUAL TO ILLUSTRATE LOCATION OF REQUIRED SCREENING. FINAL PLANTING PLAN WILL BE SUBMITTED TO MEET THE INTENT OF ORDINANCE DURING SITE PLAN PROCESS. A SCREEN FENCE (OPAQUE) SHALL BE PROVIDED IN ADDITION TO THE BUFFER TO MITIGATE THE REDUCTION OF THE 80' BUFFER ALONG ALL ADJACENT RESIDENTIAL ZONED PROPERTIES. BUFFER PLANTING WILL EXCEED 7.5 OF THE ORDINANCE.
- #### DRIVEWAY AND ROADWAY IMPROVEMENTS
- A 26' DRIVEWAY IS PROPOSED ONTO BEATTIES FORD ROAD AND BROWN MILL ROAD. THE DRIVEWAY SHALL BE AS APPROVED BY NCDOT AND THE TOWN OF HUNTERSVILLE.
  - ANY ROADWAY IMPROVEMENTS WILL BE PROVIDED AS REQUIRED BY NCDOT AND THE TOWN OF HUNTERSVILLE. IMPROVEMENTS TO BEATTIES FORD ROAD AND BROWN MILL ROAD SHALL BE PER CONCEPTUAL CROSS SECTION.
- #### LIGHTING
- LIGHTING WILL BE AS ALLOWED WITHIN THE TOWN OF HUNTERSVILLE ORDINANCE ARTICLE 8.26 AND APPROVED DURING THE SITE PLAN PHASE.
- #### TRASH
- TRASH WILL NOT BE PROVIDED IN A DUMPSTER FACILITY ON SITE. ROLL OUT SERVICE SHALL BE PROVIDED FOR THE OFFICE ONLY.
- #### WATER/SEWER
- SEWER WILL BE PROVIDED THROUGH AN ON-SITE SEPTIC SYSTEM (AT BUILDING 3) ON A TEMPORARY BASIS. SEWER EXTENSIONS ARE IN PROCESS BY CLT WATER. WATER WILL BE TAPPED INTO THE EXISTING WATER LINE ON BROWN MILL ROAD OR BEATTIES FORD ROAD.
- #### ENVIRONMENTAL
- EROSION CONTROL PLANS WILL COMPLY WITH CURRENT ORDINANCES AND BE APPLIED FOR DURING THE SITE PLAN PROCESS.
  - WATER QUALITY, POST CONSTRUCTION, AND STORM WATER MANAGEMENT WILL COMPLY WITH THE CURRENT ORDINANCES AND WILL BE APPLIED FOR DURING THE SITE PLAN PROCESS.
- #### RIGHT OF WAY
- BEATTIES FORD ROAD AND BROWN MILL ROAD RIGHT OF WAY WILL BE DEDICATED AS SHOWN.
- #### EASEMENTS
- A 26' EASEMENT WILL BE PROVIDED TO THE EXISTING GAS FACILITY.
  - MAINTENANCE EASEMENTS TO WATER QUALITY DEVISE SHALL BE PROVIDED.
- #### HOURS OF OPERATION
- THE HOURS OF OPERATION FOR THE STORAGE FACILITY WILL BE 24 HOURS A DAY. ACCESS IS RESTRICTED BY GATE AND KEYPAD.
- #### ARCHITECTURAL
- THE BUILDINGS SHALL BE AS SHOWN ON ELEVATIONS.
- #### TREE PROTECTION
- TREE PROTECTION/TREE SAVE AREA WILL BE PROVIDED. IF TREE IS NOT HEALTH OR CAN NOT BE SAVED (4) 2" CALIPER TREES WILL BE PLANTED IN EAST BUFFER
- #### BIKE LANE
- A 4' BIKE LANE WILL BE INSTALLED ALONG PROPERTY FRONTAGE WITHIN BEATTIES FORD ROAD AND BROWN MILL ROAD.
- #### USES
- OFFICE, OFFICE FLEX, AND STORAGE (FLEX SPACE IS DEFINED AS OFFICE WITH ACCESSORY WAREHOUSE SPACE)
  - ALL OTHER USES PERMITTED IN THE SPCD ZONING PROCESS ARE NOT ALLOWED.
- #### SIGNAGE
- ALL SIGNS SHALL COMPLY WITH THE TOWN OF HUNTERSVILLE CODE.
- #### WATER QUALITY
- THE STORM DRAINAGE SYSTEM SHALL CONSIST OF OVERSIZED PIPES FOR UNDERGROUND DETENTION AND A DRY WELL OR UNDERGROUND SAND FILTER SHALL BE UTILIZED FOR WATER QUALITY.
- #### REZONING
- THIS IS A REZONING PLAN AND AS SUCH IS TO BE GRAPHICALLY REPRESENTATIVE OF WHAT IS PROPOSED. THE FINAL ENGINEERING PLAN WILL HAVE MINOR CHANGES.
- #### FIRE PROTECTION
- FIRE ACCESS AND HYDRANT SPACING SHALL BE DESIGNED AT THE TIME OF ENGINEERING DESIGN. ALL APPLICABLE CODES AND ORDINANCES SHALL BE FOLLOWED.
- #### HVAC / UTILITY EQUIPMENT
- ALL BUILDING UTILITY EQUIPMENT SHALL BE BEHIND BUFFER SCREENING AND NOT VISIBLE FROM ADJACENT PROPERTIES. HVAC UNITS LOCATED ON PLAN WITH REQUIRED SCREENING
- #### PAVEMENT MATERIAL
- ALL VEHICULAR DRIVES AND LOADING AREAS SHALL BE ASPHALT. ONLY 58,471 SF OF THE OPEN STORAGE AREA SHALL BE USED FOR STORAGE OF LARGE VEHICLES (RVs, BOATS) AND BE OF GRAVEL.

**HensonFoley**  
Landscape Architecture | Civil Engineering | Surveying  
8712 Lindholm Dr Suite 202A, Huntersville, NC 28078  
p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com  
NC ENGINEERING BOARD LICENSE # C-3781  
NC SURVEYING BOARD LICENSE # S-399  
NC LAND SURVEYING BOARD LICENSE # L-180

BLTYE LANDING MIXED-USE FACILITY

PARCEL ID: 00902202

HUNTERSVILLE, NC

ZONING SITE PLAN

REVISIONS:

2017-02-08	- PER TOWN
2017-02-17	- PER TOWN
2017-02	- 20 PER TOWN
2017-02	- 27 PER TOWN
2017-03	- 07 PER TOWN
2017-03	- 09 PER TOWN

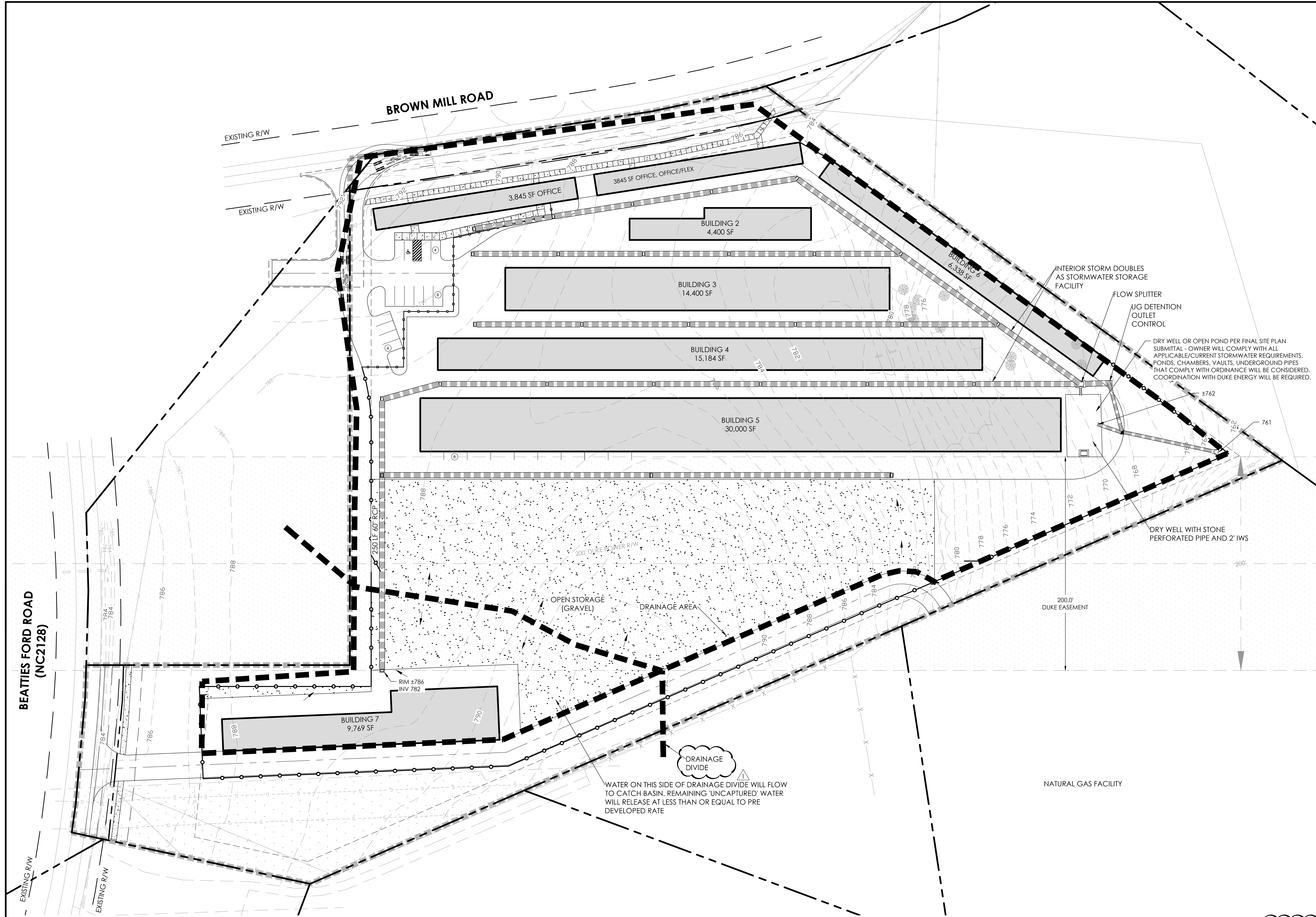
Z01 - ZONING SITE.DWG

PROJECT NUMBER: 216088

DATE: 02/10/2017 DRAWN BY: JAH

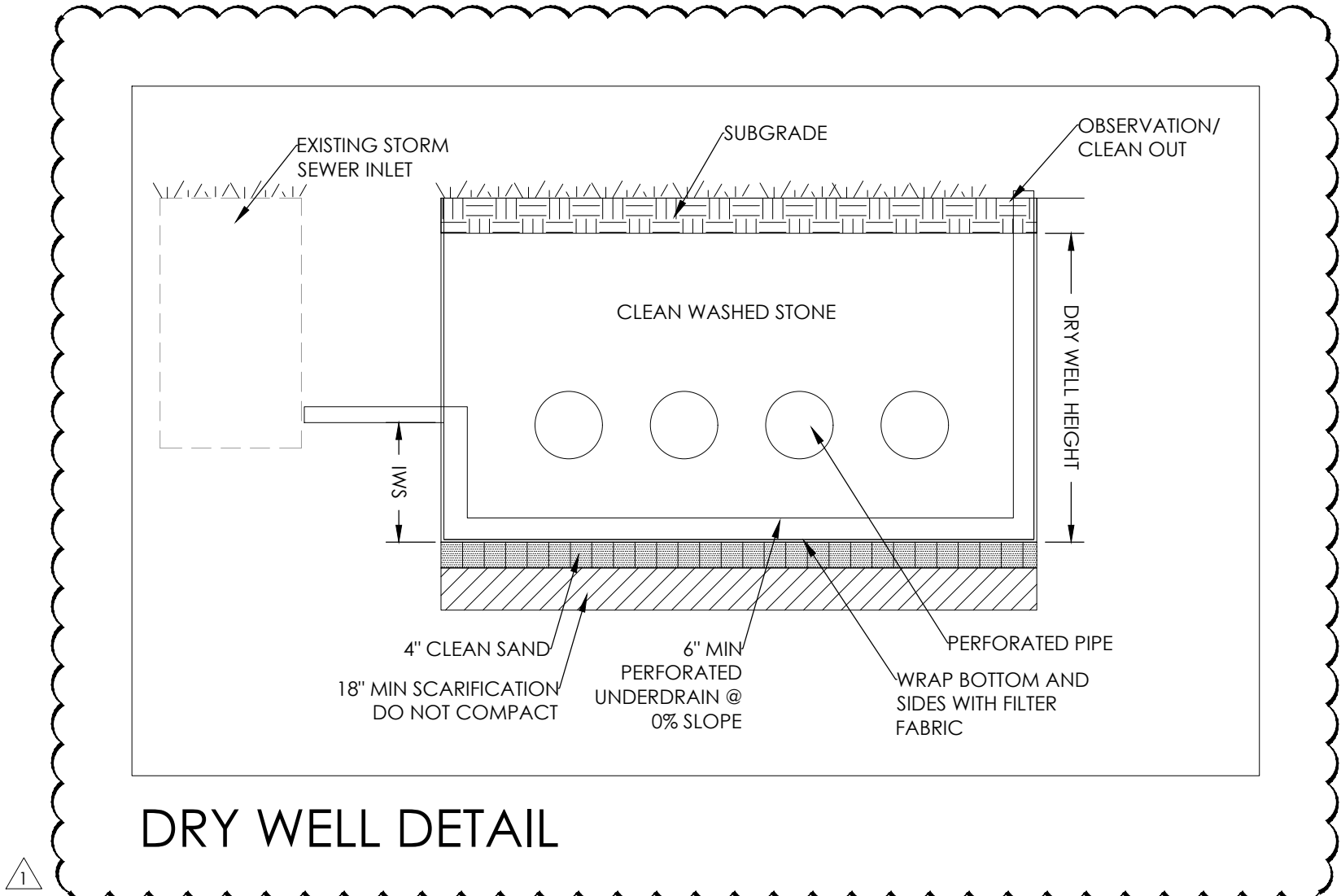
SHEET **Z01** OF **01**





SITE AREA	11.29 AC
TOTAL IMPERVIOUS	4.89 AC
DETENTION VOLUME	\$90,000 CF

Pre Dev. Imp Area	0 S.F.=	0.00 AC	Pre Ia =	0.0%
Post Dev. Imp. Area	213,158 S.F.=	4.89 AC	Post IA%	43.3% (using s.f. #'s)
Drainage Area	491,792 S.F.=	11.29 AC		
Rv =	0.440			
Compute Volume Controlled (Wqv) (Eq. 3.2)				
WQv = 1.0*Rv*A/12				
WQv = water quality protection volume (ac-ft)				
Rv = volumetric runoff coefficient				
A = total drainage area (acres)				
WQv = 18,036.0 cu. Ft.				



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NORTH ARROW

GRAPHIC SCALE 1"=50 FT.

**BLYTHE LANDING MIXED-USE FACILITY**

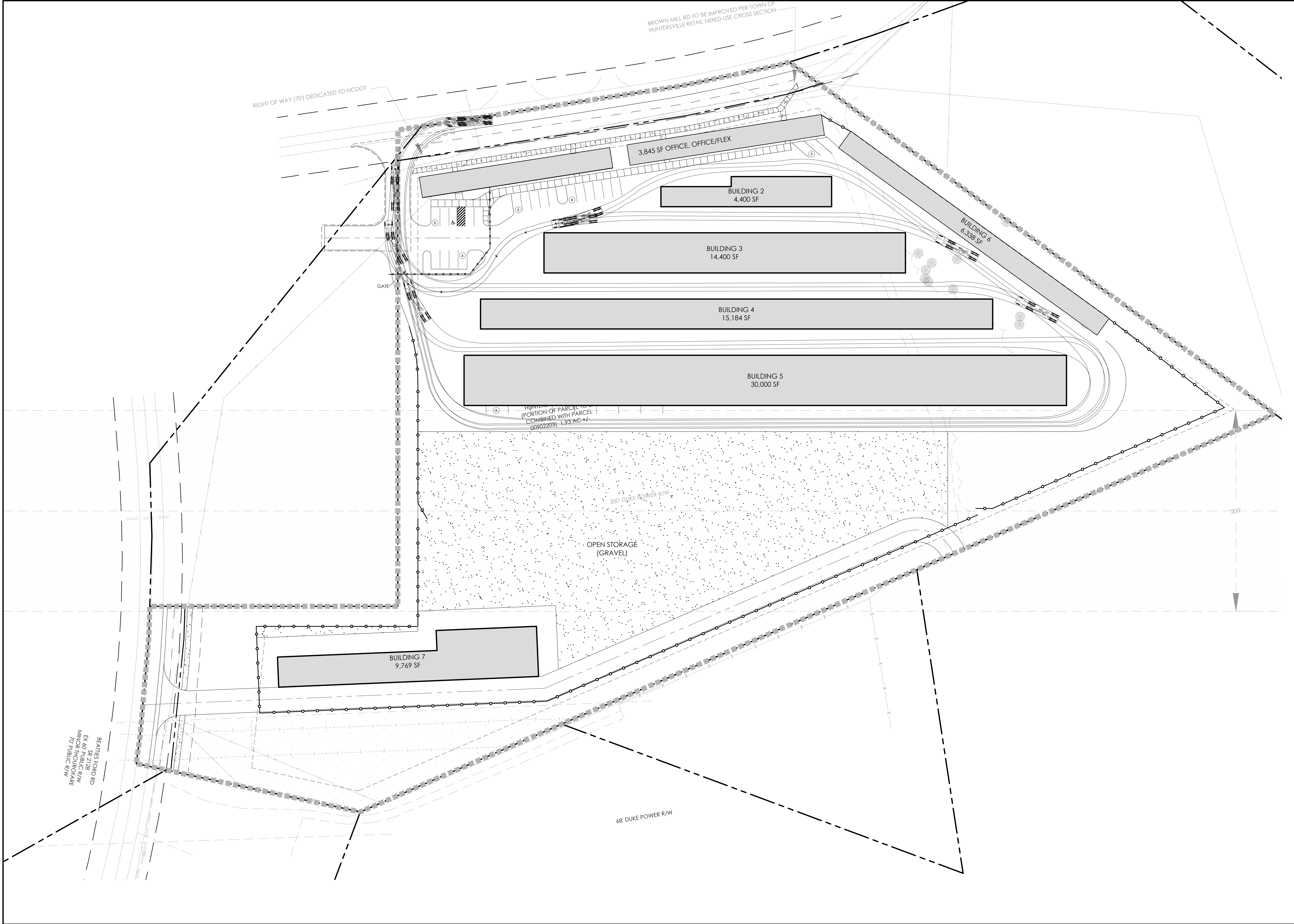
PARCEL ID: 00902202  
HUNTERSVILLE, NC

**ZONING STORM PLAN**

REVISIONS:
2017-02-08 - PER TOWN

Z02 - ZONING STORM.DWG
PROJECT NUMBER: 216088
DATE: 02/10/2017 DRAWN BY: JAH
SHEET <b>Z02</b> OF <b>02</b>







HensonFoley


Landscapes Architecture | Civil Engineering | Surveying  
8712 Lindholm Dr Suite 202A, Huntersville, NC 28078  
p: 704.875.1615 | www.hensonfoley.com

NC ENGINEERING BOARD LICENSE # C-3781 C-399  
NC LAND SURVEYING BOARD LICENSE # L-1580

BLYTHE LANDING MIXED-USE FACILITY

PARCEL ID: 00902202  
HUNTERSVILLE, NC

TRUCK TURN PLAN

REVISIONS:	
	2017-02-08 - PER TOWN

X-BASE-216088 TRUCK TURN.DWG

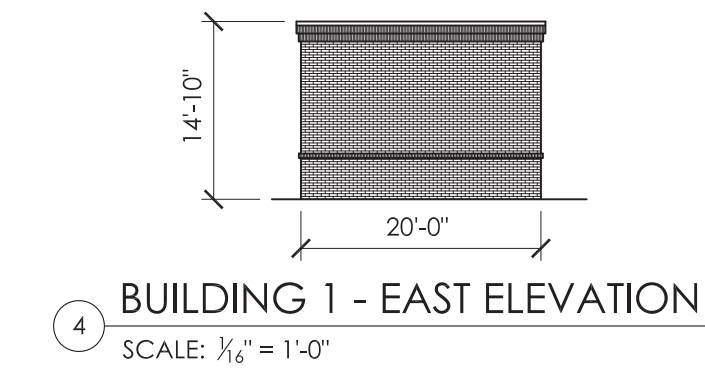
PROJECT NUMBER: 216088

DATE: 02/10/2017    DRAWN BY: JAH

SHEET 03

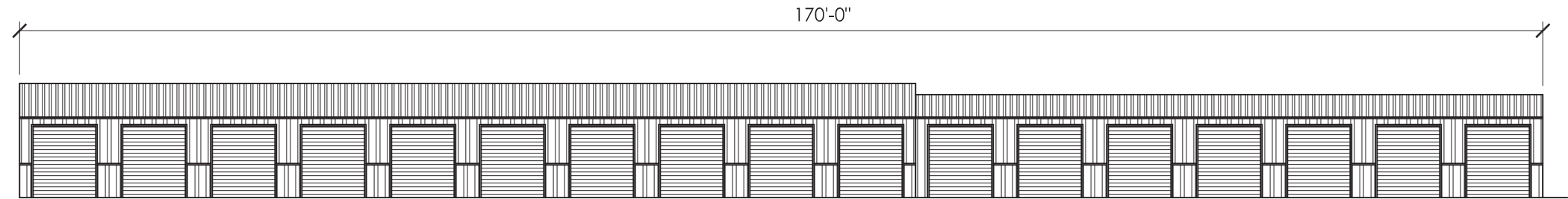
OF 03

X

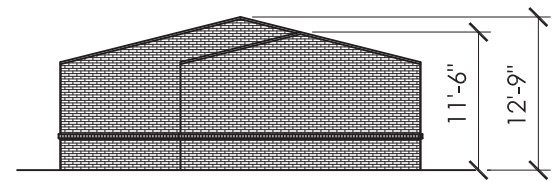


24





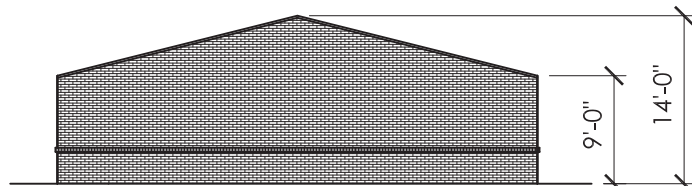
1 BUILDING 2 - INTERIOR SIDE ELEVATION  
SCALE:  $\frac{1}{16}" = 1'-0"$



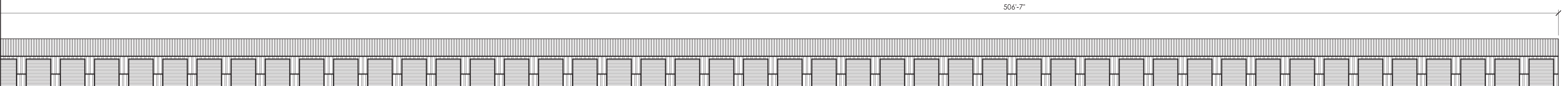
2 BUILDING 2 - INTERIOR FRONT/REAR  
SCALE:  $\frac{1}{16}" = 1'-0"$



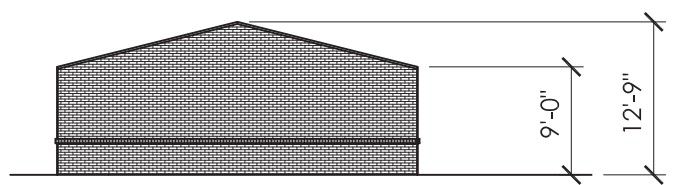
3 BUILDING 3 - INTERIOR SIDE ELEVATION  
SCALE:  $\frac{1}{16}" = 1'-0"$



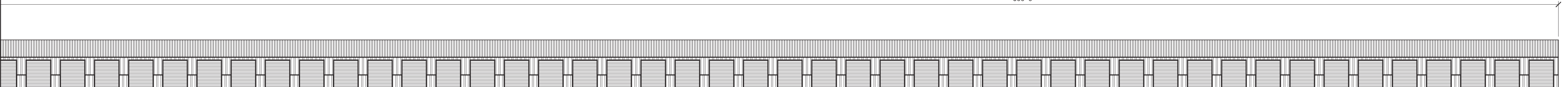
4 BUILDING 3 - INTERIOR FRONT/REAR  
SCALE:  $\frac{1}{16}" = 1'-0"$



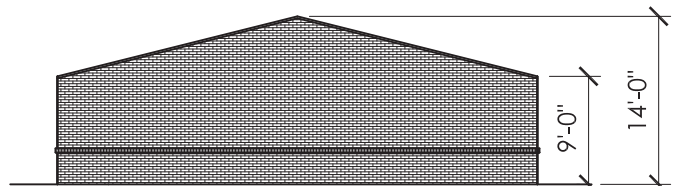
5 BUILDING 4 - INTERIOR SIDE ELEVATION  
SCALE:  $\frac{1}{16}" = 1'-0"$



6 BUILDING 4 - INTERIOR FRONT/REAR  
SCALE:  $\frac{1}{16}" = 1'-0"$

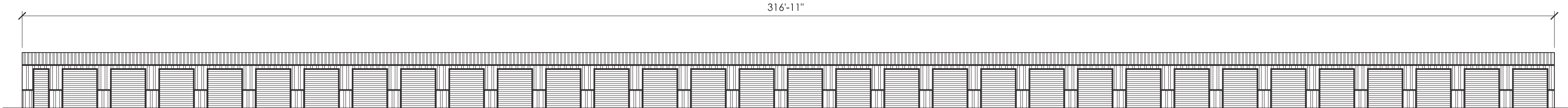


7 BUILDING 5 - INTERIOR SIDE ELEVATION  
SCALE:  $\frac{1}{16}" = 1'-0"$

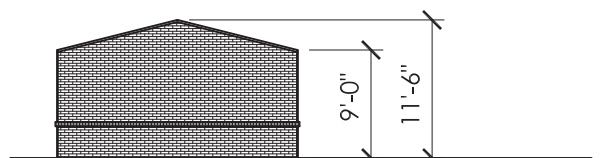


8 BUILDING 5 - INTERIOR FRONT/REAR  
SCALE:  $\frac{1}{16}" = 1'-0"$

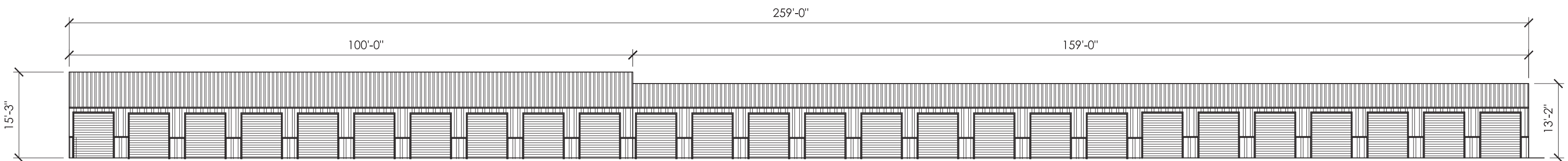
BUILDINGS 5 AND 6  
WILL BE 12' MAX.  
JAH-02/10/17



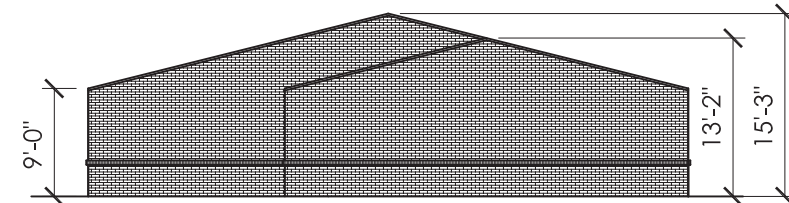
9 BUILDING 6 - INTERIOR SIDE ELEVATION  
SCALE:  $\frac{1}{16}" = 1'-0"$



10 BUILDING 6 - INTERIOR FRONT/REAR  
SCALE:  $\frac{1}{16}" = 1'-0"$



11 BUILDING 7 - INTERIOR SIDE ELEVATION  
SCALE:  $\frac{1}{16}" = 1'-0"$



12 BUILDING 7 - INTERIOR FRONT/REAR  
SCALE:  $\frac{1}{16}" = 1'-0"$

JAMES R. BASINGER, PE  
545 PLEASANT VILLAGE LN.  
CHINA GROVE, N.C. 28023  
704.796.1445 (mobile)  
704.973.9413 (fax)  
engineering | design | consulting

*Basinger*  
Design Co.

