

Mayor
John Aneralla

Mayor Pro-Tem
Danny Phillips

Commissioners
Melinda Bales
Dan Boone
Mark Gibbons
Charles Guignard
Rob Kidwell

Town Manager
Gerry Vincent



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

Town Clerk
Janet Pierson

Town Attorney
Bob Blythe

AGENDA
Regular Town Board Meeting
August 21, 2017 - 6:30 PM
TOWN HALL (101 Huntersville-Concord Road)

I. Pre-meeting

- A. Discussion regarding direction on Legal Services. (5:45 p.m.)
- B. Closed Session - receive confidential information, Attorney-Client Privilege. (6:00 p.m.)

II. Call to Order

III. Invocation - Moment of Silence

IV. Pledge of Allegiance

V. Mayor and Commissioner Reports-Staff Questions

- A. Mayor Aneralla (Metropolitan Transit Commission, Commerce Station Management Team, North Meck Alliance)
- B. Commissioner Bales (Lake Norman EDC, Lake Norman Education Collaborative)
- C. Commissioner Boone (Public Safety Liaison, Huntersville Ordinances Advisory Board)
- D. Commissioner Gibbons (NC 73 Council of Planning, Veterans Liaison)
- E. Commissioner Guignard (Centralina Council of Governments, Planning Coordinating Committee)
- F. Commissioner Kidwell (Charlotte Regional Transportation Planning Organization, Olde Huntersville Historic Society)
- G. Commissioner Phillips (Lake Norman Chamber Board, Visit Lake Norman Board)

VI. Public Comments, Requests, or Presentations

VII. Agenda Changes

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

VIII. Public Hearings

- A. Conduct public hearing on Petition #TA17-06, a request by the Town of Huntersville to amend Article 3.2.1 Rural, Article 3.2.2 Transitional Residential, Article 3.2.5 Neighborhood Center, Article 3.2.6 Town Center, Article 3.2.7 Highway Commercial, Article 3.2.8 Campus Institutional, Article 3.2.9 Corporate Business, Article 3.2.11 Transitional Neighborhood Development Districts, Article 3.2.12 Passenger Vehicle Sales, Article 3.2.13 Transit Oriented Development – Residential, Article 3.2.14 Transit Oriented Development – Employment, Article 7 Part B Open Space, Article 8.1.4, and Article 12.2.1 General Definitions of the Huntersville Zoning Ordinance to modify Open Space criteria and associated definitions. *(Alison Adams)*

IX. Other Business

- A. Consider decision on Petition #R16-07, a request by Skybrook, LLC to rezone 175.05 acres from Transitional Residential Conditional District and Rural to Transitional Residential - Conditional District to add approximately 4 acres of land, to increase the lot count from 180 to 221 and to adjust open spaces and street layouts. *(David Peete)*
- B. Conduct evidentiary hearing and consider decision on Oaks at Skybrook North Sketch Plan Revision. *(David Peete)*
- C. Consider approving contract with Swim Club Management Group of Charlotte, Inc. for management of Huntersville Family Fitness & Aquatics. *(Gerry Vincent)*
- D. Consider appointment to the Citizen's Transit Advisory Group. *(Bill Coxe)*
- E. Consider adopting Resolution requesting NC Secretary of Transportation Trogdon and appropriate representatives address the Town's concerns and comments regarding the Comprehensive Agreement between NCDOT and I-77 Mobility Partners, LLC for I-77 Managed Lanes Project. *(Commissioner Gibbons)*
- F. Discussion on Charlotte-Mecklenburg Schools Bonds. *(Mayor Aneralla)*

X. Consent Agenda

- A. Approve the minutes of the August 7, 2017 Regular Town Board Meeting. *(Janet Pierson)*
- B. Adopt resolution approving interlocal agreement with Mecklenburg County for fire protection services. *(Gerry Vincent)*
- C. Accept proposal from Country Boy Landscaping in the amount of \$126,115 to perform work required to complete the balance of civil work for the Commerce Substation. *(Tim Kopacz)*
- D. Authorize the Town Manager to execute the Indemnification Agreement and the Access Agreement and Assignment of Easement with Duke Energy Carolina. *(Tim Kopacz)*
- E. Authorize the Town Manager to execute the Right-of-way Encroachment Agreement for Highway 21/Gilead Road. *(Tim Kopacz)*

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
8/21/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Alison Adams
Subject: TA 17-06 Open Space Amendment

Petition #TA17-06, a request by the Town of Huntersville to amend Article 3.2.1 Rural, Article 3.2.2 Transitional Residential, Article 3.2.5 Neighborhood Center, Article 3.2.6 Town Center, Article 3.2.7 Highway Commercial, Article 3.2.8 Campus Institutional, Article 3.2.9 Corporate Business, Article 3.2.11 Transitional Neighborhood Development Districts, Article 3.2.12 Passenger Vehicle Sales, Article 3.2.13 Transit Oriented Development – Residential, Article 3.2.14 Transit Oriented Development – Employment, Article 7 Part B Open Space, Article 8.1.4, and Article 12.2.1 General Definitions of the Huntersville Zoning Ordinance to modify Open Space criteria and associated definitions.

ACTION RECOMMENDED:

Hold Public Hearing

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

Description	Type
▣ TA 17-06 Open Space Amendment Staff Report	Staff Report
▣ Attachment A: Application	Exhibit
▣ Attachment B: Redlined Version	Exhibit
▣ Attachment C: Clean Version	Exhibit
▣ Attachment D: Quick Reference	Exhibit

TA #17-06

Amend various sections within Article 3, Article 7 B, Article 8.1.4, and Article 12.2.1 to revise open space criteria.

PART 1: DESCRIPTION

Text Amendment, TA #17-06, is a request by the Town of Huntersville Staff to amend the above mentioned articles of the Town Zoning Ordinance to reorganize, clarify and provide more open space options to the development community. See Attachment A for application.

PART 2: BACKGROUND

The Planning Board directed staff to evaluate open space. A sub-committee was formed to facilitate feedback and buy-in. The sub-committees goals were to review the Town of Huntersville Open Space Ordinance and to collaborate with the Huntersville Planning Staff to address the following:

1. **Expand the urban open space option menu:** Staff began looking at surrounding communities to better understand what urban open space options were being offered. The chart below summarizes the research.

Town	Playground	close	attached squares	plazas	Urban Parks	Forecourts	Detached squares	Greens	(Neighborhood) Parks	Parkway	Greenway	Greenbelt	Community Garden	Pedestrian Passageway	mini-parks	Passive recreation/unusable Open space
Davidson	X	X	X	X			X	X	X		X		X	X		
Cornelius	X	X	X	X	X	X	X	X	X	X	X	X				
Huntersville				X		X	X		X	X		X				
Holly Springs	X	X	X	X			X		X	X		X	X		X	X
Belmont	X	X	X	X		X	X	X	X	X	X					

The yellow highlighted boxes above represent new typologies that could be incorporated. Staff has addressed each as follows:

- Playground - as being allow within all urban space; primarily to be implemented with in parks and squares.
- Close fits under the current definition of square.
- Attached vs. detached squares – staff recommends no change to the current definition (either is appropriate).
- Urban parks, neighborhood parks, mini-parks – Have been defined with changes made to the current park option. Restrictions have been lessened by requiring 25% of the square to be abutted by a street (rather than 50%) and the size requirement for parks has been removed. This allows pocket parks to be placed within odd shaped areas.
- Greens – added
- Greenway – added. Historically the Town has considered the greenway and greenbelt to function interchangeably. To clarify staff is requesting to define both options.
- Community Gardens - added
- Pedestrian passageways – added
- Woonerf – not used by any of the Towns studied, but a prime opportunity as another option for car/pedestrian designed urban open space.
- Promenade – not used by the Towns studied, but an opportunity to provide another option as a linear feature within more dense areas.
- Passive recreation/unusable open space – addressed through other types of open space, such as recreational, agriculture or common open space, rather than urban open space.

2. **To review the off-site urban opens space provision** – After the subcommittee reviewed the language and understood application all were comfortable keeping the language as is.
3. **To evaluate the relationship of the water quality/quantity treatment system (BMPs)** – after reviewing the current ordinance and understanding current application, staff is recommending to add a definition of common open space. Under the current language, all types of open space (rural, agricultural, natural and urban) are prescribed and do not allow for BMPs unless the BMP is incorporated so that the intent of the ordinance is being met (example: Water detention pond within Monteith Place incorporates natural trails, which provides for recreation). Historically, BMPs have been approved within open space. However, the installation of BMPs have compromised the quality of the required open spaces. Features, such as, but not limited to, BMPs and entry monuments that do not meet the definitions of the other open space options would be allowed in common open space. The current required percentage of open space will not be affected by this request.

Upon learning the different types of BMPs and the ability to use them as amenities, design elements, and aesthetic opportunities the sub-committee can support the idea of allowing 25% of an above ground BPM to be incorporated in an urban open space with design criteria.

Other changes staff felt were needed:

- Clarity within the Rural and Transitional Residential District how an applicant obtains open space credit for installing public greenways.
- Currently buildings are required to front a public street or square. Staff is proposing to allow buildings to front on all types of urban open space and public streets.
- Change to existing urban open space diagrams.
- An introduction was added to Article 7B.

Attachment D, quick reference chart, provides a cliffs notes version of the current ordinance reference, proposed changes and reason for requested the changes. Staff recommends referencing this attachment while reviewing the clean version of the proposed ordinance (Attachment A).

PART 3: STAFF RECOMMENDATION

To achieve quality open space, staff recommends approval of the request as presented. The request is compliant with the goals (located in Part 4 of this report) of the 2030 Community Plan.

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

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

Staff Comment: Removal of BMPs from natural, agricultural and recreational land will help preserve the natural environment.

E-2: Location of New Development – Avoid locating new development in areas of significant environmental, scenic, or cultural resources.

Staff Comment: Introduction of common open space will provide developers a location to place BMPs, rather than trying to shoe in BMPs and still meet the intent of the ordinance.

E-3: Environmental Regulations – Support and enhance environmental regulations pertaining to tree preservation, buffer yards, open space, water quality, and wetland and stream protection.

Staff Comment: More urban open space options and the ability to install BMPs within 25% of urban open space provides the flexibility to be creative while treating and containing storm water. The introduction of common

open space, which allows for BMPs will hopefully stimulate thinking about the qualitative nature of the natural, agricultural and recreational open space.

T-6: Pedestrian Connections – Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.

Staff Comment: The introduction of the new urban open spaces (Promenade, Greenway, Pedestrian Passageway, and Woonerf) will allow more options to get the public from point A to B

PART 5: HUNTERSVILLE ORDINANCES ADVISORY BOARD

The Board heard the request on August 3, 2017. Walsh made a motion to recommend approval of the request as presented, Anderson seconded the motion. The board voted (9-0) to recommend approval.

PART 6: PUBLIC HEARING

The Public Hearing will be held on August 21, 2017.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on August 22, 2017.