SEAL

PRELIMINARY  
FOR ZONING  
APPROVAL

BROWN MILL RD.  
SELF STORAGE  
TOWN OF HUNTERSVILLE, MECKLENBURG CO., NC  
FOR PARCEL NO. 00902202

PROJECT INFO:

OWNER INFO:  
BLYTHE LANDING MINI STORAGE, LLC

DATE

REV | DESCRIPTION

PROJECT NO.  
16052

SCALE (U.N.S.)

DATE  
1.9.2017

DRAWN BY:  
JRB

SHEET TITLE:

ELEVATIONS

SHEET NO.:

B-2



Corporate Headquarters  
5130 University Boulevard West  
Jacksonville, Florida 32216  
Phone :: 904.363.3330  
Fax :: 904.363.3314  
[www.petparadiseresort.com](http://www.petparadiseresort.com)

January 10, 2017

Mr. Robert Watson  
Blythe Landing Mini Storage

Re: Proposed Self-Storage Facility, Brown Mill Road and Beatties Ford Road,  
Huntersville, Mecklenburg County, North Carolina (Parcel ID No. 00902202) (the  
"Project")

Dear Mr. Watson:

Pet Paradise-Lake Norman, LLC, a Florida limited liability company ("**Pet Paradise**"), is the owner of a valid and subsisting leasehold interest in the real property and improvements located at 15020 Brown Mill Road in Huntersville, North Carolina, and operates a pet boarding and daycare business at that location.

You have provided to us copies of the following plans prepared by HensonFoley, Inc. regarding the above-referenced Project (the "**Plans**"):

1. Zoning Site Plan dated December 12, 2016 (Sheet Z01, Project No. 216088); and
2. Zoning Storm Plan dated December 12, 2016 (Sheet Z02, Project No. 216088).

This letter is to advise you that Pet Paradise has no objection to construction of the Project in accordance with the Plans.

Sincerely yours,

**PET PARADISE-LAKE NORMAN, LLC**

By: American Pet Resort, LLC, its Manager

By: William L. Joel  
William L. Joel, Senior Vice President



**Planning Board  
Regular Meeting Minutes  
February 28, 2017 - 6:30 PM**

**Town Hall**

---

**A. Call to Order/Roll Call**

DRAFT MINUTES ARE SUBJECT TO CHANGE UPON APPROVAL  
The Chairman determined quorum, and called the meeting to order.

**B. Approval of Minutes**

1. Consider Approval of the January 24, 2017 Regular meeting Minutes

A Motion to Approve the Minutes of the January 24, 2017 Regular Meeting was made by Joe Sailers and seconded by Jennifer Davis. The Motion Carried by a vote of 7 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, Miller, Planty, Sailers, Smith, Swanick

Abstain: Bankirer

Absent: Thomas

**C. Public Comments**

Item 2: Charles Rapp, 15834 Pineknoll Lane, Huntersville. Mr. Rapp stated his neighbors, the Huntersville Lake Norman residents, want to know if the sketch plan is in line with the completely vetted thoroughfare plan currently on the record with the Town of Huntersville, Mecklenburg County, in the State of North Carolina. It is an open question. The other part is a quote currently in the paper, "It is not unheard of for the Board to make decisions contrary to Planning Board suggestions, and it is not all that unusual with some last minute adjustments for the Board to find a way around Planning staff conclusions, but to do but while dismissing the thoroughfare plan years in the making in order to approve a request of a Commissioner is bound to raise eyebrows." So, we have a plan that has been thoroughly vetted from years ago that we are currently looking at, and making some changes to run right through the current roadway that has been planned from years ago. It's concerning, and would like for it to be considered, and taken under consideration for the Planning Board's decision.

Item 2: Troy, Purvis, 15928 Bayshore Drive, Huntersville. Mr. Purvis stated his neighbors asked him to come, and a number of others wanted to come. in the years past they actually filled this room out to the street with neighbors once they found out what was going on, and I really found out what was going on tonight. The problem is, as said, Highway 73 thoroughfare. Quick history, a number of the neighbors spoken to today; some of them got great deals on homes. One home is up to 1.5 million dollars and sold for \$800,000.00. Why? Because the first thoroughfare they had was running it right next to their properties. Vetting went through, a great deal of research, time, effort and hundreds of residents were down here, and at the time what was called Option 3 (the approved thoroughfare we have now), went on the books. As soon as that went on the books home sales started happening. Folks were able to sale their homes. Don't think that making a small

change in this doesn't affect many things immediately the next day. It happens. The concern is with the actual location. If there was a location to put this facility none of us have a problem with the facility. I have always said that I don't have a problem with what a person does to their property. If they own it, it is their property. The problem comes in when you have approved highways. In the past, highways have been approved, developments have gone through. What is the good of planning? Why did all that vetting go through? You need to hold the line and actually follow through on your plans. If there is a way to move this facility where it does not affect the approved Highway 73 thoroughfare, as listed, most of the residents don't have a problem. Their concern is with changing the Highway 73 thoroughfare. What we would like, as said today, if there is a way for more public input. If you need more public input we can get hundreds down here to tell you what they think. These are Lake Norman homes. Many of these homes are feeder homes into this area. This was vetted thoroughly years ago, and they came up with a good resolution for the Town of Huntersville and the residents and voters of Huntersville. If possible, I would like for you to deny this, unless and until it is changed or does not affect the approved Highway 73 thoroughfare. Any questions I can answer for you...because I have been involved in this a long time.

#### **D. Action Agenda**

1. **Tree Mitigation:** Request by CalAtlantic Homes to mitigate two (2) required, on-site tree-save trees.

A Motion to Approve was made by Stephen Swanick and seconded by Jennifer Davis. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Miller, Planty, Sailers, Smith, Swanick

Absent: Thomas

David Peete, Principal Planner (also referred to herein as "staff"), entered the updated Staff Report with an attachment from Landcare Innovations into the record, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference. Staff described the request and what was previously approved for the Cato subdivision. Due to the Asbury Chapel extension/thoroughfare and site distances certain trees could not be saved. The applicant has proposed to contribute to the tree mitigation fund instead of mitigating as originally proposed. The contribution to the Town tree fund would be in the amount of \$2900.00, and staff recommends approval of this option.

Joe Sailers asked about Landcare Innovations quote with watering trees. The question was withdrawn after staff indicated the trees would not be planted, but used as the tree fund estimate. Hal Bankirer noted his disappointment. At the time of prior approval, the Board discussed leaving the patch of woods, and now that will not be the case. Staff noted that the triangle will be heavily treed with only a handful of trees that met the species criteria. There was no further discussion.

2. **Rezoning:** R16-09 is a request by Daniel Phillips, Madeline Phillips, and Helga Haddix to rezone 9.25 acres (portion of parcel #00902202, known as 14936 Brown Mill Road) from Rural (R) to Special Purpose Conditional District (SP-CD). The purpose of the rezoning is to allow the construction of a 80,091 sqft mini warehouse facility with 7,690 sqft of office/office flex. The rezoning is located near the corner of Beatties Ford Road and Brown Mill Road.

A Motion to Approve was made by Adam Planty and seconded by Jennifer Davis. The Motion Failed by a vote of 2 Ayes and 6 Nays. Board Members voting Ayes: Miller, Planty

Nays: Bankirer, Davis, Graffy, Sailers, Smith, Swanick  
Absent: Thomas

Discussion: The Chairman commented prior to staff's presentation given the back and forth of this application going between the Town Board and Planning Board, that if the Planning Board approves the Motion will speak for itself, but if denied the Motion should be very clear as to the reasons, and that staff give the Town Board the specified reasons in a slide presentation so the Commissioners understand the rationale. Staff agreed. Bradley Priest, Senior Planner, also referred to herein as "staff", entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference. Staff commented that on February 20, 2017, the Town Board saw several changes to the rezoning plan since the Planning Board had reviewed the plan in January, and referred it back to the Planning Board for recommendation. Staff showed the site through a context map showing NC73 and the alignment, Beatties Ford Road, and Brown Mill Road to show the surrounding area.

Staff gave an update for the plan, as follows: There are now two buildings, and one entire building is proposed to be office, and the other is proposed to be office and office flex, which it is being defined as office with accessory warehouse space. Essentially, it is an incubator space for small businesses for contractor offices and storage. Staff came to the opinion from most of the buildings on Brown Mill Road going from mini-storage facility which would have no opportunity to create a pedestrian oriented development to both buildings being office really helped to meet the intent of what the Beatties Ford Road Small Area Plan ("SAP") was intending to do. Is this a mixed use building, not really, but considering the circumstances in regard to utilities it makes sense to have flexible buildings with the mini-storage in the back with the utilities, and the offices along Brown Mill Road? Staff is satisfied with this portion.

Joe Sailers asked about pedestrian access from Brown Mill Road, parking, and the front door entrance facing the road. Staff responded that the plan has changed to office and it is accessible to the street. Brad Priest noted on the site plan there are four accesses to the street, and a note has been added for functional windows and doors. The pedestrians would be walking, and parking would be in the rear. Staff felt that pedestrian oriented development could be encouraged as long as the functional access operate, and people can walk to and from the facility.

Bradley Priest further noted the changes for the septic field until connected to sewer, which a note has been added. Building #5 has changed to a climate controlled building, and parking has been added for that building. The other big change is the buffers. Additional landscaping has been added. Screening the utility facility has been discussed, and there is a limit on landscaping that can be done in that area. In the gas company's right of way, they will not allow anything over 4', and based on today's rendition of the site, the fence was shifted back and a specific tree (Emerald Arborvitae) was chosen. It is narrow, tall (15'), and evergreen. Planting it close together with the fence will provide a nice screen and at the same time stay outside of the gas right of way. The Fire Department is to the south and there will not be any landscaping or anything from stopping the Fire Department from getting out. As mentioned at the Town Board level, at the driveway, staff does not want there to be a site distance issue. Some of the landscaping and street trees, and the 80' buffer, might be pushed back to not conflict with site distance. Staff indicated the fence would be one foot back of the curb or asphalt of the driveway, with the Emerald Arborvitae being three feet.

Staff was asked about the buffers and indicated that they vary throughout the project, and

most of the time it is 20'. It is 80' on Beatties Ford Road. Staff is satisfied with the buffers. What is required by Ordinance is 80', but can be amended through the rezoning process. On the south side there are utilities (gas, electric). There is very little buildable area in order to have to screen anything, and that becomes the rationale. The 80' buffer will probably not serve a purpose in that area. The waivers are required wherever there is a reduction, and staff indicated the buffer widths around the project. The northeast buffer (20') was described, which lies next to Pet Paradise. That development has a 30' buffer on their HC-CD rezoning plan. The two buffers together makes a 50' buffer. There would be a 60' waiver requested for this area.

Staff indicated that elevations were updated, and a note has been added to the schematic, and will be changed during the design process. Another note has been added to say the rear building elevations along Brown Mill Road will be similar to the front in design materials. The difficulties is in not knowing what kind of tenants and where they are going to be, and where there are going to be doors, windows, and roll up doors for the warehouse flex space. The front elevations are pretty much set, but in the back it is not, but staff is comfortable with the notes added.

The remaining issue is the alignment of the approved thoroughfare, approved by the Town and by the planning organization. There are conflicts with the buildings, not just property. There was a discussion at the Town Board level about the thoroughfare alignment and staff showed a timeline for the process starting in 2007 through 2011 (see attached Exhibit). The thoroughfare is a planning document that decided where the alignment should go. The details of the study were also shown (see Exhibit) that looked at the different options. There were decision analysis models. Option 3 was the one that was recommended. There was a lot of time and effort in identifying that transportation route, and because of that, staff's recommendation is to not approve, because of the inconsistency with the approved comprehensive transportation plan. The plan is inconsistent with CD1 and CD5 of the 2030 Community Plan. On January 24, 2017, the Planning Board recommended denial and we are back again for discussion.

The Chairman noted that the applicant did not sign up to speak and will see if there is a question that might arise to require them to come forward. The Chairman called for questions. Adam Planty noted that NCDOT, on the realignment, is considering this as one of two options; either keep the existing alignment or do the realignment. In the Staff Report it says they have no opinion as to whether they are going to go either way. Staff responded, that at this point the Environmental Study is at the very beginning of the process. Mr. Planty commented that the site would not be a problem if NCDOT chooses to go with the original routing of the road, which staff confirmed, and NCDOT will not have results until 2018, or make a decision until 2019, to which staff confirmed. Mr. Planty noted that if NCDOT decides to go with the original alignment we have held up this project for 2 years, and staff responded, yes, the rezoning. According to the transportation planner, in the summer of 2018, we should have the ability to understand which way the State is leaning. Mr. Planty wanted to hear from the applicant.

The Chairman called for further questions. Jennifer Davis asked about the flex space change and accommodations for delivery trucks. Staff did not feel that delivery trucks were an issue, and felt the space was meant to be small business storage. If there are trucks, that would have to be reviewed for the type of business.

Mr. Sillers commented on how he thought the alignment would work; i.e. east and west travel lanes, and the current road would not be abandoned. Staff indicated his understanding of the



alignment would be four lanes. Jack Simoneau, Planning Director, stated the alignment will be a multi-lane facility. The existing NC73 would remain a two lane facility that would tie into the new alignment. A map of the alignment was shown.

Catherine Graffy asked staff, regarding the front facing building and the additional office space, if parking that is shown is sufficient to accommodate the additional office space and the occupants. Staff replied, yes, and showed the note added to the plans that they will conform to all of the code. The Town has a low parking requirement, and there are 7-8 spaces that are required in that area.

Hal Bankirer asked if the Storm Water Concept Plan had been approved, and staff indicated, no, sir. Mecklenburg County needs pond calculations, and that has not been submitted yet. Staff indicated that the other minor deficiencies are very small, and not concerned. Mr. Bankirer asked if staff saw this a spot zoning, and staff responded, no. Staff provided the surrounding zonings, and noted the two thoroughfares (Beatties Ford Road and Highway 73). Staff commented that on face value commercial belongs there and would fit with the area. Mr. Bankirer asked about the buffers, and if there was any other reason for a reduction other than making this fit, and staff replied that the 80' buffer leaves very little of the property as buildable. The majority of the waivers is to make it fit and get the use out of the property.

The Chairman called the applicant to address the two questions that have been posed. Robert Watson, 18903 Cove Side Lane, Cornelius NC. Susan Irvin, Attorney for the Applicant, 19726 Zion Avenue, Cornelius, NC. Lawrence Shaheen, Jr., Attorney for the Applicant, 7041 Quall Hill Road, Charlotte, NC. Susan Irvin stated that she would go through some of the issue raised and Larry Shaheen would answer questions on transportation. Ms. Irvin noted that the site is surrounded by the Pet Paradise (east side), and the Fire and Utility Stations (south side), and significant utility easements; commercial on the west side, and the street elevation and building along the north. The purpose of the buffering is to keep the surrounding properties from having any visual sight of the SP buildings, which are generally more industrial in nature. To talk about the intent of the Ordinance, this building (Pet Paradise) is 146' from the property line, and as staff mentioned, there is a Duke Power easement going through the middle, the Fire Station and the Transco easement, a utility station, and the nearest residence to the south is 500'. It was pointed out that Pet Paradise is a conditional rezoning that requires a 30' buffer, but in talking about moving that building this is the most likely location and will not be likely moved. A slide was shown to give a visual of the buffers. The buffers will be enhanced with double the amount of shrubs, and almost 50% more trees. Ms. Irvin gave the example of an approved cases in The Park – Huntersville (Kinnamon Park) with a 20' buffer on the adjoining NR property there was the 80' buffer and applicant proposed 25' and 35'. The total approved was a total of a 60' foot buffer. This case did not have expanded and enhanced planting like what is being proposed here. In discussions with staff what was wanted to do was to try to mimic that buffer with a 50' buffer, with enhanced plantings. That was considered comparable. The comment about spot zoning was mentioned, and the SAP does recommend intensification of zoning in this area. What you would see if this rezoning were denied would be that other properties would come in and ask for rezoning and under the SAP those would be reasonable requests, and would be approved. The only reason this property would not be is because of the potential realignment of NC73. As far as zoning goes, treating properties in the same area the same is preferable to singling out one property and treating it differently while all the other properties around it do get rezoned and their property values are improved and intensified. Another question asked was about the storm water calculations, and in talking with Jay Gibbons he said those would be done at the ordinary plan stage. The additional parking has been addressed with the note on the plan that talks about if there is a need for additional parking it

will be added. The last question was about businesses to be there, and the applicant has interest from six office users. The same route that people will take to access their storage facilities will be the route that any one bringing storage (delivery trucks) to those units would use as well. There is no difference in the use of the site. The surrounding area is considered rural commercial, with a gas station, the Grease Monkey and the Pet Paradise. There are civic components in the area with the Fire Station, and residential components. This is the definition of a mixed use area. The flex offices that have been added are for startup companies, entrepreneurs, incubators; people who need to have office space with storage.

Adam Planty noted he had a question about the transportation issue. Mr. Shaheen thanked the member for their question and commented that in terms of the alignment of NC73, it is important to remember the two options that NCDOT has with this issue; are both aligned with price tag, and in dealing with the ultimate decision of where to build this, are the utility easements. The second option that was used for this thoroughfare through this property is going to impact three very important easements the first of which is the Duke Energy easement. That easement will involve the moving of several high energy towers, the cost of which is unknown. We are reaching out to Duke Energy to figure out what the actual cost will be. The second is the Transco pipeline, which will be expensive as it is not only one crossing, but two. We have reached out to Transco to get the specific cost on that alignment. The third is the Piedmont Natural Gas cost. That will in itself increase the cost of this new option thoroughfare expedientially considering adding in the civic cost of the city of having the Huntersville Fire Station torn down. At the end of the day given the new alignments from the CRTPO, the look at cost is going to ultimately take a far more weighed approach from the new representatives there and it is important to remember that even though this is the option that was proposed there have been several changes over the course of time. The current Lincoln County division has approved the widening of NC73, while this division has not. That does not mean that it will move forward at some point; however, there has been a significant look at more cost effective and more cost impacted ways to build roads in this region, and it is primarily very important to remember that just because there is a line on a map does not necessarily mean that you cannot say yes and approve this use. This current Town Board has done so most recently with the EPCON rezoning. With that Mr. Planty, does that answer your question, and is there anything else you would like to discuss? Mr. Planty asked for Mr. Shaheen to go further into *Kirby*. Mr. Shaheen noted that most recently the North Carolina Supreme Court issued a decision in *Kirby vs. NCDOT*. That decision primarily dealt with the Map Act and the cost of the hindrance of individuals' property and the way NCDOT at the time did not think it was responsible for the fact that in holding up an individual's land they actually had an impact on that individual's land value. With a unanimous decision by the Supreme Court, was that NCDOT was liable in an inverse condemnation claim to the increase in value to the landowner. As such, NCDOT became liable for any individual piece of land that was held up by any type of Map Act, or street alignment. Mr. Shaheen understood that Bob Blythe, Town Attorney, has issued his opinion and respects his opinion, but thinks that the new Order from the NC Supreme Court has very clearly stated that any governmental entity that attempts to use any type of optional planning ordinance to hold up development or use or increase in value of an individual's land can potentially be held liable in an inverse condemnation claim. As such, he stressed the members understand this, and while emphasizing the new case law changes the nature of how these processes are done there is in no way any reservation at all from his point saying that you cannot vote yes on this project. Ms. Irvin added that in speaking with Mr. Shaheen and the Town Attorney, as she would not propose to advise the Planning or Town Boards, they both agreed that it is within the power of the Town Board to approve this rezoning despite the fact that there is a thoroughfare possibly going through the property. She noted the applicant has tried to address every comment made by the staff, as they were extremely detailed in their

comments. One of the reasons this plan continues to change is to make sure that every staff comment is satisfied, and the only one that cannot be satisfied is that there is a proposed thoroughfare that goes through there if at some point NCDOT wants to do that. Ms. Irvin suggested that the zoning be approved and the project be built, and if at some point in the future the road does go through (no one can stop the road from going through here), that condemnation power is ultimate. The public authority has the right to put the road through there despite the fact that this rezoning occurred, and despite the fact that this project was built. By approving this project you are not stopping the public authority from condemning. She urged the Planning Board to look at all the other elements and the amount of work staff has done, and it comes down to addressing every comment, with one remaining; the potential for a roadway in the future.

Hal Bankirer commented that the Staff Report indicates there are 38,045 square feet of office and flex, and thought he saw a different number from Ms. Irvin's presentation. Ms. Irvin stated it is actually double that; 38,045 in one building, and 38,045 in another building.

Adam Planty made a Motion to Approve. The request to rezone is consistent with the following policies of the 2030 Community Plan; CD2, T6. The request to rezone is inconsistent with policy CD1, and CD5; however, based on the legal opinion of the Town Attorney, and his interpretation of *Kirby, et al vs NCDOT* the proposed alignment does not constitute a legal restriction on the use of the property but the future alignment can be taken into consideration. NCDOT is considering two options; the current alignment, or realignment, and currently has no preference or opinion for either. That the current alignment chosen with the proposed development without any conflict. Additionally, it would be contingent upon Mecklenburg County approving the storm water concept. Therefore, it is in the best interest of the citizens to approve the storage facility as a much needed storage for residents who reside in homeowner association communities that place restrictions on storage. It is also in the best interest of the current property owner to not hold their property in hostage without just compensation for a road alignment which may or may not take place. Jennifer Davis seconded.

The Chairman called for discussion of the Motion. Adam Planty stated that he is well aware of the options, and was very involved with the Town Commissioners back in 2011 when this was considered. During that time he looked at all the options and cost involved, and felt none of them were good. In fact there was a split decision. In moving forward, there is a current court case of *Kirby* that Mr. Blythe interpreted and also Mr. Shaheen spoke of. While Mr. Blythe acknowledged that it referred to the Map Act and corridors. We can state that this is an alignment, it could or could not actually be considered, but in the spirit of what is a corridor or alignment the spirit of the law is that we are holding land and restricting this owner from getting compensation, and we don't even know if it is going to be improved. We are looking at summer of 2018 to study, and summer of 2019 to maybe or maybe not approve. Even the Staff Report said if it is not approved it will not be an issue. Mr. Planty again stated they are holding the property hostage, without compensation to the landowners for this property for over two years in which time this developer could go elsewhere. So, we are restricting use of his property. Further, there is a lack of storage in Huntersville. Mr. Planty commented on his personal experience of storing a 29' travel trailer and HOA communities that restrict storage. Mr. Planty further commented that originally he voted against this the first time it came through, but that was based on the elevation plan and the buffer. The developer has addressed everything the Board brought up. This is a very unique property surrounded by so many easements, and cost a lot of money to move power lines, gas lines and go through a Fire Station, which are more reasons why the realignment will cause issues. Based on Mr. Blythe's opinion that he gave to us, Mr. Planty is not taking the realignment into

consideration when approving this facility.

Stephen Swanick could not disagree more strongly with a lot of the points heard so far. The realignment plans has been on the books for a long time, and was here long before this development was thought of. If the Planning Board starts going against the long range transportation plans it raises the question of, what is the point of even putting planning on the books? Our developments need to be thoughtful in respect to the plans that have been developed that a lot of time and money went into. The comments were made about the cost for the realignment, and staff showed the comparison of the three options. In carefully looking at the dollars the realignment was actually cheaper, and he hoped the easements were taken into consideration at that time. Until there is more data everything is hearsay. At the Town Board meeting it was heard that this is a great development, and there is a need for this, and will be lost if following the existing transportation plan. How many other potentially great development were never proposed because those developers chose to play by the rules of the existing long term planning. Mr. Swanick cannot support and plans to vote against the motion, and plans to raise a counter Motion to defeat this just because he have plans and a vision for Huntersville, and this flies against that.