PART 8: ATTACHMENTS

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance Language (redlined version)

Attachment C: Proposed Ordinance (clean Version)

Attachment D: Quick Reference guide

PART 9: STATEMENT OF CONSISTENCY – TA #17-06

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Planning staff recommends approval of language based on the amendment being consistent with the Town of Huntersville 2030 Community Plan policy numbers E-1, E-2, E-3 and T-6 .</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because amending provides for greater flexibility within the open space requirements while maintaining consistency with other local community regulations.</p>	<p>APPROVAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>	<p>APPROVAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Town Board approval is based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>
	<p>DENIAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>	<p>DENIAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Town Board denial is based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>



Text Amendment Application

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 06.01.2017
Name Town of Huntersville
Address 105 Gilead Rd.
Phone Number (home) 704.766.2212 (work) _____
Email _____

Fee

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

Type of Change

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

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

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 3.21, 3.22, 3.2.4, 3.2.9 Section: 3.2.11-3.2.14, 7B Open Space, 8.1.4, 12.2.1
Current Text: see attachment

Proposed Text: see attachment

Reason for requested change (attach additional sheets if necessary):

Provide clarity and more options of open space for the development community

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

Signatures

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

Applicant Signature: *Alison H. Adams* Date: ~~4-20-17~~ 5-31-17

Contact Information

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

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

Recommended VERSION 06.01.17

AN ORDINANCE TO AMEND ARTICLE 3.2.1 (RURAL ZONING), ARTICLE 3.2.2 (TRANSITIONAL RESIDENTIAL ZONING), ARTICLE 3.2.5 NEIGHBORHOOD CENTER, ARTICLE 3.2.6 (TOWN CENTER ZONING), ARTICLE 3.2.7 HIGHWAY COMMERCIAL, ARTICLE 3.2.8 CAMPUS INSTITUTIONAL, ARTICLE 3.2.9 CORPORATE BUSINESS, ARTICLE 3.2.11 TRANSITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICTS, ARTICLE 3.2.12 PASSENGER VEHICLE SALES, ARTICLE 3.2.13 TRANSIT ORIENTED DEVELOPMENT – RESIDENTIAL, ARTICLE 3.2.14 TRANSIT ORIENTED DEVELOPMENT – EMPLOYMENT, ARTICLE 7 PART B (OPEN SPACE), ARTICLE 8.1.4, AND ARTICLE 12.2.1 (GENERAL DEFINITIONS) TO REVISE OPEN SPACE CRITERIA WITH IN THE TOWN ZONING ORDINANCE.

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

3.2.1 Rural District (R)

3.2.1.d.2.

c. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. **In order to obtain credit the open space should align with Town and County's future land use plans.** Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.

3.2.1.d.

3. Open Space. Designated Open Space includes that parcel or parcels of land which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. ~~Open space shall meet the provisions of this section and the provisions for open space established in Article 7.~~ There are ~~three~~ **four** types of open space in the Rural District – **agricultural, common, natural and recreational.** ~~which are as follows:~~ **Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.**

- ~~Natural Open Space:~~ shall include areas where natural features, such as topography, rock outcroppings, hills and valleys are not altered. Only minimal thinning of vegetation shall be permitted to promote overall health of the natural area in accordance with the tree protection regulations of Article 7.

Recommended VERSION 06.01.17

- ~~• Recreational Open Space: shall include areas where natural features may be altered to provide for recreational activities without impacting the impervious quality of the soil except as provided herein. These activities may include ballfields, equestrian trails, hiking trails, picnicking, primitive camping, golf courses, green spaces (manicured or not), etc. Structures related to the recreation space may count towards open space provided they do not create an impervious area over 100 sq. ft.~~
- ~~• Agricultural Open Space: shall include areas set aside for agricultural purposes such as growing fruits, vegetables, grains, etc.~~

3.2.2 Transitional Residential District (TR)

3.2.2.d.2.

c. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. **In order to obtain credit the open space should align with the Town and County's future land use plans.** Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.

3.2.2.d.

- 3. Open Space.** Designated Open Space includes that parcel or parcels of land which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. ~~Open space shall meet the provisions of this section and the provisions for open space established in Article 7.~~ There are four **five** types of open space in the Transitional District - **urban, agricultural, common, natural and recreational.** **Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.**

- ~~• Natural Open Space: shall include areas where natural features, such as topography, rock outcroppings, hills and valleys are not altered. Only minimal thinning of vegetation shall be permitted to promote overall health of the natural area in accordance with the tree protection regulations of Article 7.~~
- ~~• Recreational Open Space: shall include areas where natural features may be altered to provide for recreational activities without impacting the impervious quality of the soil except as provided herein. These activities may include ballfields, equestrian trails, hiking trails, picnicking, primitive camping, golf courses, green spaces (manicured or not), etc. Structures~~

Recommended VERSION 06.01.17

~~related to the recreation space may count towards open space provided they do not create an impervious area over 100 sq. ft.~~

- ~~• Agricultural Open Space: shall include areas set aside for agricultural purposes such as growing fruits, vegetables, grains, etc.~~
- ~~• Urban Open Space: shall be planned and improved, accessible and useable by persons living nearby and be in compliance with the provisions in Article 7. In a Parkway or Greenbelt setting as described in Article 7, some recreational areas may be located within urban open space.~~

ARTICLE 3.2.5 Neighborhood Center (NC)

- d) 8). Every building lot shall have frontage upon a public street or square urban open space.

ARTICLE 3.2.6 Town Center (TC)

- d) 6). Every building lot shall have frontage upon a public street or square urban open space.

ARTICLE 3.2.7 Highway Commercial (HC)

- d) 9) Every building lot shall have frontage upon a public street or square urban open space except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.

ARTICLE 3.2.8 Campus Institutional (CI)

- d) 4) Every building lot shall have frontage upon a public street, ~~square~~, or quadrangle urban open space; buildings fronting on quadrangles urban open space shall provide for vehicular access from a rear alley or street.