Joe Sailors commented about the 146' between the site and Pet Paradise, and explained that he thought the reason was because of the new Vance Road extension. It has been said that the applicant has addressed everything, but the main thing was the 80' buffer around the entire piece of property and they do not have that, but do have a 20' and 15' buffers. The eastern side of the property is full of right of ways. Mr. Sailors suggested to shrink the buildings and downsize to get to the 80' buffer and meet the requirements of the ordinance. Mr. Sailors is still concerned about the trucks delivering to the site, turn around space and traffic on Beatties Ford Road. Also, he has concerns with the court threat, the storm water plan and timing of its approval, and should be approved before it goes to zoning and planning. Staff commented that historically it has, and usually the concept plan is done at sketch. They are waiting to do it at construction phase. Staff felt it would be approved, and it is just a matter of when. Mr. Sailors noted that it was no different from the thoroughfare scenario; we do not know that it will be approved. Mr. Sailors stated his intent was to vote no, because hundreds worked on the thoroughfare plan for years and it has been vetted. The cost analyst was shown in the models, which are just estimates until contract time.

Catherine Graffy commented that as shown in the Staff Report, Article 11.4.7d, states that "in considering any petition to reclassify a property that the Planning Board in its recommendation and the Town Board in its decision shall take into consideration..." any comprehensive plans, strategic plans, corridor plan, or land use policy. To vote in favor of this in light of the fact that we would not be taking that plan into consideration flies in the face of that Town Ordinance, as well as the State. It sets a terrible precedence for this Board. Also with the buffer issues, and a couple of other items that in approving, we would be setting a precedence future developments and decisions. In terms of taking the property, or delaying this property, the number of years that have already transpired since the transportation plan has been on the books, and now 1-2 years away from further study and want to make a decision to alter what is on this property, again, would be a poor timing choice on the Board's part. Should the road development go to the State, and the State takes eminent domain of the property, the property would then have a higher value because of the buildings and incurring additional costs to the taxpayers, and we knowingly gave approval to the development. The Board would be negligent in that aspect. If the person owning the property wanted to develop under the current zoning, there would not be a problem, but to change the zoning, flies in the face of the transportation plan; it is negligent and totally irresponsible. She would vote to deny the application.

Jennifer Davis noted that she has gone back and forth on this, and respects staff's time, and the owner working with staff to make this as accommodating for the Board as possible. This project has changed over the last few months. Her hang-up is the roadway. She did not have a full understanding if it would go through, or if it's a proposed plan, an approved plan, and has been called several things throughout this decision. There are buffering issues and believes staff is working with the applicant to make that work to approve. She tends to agree with Mr. Planty in holding up the development on a road that is proposed to go through it. She is leaning towards approval.

Hal Bankirer voiced his opinion, and intends to vote against approval. Respecting the comments about the approved alignment has actually not been selected yet by NCDOT as one of two options. It is approved as far as the regional transportation, and that needs to be respected. Cost; to the degree of whether they were available or a part of the decision matrix. If this was the only issue he would probably vote to approve, and it would be irresponsible when talking about the State paying more money if this is developed. Being a taxpayer he doesn't want to pay more money. There is flex space, office space and mini-storage, and everything is accessible. The comment about the trucks going in and out is apropos. Small businesses with roll up doors is to move large or heavy objects, and something has to transport those objects either in or out. That becomes an issue, and did not feel there has been a lot of attention paid in the site plan as to how that would work. Understanding the office and flex space being a later addition, and perhaps due to the recognition of the applicant that it was necessary; however, for this to be purely a mini-storage facility and not meet the spirit of the intent...In reading from the SAP, "new mixed use, retail, and office center should be located at the north NC73, and south, Mt. Holly-Huntersville Road, and this corridor can have hamlet centers. A hamlet can be defined as a discernable place with a focal point and boundary that maintains and fosters primarily residential, institutional; i.e. places of worship, schools or recreational activities, 50% or more of this land is dedicated to open space, either as a preserve or reserve, it is organized in accordance with pedestrian scale, its boundary is in agricultural or natural area. This does not fit that definition. The size of the office center and flex space is 5.8% of the space and although that might meet the spirit of a mixed use development it does not meet the intent; it is too low. It is not pedestrian oriented, as discussed, and is not walkable. The buffer reduction are usually approved if there is a legitimate reason to do so. Concerning the storm water concept plans there have been, at times, approvals made with conditions and this sketch plan is somewhat challenging. The staff has indicated that CD1 and CD5 of the Community Plan are in contravention of approval, and Mr. Bankirer that policies H2, H3, H4, H8 and policy CD3 all mitigate against approval, to which he and staff may disagree. Parking poses an issue, and could not remember the last time that the Board approved a sketch plan without looking at the parking lot and spaces. The review of parking spaces is a requirement for a sketch plan, and saying they will figure it out later is not apropos, not correct, and not in accordance with the requirements, to which he and staff may disagree. For all of the reasons, putting the thoroughfare aside, he did not think this fits. He is sensitive to the fact that the applicant has tried to get this right and meet the requirements of the Ordinances, but these issues are still outstanding. There are too many to counteract any pushing the argument aside, and certainly the alignment. He plans to vote against approval.

There was no further discussion. The Chairman called for a vote (see above).

Full Motion to Deny: Joe Sailers commented that the Motion to Deny should include staff's recommendation of the conflict in the CTP Plan, which is on page 8 of the Staff Report. Hal Bankirer made a Motion to Deny. The Planning Board finds that the rezoning is not

consistent with the 2030 Community Plan, and the Beatties Ford Road Corridor Small Area Plan. It is not reasonable and not in the public interest to rezone this property, because does not accommodate the approved future road improvement; it is not consistent with mixed use development pattern called for in the adopted plans, nor does it conform to the Zoning Ordinance in regard to the buffering. It also poses security issues within the site; proposes traffic challenges for trucks entering and exiting for flex space use; only provides 5.8% of office flex space, which does not meet the intent of a mixed use development even though it might meet the spirit; it is not pedestrian oriented; the storm water concept plan has not been approved; parking lot and/or parking spaces for office and flex space use have not been provided on the sketch plan in accordance with the Ordinance; and in addition to the Community Plan policy CD1 and CD5, it does not meet the requirements of policies H2, H3, H4, H8 and CD3. The Motion received a second and a vote was called (see above). There was no further discussion.

A Motion to Deny was made by Harold Bankirer and seconded by Stephen Swanick. The Motion Carried by a vote of 6 Ayes and 2 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, Sailors, Smith, Swanick

Nays: Miller, Planty

Absent: Thomas

## **E. Other Business**

### **1. Discuss membership term limits**

The members expressed their opinions and ideas about term limits:

- Leave it up to the Town Board to appoint and/or reappoint
- No less than 3 terms with a break in between if reappointed
- Several appointments to meet development project process
- Individual has option to serve or not to serve again
- New members with new ideas may give more diversity
- ETJ membership is one representative for that entire area

The Chairman polled the Board in favor of 3 full terms and any unexpired term (maximum 11 year, 11 months); 4 in favor. The Chairman polled the Board for three 3 year terms with one year off before considered for reappointment; favored. The Chairman requested the matter be placed on the March 28, 2017 Agenda for discussion and vote.

### **2. Discussion for deferring recommendations**

The Chairman expressed his concern that the Zoning Ordinance calls for only one opportunity for the Board to defer. Within the last 6 months there have been problematic applications, and additional authority is needed without having to ask the Town Board to hear the matter and send it back. It is cumbersome with the back and forth. The State and Town Board give the Planning Board authorities, and it seems reasonable to allow the Board an additional deferment. It was this way until 3-4 years ago, and the Planning Board could defer twice. The Planning Board should solicit the Town Board for an ordinance change. The members noted that a lot of applications are not complete by the time of the Planning Board meeting, which should be grounds to defer. An example of parking lots and spaces not in a Sketch Plan was mentioned (Article 11.4.3(b)(m)). Plans need to be complete, with minor

redline comments the exception, so the Board can make recommendations to the Town Board. The Chairman noted that when making a motion and stating that an application is complete with all applicable regulations and ordinances, the Board is saying they have examined the application, rezoning and/or sketch plan and agree that they have met all requirements. This is a commitment being made to the Town Board. If there is a plan that is submitted, resubmitted and adjusted many times, even as late as the day of our meeting, what does that say about the Board's ability to do its very best job. The Planning Board needs to have provision to be able to send the applicant back for further work/completion.

Joe Sailors asked about the past action of the Town Board, and Jack Simoneau noted that the Town Board was concerned at that time that the Planning Board kept deferring items and holding second public hearings.

The Chairman suggested, upon the members being in favor, to propose the Planning Board have a second deferral option. If a plan requires more than that it would be appropriate to send it to the Town Board to tell them the application is not ready and request the Town Board remand the matter back. The Board was in favor.

**F. Adjourn**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Chairman or Vice Chairman

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Michelle V. Haines, Board Secretary

**From:** Bob Blythe  
**Sent:** Monday, February 13, 2017 5:26 PM  
**To:** Bradley Priest  
**Cc:** Jack Simoneau  
**Subject:** Potential road alignment in rezoning

Brad,

This is in reference to the question of a potential thoroughfare alignment affecting a proposed rezoning of property which would be affected by the thoroughfare. There seems to be a thought that there is a state law, either by statute or by court ruling, that the location of the road cannot be considered by the decision makers in a rezoning case. I believe that the genesis of this opinion is the fairly recent North Carolina Supreme Court case of Kirby, et.al. v. North Carolina Department of Transportation. Although you can never say with certainty how a court might rule in a different case, I do not believe that *Kirby* stands for this proposition at all. This case arose out of the so-called Map Act, a North Carolina statute that permits NCDOT to establish a thoroughfare alignment after public hearing, etc., and then to record that corridor in the county Register of Deeds. At that point certain restrictions become placed on the use of the property within the corridor including (with certain exceptions) the right to obtain a building permit. The court in essence held that the imposition of these restrictions had the effect of affecting the value of the property, and therefore constituted a taking for which the landowner was entitled to compensation. The court did not find the MAP Act unconstitutional. (The legislature did adopt legislation in the 2016 session cancelling all outstanding Map Act corridors, and placing a moratorium on new corridors until July 1, 2017). Note that the possible thoroughfare here is not a corridor under the MAP Act. In any event, I don't see that the proposed alignment constitutes a legal restriction on the use of the property. From a zoning standpoint, it can still be used for whatever is presently permitted. And I see nothing that precludes the Board from taking the existence of the possible alignment into consideration in their deliberations in their legislative capacity.

Bob

Robert B. Blythe  
Town Attorney  
Town of Huntersville  
P.O. Box 664  
Huntersville, NC 28070  
Direct Line: 704-766-2239



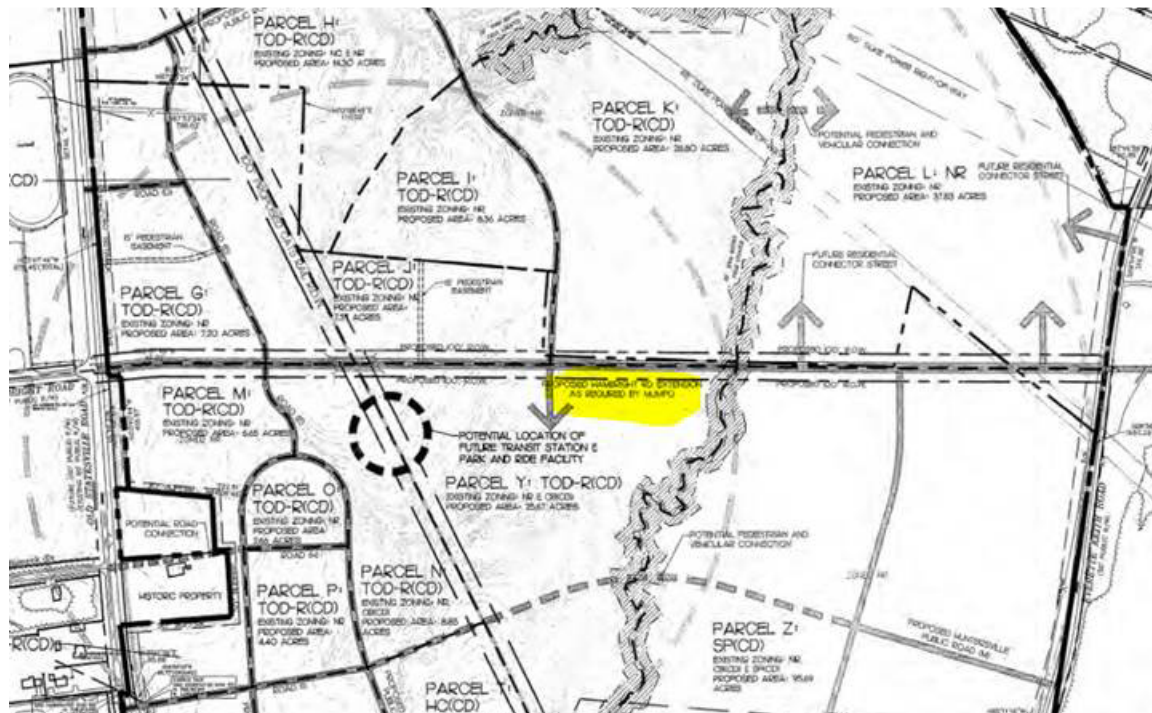
**From:** Bradley Priest  
**Sent:** Wednesday, March 01, 2017 3:06 PM  
**To:** 'Susan Irvin'  
**Cc:** Jack Simoneau; Brian Richards; Bob Blythe; Bill Coxe; Gerry Vincent  
**Subject:** RE: Past Rezoning - Thoroughfare Plans  
**Attachments:** R13-06\_Staff\_Report\_FA\_1-6-14\_ Revised.docx

Hey Susan,

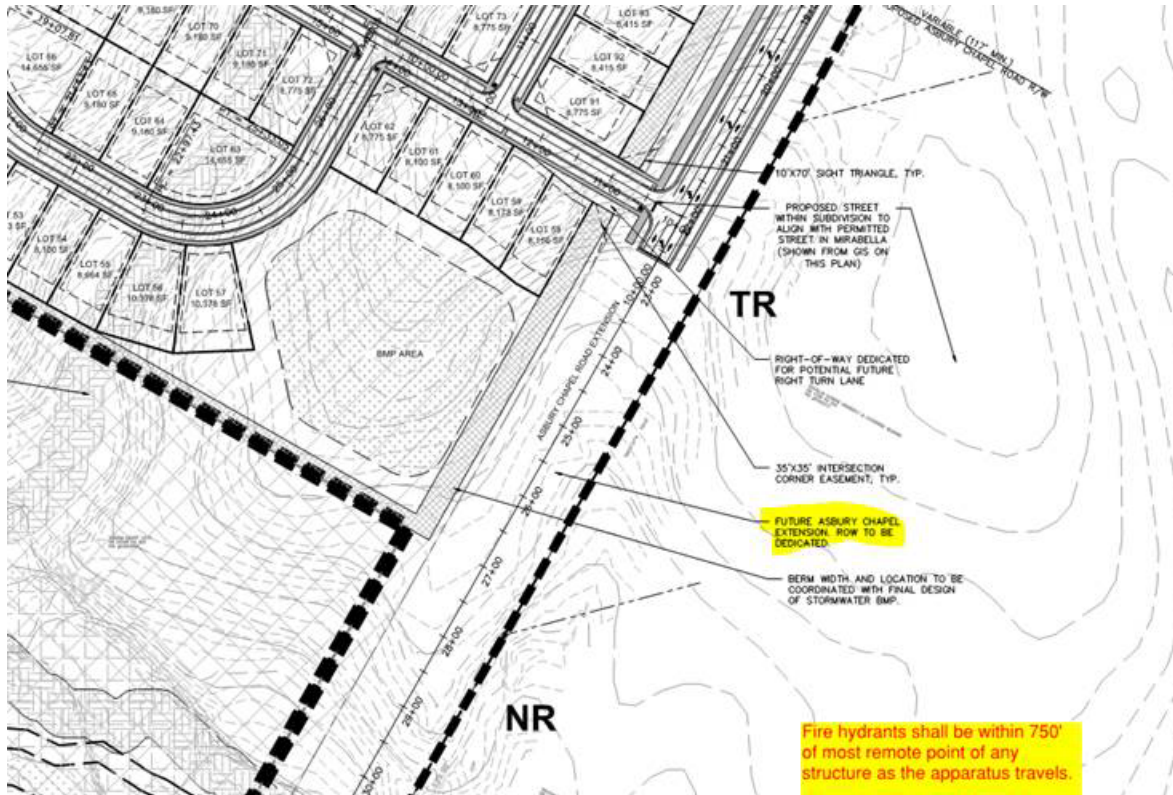
After going through our map records with Brian Richards, we could not find any rezonings that were approved by the Town Board which conflicted with the approved thoroughfare plan. I believe Mr. Shaheen mentioned the EPCON property on NC-73 (R13-06) at the Planning Board meeting last night, as an example that did conflict. However the proposed road going through that property was only a concept that was never adopted into the actual thoroughfare plan. Please see the staff report for that project attached.

On the other hand, we did find 7 rezonings that were approved that did accommodate their associated thoroughfares (not including ones that simply dedicated right of way along their frontage street). Please see below. If you have any questions or would like more information, please let me know. Thanks.

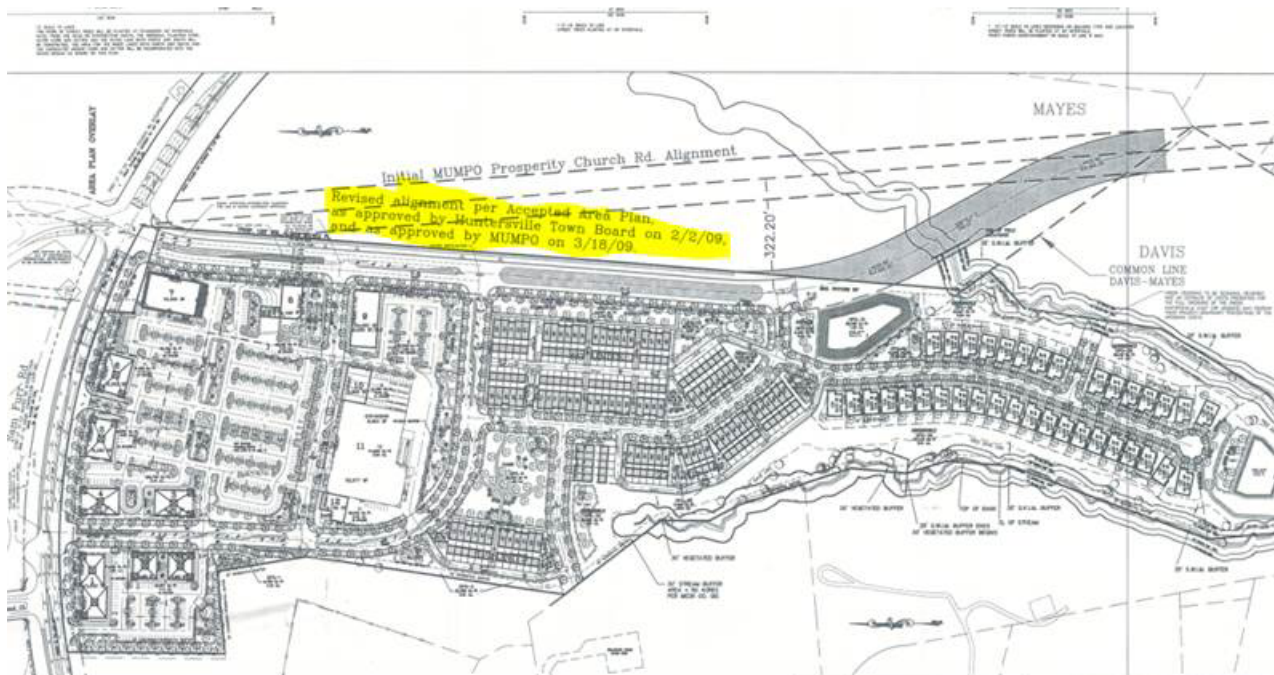
**Bryton (R05-11) – Hambright Road Extension:**