ARTICLE 3.2.9 Corporate Business (CB)

- d) 5) Every building lot shall have frontage upon a public street, ~~square~~, or quadrangle urban open space; buildings fronting on quadrangles urban open space shall provide for vehicular access from a rear alley or street.

ARTICLE 3.2.11 Transitional Neighborhood Development Districts (TND-U and TND-R)

- f) 3) All lots shall share a frontage line with a street or square urban open space; lots fronting an urban open space square shall be provided rear alley access.

ARTICLE 3.2.12 Passenger Vehicle Sales District (VS)

- 13) Every building lot shall have frontage upon a public street or square urban open space except as follows: in specific locations where factors beyond

Recommended VERSION 06.01.17

developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.

ARTICLE 3.2.13 Transit Oriented Development - Residential (TOD-R)

- f) 3) Every building lot shall share a frontage line with a street, ~~square~~, or ~~other~~ urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.

ARTICLE 3.2.14 Transit Oriented Development - Employment (TOD-E)

- d) 1) Every building lot shall share a frontage line with a street, ~~square~~, or ~~other~~ urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.

ARTICLE 7, PART B: OPEN SPACE

7.10 Urban Open Space **Open Space - Purpose, Intent and Definitions**

- ~~.1 Urban Open Space is defined as all areas not divided into private or civic building lots, streets, right-of-way, parking or easements for purposes other than open space conservation.~~
- ~~.2 Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.) Urban Open Space shall conform to one of the Urban Open Space types described in this section, or to a minor variation of same.~~
- ~~.3 In major subdivisions and multi-building developments in all zoning districts except Rural, urban open space shall be integrated into the design of the site. Such open space, whether on-site or off-site, shall be located within ¼ mile of each building lot as measured along the rights-of-way of streets providing access between the two. In large lot subdivisions such urban open space shall be integrated into the design of the site so that, whether located on-site or off-site, such open space is located within ½ mile of all building lots, as measured along the rights-of-way of street providing access between the two.~~
- ~~.4 Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.~~

Recommended VERSION 06.01.17

5 Urban Open Space types includes Squares, Parks, Forecourts, Plazas, Parkway and Greenbelts that are characterized as described below.

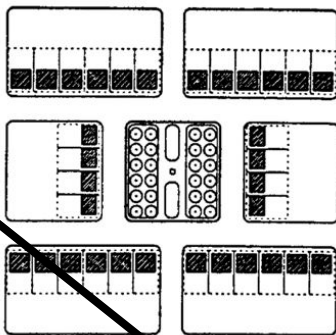
Squares

Squares are areas for passive recreational use. Square shall be bounded by streets on a minimum of three sides or 75% of their perimeter.

Minimum size: 500 sq. ft.
Maximum size: 1 acre

Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved with other areas of soft landscape.

Squares are encouraged to be planted parallel to all street ROW's with one tree species planted a minimum of 10 ft. on center and at a maximum of 30 ft. on center. Geometrical tree planting layouts for internal plantings are encouraged.

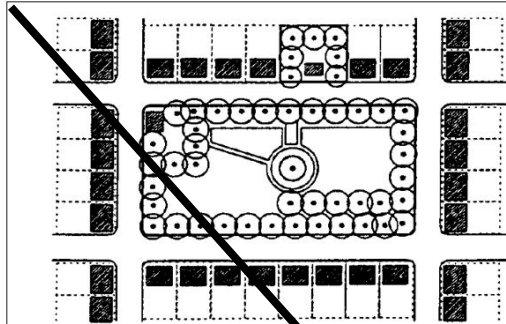


Parks

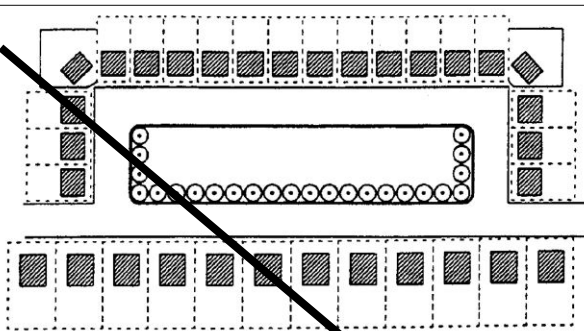
Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 50% of their perimeter, and are encouraged to be enclosed by streets on all sides.

Minimum size: 1 acre
Maximum size: 3 acres

Maximum park size may exceed 3 acres if through design the park creates a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake, high ground, significant stands of trees).



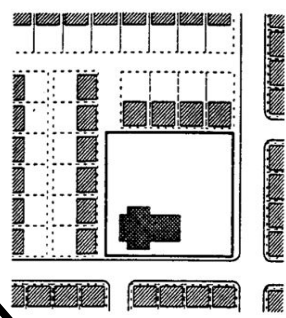
Forecourt



Forecourts are open space areas which act as buffers between residential buildings and non-residential buildings or streets.

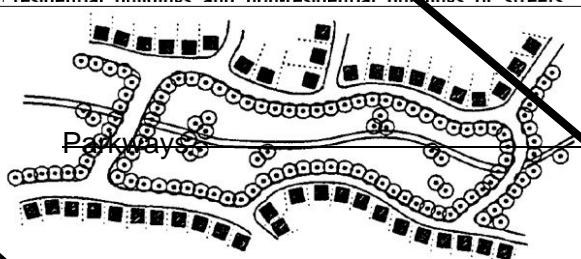
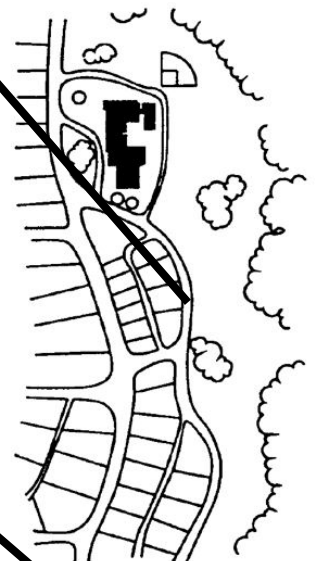
Plaza

A plaza is an open area adjacent to a civic, commercial, or residential building. Plazas function as gathering places and may incorporate a variety of nonpermanent activities, such as vendors and display stands. Limited parking is also permitted. Plazas are always paved in brick or another type of paver, or crushed stone. Plazas shall be level.



Greenbelts run along the perimeter of a neighborhood or town and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor, industrial district, or town from agricultural areas or adjacent towns.

Greenbelts are left natural but may include walking trails. In addition, schools located adjacent to Greenbelts can provide all recreational and athletic fields within the greenbelt. Streets bordering greenbelts shall match the Neighborhood Parkway street standards in Article 5.



Parkways are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Parkway are to be entirely bounded by streets or pedestrian ROW's within developed areas. Parkway differ from parks and squares in that their detailing is natural (i.e. informally planted). Parkway are used for walking, jogging or bicycling. In addition, small scale recreational features such as a playground area or soccer field are appropriate in parkways. Streets bordering the parkway shall match the Neighborhood Parkway street standards in Article 5.

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Regulations are intended to provide quality open space within a subdivision, multi-building site or commercial development.

There are five types of open space Urban, Agricultural, Common, Natural, and Recreational. Encouragement is given to apply creative design and allow flexibility to aid application of open space typologies. When determining placement of open space within a subdivision evaluation should occur when siting services and infrastructure by reducing road length, utility runs, and pavement. The creation of compact neighborhoods accessible to open space amenities aid strong community identity.

.1 Open Space Typologies Defined

- (a) Urban Open Space: planned and improved open space, accessible and usable. For small lot subdivisions urban open space shall be provide to persons living within ¼ mile measured along rights-of-way. In large lot subdivision urban open space application is required at ½ mile.
- (b) Agricultural Open Space: preserve agricultural lands and rural character that would likely be lost through conventional development approaches.
- (c) Common Open Space: Any portion of a land that is not part of a private lot or tract of land such as, but not limited to, area devoted to water quality/quantity measures, entryway features including the landscape material, signage and, if applicable berm and any other open space area that is not defined by one of the four other open space types.
- (d) Natural Open Space: preserve forested lands, natural features, and rural character that would likely be lost through conventional developments approaches.
- (e) Recreational Open Space: to provide for active and passive recreation, included but not limited to, implementation of associated long range Town/County plans.

Reference Article 12: Definitions for subdivision, large lot.

.2 All zoning districts, except Rural, require Urban Open Space to be incorporated into the design. All open space areas outside of landscape and BMP (stormwater) easements and lots that are not specified as Urban Open Space shall meet one or a combination of the remaining four open space typologies, Agricultural, Common, Natural and Recreational. Article 3 and Article 7.11 shall be referenced for further information.

.3 Rural Zoning shall incorporate a combination of Agricultural, Common, Natural, or Recreational open space typologies. Article 3.2.1 and Article 7.11 shall be further referenced.

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.4 Below is a table outlining what types of open space options are available to meet zoning district standards.

		Zoning Districts	R	TR	GR	NR, NC, TC, HC, CI, CB, SP, TND-U, TND-R, VS, TOD-R, and TOD-E.	Ordinance Reference
Open Space Type							
Common			◆	◆	◆	◆	7.10.1.c.
Agricultural			◆	◆			7.10.1.b.
Natural			◆	◆			7.10.1.d.
Recreational			◆	◆			7.10.1.e.
Urban - Types							7.11.1.f
	Community Garden			◆		◆	
	Forecourt			◆		◆	
	Green			◆		◆	
	Greenbelt			◆		◆	
	Greenway			◆		◆	
	Park			◆		◆	
	Parkway			◆		◆	
	Pedestrian Passage			◆		◆	
	Plaza			◆		◆	
	Promenade			◆		◆	
	Square			◆		◆	
	Woonerf			◆		◆	

7.11 Urban, Agricultural, Common, Natural, and Recreational Agricultural Open Space

~~.1 The purposes of natural recreational and agricultural open space is to preserve agricultural and forestry lands, natural and cultural features, and rural character that would likely be lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in design of such developments is encouraged. Specific objectives are as follows:~~

- ~~(a) To conserve areas of the town with productive soils for continued agricultural and forestry use by preserving large blocks of land large enough to allow for efficient operations.~~
- ~~(b) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.~~
- ~~(c) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive areas.~~

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- ~~(d) To conserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams and creeks, wetlands and floodways.~~
- ~~(e) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.~~
- ~~(f) To preserve and maintain historic and archeological site and structures that serve as significant visible reminders of the town's social and architectural history.~~
- ~~(g) To provide for active and passive recreational needs of town residents, including implementation of associated town long range plans.~~
- ~~(h) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.~~
- ~~(i) To create compact neighborhoods accessible to open space amenities and with a strong community identity.~~

.1 Urban Open Space:





- (a) Urban Open Space is defined as all areas not divided into private or civic building lots, streets, right-of-way, parking or easements.**
- (b) Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.) Urban Open Space shall conform to one of the Urban Open Space types described in this section, or to a minor variation of same.**
- (c) In major subdivisions and multi-building developments in all zoning districts except Rural, urban open space shall be integrated into the design of the site. Such open space, whether on-site or off-site, shall be located within ¼ mile of each building lot as measured along the rights-of-way of streets providing access between the two. In large-lot subdivisions such urban open space shall be integrated into the design of the site so that, whether located on-site or off-site, such open space**

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is located within ½ mile of all building lots, as measured along the rights-of-way of street providing access between the two.