**Cato Subdivision (R16-02) – Asbury Chapel Extension**

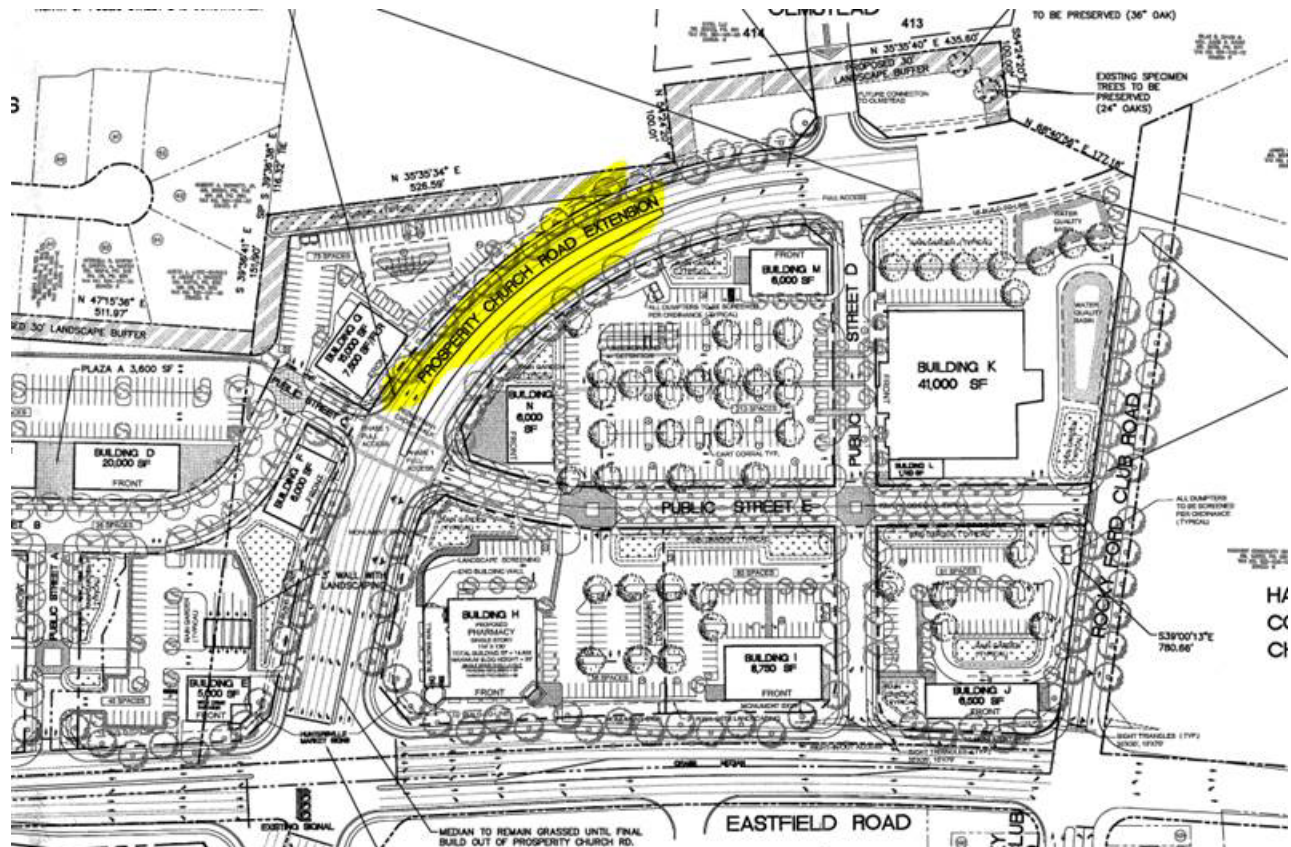


### Huntersville East (R08-06) – Prosperity Church Extension

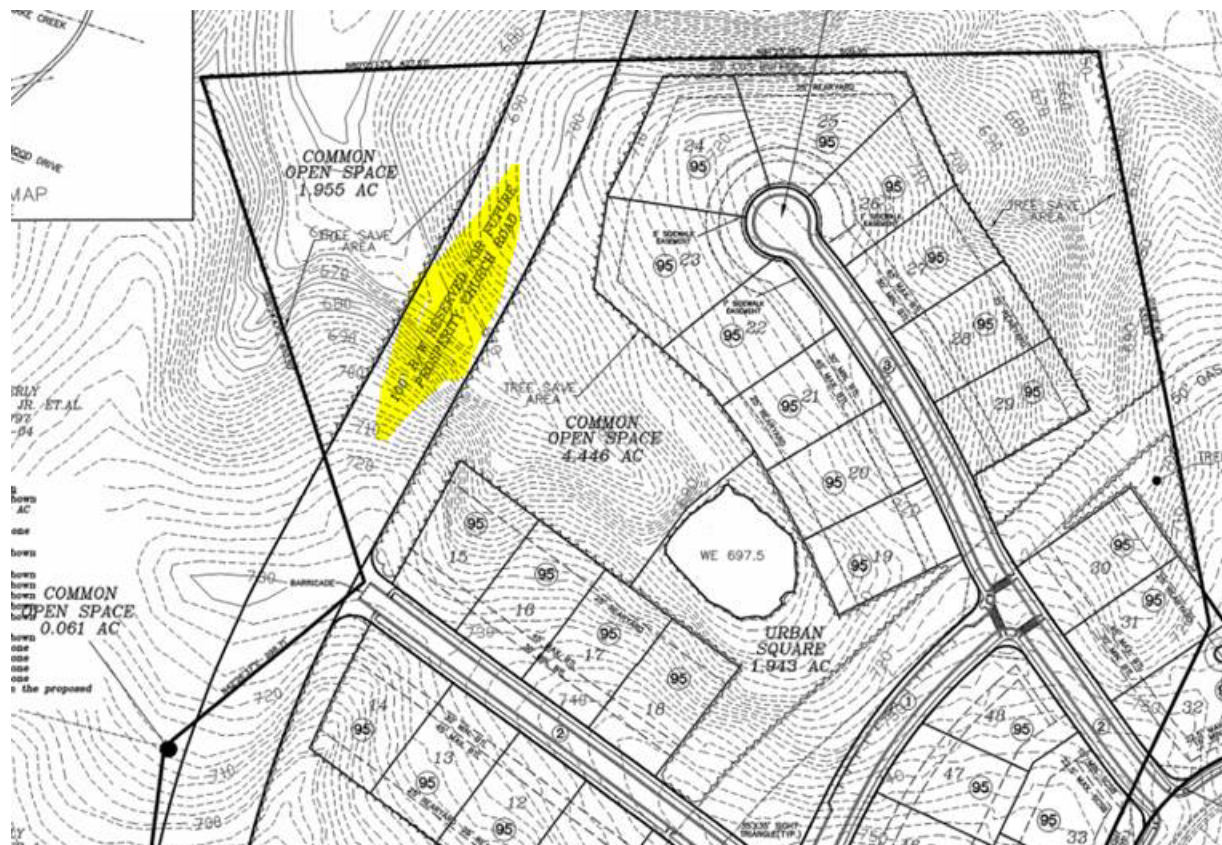


### Huntersville Village (R11-07) – Prosperity Church Road Extension

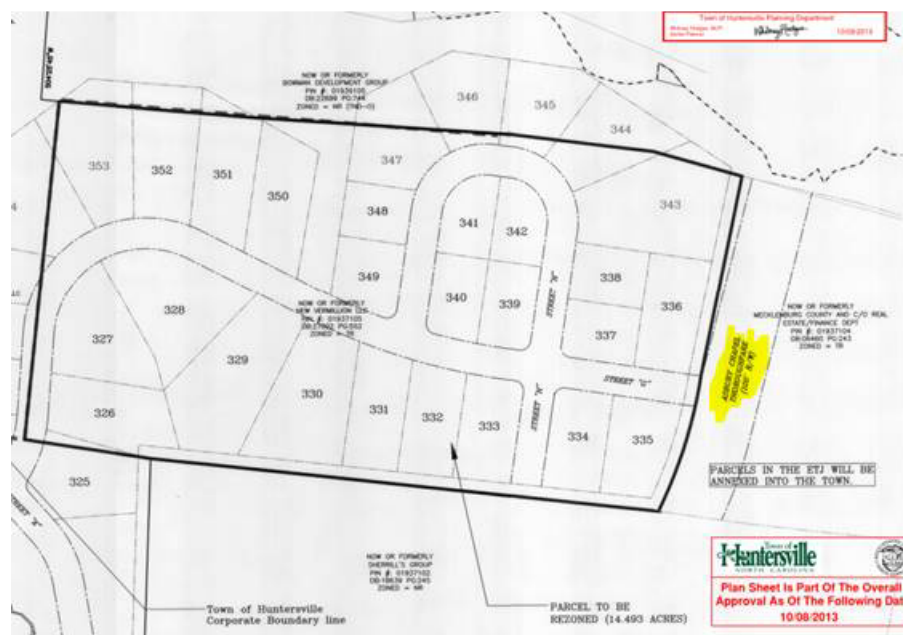


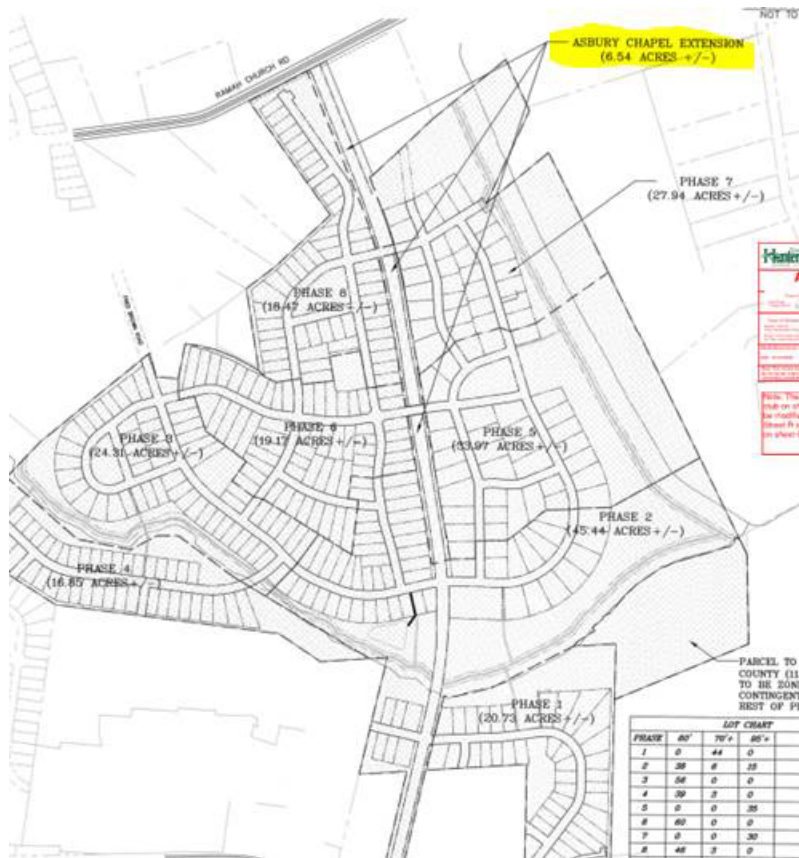


**Skybrook West (R06-09) Prosperity Church Road Extension**



**Vermillion Valencia (R13-04) – Asbury Chapel Extension (adjacent to the development)**





**Bradley D. Priest**  
 Senior Planner  
 Town of Huntersville  
 (704) 766-2214  
 105 Gilead Road - Third Floor  
 Huntersville, NC 28070  
[www.huntersville.org](http://www.huntersville.org)

---

**From:** Bradley Priest  
**Sent:** Wednesday, March 01, 2017 10:59 AM  
**To:** Susan Irvin  
**Cc:** Jack Simoneau; Brian Richards  
**Subject:** Past Rezoning - Thoroughfare Plans

Hey Susan,  
 Jack has been tied up with the budget this week. He forwarded me your message about the question on whether or not the Town has ever approved a rezoning that was in conflict with an approved and adopted thoroughfare. Mr. Shaheen mentioned that same issue last night. I believe the answer is no, the town has never approved a rezoning that was in conflict with the approved thoroughfare plan. However I'm going to go through the files and our current mapping records and look back. I'll be in touch in a bit on what we found. Thanks.

**Bradley D. Priest**



Senior Planner  
Town of Huntersville  
(704) 766-2214  
105 Gilead Road - Third Floor  
Huntersville, NC 28070  
[www.huntersville.org](http://www.huntersville.org)

# Northwest Huntersville Transportation Study Vance Rd Ext. & NC Hwy. 73

Mecklenburg-Union MPO

September 21, 2011





# Tonight's Presentation

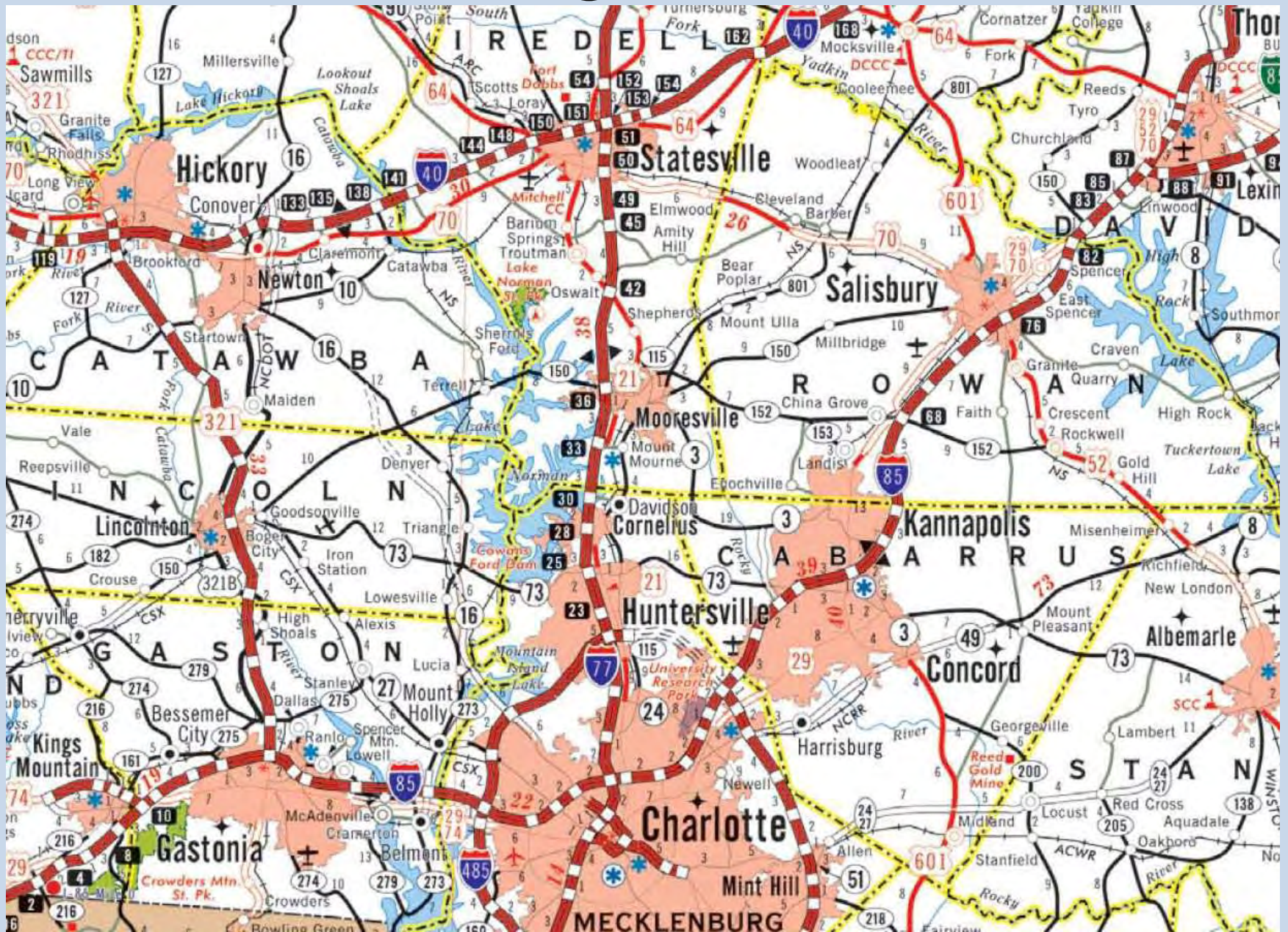
- Metropolitan area context
- Thoroughfare Plan evolution
- Other studies
- Current NW Huntersville Transportation Study
- NC 73/Vance Road Ext interaction
- Options for NC 73 and Vance Rd Ext
- Decision process & recommendations

[illegible]

Charlotte Observer  
1960



# NC 73 Regional Context

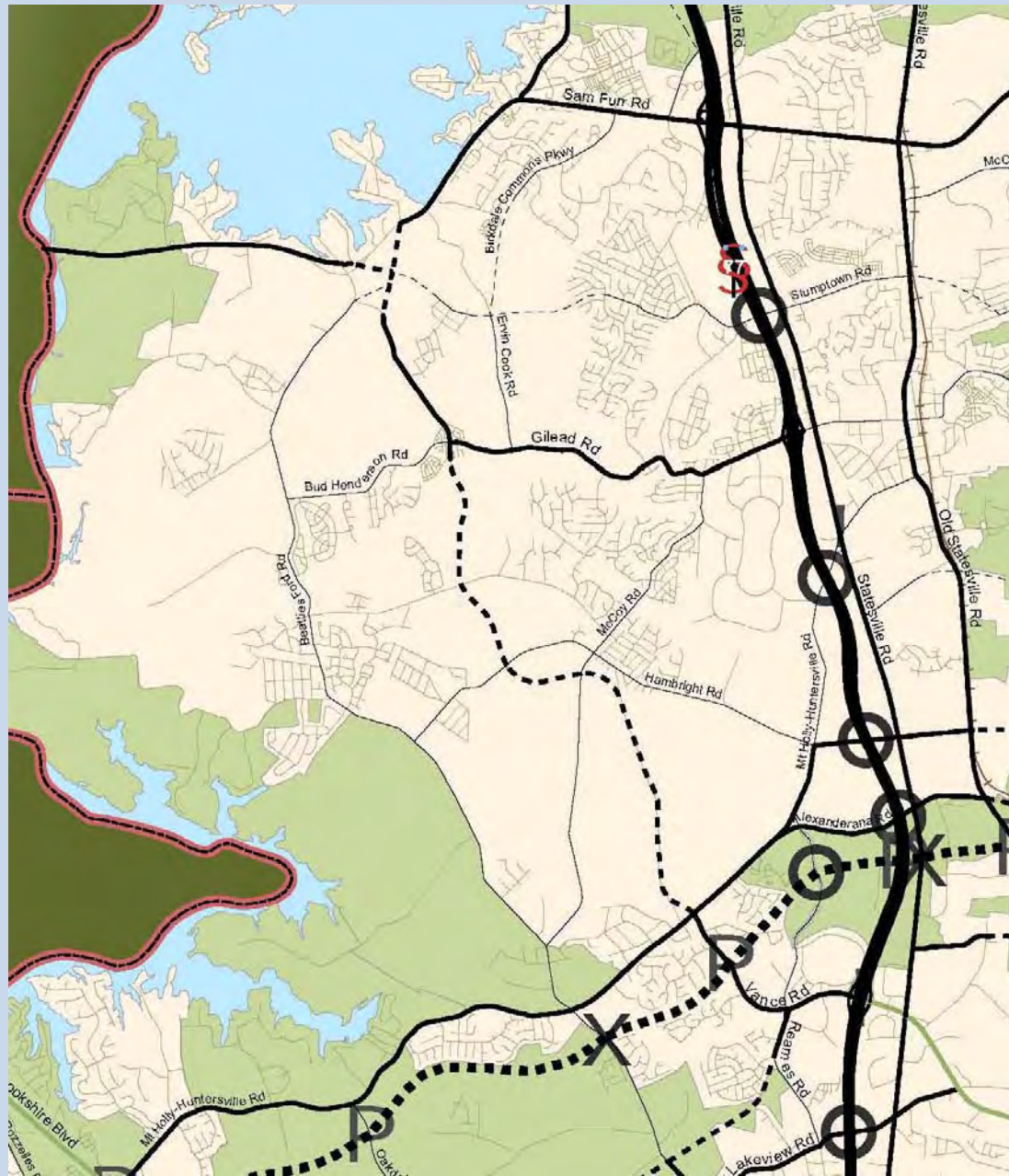




# 1988- Vance Rd Ext added to Thoroughfare Plan



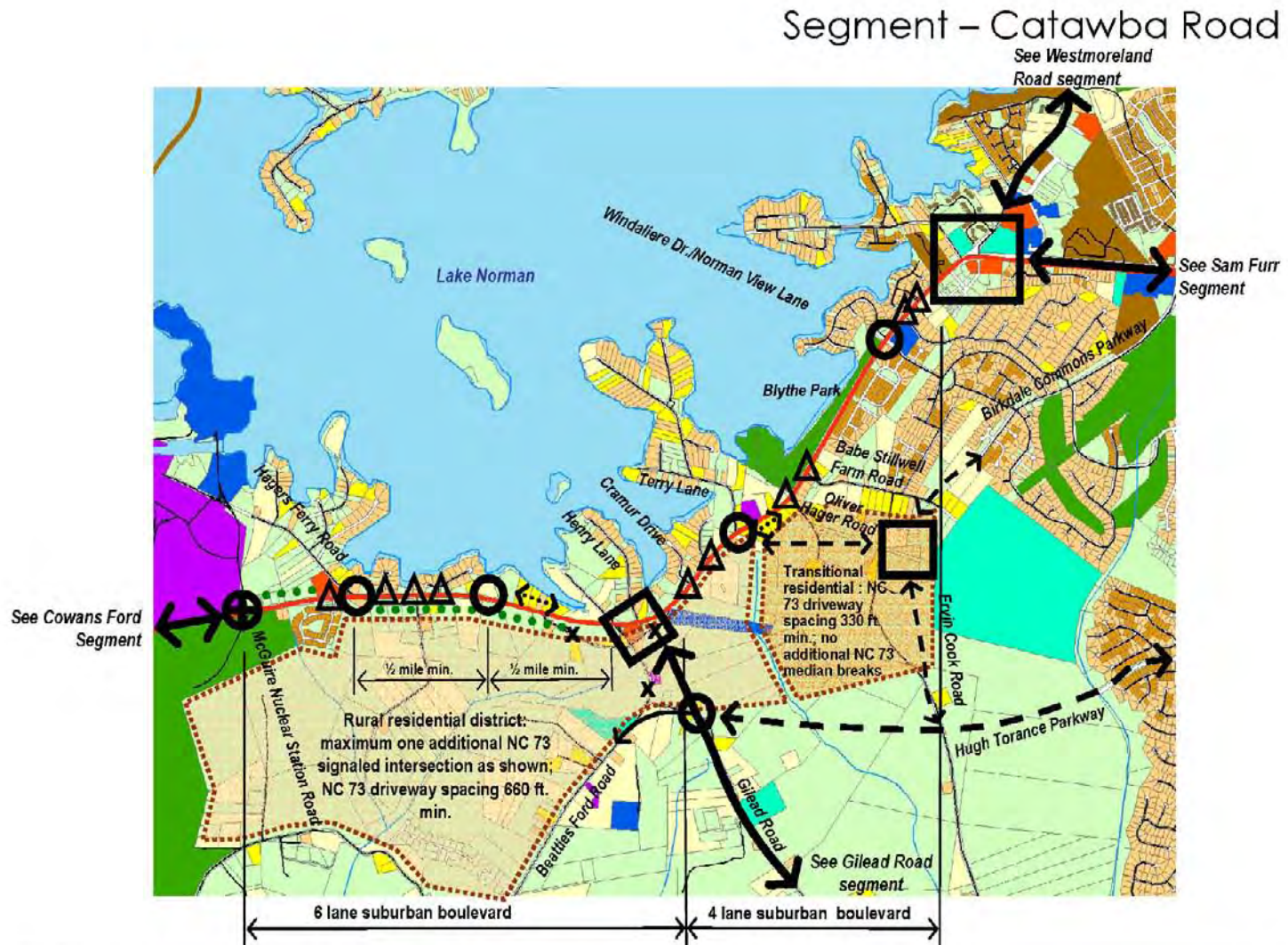
# Current Thoroughfare Plan





# Sept 2004, NC 73 Corridor Study

## recommends alternate intersection



# Suggested alternative intersection

Road Typologies – Dual Right/Left Turn Flyover Intersection

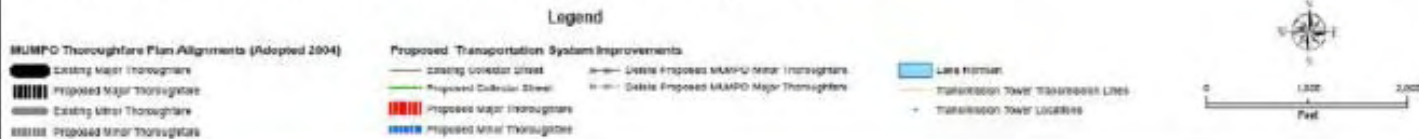




# Sept 2007, Beatties Ford Rd SAP recommends new road alignments



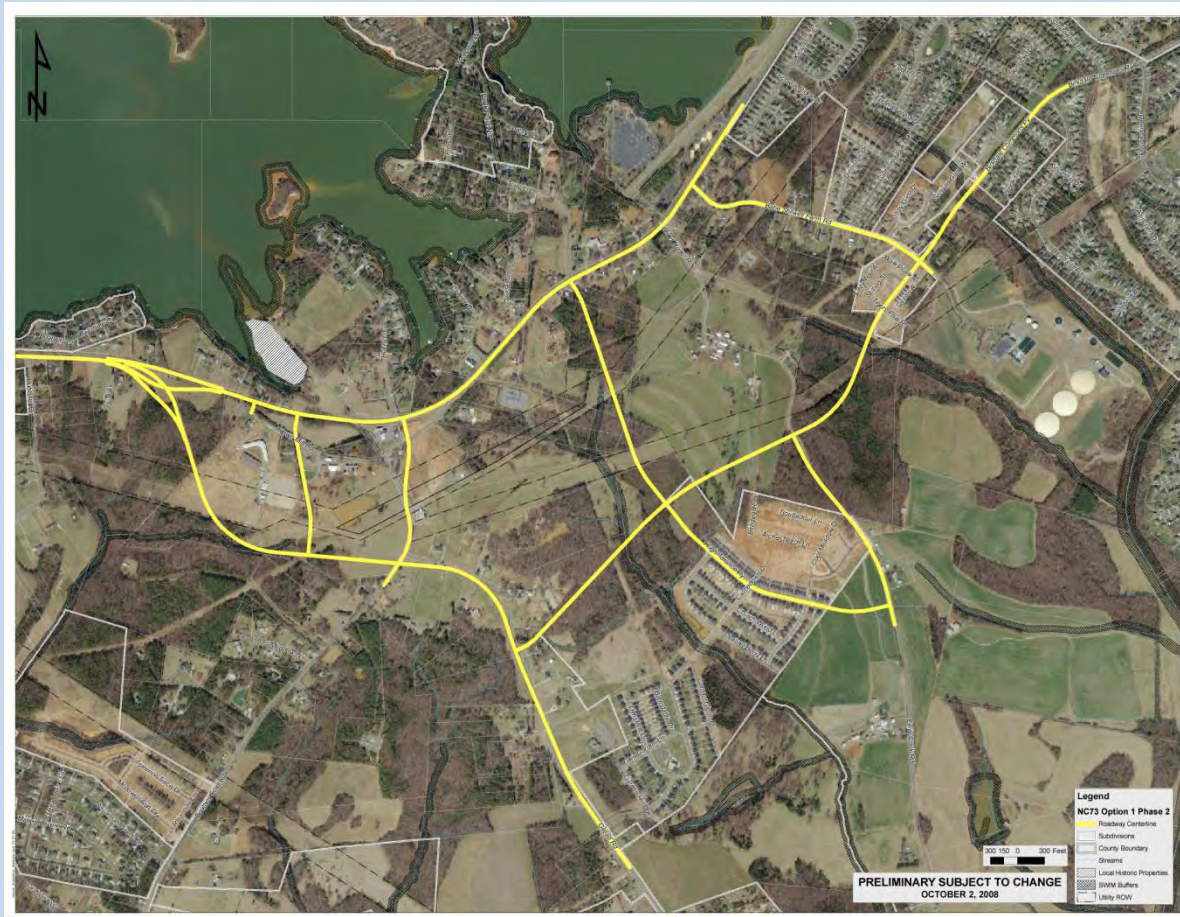
**Beatties Ford Road Small Area Plan**  
Proposed Transportation System Improvements in the Study Area Near NC 73



# Public Workshops

- December 2007, general area discussion
- April 2008, Option 1 displayed
- October 2008, Options 1,2, & 3 displayed
- May 2011, Options 1, 3 (revised), & 4 displayed

# Northwest Huntersville Transportation Study



Option 1 - Phase 2















# Traditional Impact Measures

## NW Huntersville Area Study

Impacts identified along NC 73 and west of Gilead and Beatties Ford Roads. All comparisons extend to the Catawba River.

### Historic and Cultural Resources

	Method of Measurement	Option 1	Option 3 revised	Option 4
1. Historic Site (National Designation) (1)	Number affected	1 ?	0	0
2. Historic Sites (Local Designation)	Number affected	0	0	0
3. Cemeteries	Number affected	1	0	1
4. Churches or schools	Number affected	2(2)	0(2)	2(2)
5. Public Parks	Number affected	0	0	0
6. Fire Station	Number affected	0	1	0

### Socio-Economic Factors

	Method of Measurement	Option 1	Option 3 revised	Option 4
1. Homes or (Businesses) Taken	Number in right-of-way	7 (2)	6 (0)	7 (2)
2. Homes or (Businesses) Affected (3)	Number within 100 feet	73 (5)	49 (4)	72 (4)

### Socio-Economic Factors

	Method of Measurement	Option 1	Option 3 revised	Option 4
1. Construction Costs (4)	Dollars (million)	\$25.6	\$27.4	\$35.3
2. R/W Costs (5)	Dollars (million)	\$12.8	\$9.9	\$11.2
<b>Total</b>	<b>Dollars (million)</b>	<b>\$38.4</b>	<b>\$37.3</b>	<b>\$46.5</b>

Updated August 22, 2011

- (1) Historical Architectural Resources Report has not been completed for this project. Impacts are based on known locations identified by Town Staff. Houser House suspected as potential site.
- (2) No structures will be impacted. Only land along road frontage.
- (3) Includes all structures impacted by the widening of existing NC 73 (required under any alternative), the new roadways related to the Vance Road connection to NC 73, or the new NC 73 alignments.
- (4) Estimate is for comparison purposes only. Variance of estimates for each option are as follows:
  - a. Option 1 - \$18 - \$39 million
  - b. Option 3 revised - \$20 - \$41 million
  - c. Option 4 - \$25 - \$53 million
- (5) Estimate utilized LRTP right-of-way estimate methodology and is based on GIS data. Values used were: Commercial - \$150k / acre, Industrial - \$395k / acre, Office - \$160k / acre, Residential - \$190k / acre.