- (d) Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.
- (e) No more than twenty-five (25) percent of each above ground water quality/quantity treatment system (BMP) within an urban open space area can be used. Any above ground BMPs located within an Urban Open Space must add to the overall quality of the open space, rather than detract from area devoted to BMP. To exceed the twenty-five (25) percent limitation a design maybe submitted to the Planning Board for review and approval. Such BMP design shall incorporate a combination of the following design elements; but not limited to, pathways, boardwalks, ponds with fountains, and landscape material. Underground BMPS are not limited.
- (f) Urban Open Space types includes Community Garden, Forecourt, Green, Greenbelt, Greenway, Park, Parkway, Pedestrian Passage, Plaza, Promenade, Square, and Woonerf, and that are characterized as described below or to a minor variation of same.

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<p><u>Community Gardens should be centrally located and accessible to residents for participation. Maintenance of the site shall be continued year round, as the intent is for the garden to be all-season. Should the garden become abandoned then the garden area will be required to be seeded with grass and used as a recreational area. Community Gardens shall be a minimum of 500 sq. ft.</u></p>	
<p><u>Forecourts are open space areas which act as buffers between residential buildings and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street ROW's with one tree species. Such plantings shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center.</u></p>	
<p><u>Greenbelts run along the perimeter of a neighborhood or town and serve to buffer from surrounding non-compatible uses such as a highway corridor, industrial district, or from agricultural areas or adjacent towns.</u></p> <p><u>Greenbelts are left natural, but may include walking trails or passive recreation.</u></p>	 

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<p><u>A Green is typically landscaped with trees at the edge and an open expanse of grass in the center that is externally surrounded directly or indirectly by buildings.</u></p>	
<p><u>Greenways are generally linear in nature and may bisect or border developments. They are designed to incorporate natural settings such as creeks and significant stands of trees with neighborhoods. Recreational uses shall be provided, at a minimum, trails for walking, jogging and/or bicycling. A greenway may be bound by Public Street, but not required. Greenways dedicated to Town/County as identified on the adopted greenway plan will be counted toward tree save area, if relevant. Upon completion of the publicly dedicated greenway any trees removed due to construction are not required to be replaced.</u></p>	
<p><u>Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 25% of their perimeter, and are encouraged to be enclosed by streets on all sides. Mini Parks, such as, but not limited to dog parks, playgrounds, pocket parks and splash pads can be incorporated throughout a development to meet the ordinance requirements.</u></p> <p><u>Where mini parks are not used, the minimum size shall be 1 acre and maximum size 3 acres. Maximum park size may exceed 3 acres, if through design, the park creates a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake, high ground, significant stand of trees).</u></p>	




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<p><u>Parkways are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Parkway may be entirely bounded by streets or pedestrian ROW's within developed areas. Parkway differ from parks and squares in that their detailing is natural (i.e. informally planted). Parkway are used for walking, jogging or bicycling. In addition, small scale recreational features such as playground area or soccer field are appropriate in parkways.</u></p>	 
<p><u>A Plaza is an open area adjacent to a civic, commercial, or residential building/s. Plazas function as gathering places. Limited parking is also permitted. Plazas are always paved in brick or another type of paver or crushed stone. Plazas shall be level, stepped, or gently sloping (less than 5% grade). The following sizes are recommended but may be smaller or larger depending on the building or facility design. At no time shall a plaza's horizontal length or width be greater than 3 times the height of surrounding buildings. Plazas may be left unplanted. If planted, trees should form the geometric frame of the plaza space or for the structure the plaza services. Spacing shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center. Minimum size is 2,000 sq. ft. and maximum size is 30,000 sq. ft.</u></p>	
<p><u>Pedestrian passageway are relatively narrow public spaces located in dense areas between buildings, allowing pedestrian access to the public front. These passageways can be successful locations for store entries, window displays café seating or public meeting space. The passageway shall incorporate fixtures such as, but not limited to fountains, benches, landscape materials, sculptures, and other decorative elements.</u></p>	 

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<p><u>Promenade is a large, linear-designed area, usually adjacent to buildings lined with trees and shrubbery, which can be used as a public walk. Typically parking surrounds a promenade.</u></p>	
<p><u>Squares are areas for passive recreational use. Square shall be bounded by streets on a minimum of three sides or 75% of their perimeter. Minimum size: 500 sq. ft.; Maximum size: 1 acre. Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved with other areas of soft landscape. Squares are encouraged to be planted parallel to all street ROW's with one tree species planted a minimum of 10 ft. on center and at a maximum of 30 ft. on center. Geometrical tree planting layouts for internal plantings are encouraged. A close can function as a square.</u></p>	
<p><u>A Woonerf is an access way where the primary use is by pedestrian and bicycles with secondary use by vehicles. By removing curbs and any indication of a car travel line, while at the same time adding landscaping and street furniture, the public realm for pedestrians is expanded into what was the street. Parking areas shall be dispersed.</u></p>	

.2 Agricultural Open Space: shall include areas set aside for agricultural purposes such as livestock, growing fruits, vegetables, grains, etc. The goals of the agricultural open space are as follows:

- (a) To conserve areas of the town with productive soils for continued agricultural use by preserving large blocks of land large enough to allow for efficient operations.
- (b) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive farmland areas.
- (c) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.
- (d) To preserve and maintain historic and archeological sites and structures that serve as significant visible reminders of the town's social and architectural history.