# Decision Analysis Model

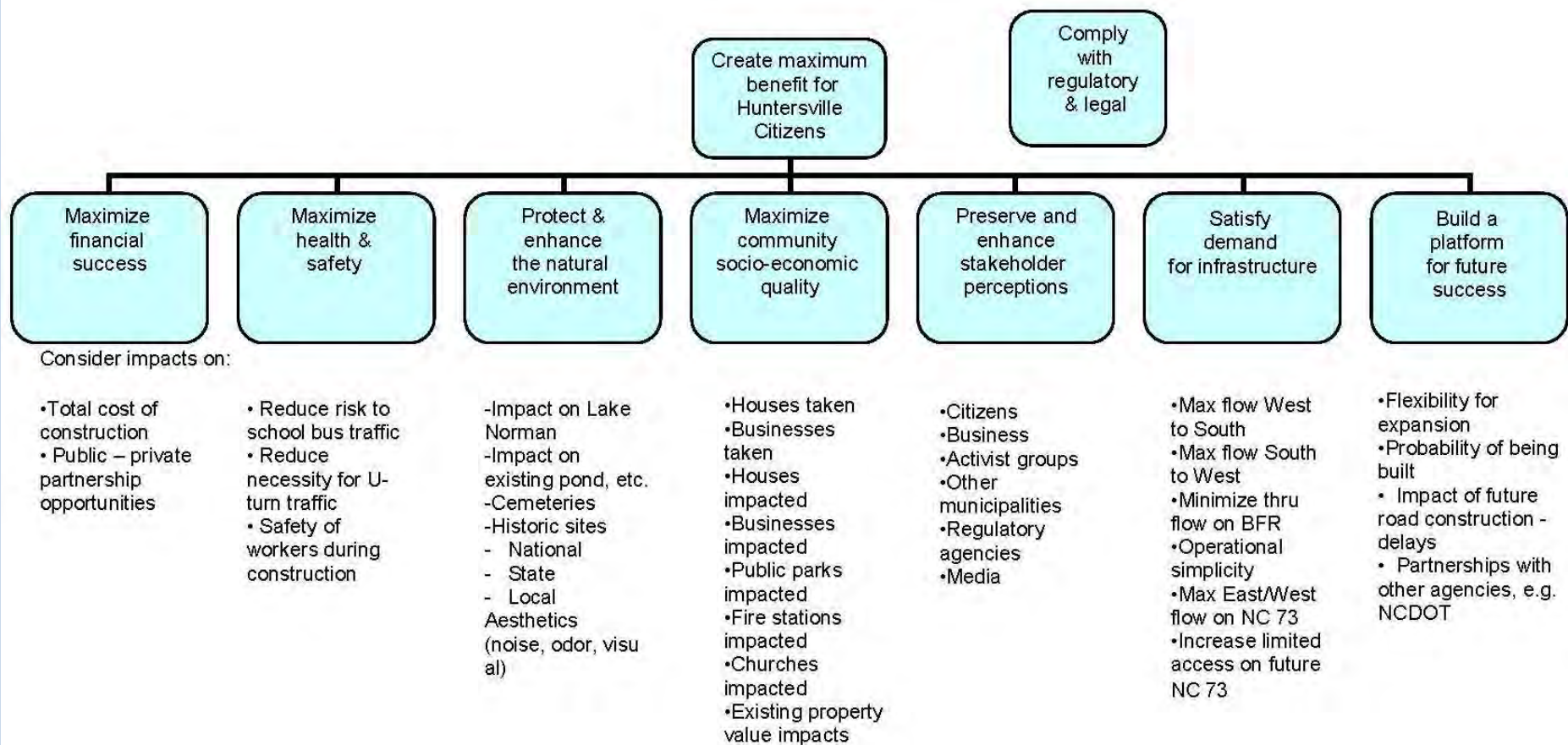
Decision analysis is a formal, quantitative approach for evaluating and comparing the alternatives to a decision

- Developed initially at Harvard and Stanford in 1960's.
- Currently taught in most graduate school business programs.
- Used widely by businesses, especially energy, pharma, and tech industries, mostly for evaluating major capital investments.
- Also used in government sector, especially by federal agencies for facilitating and defending large-scale, controversial decisions.

# The philosophy underlying the approach

- Resources are insufficient to implement construction of a transportation project now.
- The value of each project option is determined by the degree to which it contributes to the achievement of objectives.
- Objectives can be identified.
- The degree to which projects are likely to achieve objectives can be estimated.

# Objectives Hierarchy



Created by Huntersville Planning Board with input from staff

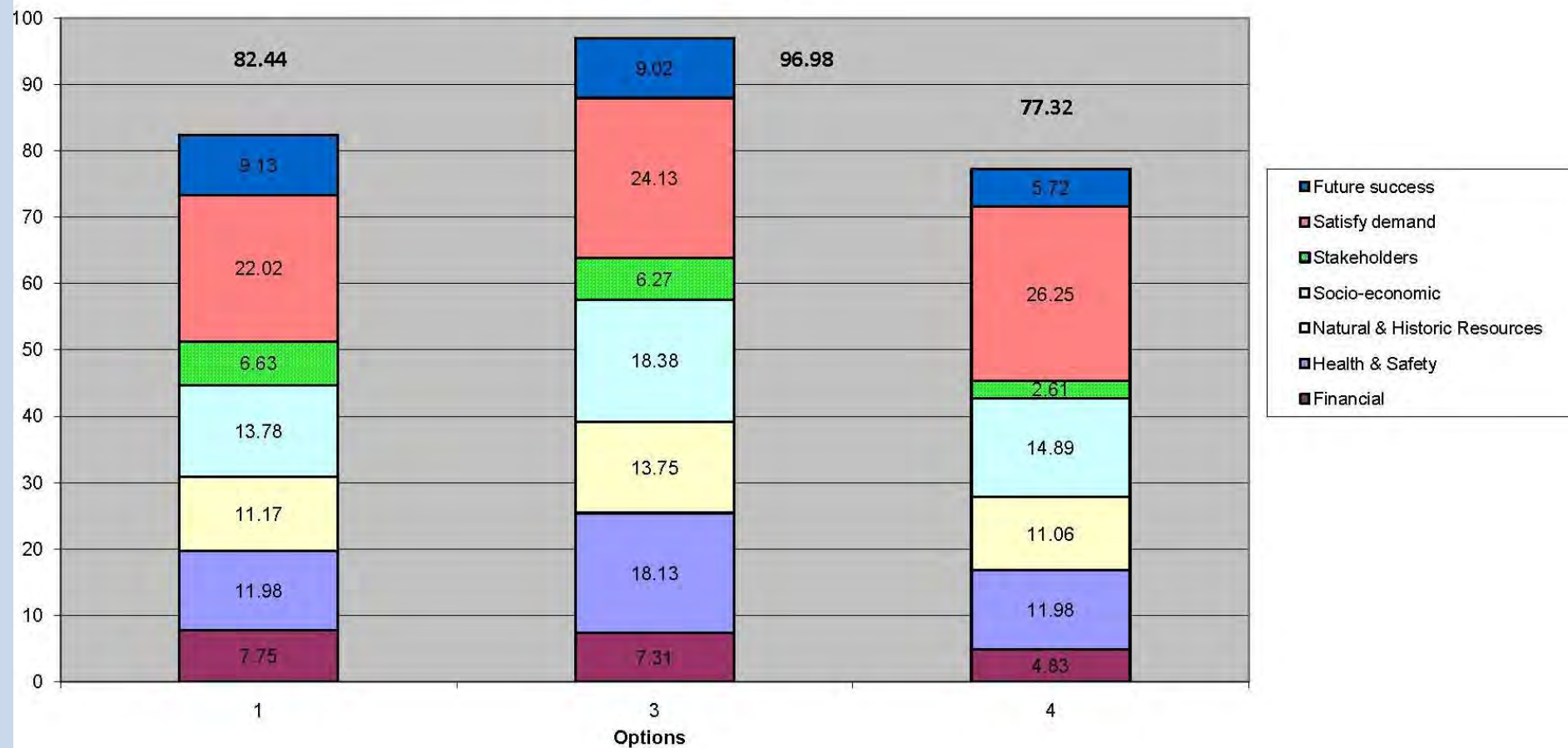


# Decision Matrix Evolution

- Planning Board determined components to evaluate under each objective, staff feedback altered them somewhat
- Planning Board assigned weights to each objective
- Staff determined relative importance of each component within each objective (scaling)
- Staff assigned values to each component for each option
- Math takes over to adjust for # of components in each objective, then assigns weights to “normalized” results
- Total scores are then displayed for use



# Decision Analysis Results NW Huntersville Transportation Study





# Huntersville Planning Board Recommendation

On 8/23/11, the Huntersville Planning Board  
voted 8 to 0 with one abstention to:

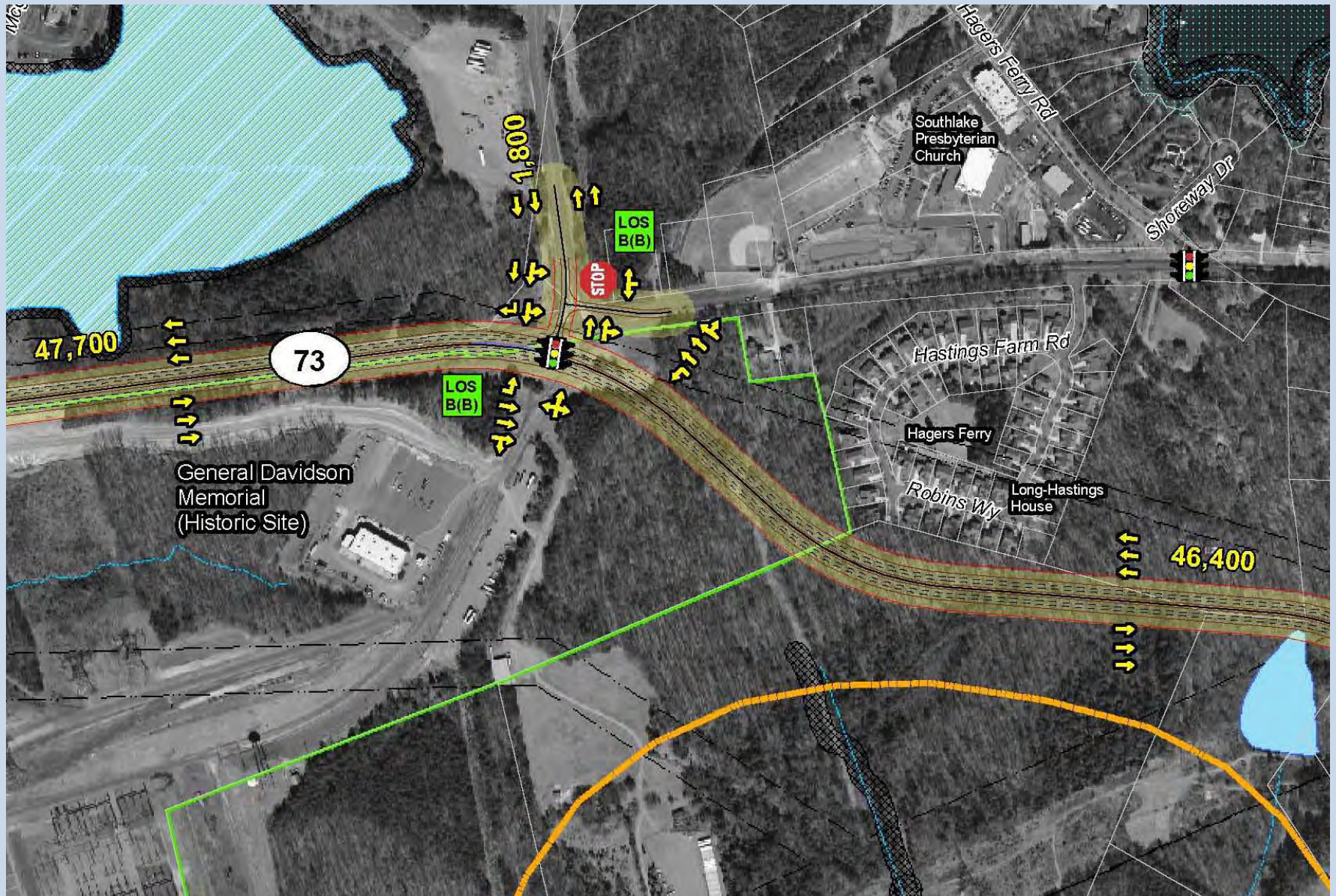
Accept the validity of the decision analysis process  
and recommend its results to the Huntersville  
Town Board.

The net result of that is to recommend Opt. 3

# Remaining Option 3 Issues

- Western terminus at entrance to McGuire Nuclear Station, how to connect old NC 73

# Opt. 3 @ McGuire Entrance





# Remaining Option 3 Issues

- Western terminus at entrance to McGuire Nuclear Station, how to connect old NC 73
- West of Vance Rd, need to shift alignment south off stream, create new Transco crossing

# Opt. 3 west of Vance Rd Ext.



# Remaining Option 3 Issues

- Western terminus at entrance to McGuire Nuclear Station, how to connect old NC 73
- West of Vance Rd, need to shift alignment south off stream, create new Transco crossing
- How to protect new alignment from access degradation especially opposite Vance Rd Ext.
- How to protect 150' of right of way
- Problem statement, aka purpose and need, for new alignment
- Need area plan for land between Lake Norman and new road
- CTP designation of remnant section of old NC 73

# Mecklenburg-Union Technical Coordinating Committee 9/1/11

- Endorsed Opt. 3 in concept with modifications needed @ McGuire entrance and @ the stream and Transco pipeline crossing west of Vance Rd.
- Leave the “bypassed” section of NC 73 designated as a major thoroughfare
- Charged the TCC’s CTP committee with discussion of r/w protection and access management issues



# Additional TCC Actions

- Recommended that Town pursue an area plan to develop the public good in creating a new alignment and manage development pressures that will stem from the new road.
- Agreed that the area plan include details on Lake Norman Bike Route, NC Bike Route # 6, and Carolina Thread Trail
- Try and find a different option than the triple left turn lane intersection

# Huntersville Recommendation

- On September 6, 2011, the Huntersville Board of Commissioners recommended adding to the Thoroughfare Plan the concept of Option 3 with future modifications as addressed by the TCC.



# Northwest Huntersville Transportation Study



FOR MUMPO APPROVAL, NOVEMBER 16, 2011  
(NC 73 and Vance Rd. Ext. alignments only)

**Legend**

**Option 3**

- Concrete Island
- Edge Of Pavement
- Right Of Way
- Travel Lane Divider
- Roadway Centerline
- Proposed Road Closure
- Preliminary Study Corridor
- Parcels
- Signalized Intersection
- Stop Controlled Intersection
- Lane Geometry
- Delete Proposed Minor Thoroughfare (MUMPO)
- Proposed Minor Thoroughfare (MUMPO)
- Existing Minor Thoroughfare
- 2030 AADT Volumes
- Level of Service A-C
- Level of Service D
- Level of Service E
- Level of Service F
- Level of Service E/F

**Utility ROW**

- Future Park
- Refuge Area
- Local Historic Properties
- Streams
- Ponds
- Wetlands
- SWIM Buffers
- 100 Year Floodplain
- 500 Year Floodplain

**LOS X (X)**

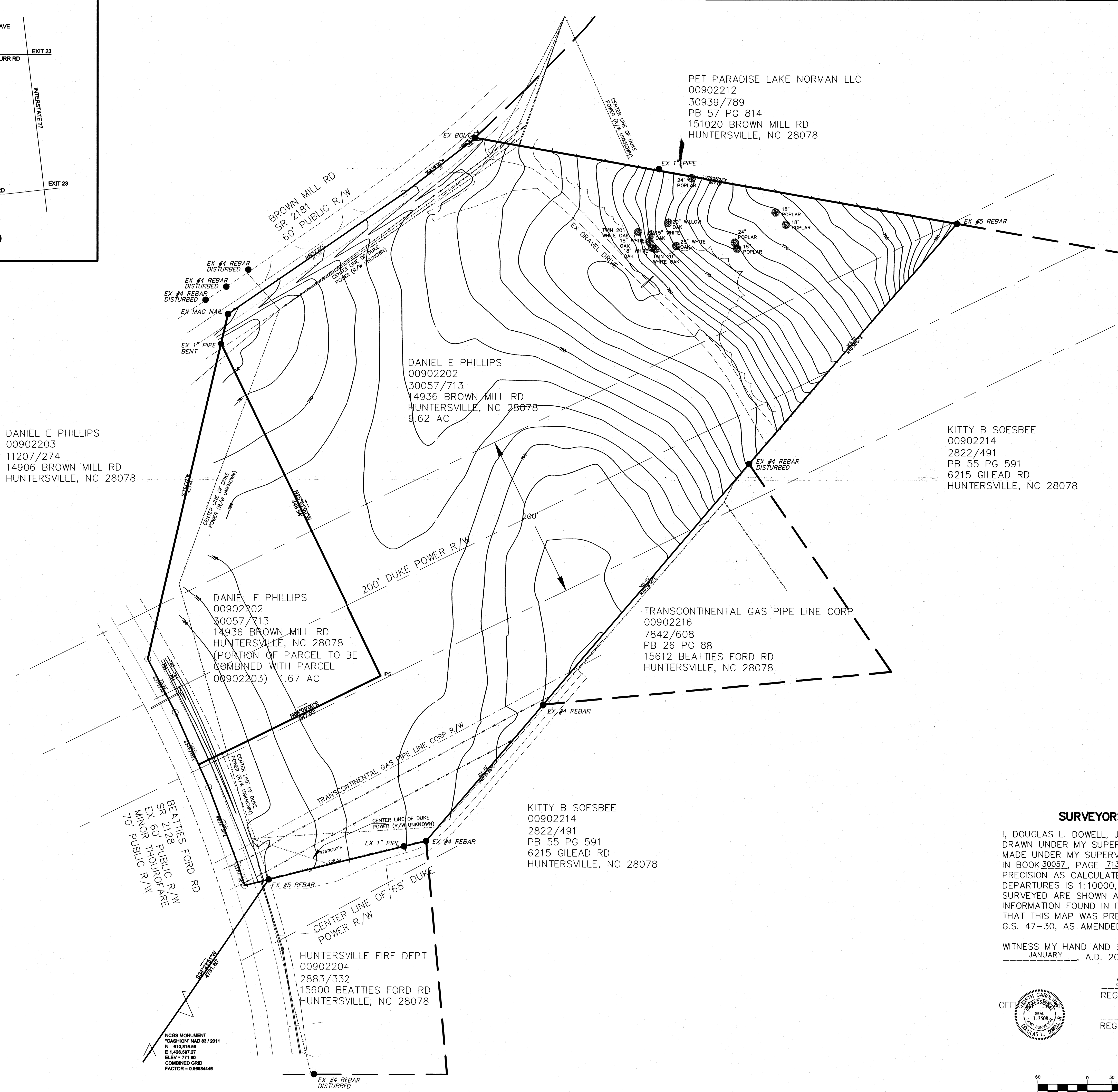
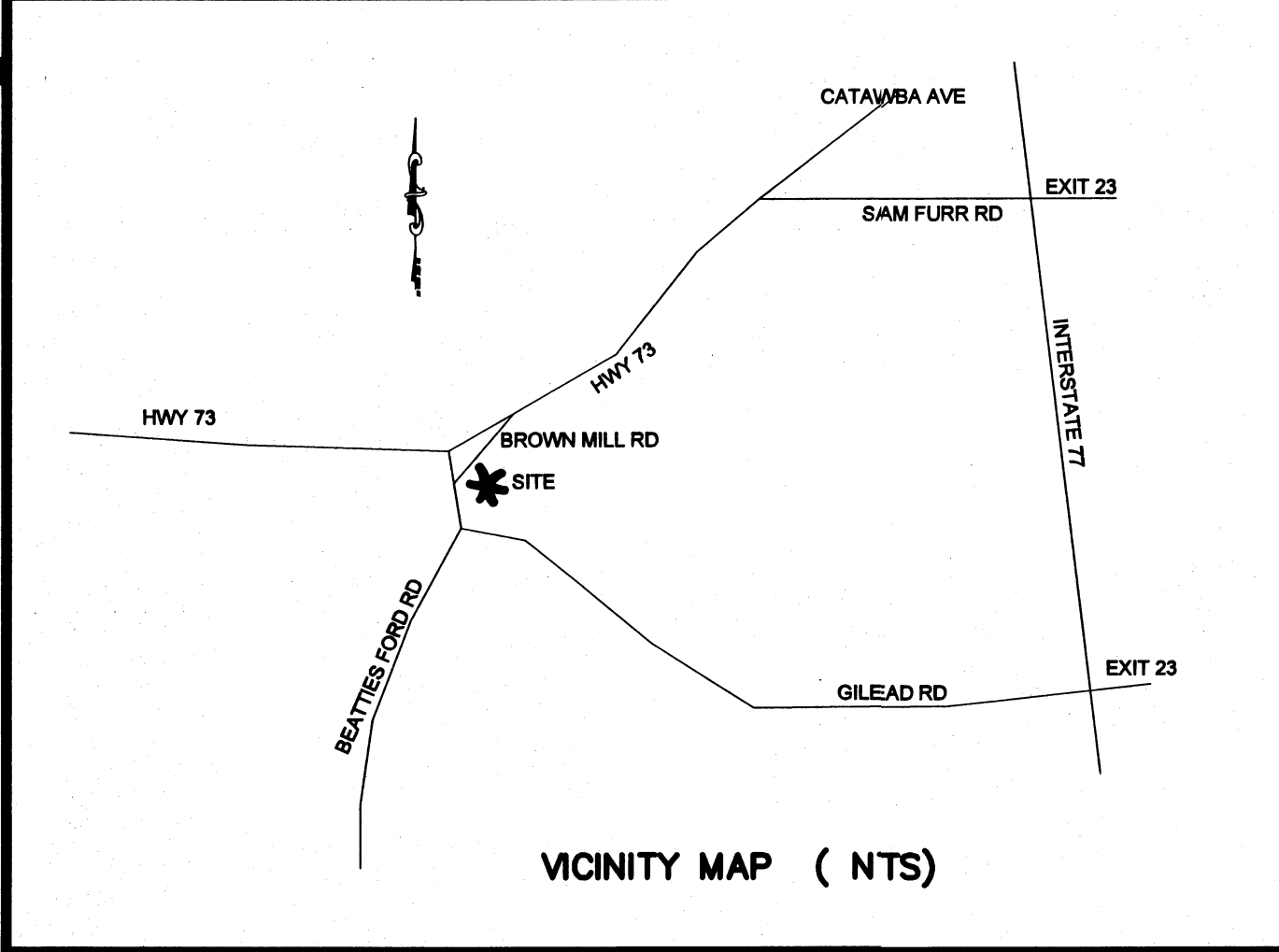
AM (PM) Peak Hour Level of Service

**PRELIMINARY SUBJECT TO CHANGE**

**METROPOLITAN PLANNING ORGANIZATION**

North, South, East, West, Relative City Plan View, 11/15/11, JNE



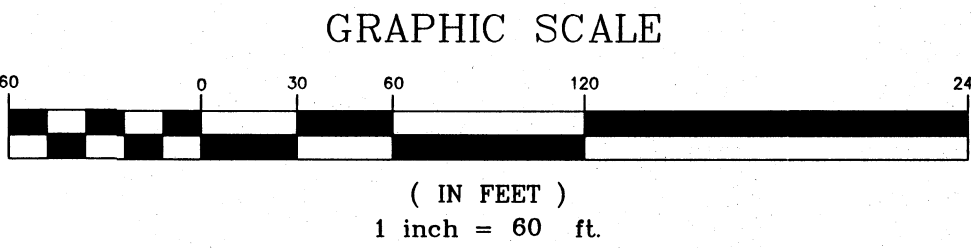
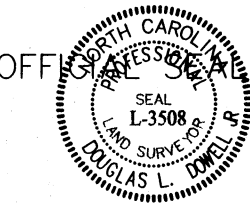


**SURVEYORS CERTIFICATION**

I, DOUGLAS L. DOWELL, JR. CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED DESCRIPTION RECORDED IN BOOK 3005Z, PAGE 713; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10000. (THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_); THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

WITNESS MY HAND AND SEAL THIS 4 DAY OF JANUARY, A.D. 2017.

*Douglas L. Dowell Jr*  
REGISTERED LAND SURVEYORS  
L-3508  
REGISTRATION NUMBER



ENGINEER
SEAL
DLD
DRAWN BY:
JAN 4, 2017
DATE PREPARED
REVISIONS
NO. 1
NO. 2
NO. 3
NO. 4
SHEET 1 OF 1
JOB NUMBER 16-1098
SCALE Horz: 1" = 60' Vert:
BOUNDARY TOPOGRAPHIC SURVEY OF BROWN MILL ROAD SELF STORAGE TOWN OF HUNTERVILLE, MECKLENBURG CO., NC
OWNER: BLYTHE LANDING MINI STORAGE LLC
Computer File: 16098 B WATSON DOWELL & CO., P.C. Engineering • Surveying • Planning 344 Railing Hill Road, Suite 103 • P.O. Box 3504 • Mooresville, N.C. 28117 (704) 664-5177 Fax EMAIL: leland7856@aol.com C - 2177





Corporate Headquarters  
5130 University Boulevard West  
Jacksonville, Florida 32216  
Phone :: 904.363.3330  
Fax :: 904.363.3314  
[www.petparadiseresort.com](http://www.petparadiseresort.com)

January 10, 2017

Mr. Robert Watson  
Blythe Landing Mini Storage

Re: Proposed Self-Storage Facility, Brown Mill Road and Beatties Ford Road,  
Huntersville, Mecklenburg County, North Carolina (Parcel ID No. 00902202) (the  
"Project")

Dear Mr. Watson:

Pet Paradise-Lake Norman, LLC, a Florida limited liability company ("**Pet Paradise**"), is the owner of a valid and subsisting leasehold interest in the real property and improvements located at 15020 Brown Mill Road in Huntersville, North Carolina, and operates a pet boarding and daycare business at that location.

You have provided to us copies of the following plans prepared by HensonFoley, Inc. regarding the above-referenced Project (the "**Plans**"):

1. Zoning Site Plan dated December 12, 2016 (Sheet Z01, Project No. 216088); and
2. Zoning Storm Plan dated December 12, 2016 (Sheet Z02, Project No. 216088).

This letter is to advise you that Pet Paradise has no objection to construction of the Project in accordance with the Plans.

Sincerely yours,

**PET PARADISE-LAKE NORMAN, LLC**

By: American Pet Resort, LLC, its Manager

By: William L. Joel  
William L. Joel, Senior Vice President

GILEAD RIDGE HOMEOWNERS ASSOC., INC

P O BOX 79032  
CHARLOTTE NC 28271

EPCON HUNTERSVILLE LLC

500 STONEHENGE PKWY  
DUBLIN OH 43017

BECKETT HOMEOWNERS ASSOCIATION OF

PO BOX 11906  
CHARLOTTE NC 28220

**Parcel ID** 00102313

**Ownership** 1. COLEMAN, PAIGE K  
2. CONTASTATHES, PETER J

**Mailing Address** 17229 PENNINGTON DR  
HUNTERSVILLE NC 28078

**Land Area** 0.88 AC

**Legal Desc** L3 M50-165

**Deed** 29520-71

2. **Parcel ID** 00102316

**Ownership** 1. MORROW, MARTHA WOODSIDE

**Mailing Address** 117 WINGFIELD DR  
UMATILLA FL 32784

**Land Area** 1.924 AC

**Legal Desc** NA

**Deed** 08080-103

3. **Parcel ID** 00902101

**Ownership** 1. GML VENTURES LLC,

**Mailing Address** 7450 E PROGRESS PL  
GREENWOOD VILLAGE CO 80111

**Land Area** 1.103 AC

**Legal Desc** NA

**Deed** 30321-899

4. **Parcel ID** 00902102

**Ownership** 1. MDHB PROPERTIES LLC,

**Mailing Address** PO BOX 795  
LINCOLNTON NC 28093

**Land Area** 1.773 AC

**Legal Desc** NA

**Deed** 29907-805

5. **Parcel ID** 00902105A

**Ownership** 1. C/O PENNINGTON &LOTT/, JOHN PILLER  
2. CROWN ATLANTIC COMPANY LLC,

**Mailing Address** PMB 353 806285 4017 WASHINGTON RD  
MCMURRAY PA 15317

**Land Area** 0.152 AC

**Legal Desc** M33-133

**Deed** 11268-610

6. **Parcel ID** 00902105B



**Ownership** 1. CROWN ATLANTIC CO LLC,  
**Mailing Address** PMB 353 4017 WASHINGTON RD  
MCMURRAY PA 15317  
**Land Area** 0 AC  
**Legal Desc** CELL TOWER  
**Deed** NA

**7. Parcel ID** 00902202

**Ownership** 1. PHILLIPS, MADELINE  
2. PHILLIPS, DANIEL E  
3. HADDIX, HELGA  
**Mailing Address** 14720 BROWNS MILL RD  
HUNTERSVILLE NC 28078  
**Land Area** 11.29 AC  
**Legal Desc** NA  
**Deed** 30057-713

**8. Parcel ID** 00902203

**Ownership** 1. PHILLIPS, MADELINE  
2. HADDOX, J  
3. PHILLIPS, DANIEL E  
**Mailing Address** 14720 BROWNS MILL RD  
HUNTERSVILLE NC 28078  
**Land Area** 0.75 AC  
**Legal Desc** NA  
**Deed** 11207-274

**9. Parcel ID** 00902204

**Ownership** 1. HUNTERSVILLE FIRE DEPT INC,  
**Mailing Address** 15600 BEATTIES FORD RD  
HUNTERSVILLE NC 28078  
**Land Area** 1 LT (1.082 GIS Acres)  
**Legal Desc** NA  
**Deed** 02883-332

**10. Parcel ID** 00902212

**Ownership** 1. PET PARADISE-LAKE RE LLC,  
**Mailing Address** 5130 UNIVERSITY BOULEVARD W  
JACKSONVILLE FL 32216  
**Land Area** 11.236 AC  
**Legal Desc** M57-814  
**Deed** 30939-789

**11. Parcel ID** 00902214

**Ownership** 1. SOESBEE, KITTY B  
2. SOESBEE, JAMES R  
**Mailing Address** 6215 GILEAD RD  
HUNTERSVILLE NC 28078  
**Land Area** 20.271 AC  
**Legal Desc** L1 M55-591 THRU 593  
**Deed** 2822-491

**12. Parcel ID** 00902216

**Ownership** 1. TRANSCONTINENTAL GAS PIPE LINE, CORP  
**Mailing Address** PO BOX 2400 MD 46-4

**Address** TULSA OK 74102

**Land Area** 1.307 AC

**Legal Desc** L1 M26-88

**Deed** 07842-608

**13. Parcel ID** 01313103

**Ownership** 1. PHILLIPS, DANIEL E (B/W)  
2. PHILLIPS, MADELINE T

**Mailing Address** 14720 BROWNS MILL RD  
HUNTERSVILLE NC 28078

**Land Area** 22.71 AC

**Legal Desc** NA

**Deed** 06780-074

**14. Parcel ID** 01313104

**Ownership** 1. PHILLIPS, DANIEL E  
2. PHILLIPS, MADELINE T

**Mailing Address** 14720 BROWNS MILL RD  
HUNTERSVILLE NC 28078

**Land Area** 15.3 AC

**Legal Desc** NA

**Deed** 06780-074

**Mayor John Aneralla**

15705 Framingham Lane

Huntersville, NC 28078

Phone: 704-895-0586

[janeralla@huntersville.org](mailto:janeralla@huntersville.org)  
[g](#)



**Commissioner Melinda Bales**

15426 Ranson Road

Huntersville, NC 28078

Phone: (704) 728-9643

[mbales@huntersville.org](mailto:mbales@huntersville.org)



**Commissioner Dan Boone**

317 Southland Road

Huntersville, NC 28078

Phone: 704-948-1685

[dboone@huntersville.org](mailto:dboone@huntersville.org)





**Commissioner Mark Gibbons**

13818 Bramborough Road  
Huntersville, NC 28078  
Phone: 704-948-5320  
[mjgibbons@huntersville.org](mailto:mjgibbons@huntersville.org)

**Commissioner Charles Guignard**

P.O. Box 1766 (201 Sherwood Drive)  
Huntersville, NC 28070  
Phone: 704-875-1407  
[cguignard@huntersville.org](mailto:cguignard@huntersville.org)



**Commissioner Rob Kidwell**

7603 Rolling Meadows Ln  
Huntersville, NC 28078  
Phone: (704) 941-8250  
[rkidwell@huntersville.org](mailto:rkidwell@huntersville.org)



**Commissioner Danny Phillips (Mayor Pro Tem)**

14720 Brown Mill Road  
Huntersville, NC 28078  
Phone: (704) 622-2611  
[dphillips@huntersville.org](mailto:dphillips@huntersville.org)

Hal Bankirer, Chairman	17206 Linksvie Lane	hbankirer@aol.com
Jennifer Davis, Vice Chairman	7530 McIlwaine Road	jenniferdavis078@gmail.com
Catherine Graffy	15120 Pavilion Loop Drive	cgraffy@outlook.com
JoAnne Miller (ETJ Member)	13900 Asbury Chapel Road	joannebmiller@bellsouth.net
Adam Planty	12327 Cross Meadow Road	aplanty2@gmail.com
Joe Sailers	9332 Westminster Drive	jwscws@bellsouth.net
Ron Smith	15902 Gathering Oaks	ronsmith@celgard.com
Stephen Swanick	12903 Heath Grove Drive	stephen.swanick@gmail.com
Susan Thomas	10215 Lasaro Way	set0525@bellsouth.net

[101 Huntersville-Concord Rd](#)

Post Office Box 664

Huntersville, North Carolina 28070

(704) 875-6541

(704) 948-6020 - fax

[e-mail](#)

Greg Ferguson, Town Manager

[e-mail](#)

Gerry Vincent, Assistant Town Manager

[e-mail](#)

Janet Pierson, Town Clerk

[e-mail](#)

Brad Priest, Planning Department Project Coordinator



Date: 9-28-16                      Time: 6:00 to 7:00 pm

Blythe Landing Storage  
Neighborhood Meeting Report

Brad,

The following people attended the Blythe Landing Storage Neighborhood Meeting:

Kitty and James Soesbee  
6215 Gilead Road  
Huntersville, NC 28078

They like the project and would like to see some trees add around the property. Also, they didn't want their fence touched. They liked and welcomed the project.

Gilead Fire Department  
Henry Cook

Want to make sure that the firetrucks line of site entering Beatties Ford Road was not obscured by any building or landscaping. No other concerns were expressed.

Williams Gas Pipeline (Tranco)  
David Chastain 704-975-2635  
Mike Fitzpatrick 704-975-2643  
236 Transco Road  
Mooresville, NC 28115

They were there to introduce themselves to the development group and explain the steps involved with locating the pipeline and row. No concerns were expressed.

Dan Boone  
Town of Huntersville  
Town Commissioner

Liked the project no other concerns were expressed.

Brad Priest  
Town of Huntersville  
Planning Department Project Coordinator

Blythe Landing Storage  
Development Group

Robert Watson	704-827-1733
Kimberly Sailors	704-239-6268
Robbie Lowrance	704-575-4520

#### Focused Growth Corridors and Nodes:

Future growth within the study area should be directed to areas with existing infrastructure capacity or locations where infrastructure extensions or improvements can be made most logically and economically. These locations include:

- Vance Road Corridor Extension
- Long Creek Community (as specified by the Beatties Ford / Mt. Holly-Huntersville Small Area Plan)
- NC 73 Corridor

**Open Space Preservation:** The character of the built environment and its relationship to the natural landscape forms the image and identity of Huntersville. The Town is at a critical juncture regarding the need to develop a Comprehensive Open Space and Protection Strategy. Growth within the study area is occurring at rapid levels. As land development continues to encroach on previously undeveloped land areas within the Beatties Ford Corridor Study Area, the supply of existing open space is reduced. This condition increases the need to preserve open space, while at the same time making open space protection more expensive due to rising land values resulting from this increased demand for land development.

Six of Mecklenburg County's fourteen nature preserves are located within the study area. Yet there is no strategic guidance for open space conservation on a regional level. The Open Space Framework and Implementation section of this report provides specific recommendations and approaches to this issue.

**Mixed and Multiple Uses:** A mixture of land uses, housing, jobs and incomes creates a more balanced community, reduces traffic and creates a better fiscal balance. Use of a village land use classification pattern that reduces reliance on the automobile by allowing a variety of land uses is also a valuable tool in promoting this type of community. The building blocks of a village are neighborhoods which incorporate housing, shops, employment, schools, parks and civic facilities essential

to the daily life of residents.

New mixed-use retail and office centers should be located at the north (NC 73) and south (Mt. Holly - Huntersville Road) ends of the corridor in "hamlet" centers. A hamlet can be defined as a discernible place with a focal point and boundary that maintains and fosters primarily residential, institutional (i.e. places of worship, schools) or recreational activities. 50% or more of its land is dedicated to open space (either a preserve or reserve). It is organized in accordance with a pedestrian scale. Its boundary is typically an agricultural or natural area.

There are a number of uses that are compatible within the neighborhood core as permitted in the Town's Neighborhood Residential (NR) District zoning classification. To enhance these neighborhoods, a percentage of retail in the neighborhood core should be prescribed within the zoning code. Design elements and standards should also be established to ensure retail viability of the core.

Design elements should include:

- Architectural detailing of storefronts
  - Main street shops
  - On street parking
- Building heights two- four stories
- Streetscapes with human and architectural interest
- Mixed use: residential or office over retail
- Site planning for new commercial and mixed-use development is to employ a village-grid development pattern that can easily be adapted or transition between residential, open space, mixed-use and civic uses over time.
- Public/civic open space with green linkages to adjacent neighborhood and parks





*Above: Sketch of the Holly Bend Plantation on Neck Road, on the National Register of Historic Places.*

### 6.3.2 Architectural Framework for Community Design

Design standards for commercial development are to reference the rural and historical features of the Beatties Ford Road Corridor. New commercial and civic structures are recommended to be composed of brick and employ Neoclassical/Palladian details in the style reminiscent of Federalist civic architecture, such as that of the historic churches in the area. Regional precedents of Federalist civic buildings (or older Georgian Colonial precedents) are to be found throughout Virginia and the Carolinas, and it is worth mentioning those structures that have been preserved in downtown Alexandria, Virginia, Old Salem in Winston-Salem, and Edenton, N.C. (a fine example is St. Paul's Episcopal Church in Edenton, the oldest brick church in use in North Carolina). The buildings defining the

William J. Bowman Square in Vermillion are contemporary examples in Huntersville that incorporate references to Federalist architecture. The Hopewell Presbyterian Church will serve as the precedent for Federalist period architecture in the study area. Like many of the historic, rural homes in the area, this architecture emphasizes the human scale and exhibits stately restraint in building massing and in the handling of architectural elements and ornamental details.

In order to honor the historic heritage of the Corridor, building elements shall employ the following features and physical guidelines:

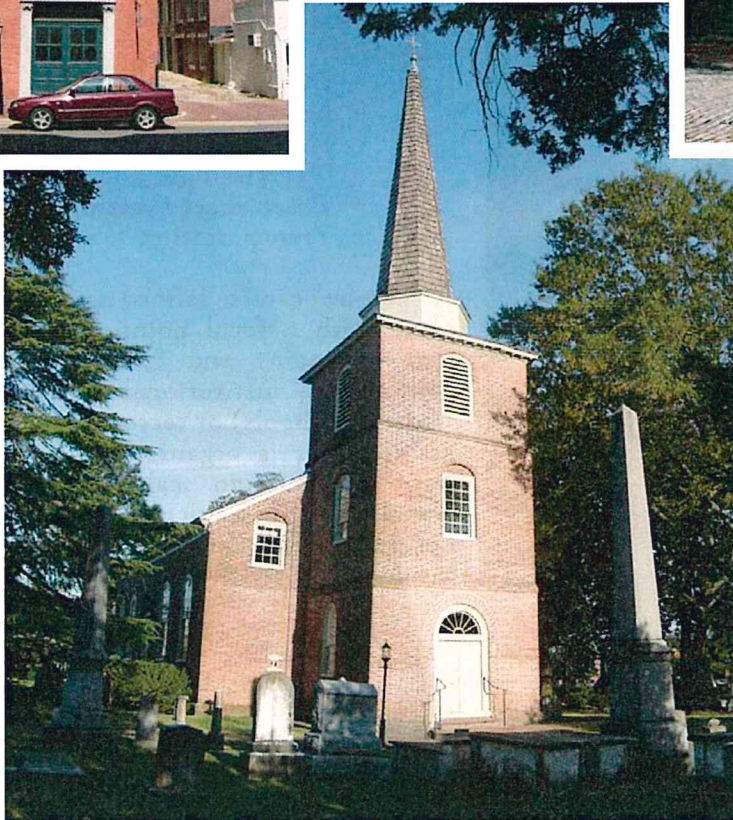
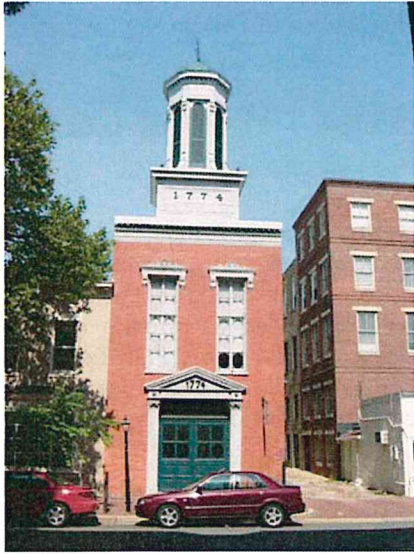
- Signage, lighting, and awnings are to be integrated into frieze band above the first story
- Primary building materials are to be masonry, wood, and/or fiber cement board
- Building elements such as frieze, cornice, and columns are to have architecturally correct proportions
- Wood frame windows & mullions
- Significant buildings are to be emphasized by unique architectural features such as towers, clerestory windows, pyramid roofs, and deep overhangs
- Tower elements, either freestanding

### SUGGESTED ARCHITECTURAL MATERIALS

Material used for future enhancements of BFR Corridor should reflect the rich historical heritage of the region. Natural materials such as brick, stone, and wood should be used as they reflect a continuity with the historical framework of the area.







*Above and left: Examples of civic structures and treatments. Above left to right: a firehouse in Alexandria, Virginia; intersection monument, Alexandria, Virginia; Freemason Street in Norfolk, Virginia.*

*Left: The oldest brick church in use in North Carolina - the St. Paul Episcopal Church in Edenton, N.C., exhibiting the character of late Georgian architecture.*

*Below: The Historic Hopewell Presbyterian Church.*

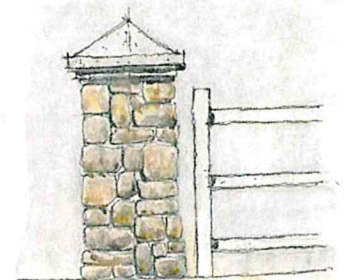


or part of a larger building, are located to terminate street vistas, emphasize significant street intersections, and highlight major open spaces

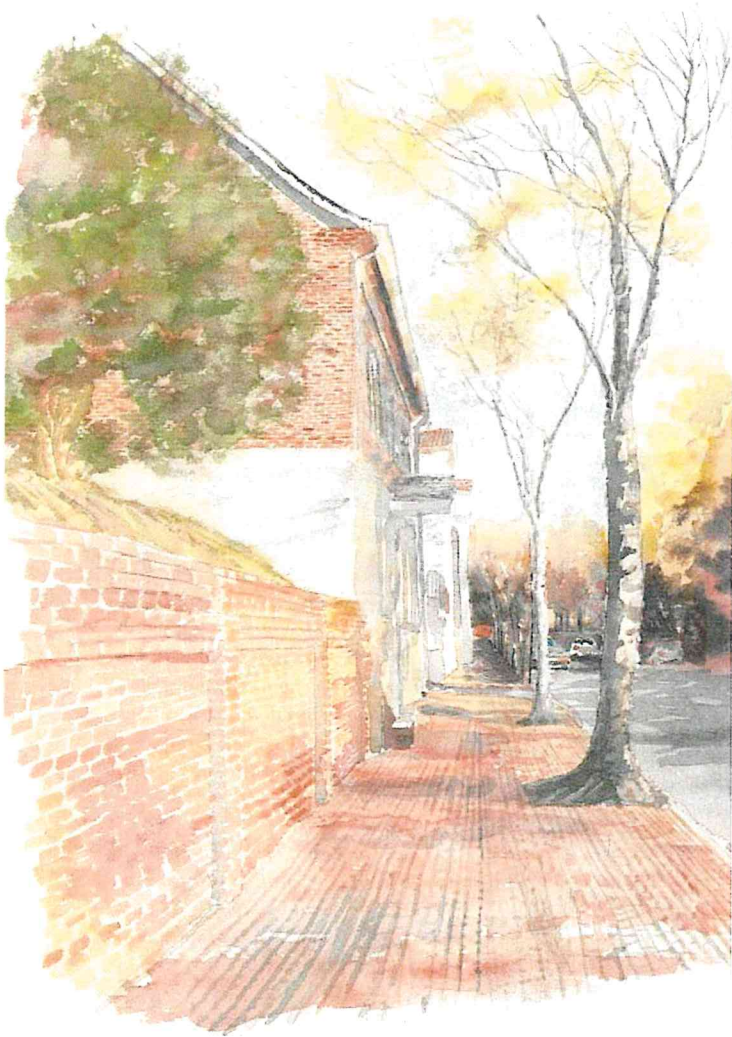
- Masonry details, such as rowlock sills, reveals, stretcher coursing, and corbels, are used to highlighting major building elements
- Traditional storefronts with wood mullions, solid or glass transom, and wood or masonry base
- Entrances are to be defined by features such as awnings, overhangs, lintels,

pediments, porches, and recessed facades

- Wide (10'+) sidewalks with textured bands and joint spacing to relate to the building's column/bay spacing
- Split rail wood fencing with stone columns to reflect local historic features (example of a gateway pillar illustrated at right)







## 6.4 Mixed Use / Hamlet Centers

At the May 10<sup>th</sup> open house, public consensus favored the adoption of a mixed-use/hamlet center development concept for those areas designated as appropriate locations for commercial uses. A mixed-use/hamlet center development pattern would require that the following issues be addressed:

- Density/scale
- Land use pattern
- Functional relationships
- Overall image and identity
- Green space system
- Transportation

A "hamlet" can be defined as a discernible place with a focal point and boundary that maintains and fosters residential, commercial, institutional (i.e. places of worship, schools) or recreational uses and activities. It is organized in accordance with a pedestrian scale to permit and encourage non-vehicular transportation options (i.e. walking and biking).



*Old Salem in Winston-Salem (left) is an example of a district demonstrating the character of a potential Hamlet Center. The streetscape for the Long Creek Hamlet Center (above) draws from the character of Old Salem and honors the brick vernacular architecture of the BFRCSAP Corridor. At right is a detail of the base rustication of the Cedar Grove Plantation House.*



*Below are structures that represent the rural heritage of the BFRCSAP corridor; pictured left to right are: a cabin in the Long Creek Community, the Historic Torrance Store, the well of the McCoy-Nisbit House.*





#### 6.4.1 Beatties Ford Road/Highway 73 Development

A mixed use commercial center containing retail, multi-family residential, and civic uses is proposed at the northern end of the study area where Beatties Ford Road, Vance Road and NC 73 intersect. The location and composition of this center will be subject to final determination of the road network recommended by this plan by MUMPO and the Town.

#### 6.4.2 Latta Village:

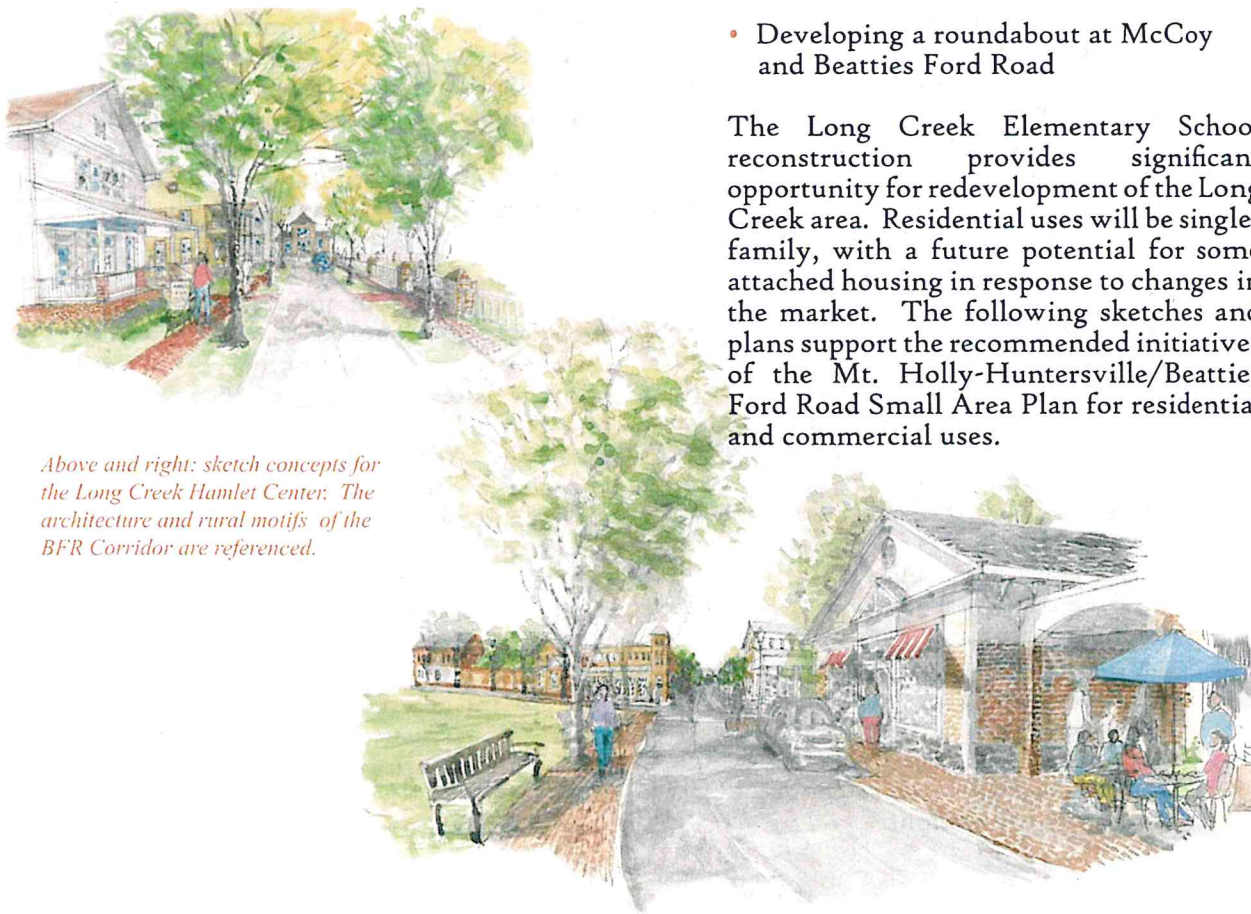
On January 16, 2007, the Town Board approved a commercial center with approximately 100,000 square feet on 23 acres. The approved plan is anchored by a 55,600 square feet grocery store. An internal grid pattern has been established with the introduction of public streets that provides connections to the Hopewell High School property and Hambright Road .

#### 6.4.3 Long Creek Community:

In 2005, The Town of Huntersville retained the services of Gemini Studios, Warren Associates and the Littlejohn Group to prepare a market based vision for the intersection of Mt. Holly-Huntersville and Beatties Ford Road. The focus of the plan was to create a new "urban village" centered on the Long Creek Elementary School. The plan identified a number of initiatives that are relevant to The Beatties Ford Road Corridor Small Area Plan, including:

- Focusing retail development on Mt. Holly- Huntersville Road (25,000 - 50,000 square feet demand by the year 2015)
- Making the Long Creek Elementary School the focal point of the future Long Creek hamlet center
- Increasing residential development
- Developing a roundabout at McCoy and Beatties Ford Road

The Long Creek Elementary School reconstruction provides significant opportunity for redevelopment of the Long Creek area. Residential uses will be single-family, with a future potential for some attached housing in response to changes in the market. The following sketches and plans support the recommended initiatives of the Mt. Holly-Huntersville/Beatties Ford Road Small Area Plan for residential and commercial uses.



*Above and right: sketch concepts for the Long Creek Hamlet Center. The architecture and rural motifs of the BFR Corridor are referenced.*





## 6.5 Open Space and Preservation

During the public participation process for the BFRCSAP, preservation of the historic, rural heritage of the Corridor was a primary concern raised by stakeholders and the public. Continuing preservation of the natural lands and farms of the Corridor will not only preserve the qualities that make the Corridor distinct, protecting the quality of life for the Town of Huntersville, but also serve the greater region through recreation, education, and the continued conservation of the region's air and water quality, local wildlife and ecological diversity. Conservation planning presents physical solutions and policies for smart growth that should not be misconstrued as "anti-growth". Conservation strategies are necessary mechanisms of responsible civic management and planning to sustain the economy, resources, public health and future growth of the region. To help gather public support and resources to implement a conservation vision, this plan proposes an open space framework for the BFR Corridor with two primary aims: (1) to designate specific areas for preservation and (2) to build a cohesive open space network, presenting a conceptual framework for integrating these pristine areas with the community. The following framework will highlight and strengthen community assets that the Town of Huntersville, Mecklenburg County and their citizens can support and protect for generations.