Reference Article 3 and Article 7.12 - 7.14 for further information

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.3 Common Open Space: shall include all other areas that are not suitable within the other open space categories. These areas can include, but are not limited to the following:

- (a) Entryway monumentation to include the landscaped area, berm (if applicable)**
- (b) Water quality/quantity feature, known as Best Management Practices (BMPS): The required maintenance easement shall be included as common open space. BMPS include, but are not limited to, sandfilters, detention ponds, dry ponds, rain gardens, swales, and level spreaders.**

Reference Article 3 and Article 7.12 - 7.14 for further information

.4 Natural Open Space: shall include areas where natural features, such as topography, rock outcroppings, hills and valleys are not altered. Only minimal thinning of vegetation shall be permitted to promote overall health of the natural area in accordance with the tree protection regulations of Article 7. The goals of natural open space are as follows:

- (a) To conserve areas of the town with productive soils for forestry use by preserving large blocks of land large enough to allow for efficient operations.**
- (b) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.**
- (c) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive areas.**
- (d) To conserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams and creeks, wetlands and floodways.**
- (e) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.**

Reference Article 3 and Article 7.12 - 7.14 for further information

.5 Recreational Open Space: shall include areas where natural features may be altered to provide for recreational activities without impacting the impervious quality of the soil except as provided herein. These activities may include ballfields, equestrian trails, hiking trails, picnicking, primitive camping, golf courses, green spaces (manicured or not), etc. Structures related to the recreation space may count towards open space provided they do not create an impervious area over 100 sq. ft. The goals of recreation open space are as follows:

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- (a) To preserve and maintain historic and archeological site and structures that serve as significant visible reminders of the town's social and architectural history.**
- (b) To provide for active and passive recreational needs of town residents, including implementation of associated town long range plans.**

Reference Article 3 and Article 7.12 - 7.14 for further information

7.13 **Open Space** Evaluation Criteria

- .1 In evaluating the layout of lots and open space, the following criteria will be considered by the town as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. **Reference Subdivision Ordinance 6.300.** Accordingly, the town shall evaluate proposals to determine whether the proposed subdivision plan:

{Items (a) – (j) unchanged}

(k) Landscapes common areas ~~{such as community greens-}~~, cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with **providing** high wildlife conservation value **listed on the approved tree and shrub list.**

{Items (l) – (n) unchanged}

Article 8.1 Street Frontage Requirement

4. A site specific development plan may be considered for approval in the TC, NC, NR, R, TR, HC, CB, **CI, VS,** and both TND **and TOD** districts where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, mid-block private alleyway with courtyard, or pedestrian way, or urban open space as defined in **Article 7, part B,** where adequate access by emergency vehicles is maintained by way of a street or alley and where the off-street placement of uses does not diminish the orientation of building fronts to the public street.

Article 12.2.1 General Definitions

Large-Lot Subdivision A major residential subdivision in which all **residential** lots are a minimum of $\frac{3}{4}$ acre in size.

Open Space. Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation; unless specifically allowed by this ordinance in the Farmhouse Cluster, Conservation Subdivisions, and Minor Subdivisions, ~~open space may also include portions of private building lots subject to an open space easement dedicated to the town.~~ Urban Open

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~~Space assumes one or more of the forms detailed in Article 7, and may contain recreation equipment and amenities as indicated. Rural Open Space is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance as described in Section 3.2.1, will be construed, in whole or in part, to be rural open space.~~ **Reference Article 7.11 Urban, Agricultural, Common, Natural, and Recreational Open Space for specific qualitative criteria.**

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, ~~water quality best management practices,~~ swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

New Text = Bold and Underlined; Old Text = Marked Through

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

PUBLIC HEARING DATE:

PLANNING BOARD MEETING:

PLANNING BOARD RECOMMENDATION:

TOWN BOARD DECISION:

TOWN BOARD MEETING:

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AN ORDINANCE TO AMEND ARTICLE 3.2.1 (RURAL ZONING), ARTICLE 3.2.2 (TRANSITIONAL RESIDENTIAL ZONING), ARTICLE 3.2.5 NEIGHBORHOOD CENTER, ARTICLE 3.2.6 (TOWN CENTER ZONING), ARTICLE 3.2.7 HIGHWAY COMMERCIAL, ARTICLE 3.2.8 CAMPUS INSTITUTIONAL, ARTICLE 3.2.9 CORPORATE BUSINESS, ARTICLE 3.2.11 TRANSITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICTS, ARTICLE 3.2.12 PASSENGER VEHICLE SALES, ARTICLE 3.2.13 TRANSIT ORIENTED DEVELOPMENT – RESIDENTIAL, ARTICLE 3.2.14 TRANSIT ORIENTED DEVELOPMENT – EMPLOYMENT, ARTICLE 7 PART B (OPEN SPACE), ARTICLE 8.1.4, AND ARTICLE 12.2.1 (GENERAL DEFINITIONS) TO REVISE OPEN SPACE CRITERIA WITH IN THE TOWN ZONING ORDINANCE.

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

3.2.1 Rural District (R)

3.2.1.d.2.

c. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. In order to obtain credit the open space should align with Town and County's future land use plans. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.

3.2.1.d.

3. Open Space. Designated Open Space includes that parcel or parcels of land which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are four types of open space in the Rural District – agricultural, common, natural and recreational. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.

3.2.2 Transitional Residential District (TR)

3.2.2.d.2.

c. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. In order to obtain credit the open space should align with the Town and County's future land use plans. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily

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available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.

3.2.2.d.

3. Open Space. Designated Open Space includes that parcel or parcels of land which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are five types of open space in the Transitional District - urban, agricultural, common, natural and recreational. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.