### 6.5.1 Open Space Preservation

The primary goal of this plan is to create a preservation vision for the BFR Corridor. Preservation of the area's historic and rural lands is not only important for preserving the character and quality of life of the Corridor, it is necessary for the preservation of regional assets, namely, the distinct natural communities that still exist in these lands and the critical watersheds, aquatic and riparian habitats that convey and filter water to the inlet of the drinking water supply system for the Town of Huntersville and other communities served by Mountain Island Lake.

Six of the fourteen nature preserves in Mecklenburg County are located within the study area. A number of natural heritage sites are located both inside and outside the County owned nature preserves. Added to these protected areas is a Duke Energy facility just south of NC 73 and adjacent to the Catawba River, which provides conservation areas that function as a waterfowl refuge along the river. These nature preserves form an almost unbroken string of preservation lands along the Catawba River, creating a dominant green border of natural open space to permanently encompass most of the meandering western edge of the study area. With the exception of a few subdivisions, farm house clusters and the CMUD Waste Water Treatment Plant,

**Traffic Impact Analysis (TIA)**  
**Application for Determination**  
**of TIA Need**

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create fifty (50) or more peak hour vehicle trips or 500 or more daily trips.

In order to determine whether a TIA will be required for your proposed development, please fill out the form below and submit to the Planning Department. A "Determination of TIA Need" will be made within 10 working days.

**Applicant:** Robert Watson

**Project Name:** Blythe Landing Storage

**Location:** Old Mill Road & Beatties Ford Road

**Project Description** (including square footage for each proposed land use):

Storage w/office-Detail  
116,300 SQFT total

Robert Watson 7-25-16  
**Applicant's Signature** **Date**

Please feel free to contact the Planning Department @ (704) 875-7000 if you have any questions.

Project file#:	_____
Date Submitted:	<u>7/26/16</u>
Daily Trips Anticipated:	<u>291</u>
Peak Hour Trips Anticipated:	AM <u>16</u> PM <u>30</u>
TIA Required (Yes/No):	<u>No</u>
Date of Determination:	<u>7/26/16</u>
<div style="border: 1px solid blue; padding: 5px; margin-top: 10px;">Determination based on 116,300 feet of self storage use (mini warehouse #151).</div>	



# **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 August 1, 2016

Name of Project Blythe Landing Storage Phase # (if subdivision) \_\_\_\_\_

Location 14936 Brown Mill Road, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 009 02 202

Current Zoning District Rural Proposed District (for rezonings only) Special Purpose

Property Size (acres) 9.25 acres Street Frontage (feet) 415' Brown Mill Road 140' Beatties Ford Road

Current Land Use Farm

Proposed Land Use(s) Self Storage

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.

Indoor and outdoor storage

## 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.

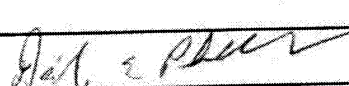
For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

## 6. Signatures

\*Applicant's Signature  Printed Name Robert Watson

Address of Applicant 19607 W. Catawba Avenue, Cornelius, NC 28031

Email robertewatson@gmail.com

Property Owner's Signature (if different than applicant) 

Printed Name Daniel Phillips

Property Owner's Address 14720 Brown Mill Road, Huntersville, NC 28078 Email phil3147@bellsouth.net

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

Robert Watson	Robert Watson	704-807-1733	robertewatson@gmail.com
Development Firm	Name of contact	Phone	Email
Trachte, Inc.	Jamie Lindau	608-327-3119	jlindau@trachte.com
Design Firm	Name of contact	Phone	Email

### If Applying for a General Rezoning:

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

### If Applying for a Conditional Rezoning:

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

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

### If Applying for a Subdivision:

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

## Contact Information

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

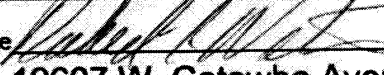


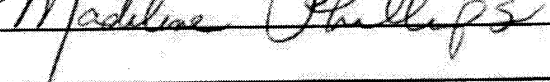
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Address of Applicant 19607 W. Catawba Avenue, Cornelius, NC 28031  
Email robertewatson@gmail.com

Property Owner's Signature (if different than applicant)   
Printed Name Madeline Phillips

Property Owner's Address 14720 Brown Mill Road, Huntersville, NC 28078 Email phil3147@bellsouth.net

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

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## 6. Signatures

\*Applicant's Signature Robert Watson Printed Name Robert Watson

Address of Applicant 19607 W. Catawba Avenue, Cornelius, NC 28031

Email robertewatson@gmail.com

Property Owner's Signature (if different than applicant) Helga Haddix (AIF)

Printed Name Helga Haddix, by Gardner Haddix, Attorney In Fact

Property Owner's Address 2291 McCloud Street, Denver, NC 28037 Email Kyridgerunner@bellsouth.net

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

Robert Watson	Robert Watson	704-807-1733	robertewatson@gmail.com
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**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**3/20/2017**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Michael Jaycocks  
**Subject:** Lake Norman Charter School Joint Use Agreement

---

The Town of Huntersville currently has two separate Joint Use Agreements with the Lake Norman Charter School, one for the Middle School Gym and Multipurpose Room which ends on September 1, 2027, and one for the High School Gym, which ends on October 31, 2019. This new Joint Use Agreement will be for all three Charter School Gyms for a period of 20 years. This 20 year period would not start until the Town has access to the new Elementary School Gym. The two existing Agreements at the High School and the Middle School will be on this new Agreement with the new Elementary School site. The Charter School will continue to have the same access to Town operated fields and tennis courts as they do know. The Charter School will be responsible for the operational cost for the gyms and the Town will continue to be responsible for the operational cost of the fields and tennis courts.

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

**ACTION RECOMMENDED:**

Consider approving the New Lake Norman Charter School Joint Use Agreement.

**FINANCIAL IMPLICATIONS:**

\$500,000 in FY19. This is currently in the Town's 5 year CIP.

**ATTACHMENTS:**

Description	Type
□ Joint-Use Agreement	Backup Material

## JOINT USE AGREEMENT

This Joint Use Agreement (“Agreement”) is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between **TOWN OF HUNTERSVILLE**, a North Carolina Municipal Corporation (“hereinafter “Town”), and **LAKE NORMAN CHARTER SCHOOL, INC.**, a North Carolina Non-Profit Corporation (hereinafter “LNCS”).

**WHEREAS**, the Town and LNCS entered into a Lease and Operating Agreement (“Lease”) dated December 17, 2004, wherein LNCS was seeking to acquire property for a new school, and the parties agreed to cooperate in the design, construction, operation and use of a gymnasium. The term of the Lease is ten (10) years as of the date of delivery, with an option to renew and extend the term for a period of ten (10) additional years. The subject gymnasium is referred to herein as the “Middle School Gym”; and

**WHEREAS**, the Town and LNCS entered into a Lake Norman Charter School Joint Use Agreement (“LNCS Joint Use Agreement”) dated January 5, 2009, wherein LNCS intended to construct a new high school facility with a gymnasium, and the parties agreed upon the design, construction, operation and use of the gymnasium. The term of the LNCS Joint Use Agreement is until October 31, 2019, and any extension shall be subject to negotiation. The subject gymnasium is referred to herein as the “High School Gym”; and

**WHEREAS**, LNCS has acquired property for a new Elementary School located on Hambright Road in Huntersville, North Carolina, and intends to construct a facility with a gymnasium and playing fields, and the parties desire to agree upon the design, construction, operation and use of the gymnasium. The subject gymnasium is referred to herein as the “Elementary School Gym”; and

**WHEREAS**, the parties hereto wish to enter into this Agreement to (1) set forth the terms and conditions of the joint use of the Elementary School Gym, and (2) merge the Lease and LNCS Joint Use Agreement into this Agreement. All subject gymnasiums are referred collectively to herein as the “Gymnasiums”.

## AGREEMENT

**Therefore**, for the recited considerations, the parties agree as follows:

1. **Design.** LNCS will design the Elementary School Gym, which will include certain reserved, secured space for Town’s exclusive use consistent with the space reserved for the Town at the Middle School Gym and the High School Gym. The Elementary School Gym will accommodate at a minimum an 84’x50’ basketball court and seating for 300 spectators. The Town shall have the right to review and approve the design plans for the Elementary School Gym. The Town’s approval may not be unreasonably withheld and will be deemed given unless the Town provides reasonable and specific objections to the design plans within 14 days of receipt.



2. **Construction.** LNCS shall be responsible for constructing the Elementary School Gym.
3. **Contribution.** Town shall make a one-time lump sum payment toward the construction cost of the Elementary School Gym in the amount of \$500,000. This payment shall be made directly to LNCS, and shall be due within 30 days of LNCS's receipt of a Certificate of Occupancy but no earlier than July 1, 2018. The Town acknowledges that the contribution made through this agreement does not give them ownership rights to gymnasiums or other LNC property.
4. **Upgrades.** If Town requests any additional upgrades to the Elementary School Gym in addition to the approved plans, and LNCS agrees to such upgrades, Town shall be responsible for payment to LNCS for the additional upgrades.
5. **Termination and Replacement of the Lease and LNCS Joint Use Agreement.** Upon payment of the amount due as set forth above, the Lease and LNCS Joint Use Agreement shall be deemed terminated, and the parties' joint use of the Middle School Gym and High School Gym shall be governed by this Agreement.
6. **Joint Use.**
  - a. LNCS and Town shall jointly use the Gymnasiums. LNCS shall have exclusive use as needed (i) during school operating hours until 6:00 p.m., as that term is defined by LNCS, and (ii) during certain other days, evenings and weekends as needed for at dates and times reasonably determined by LNCS ("Reserved Hours"). Notwithstanding, Town may use the Gymnasiums for public purposes for the operation of recreation and athletic activities, which will mainly be held during weekend hours, and week day evening hours beginning at 6:00 p.m. that are not in conflict with school operating hours or Reserved Hours. Use of the Gymnasiums are subject to the provisions herein, and shall be coordinated together with the provision of paragraph 7 below.
  - b. The Town shall not use the Gymnasiums, or any of them, at any time for a purpose that would be deemed a "Private Business Use" as that term is defined in the Arbitrage and Tax Regulatory Agreement among the LNCS, the North Carolina Capital Facilities Finance Agency and Branch Banking & Trust Company dated as of May 16, 2008, or for any other purpose which may cause the interest on the North Carolina Capital Facilities Finance Agency Tax-Exempt Variable Rate Educational Facilities Revenue Bonds (Lake Norman Charter School), Series 2008A and 2008B to be included in the gross income of the Holders thereof or any other future tax exempt financing that LNC may issue in the future.

- c. LNCS shall be allowed to reserve and use the Town's Athletic Fields and Tennis Courts (including but not limited to three (3) Lacrosse practice fields in the spring; two (2) football practice fields in the fall; two (2) soccer practice fields in the fall and spring; two (2) baseball practice fields in the spring; two (2) softball practice fields in the spring; three (3) tennis courts in the fall and spring; two (2) baseball game fields in the spring; and two (2) softball game fields in the spring) during mutually agreed upon times and days reasonably determined by Town. LNCS shall enjoy the same usage of these Town facilities as it has experienced during the calendar year of 2016 as noted above, and the town shall maintain that level of usage. Use of said Town facilities are subject to the provisions herein, and shall be coordinated together with the provision of paragraph 7 below.
  - d. The Town shall continue to have access to the Middle School's community room at mutually agreed upon times outside regular school hours.
7. **Scheduling.** Subject to the other terms of this Agreement, the Town shall be responsible for coordinating the scheduling of the Gymnasiums in cooperation with LNCS. LNCS shall provide the Town of Huntersville, Parks and Recreation Department Director, or designee, no later than July 1 annually, a schedule of school operating hours and Reserved Hours. Within thirty (30) days thereafter, Town will provide LNCS a schedule of dates and times it intends to operate programs on the premises. These procedures shall not preclude either party from requesting additional time, either within the LNCS school hours or Reserved Hours, or within those times designated by the Town, and each party will work in good faith to accommodate the other. LNCS shall make its field and court request to Town semi-annually in the fall and spring. Additional details as to scheduling and other operational policies and procedures are to be established by the parties in a Memorandum of Understanding described in Section 8 hereof.

Notwithstanding, if LNCS should schedule school hours and Reserve Hours to the extent that Town is unable to reasonably utilize a certain LNCS gymnasium during Town's normal and customary recreation usage throughout the year, then Town shall be given additional usage of another LNCS gymnasium so no shortages in usage occurs. For purposes of usage, a year shall be deemed to begin on August 1 and end on the ensuing July 31. Exclusive rights over outside third party users shall be subject to Town's use.

8. **Rules and Regulation; Memorandum of Understanding.** The parties shall have the right to establish, modify, publish and enforce reasonable and uniform rules and regulations applicable to the use of the gymnasiums, grounds, Athletic Fields and Tennis Court, consistent with each other's use of said premises and grounds. Each party agrees to comply with such rules, regulations, policies and procedures, and to use its best efforts to cause its employees, agents, guest and invitees to comply. Such rules and regulations, in addition to scheduling and other operational policies and procedures to be established by the parties, shall be documented in a separate, annual Memorandum of Understanding, as the same may be modified from time to time, and which Memorandum of



Understanding can be incorporated as a single Memorandum of Understanding in connection with usage of all facilities referenced herein. The annual Memorandum of Understanding need only be approved by the Superintendent of LNCS, or designee, and the Town's Parks and Recreation Department Director, or designee. The Memorandum of Understanding shall include provisions relating to the requirement that each party shall have a responsible employee present during all times that it is using the other party's property and/or facility.

9. **Maintenance.** LNCS shall pay and be responsible for all costs of operation, utilities, security and routine maintenance, including but not limited to janitorial service of the Middle School Gym, High School Gym and Elementary School Gym, excepting such repairs as would be the Town's responsibility pursuant to Section 10. Town shall pay and be responsible for all costs of operation, utilities, security and routine maintenance, including but not limited to janitorial service of its Athletic Fields and Tennis Courts, excepting such repairs as would be the LNCS's responsibility pursuant to Section 10.
10. **Indemnity; Insurance.** To the extent permitted by law, LNCS and Town shall each defend, indemnify and save harmless the other party and its employees, agents and officers, and elected officials from and against any and all losses, claims, suits, damages or expenses, including but not limited to reasonable attorney's fees arising out of or in any manner connected with the indemnitor's occupancy, use or operation of the premises, excepting however, losses, damages, suits, claims or expenses caused by the sole negligence of the indemnitee, its officers, agents, elected officials, or employees. Each of the parties hereto shall at its expense secure and maintain in full force and effect during the term hereof, a policy of automobile bodily injury and property damage liability insurance covering owned, non-owned and hired vehicles for an amount not less than One Million Dollars (\$1,000,000.00), combined single limits, a policy of comprehensive general insurance for bodily injury and property damage in the amount not less than One Million Dollars (\$1,000,000.00), combined single limits; and a policy of workers compensation insurance with applicable statutory limits. In lieu of the policies required hereunder, each party may elect to provide the equivalent insurance under a self-insurance program reasonably acceptable to the other party. All policies of insurance (including participation certificates in a self-insurance program) shall provide that the same shall not be canceled or materially altered until a ten (10) day written notice of cancellation, material change or non-renewal has been served upon the other party.
11. **Damage.** LNCS shall be solely responsible for obtaining all property damage insurance on the property to provide for rebuilding of the property in the event of damage by fire or other casualty. In the event of such property damage so that the Elementary School Gym, or Gymnasiums, become untenable, and the LNCS elects to rebuild the premises, this Agreement shall remain in force and effect but shall be extended for a period of time equal to that time that the premises was unusable. If, however, a premises become damaged or destroyed by fire or other casualty and LNCS elects not to rebuild, then this

Agreement shall terminate for that particular premise, and Town shall be refunded a proportionate part of its initial contribution to its construction of the Elementary School Gym based upon the years remaining under this Agreement.

12. **Town Space.** LNCS shall provide, within the Gymnasiums, an area for the exclusive use of Town, such as for storing of any non-hazardous fixtures, equipment or supplies. Town shall be responsible for the maintenance of that area in addition to its other responsibilities hereunder. Upon termination of this Agreement, Town shall promptly remove its equipment, supplies and fixtures from these areas.
13. **Default.** If either party shall default in any of its obligations hereunder, and if that default is not remedied within thirty (30) days after written notice by the other, or if such default cannot be remedied with that period or is not diligently pursued within that time period, the non-defaulting party shall have all remedies available to it in law and in equity, including the right to terminate the Agreement. In the event that the Agreement is terminated, Town shall be entitled to a refund of a proportionate portion of the initial contribution, based upon the unused time remaining under the terms of the Agreement.
14. **Term.** This Agreement shall be for a term beginning upon the completion and availability of the Elementary School Gym (anticipated date being August 2018), and ending twenty years after (anticipated date ending July 31, 2038), provided that if the Elementary School Gym is not available for usage by August 1, 2018, then the termination date shall be extended by the number of months of delayed availability. Any extension beyond the termination date shall be subject to negotiation by the parties.
15. **Notices.** Any and all notices are to be given under this Agreement or otherwise may be served by enclosing the same in a sealed envelope addressed to the party intended to receive the same as registered or certified mail with postage prepaid, or by hand delivery, or overnight mail by nationally known carrier, as follows:  
  

TOWN:           Town of Huntersville  
                  Attn: Park and Recreation Director  
                  Post Office Box 664  
                  Huntersville, North Carolina 28070

LNCS:           Lake Norman Charter School  
                  Attn: Superintendent  
                  12435 Old Statesville Road  
                  Huntersville, North Carolina
16. **Amendments.** This Agreement may be amended only by written instrument executed by the parties hereto.



17. **Applicable Law.** This Agreement shall be governed and construed in accordance with the laws of the State of North Carolina, and the sole venue for any action brought in connection herewith shall be brought in a State or Federal court sitting in Mecklenburg County, North Carolina.
18. **Entire Agreement.** The entire agreement between LNCS and Town concerning the Gymnasiums, fields and tennis courts, including the combined termination date for all three (3) Gymnasiums is contained in the provisions of this Agreement. Any stipulation, representations, promises or agreements, written or oral, made prior to or contemporaneously with this Agreement shall have no legal or equitable effect or consequences unless reduced in writing herein or in other such written agreements.
19. **Consent.** Wells Fargo Bank, National Association (“Bank”), is named as Beneficiary of the Third Amended and Restated Deed of Trust, Assignment of Rents, Security Agreement and Financing Statement (Secures Future Advances) (the “Deed of Trust”), dated July 7, 2016, which is of record in the Register of Deeds, Mecklenburg County, North Carolina in Deed Book 30978, at Page 251. As a condition of this Agreement, LNCS will obtain and provide to Town Bank’s consent to this Agreement as required in Paragraph 11 of the Deed of Trust.

REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be executed in duplicate, by authority duly given with all the formality required by law as of the date here first above written.

**TOWN OF HUNTERSVILLE**

ATTEST:

By: \_\_\_\_\_  
John Aneralla, Mayor

\_\_\_\_\_  
Janet Pierson, Town Clerk

(SEAL)

Approved as to Form

This instrument has been pre-audited in the manner required by the Local Government Fiscal Control Act

\_\_\_\_\_  
Robert B. Blythe, Town Attorney

\_\_\_\_\_  
Jackie Huffman, Finance Director

**LAKE NORMAN CHARTER SCHOOL,  
INC.**

By: \_\_\_\_\_  
Shannon Stein, Superintendent



**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**3/20/2017**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Dan Boone  
**Subject:** Planning Board Appointment to Huntersville Ordinances Advisory Board

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Consider appointing Susan Thomas as the Planning Board representative to the Huntersville Ordinances Advisory Board to replace Joanne Miller.

**ACTION RECOMMENDED:**

Action on Appointment

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

Description	Type
□ Planning Board Representative	Cover Memo

## Jack Simoneau

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**From:** Dan Boone  
**Sent:** Wednesday, March 01, 2017 3:59 PM  
**To:** Jack Simoneau  
**Cc:** Michelle Haines  
**Subject:** Fwd: New PB Rep to your Board

Jack, Starting with our April meeting the PB representative for the Huntersville Ordinances Advisory Board will be Susan Thomas. Dan

Sent from my iPad

Begin forwarded message:

**From:** [HBankirer@aol.com](mailto:HBankirer@aol.com)  
**Date:** March 1, 2017 at 10:51:08 AM EST  
**To:** [danboonenc@aol.com](mailto:danboonenc@aol.com)  
**Subject:** New PB Rep to your Board

Dan - Susan Thomas will be the new volunteer starting in April. Joanne indicated that she will be there for the March meeting and will likely attend as an interested party on occasion.

thanks



**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**3/20/2017**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Jackie Huffman / Gerry Vincent  
**Subject:** Budget Amendment and Authorize Payoff of Commerce Station Loan

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At the January retreat, the Town Board requested Staff reach out to Cornelius and Davidson to pursue prepayment in full of the Bank of America loan used to finance the first phase of Commerce Station infrastructure. The Cornelius Town Board has endorsed the loan payoff, and the Davidson Town Board is expected to approve the payoff at their March 14, 2017 meeting.

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

**ACTION RECOMMENDED:**

Approve loan payoff and related budget amendment.

**FINANCIAL IMPLICATIONS:**

Use of \$491,004.98 in Huntersville General Fund Balance in FY 2017.

This action eliminates total debt service payments of \$522,235.12 in FY 2018 - FY 2020.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**3/20/2017**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Mayor John Aneralla  
**Subject:** Resolution

---

Consider adopting resolution urging the Metropolitan Transit Commission to reject the current Charlotte Area Transit System budget for fiscal year 2018 and fiscal year 2019.

**ACTION RECOMMENDED:**

Adopt Resolution

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

Description	Type
□ Resolution	Resolution

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

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

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

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

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

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

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

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

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

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

Adopted this the 20<sup>th</sup> day of March 2017.

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John Aneralla, Mayor

ATTEST:

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Janet Pierson, Town Clerk



**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**3/20/2017**

**REVIEWED:**

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

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Consider approving the minutes of the March 6, 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**

**March 6, 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 5:30 p.m. on March 6, 2017.

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

Commissioner Guignard made a motion to go into closed session for personnel. Commissioner Bales seconded motion. Motion carried 5-0.

Upon return from closed session, the Board heard a presentation from Nate Bowman requesting the Board consider a storm water ordinance for parcels in the downtown an acre or less to eliminate water quality in lieu of a payment of mitigation and also have a program that allows for reimbursement of infrastructure for people who are willing to put in higher density developments.

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

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**REGULAR MEETING  
TOWN OF HUNTERSVILLE  
BOARD OF COMMISSIONERS**

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

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

The Boy Scouts led the Pledge of Allegiance.

**MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS**

Mayor Aneralla

- The next meeting of the North Meck Alliance is March 9.

#### Commissioner Bales

- Expressed appreciation to the Parks & Recreation Department for the groundbreaking ceremony for the new Rec Center.
- The Lake Norman Education Collaborative is partnering with the Lake Norman EDC and Chamber of Commerce to host a speed networking event at Hopewell High School on April 5. This speed networking event will be for their academies of Hospitality and Tourism and their Engineering Program.
- Huntersville has 17 active economic development projects. Three are in the first contact mode, five are in follow-up, four are currently setting up visits and five projects we are the finalist for.

#### Commissioner Boone

- The Police Department will host Coffee with a Cop at Chick-fil-A on March 7.
- Registration for summer youth camps will start on March 27.

#### Commissioner Guignard

- The next meeting of the Planning Coordinating Committee is in about 6 weeks.
- The Huntersville Lions Club will have a fundraising pancake breakfast this Saturday morning to assist in the medical bills and travel expenses of the Huntersville citizens diagnosed with Ocular Melanoma.
- The 21<sup>st</sup> Annual Angels of 97 Spaghetti dinner is March 18.

#### Commissioner Kidwell

- Welcomed former Mayor Jill Swain who was present in the audience.
- The next meeting of the Charlotte Regional Transportation Planning Organization is March 15.
- Expressed appreciation to the Parks & Rec Department for the groundbreaking on the Rec Center. All permits have been approved for Veterans Park.

#### Commissioner Boone

- Announced upcoming Lake Norman Chamber events.
- Reported on Visit Lake Norman events.

Gerry Vincent, Interim Town Manager, updated Board on current projects.

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

Bruce Andersen, 16125 Weatherly Way, addressed the Board concerning request by CATS to study a fixed rail alternative to the current Red Line plan. *Refer to written comments attached hereto as Attachment No. 1.*

Dianne Powers, 15324 Beatties Ford Road, said I recently learned more about the idea of building storage units behind the Old Store on Beatties Ford Road and that it would be located between the store and the fire department. I've heard that the Town's requirement that a wide planting of trees to protect the view of the neighbors is not being used on the property. Apparently this is because of the powerlines and Duke does not care about the view. I do. I live at the corner of Gilead Road and have enjoyed the view of the garden behind the Old Store for many years. I do not like the idea of seeing the back of storage buildings. Storage yards are also used for cars, trucks, sometimes they store junk that most people would not like to see outside their window. Please consider the view of the neighbors, not the power lines when you make your decision.



Charles Rapp, 15834 Pine Knoll Lane, said I'm here on behalf of the neighborhood, Town of Huntersville and the citizens within the Town of Huntersville. I have a few statements that I'm going to read to you. For the citizens in the Town of Huntersville, the approval of R16-09 will eliminate the best road option that has been completely vetted by our experts and the Town of Huntersville and could eliminate an even better option for traffic flow in the future. Approval for R16-09 takes away the experts approved current road plan and any other improved option in the future for the Town of Huntersville and its traffic issues that we currently are seeing every day and these traffic issues going into the future. Another statement from a neighbor, a friend of mine.....the citizens of Huntersville look to you to make decisions that are in the best interest of the Town, the traffic flow now and moving forward. Another statement.....the ethical choice on behalf of the citizens of Huntersville is to not disregard the planned transportation routes in our town and county. To disregard any of these already approved plans does not seem ethical. Approving R16-09 that is in direct conflict with the previously approved plans for the Town of Huntersville and its citizens is not acceptable or ethical.

Titus Bartolotta, 12902 Blakemore Avenue, addressed the Board in support of the Town allowing Health & Sport Works to continue the management of Huntersville Family Fitness & Aquatics. *Refer to written comments attached hereto as Exhibit No. 2.*

Anslie Hudson, 19219 Betty Stough Road, Cornelius, owner and President of Health & Sport Works, requested the Board to honor their contract for the management of Huntersville Family Fitness & Aquatics. *Refer to written comments attached hereto as Exhibit No. 3.*

Jill Swain, 105 Nitsa Lane, addressed the Board in support of the Town allowing Health & Sport Works to continue the management of Huntersville Family Fitness & Aquatics. *Refer to written comments attached hereto as Exhibit No. 4.*

John Ryan, 13839 Hastings Farm Road, said I am a part of the Hagers Ferry development and I've been asked to speak on the behalf of the homeowners in regard to the proposed rezoning for a storage facility at the corner of Beatties Ford Road and NC 73. A couple of items have been brought up by myself and neighbors which include the eyesore that would be at the western gateway to Huntersville, whether the new alignment comes in and ends up right there where the storage facility is proposed or if the widening of 73 occurs and those facilities are right there. Looking at the proposed plan there are a number of issues with it in terms of easements – over 80 percent of the proposal does not have the 20' easement that it is supposed to have and that's a problem. It looks as though the building in that location right smack in the middle of the potential proposed northwest extension of NC 73 is being put there to block that. It looks just like a road block. And that's a problem. That shouldn't be happening as we are looking at taking care of the traffic problems that we have in that part of Huntersville. Those were the items that were brought up in neighborhood conversations very quickly as we found out about this proposal this past week. I echo what some other people have said. I wanted to let you know that there are a number of people who are here who agree with me and are present to object to this rezoning.

Eric Rowell, 7847 Horseshoe Creek Drive, said I was initially going to talk about R16-09 but I think I'm going to hold off on those comments. But while I'm here I do just want to briefly address the HFFA bid item that's on the agenda. I do want to applaud the Board for putting that on tonight's agenda. I think it's long overdue. Only in government could you have a contract not be put out for bid for 15 years and it be seen as a good thing. How do we know that the taxpayers are getting their money's worth if we don't have any basis for a comparison. This is simply a bid process, nothing more nothing less. If HSW is the only person that bids, maybe they are indeed the only company that can run this facility. If other

people put their name out for bid it will be a public process. But I think rushing through the contract in October 2015 before the last election could take place was a disservice to the taxpayers in Huntersville. I do encourage you to vote in favor of putting out the contract for bid tonight and we'll see who comes back with a bid to run the facility.

### **AGENDA CHANGES**

Commissioner Guignard made a motion to adopt the agenda.

Commissioner Phillips seconded motion.

Motion carried 5-0.

### **PUBLIC HEARINGS**

**Petition #R16-12.** Mayor Aneralla called to order public hearing on Petition #R16-12, Anchor Mill Rezoning, a request by Nate Bowman to rezone Parcel 01902201 from Neighborhood Residential to Town Center Conditional District.

Alison Adams, Senior Planner, entered the Staff Report into the record and reviewed request. *Staff Report attached hereto as Exhibit No. 5.*

The applicant is requesting to continue the public hearing for 30 days in order to have time to finish addressing all comments on the plans and to finalize requirements of the TIA with the Town and NCDOT.

The Anchor Mill Property Conditional District Rezoning Plan can be supported by staff subject to the following:

- All required TIA/Town/NCDOT required improvements are provided.
- All outstanding Transportation comments are addressed.
- Provide bike lane along all the Huntersville-Concord Road development frontage.
- Public Street is added in front of the anchor building (storefront – approx. 50,000 sq. ft.) to aid block breaks and establish the primary entry.
- All outstanding redline comments are addressed.
- The Town Board approves the Special Use Permit to allow for a 78,000 sq. ft. storefront building within the development.

Mayor Aneralla called for public comments.

Barbara Tessari, 200 Quail Crossing, said in 2010 our house was on a dead-end street. We have almost an acre of land. Centennial came that year and since then we have a thoroughfare. We have cars screeching and we lost our privacy. Crime went way up. We have thought about putting an addition on our house because it's still our piece of Heaven and now with this I begin to wonder if when I sit on my back deck if I'm going to see stars anymore because of all the brightness that's going to be around. I wonder about the noise, what we are going to see. Am I just going to have this little piece of property amongst all of this newness going on. I know it looks nice and all but why do we need it. We have five grocery stores in a mile. Where does it all stop. It just seems like we keep building and building. Our property values have gone down since Centennial was put into place because we have land and we are being compared to tiny pieces of property. I just feel like we are getting shoved out and I still just kind

of question why. I don't know how many other people here feel the way we do. I guess maybe it's a difference of how we like to live our lives. I guess we may have to go further out in order to get a little piece of Heaven and lose what we have now. I have a lot questions on the traffic patterns, too.

Charles Gelsanliter, 201 Third Street, said I have concerns about the traffic. The Town has been wanting to put a connection all the way from Walters Street through my adjacent neighbor's property and split her property in half and would put a road right along my property thus creating three streets that I have my house on. Right now it's Steel Street and Third Street and then another connection with the inside development here. My biggest concern is all these plans that we have done, anybody who has a property not owned by the Town or Mr. Bowman basically your property is going to be gone. They just want to buy you up and you have no say. That's my concern.

Roger Diedrich, 10128 Vanguard Parkway, said I'm an appointed member of the Town's Greenway Commission, but I'm speaking for myself and not the commission. I do support the development. I think it would be good for the Town and the neighborhood. My concern is for the greenway route that is proposed. The plan states that it will incorporate the Town's greenway plan and also connect to the Thread Trail but it seems to me it's doing that in a very poor fashion and may not satisfy the Greenway Plan. The crux of it is how are you going to cross Huntersville-Concord Road and the latest I heard was that the issue of disrupting the road and replacing the culvert west of the bridge was still under discussion. There was a route that would go east to the proposed light at Cinnabar and I just feel like that would not be a good route. If there is a decision to replace the culvert and otherwise disrupt Huntersville-Concord Road, I strongly urge that the greenway be provided with a separate underground passage. This is by far the preferred route for safety, aesthetics and service reasons. There would be incremental cost from doing that but it wouldn't be the same as building an entirely new tunnel and that would be partly offset by not building that lengthy route to the north or to the east which would require building shoulders and maybe retaining walls along the way. I think there's serious safety concerns with that route because it goes along Huntersville-Concord Road and then comes back and I think people, especially teenagers, would probably run right across the road because it would be quicker. There are other additional street crossings with that route that would not occur if you had an underpass and without that underpass the people I'm sure not too distant future we are going to have new residents in the other additional area to the south or the east between Warfield, Huntersville-Concord and Vermillion and the people there would not have good access to either Anchor Mill or the greenway. If Huntersville-Concord is ever widened in the future to four lanes which I suspect is going to happen maybe in 20 years, it would exasperate all the issues that I have raised and make it even more unlikely that we would ever have a proper crossing under the road. If conditions allow please give consideration to giving a first class greenway connection for the greenway.

Greg Dawson, 14028 Cinnabar Place, said I live four houses down from the proposed stoplight. Unlike many of the people that spoke I'm actually for this plan but I just want to go on record as saying that I'm not sure that all of the potential options there have been addressed. I really think that given the amount of land that is there that a roundabout or circle could be made to work. I wasted the better part of several Saturdays online looking at similar structures in places that are tight. There's a number of things that could be done.....offset circles, things along those lines, so I just want to be on record as saying that there's probably a better alternative. This Town seems to like roundabouts so I'd like to see one there. I've lived at this location for 15 years. I moved in thinking that it was a transit oriented development so I'm just going to throw a plug in that the red line may be resurfacing. I take the bus to work every day. The bus is packed. You can use rail and people will be on it.



Mary Richards, 204 Third Street, said I have three lots down there and I think it was in January they wanted an easement through my property and I did not sign it because I have lived there since 1962. I bought the property, I raised my children there and now I'm a widow and I don't really have any place else to go and I know that things happen and we grow and everything but I'm content and happy where I am. I don't think it's right to take people's property or do the things that's going on here. I pay taxes. I'm a Christian and our church is right in that area too where they are wanting to build the road through there across my property. Our church on Second Street was built there and my family owned the corners of all those streets, First, Second and Third, at one time, but they have all passed away.

Commissioner Kidwell made a motion to continue the public hearing to April 3, 2017. Commissioner Phillips seconded motion. Motion carried 5-0.

**Petition #ANNEX16-03.** Mayor Aneralla called to order public hearing on Petition #ANNEX16-03, Valencia, a request to annex 38.24 acres (contiguous) into the Town of Huntersville.

Meredith Nesbitt, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report attached hereto as Attachment No. 6.*

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

#### **OTHER BUSINESS**

**Petition #ANNEX16-03.** Petition #ANNEX16-03, Valencia, is a request to annex 38.24 acres (contiguous) into the Town of Huntersville.

Commissioner Boone made a motion to adopt Annexation Ordinance #ANNEX16-03.

Commissioner Bales seconded motion.

Motion carried 5-0.

*Annexation Ordinance attached hereto as Exhibit No. 7.*

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

Commissioner Kidwell made a motion to recuse Commissioner Phillips.

Commissioner Guignard seconded motion.

Motion carried 5-0.

Brad Priest, Senior Planner, entered the Staff Report into the record. Staff received over the weekend a request from the applicant to defer consideration for another two weeks to address issues that came up at the February 28 Planning Board meeting.

Commissioner Kidwell made a motion to defer consideration of Petition #R16-09 to March 20, 2017.

Commissioner Guignard seconded motion.

Commissioner Boone made a substitute motion to defer consideration of Petition #R16-09 to April 3, 2017.

Commissioner Bales seconded motion.

Mayor Aneralla called for the vote on the substitute motion to defer to April 3.

Motion was tied 2-2 (Commissioners Boone and Bales in favor; Commissioners Guignard and Kidwell opposed).

Mayor Aneralla broke the tie by voting in opposition of motion to defer to April 3.

Mayor Aneralla called for the vote on the original motion to defer to March 20.

Motion carried 3 to 1, with Commissioner Boone opposed.

Commissioner Guignard made a motion to allow Commissioner Phillips back.

Commissioner Kidwell seconded motion.

Motion carried 4-0.

Commissioner Gibbons entered meeting.

**Financial Commitment – Gilead Road Widening Project.** The Gilead Road widening project, detailed as widening of Gilead Road from McCoy Road to Wynfield Creek Parkway, is currently being considered as a candidate project for application to the CRTPO as part of its Spring 2017 Direct Attributable (DA) Funds Call for Projects. Submittal of all candidate project applications are due no later than March 20, 2017.

To fully complete the CRTPO application process, the Town must determine its financial commitment by designating the project cost percentage intended to serve as matching funds towards delivery of the \$6,300,000 Gilead Road widening project.

Prioritization of all candidate projects are determined using various evaluation criteria, one of which assigns points for the matching funds percentage. Out of the maximum total of 80 points used to determine priority, the points assigned to the different matching fund percentages (and approximate dollar amounts) are as follows:

25% - 29%	10 Points	$(\$6,300,000 \times 0.25 = \$1,575,000)$
30%-49%	15 Points	$(\$6,300,000 \times 0.30 = \$1,900,000)$
>50%	25 Points	$(\$6,300,000 \times 0.50 = \$3,200,000)$

Commissioner Phillips made a motion to authorize financial commitment of a minimum 51 percent/\$3.2 million local share for inclusion into the CRTPO application package for the Gilead Road Widening project and authorize Interim Town Manager to issue formal correspondence representing said authorized percentage as supporting documentation to the application package.

Commissioner Kidwell seconded motion.

Jackie Huffman, Finance Director, pointed out that the action being requested tonight is whether or not you will commit to spending the money, not necessarily where you will get it from. Encouraged the Board to consider 2012 bonds as potential alternative because there would be time to issue them. If the project ends up costing more, the Board may be asked for money fund balance later.

Mayor Aneralla called for the vote to authorize financial commitment of a minimum 51 percent/\$3.2 million local share for inclusion into the CRTPO application package for the Gilead Road Widening project and authorize Interim Town Manager to issue formal correspondence representing said authorized percentage as supporting documentation to the application package

Motion carried unanimously.

**Revised CIP.** Action was taken on the December 19, 2016 Town Board meeting adopting the Gilead Road West project onto the Huntersville Capital Improvement Program.

With the more recent Town Board action identifying a specific financial commitment toward the delivery of the Gilead Road West project, it is necessary to revise the details of the CIP to accurately represent the proposed funding sources.

Commissioner Kidwell made a motion to adopt revised CIP details for the Gilead Road West project. Commissioner Gibbons seconded motion.

Motion carried unanimously.

*Revised CIP Worksheet attached hereto as Exhibit No. 8.*

**Financial Policy Update.** Commissioner Phillips made a motion to approve Financial Policy update and Cash and Investment Policy.

Commissioner Guignard seconded motion.

Motion carried unanimously.

*Financial Policy and Cash and Investment Policy attached hereto as Exhibit No. 9.*

**Filing Fees – 2017 Election.** Commissioner Guignard made a motion to set the filing fees for the 2017 Election at \$10 for Mayor and \$5 for Town Commissioner.

Commissioner Bales seconded motion.

Motion carried unanimously.

**Resolution Opposing HB 64.** Commissioner Kidwell made a motion to adopt Resolution opposing House Bill 64.

Commissioner Guignard seconded motion.



Motion carried unanimously.

#### **RESOLUTION OPPOSING HOUSE BILL 64**

**WHEREAS**, Municipalities in North Carolina have a long standing history of being well managed - with no election improprieties or gross mismanagement of power; and

**WHEREAS**, we as local officials care for the health, safety and well-being of our citizens and the property encompassed within our municipalities; and

**WHEREAS**, we believe local officials, who live and work daily in the communities they represent, can best determine the specific needs of our citizens and our communities; and

**WHEREAS**, Municipal Elections are purposely held in odd numbered years and in the Town of Huntersville these elections are held every two years and are nonpartisan and of North Carolina's 533 cities, only eight have chosen to have partisan elections; and

**WHEREAS**, Municipal Elections are held in odd years with National and State Elections held in even years, in order to separate partisan national elections from local government elections; and

**WHEREAS**, the separation of National and State Elections from Municipal Elections allow citizens to focus on the issues and candidates that are of singular importance to their individual neighborhoods and communities.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Town of Huntersville is opposed to House Bill 64 which would move Municipal Elections to even number years due to the following reasons:

1. Elections in odd numbered years allows people to be informed regarding local issues and municipal candidates who can best serve their communities;
2. This bill is not necessary as citizens currently have the ability to move their elections to odd numbered years if they choose to do so by requesting local Legislative action;
3. There would be no cost savings as Municipal Governments pay for Municipal Elections;
4. Citizens should retain local control of their municipalities and Municipal Elections without the interference of National and State influences;
5. If moved to even number years to coordinate with National and State Elections, Municipal Elections would become partisan and driven by national issues and candidates.

**BE IT FURTHER RESOLVED** that a copy of this Resolution is recorded in the official minutes of the meeting of the Town of Huntersville and a copy be provided to the State and Local Government II, House Standing Committee Members: Chairman John R. Bradford, II, Representatives: Jay Adams, John Autry, Cynthia Ball, James L. Boles, Jr., Beverly G. Boswell, Charles Graham, George Graham, Joe John, Phillip A. Lehman, Stephen M. Ross, John Sauls, Mitchell S. Setzer, Bob Steinburg, Sam Watford and Linda Hunt Williams.

Adopted this 6th day of March, 2017.

**HFFA RFQ/RFP Discussion.** Mayor Aneralla explained that this contract was approved back in October 2015 and was not put out for bid. It was my opinion at that time that it should be like every other contract. HFFA for the fiscal year that ended June 30 lost about \$240,000-250,000 on an operating basis and we are looking to improve that and also we had to pay a bonus despite the fact that the entity had lost money on an operating basis. Some of those terms have been changed going forward. And what we are simply doing here is, we are continuing to work with HFFA to improve some of the issues that have occurred over the last year or two and try and see if there's anybody else out there that might want to compete for this business. There's nothing definitive. There may be nobody coming back that would want to take on this animal because it is quite a bit of a challenge. That's where we are.

Commissioner Boone made a motion authorizing the Interim Town Manager to proceed with advertisement of Request for Qualifications as amended to reflect a due date of May 8 for the operations of the Huntersville Family Fitness & Aquatics.

Commissioner Phillips seconded motion.

Commissioner Kidwell said I was not at the meetings regarding HFFA and listening to a lot of individuals talk tonight, we heard a lot about the feel good stuff, how the staff makes our families feel, our families enjoy going to it and things like that and I appreciate that. I think Ms. Hudson said that HSW and HFFA were not alerted to the potential RFP. I'm asking the Board is that accurate. Did we bring up our reasons to HSW to make them aware of any displeasure that was going on. I was not at the meetings with them, so I don't know.

Mayor Aneralla said we took this issue up at the Town retreat and we made a decision at the time of the retreat that we were going two roads – (1) to continue to try to work with HSW and improve HFFA's performance and (2) to come up with some type of RFP or RFQ. In addition we did discuss possibly renegotiating the current agreement.

Commissioner Kidwell said I go back to my original question, did we tell HSW at that time.

Mayor Aneralla said at the Town retreat, no.

Commissioner Kidwell said did we reach out to their representative? I just want to make sure the communication went up the ladder to them.

Gerry Vincent said Dee was here for the presentation at the retreat.

Commissioner Bales said that is correct she was here, but she was not here for this discussion, when we discussed putting it out for bid. As far as I know, no one officially contacted HSW to have that conversation.

Commissioner Kidwell said when this came up for voting in October 2015 I voted against extending the contract because an RFP was not done and I felt an RFP should be done. Anything that we do especially at that level, and granted I also believed that if we did an RFP, HSW would probably still be the leader because of the oddness of this whole aquatic center.....it's not a Planet Fitness or a neighborhood pool. I firmly believed at that point that we should have it out there for bid for people, for businesses to submit a proposal to make sure that we are doing our best for the taxpayer. That vote didn't go my way. I guess my issue now is we have not sat down with HSW and said these are our issues we need to fix them. I think it's only right that they be given that opportunity to look at why we have a \$250,000 loss and are we addressing those concerns. While I think that the contract should be bid out I think it should have been bid out from the beginning. I don't think we are doing our current vendor right by not giving them the information.

Mayor Aneralla said I would say in my opinion we are working on those issues. A lot of them have to do with credit card issues, the structure of the management fees, the dues. I did have a conversation with Ms. Hudson prior to the retreat and she indicated she would absolutely bid on it again if we put it out for bid.

Commissioner Bales said one of the things that concerns me is that the contract was renewed. We went into this contract and HSW in good faith and that contract does not expire until 2021. I hear what Commissioner Kidwell is saying and I hear what everybody else is saying on this Board. There was a loss. What are the issues and how can we work together. My concern is how do you fix what isn't working while turning around and putting the contract back out for bid. It seems to me that creates a

contentious working environment with your vendor and the Town. I believe in 2019 that contract can be relooked at.

Bob Blythe, Town Attorney, said there's one day in 2019 that was put in the contract because of bond issues that the contract can be canceled without penalty. Any other time it does carry a cancellation fee of six months and something like six weeks for key personnel.

Commissioner Bales said it would just seem to me that it would be better for our town to work with our vendor to fix the concerns that we may have than to spend money on the RFP and potentially spend dollars with the cancellation fee. I just feel like we are putting the cart before the horse.

Commissioner Phillips said my point of this is let's get back to the real facts of this thing. This was renewed eight months sooner than what it was supposed to be right before the election of last year. This contract to my knowledge has not been out on a RFP since 2002 and when the Town Manager was asked at that time he said well we just wasn't going to waste time on it. I think we owe it to the taxpayers. Nothing may come out of this. It's simply an RFP. I think we owe it to the taxpayers to make sure we are getting the best deal. It's nothing more than information

Commissioner Gibbons said I am a little bit disappointed in us tonight up here in that I've been in on lots of conversation about things that we were not necessarily particularly happy about. I have not been in on the HFFA committee meetings but in my debriefs and what I've been told about those meetings a lot of issues have been discussed, credit cards just being one of them, but programming and this and that and the other thing. There's been questions asked of the Board to what we can do and I guess I do as Commissioner Kidwell stated take issue.....if there's a notification time period to put out an RFP to a sitting or present vendor I think we need to honor that. But as far as the issues and Commissioner Bales you've been on that committee, these issues aren't something we just started talking about at the retreat or this month. It's been going on and I've not seen where we are getting too far on that. I do believe also we've had the same people run the place basically since it's been here and I do believe that the size of the contract should owe itself to getting someone to take a look and see. I've heard the comment made that there's no one else that can do this kind of thing. I don't believe that's true in a town that has the talent we have around here. I believe there are people that can do something like this. I think that the issues are ongoing. I do believe they are worth looking into and I believe that getting a proposal from someone else we should do. But if there is a notification period, I think we should stick to that. So we need to look into that and if there is a period I think we could back that up from whatever date this is and that could be notification and we could follow to the letter of the law if there is such thing in the contract.

Commissioner Guignard said can we ask the attorney if there is a notification that he knows of.

Mr. Blythe said yes, there is. Not for putting out an RFP, but for terminating the contract.

Commissioner Guignard said but to do the action tonight that we are discussing is there any obligation under contract or in your opinion under law that we have misled or done something wrong or illegal by not having formal conversations.

Mr. Blythe said I don't think you've done anything illegal at this point.

Motion carried 4 to 2, with Commissioners Bales and Kidwell opposed.



Commissioner Phillips said I've asked on numerous occasions for a copy of membership contract. I'd like to make that so it does get in the minutes tonight that I would like to have one.

**CATS Discussion.** Mayor Aneralla presented the Board with information pertaining to the ½ cent sales tax for mass transit that was passed by voters in 1997. *Refer to information attached hereto as Exhibit No. 10.*

Mayor Aneralla explained that CATS wants to study building an alternative line in North Mecklenburg and requested support from the Board to bring back a resolution to the next meeting rejecting the study of an alternative line and a proposal to use the money for uses outlined in the statute.

It was the general consensus of the Board to have the Mayor prepare a resolution for consideration at the next meeting rejecting the current CATS budget proposal for a Red Line alternative and instead endorse a plan to use the study money for improved bus and related transportation needs.

### **CONSENT AGENDA**

**Approval of Minutes.** Commissioner Guignard made a motion to approve the minutes of the February 20, 2017 Regular Town Board Meeting. Commissioner Gibbons seconded motion. Motion carried unanimously.

**LDOAB Name Change.** Commissioner Guignard made a motion to approve changing the name from the Land Development Ordinances Advisory Board to the Huntersville Ordinances Advisory Board to more accurately reflect their duties. Commissioner Gibbons seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R16-07.** Commissioner Guignard made a motion to call a public hearing for Monday, April 3, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R16-07, a request by Skybrook, LLC to revise the existing Conditional District rezoning plan for approximately 171.88 acres to remain Transitional Residential Conditional District with an increase in density and other site plan changes. Commissioner Gibbons seconded motion. Motion carried unanimously.

**Audit Contract.** Commissioner Guignard made a motion to approve audit contract with Martin Starnes & Associates, CPAs, P.A. Commissioner Gibbons seconded motion. Motion carried unanimously.

*Contract attached hereto as Exhibit No. 11.*

**Budget Amendment – Police.** Commissioner Guignard made a motion to approve budget amendment recognizing auto insurance revenue in the amount of \$14,846.42 and appropriate to the Police Department's Vehicle Insurance account for multiple vehicle claims. Commissioner Gibbons seconded motion. Motion carried unanimously.

**Budget Amendment – Police.** Commissioner Guignard made a motion to approve budget amendment recognizing auto insurance revenue in the amount of \$952.60 and appropriate to the Police Department's Vehicle Insurance account. Commissioner Gibbons seconded motion. Motion carried unanimously.

### **CLOSING COMMENTS**

Commissioner Bales said as we continue to discuss transit I think there are those of us that are not necessarily opposed to the train but we need relief now and that's just what I wanted to share with everyone and I think that's what this conversation was about tonight.

There being no further business, the meeting was adjourned.

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**3/20/2017**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Janet Pierson, Town Clerk  
**Subject:** NCMPA1 Appointment

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Appoint Gerry Vincent as the Town's representative to the NCMPA1 Board of Commissioners.

**ACTION RECOMMENDED:**

Approve Appointment

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

Description	Type
□ Memo from ElectriCities	Backup Material





VIA E-MAIL

TO: Janet Pierson 1501.29 Huntersville  
Huntersville  
Town Clerk

FROM: Christy Olive  
Senior Executive Assistant

DATE: February 24, 2017

SUBJECT: NCMPA1 Commissioners

Ms. Kathy Moyer, Electricities' Vice President of Operations contacted Matt Schull regarding filling the vacant Commissioner position for the Town of Huntersville on the NCMPA1 Board of Commissioners. Her request was to have Gerry Vincent, the Interim Town Manager designated as Commissioner. We will be glad to do this; however, it will require the Town Board of Commissioners approval and an oath form to be administered to him.

I have attached the oath form to be executed after being administered to Mr. Vincent and returned to me upon completion.

In addition, we will need a certified copy, or extract, of the minutes of the Town Board of Commissioners meeting at which this appointment is made. The minutes can be sent to me anytime in the future after they are approved by the Town Board of Commissioners. The oath and minutes do not have to be sent to me at the same time.

Please let me know if you have any questions.

:cdo

cc: Kathy Moyer

Attachment



OATH

I, \_\_\_\_\_, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully and impartially execute and discharge the duties of my office as Commissioner of North Carolina Municipal Power Agency Number 1, and that I will adhere to and abide by the ElectriCities' Ethical and Professional Code of Conduct, so help me God.

\_\_\_\_\_  
Commissioner

Sworn to and subscribed before me,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public

My Commission Expires:

(NOTARY SEAL HERE)