ARTICLE 3.2.5 Neighborhood Center (NC)

- d) 8). Every building lot shall have frontage upon a public street or urban open space.

ARTICLE 3.2.6 Town Center (TC)

- d) 6). Every building lot shall have frontage upon a public street or urban open space.

ARTICLE 3.2.7 Highway Commercial (HC)

- d) 9) Every building lot shall have frontage upon a public street or urban open space except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.

ARTICLE 3.2.8 Campus Institutional (CI)

- d) 4) Every building lot shall have frontage upon a public street or urban open space; buildings fronting on urban open space shall provide for vehicular access from a rear alley or street.

ARTICLE 3.2.9 Corporate Business (CB)

- d) 5) Every building lot shall have frontage upon a public street or urban open space; buildings fronting on urban open space shall provide for vehicular access from a rear alley or street.

ARTICLE 3.2.11 Transitional Neighborhood Development Districts (TND-U and TND-R)

- f) 3) All lots shall share a frontage line with a street or urban open space; lots fronting an urban open space shall provide rear alley access.

ARTICLE 3.2.12 Passenger Vehicle Sales District (VS)

- 13) Every building lot shall have frontage upon a public street or urban open space except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in

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the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.

ARTICLE 3.2.13 Transit Oriented Development - Residential (TOD-R)

- f) 3) Every building lot shall share a frontage line with a street, or urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.

ARTICLE 3.2.14 Transit Oriented Development - Employment (TOD-E)

- d) 1) Every building lot shall share a frontage line with a street, or urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.

ARTICLE 7, PART B: OPEN SPACE

7.10 Open Space - Purpose, Intent and Definitions

Regulations are intended to provide quality open space within a subdivision, multi-building site or commercial development. There are five types of open space: Urban, Agricultural, Common, Natural, and Recreational. Encouragement is given to apply creative design and allow flexibility to aid application of open space typologies. When determining placement of open space within a subdivision evaluation should occur when siting services and infrastructure by reducing road length, utility runs, and pavement. The creation of compact neighborhoods accessible to open space amenities aid strong community identity.

.1 Open Space Typologies Defined

- (a) Urban Open Space: planned and improved open space, accessible and usable. There are multiple variations of urban open space choose from.
- (b) Agricultural Open Space: preserve agricultural lands and rural character that would likely be lost through conventional development approaches.
- (c) Common Open Space: Any portion of a land that is not part of a private lot or tract of land such as, but not limited to, area devoted to water quality/quantity measures, entryway features including the landscape material, signage and, if applicable berm and any other open space area that is not defined by one of the four other open space types.
- (d) Natural Open Space: preserve forested lands, natural features, and rural character that would likely be lost through conventional developments approaches.
- (e) Recreational Open Space: to provide for active and passive recreation, included but not limited to, implementation of associated long range Town/County plans.

Reference Article 12: Definitions for subdivision, large lot.

- .2 All zoning districts, except Rural, require Urban Open Space to be incorporated into the design. All open space areas outside of landscape and BMP (stormwater) easements and lots that are not specified as Urban Open Space shall meet one or a combination of the remaining four open space typologies,

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Agricultural, Common, Natural and Recreational. Article 3 and Article 7.11 shall be referenced for further information.

- .3 Rural Zoning shall incorporate a combination of Agricultural, Common, Natural, or Recreational open space typologies. Article 3.2.1 and Article 7.11 shall be further referenced.
- .4 Below is a table outlining what types of open space options are available to meet zoning district standards.

		Zoning Districts	R	TR	GR	NR, NC, TC, HC, CI, CB, SP, TND-U, TND-R, VS, TOD-R, and TOD-E.	Ordinance Reference
Open Space Type							
<i>Common</i>			◆	◆	◆	◆	7.10.1.c.
<i>Agricultural</i>			◆	◆			7.10.1.b.
<i>Natural</i>			◆	◆			7.10.1.d.
<i>Recreational</i>			◆	◆			7.10.1.e.
<i>Urban - Types</i>							7.11.1.f
	<i>Community Garden</i>			◆		◆	
	<i>Forecourt</i>			◆		◆	
	<i>Green</i>			◆		◆	
	<i>Greenbelt</i>			◆		◆	
	<i>Greenway</i>			◆		◆	
	<i>Park</i>			◆		◆	
	<i>Parkway</i>			◆		◆	
	<i>Pedestrian Passage</i>			◆		◆	
	<i>Plaza</i>			◆		◆	
	<i>Promenade</i>			◆		◆	
	<i>Square</i>			◆		◆	
	<i>Woonerf</i>			◆		◆	

7.11 Urban, Agricultural, Common, Natural, and Recreational Open Space Criteria

.1 Urban Open Space:

- (a) Urban Open Space is defined as all areas not divided into private or civic building lots, streets, right-of-way, parking or easements.
- (b) Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.) Urban Open Space shall conform to one of the Urban Open Space types described in this section, or to a minor variation of same.








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- (c) In major subdivisions and multi-building developments in all zoning districts except Rural, urban open space shall be integrated into the design of the site. Such open space, whether on-site or off-site, shall be located within $\frac{1}{4}$ mile of each building lot as measured along the rights-of-way of streets providing access between the two. In large-lot subdivisions such urban open space shall be integrated into the design of the site so that, whether located on-site or off-site, such open space is located within $\frac{1}{2}$ mile of all building lots, as measured along the rights-of-way of street providing access between the two.
- (d) Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.
- (e) No more than twenty-five (25) percent of each above ground water quality/quantity treatment system (BMP) within an urban open space area can be used. Any above ground BMPs located within an Urban Open Space must add to the overall quality of the open space, rather than detract from area devoted to BMP. To exceed the twenty-five (25) percent limitation a design maybe submitted to the Planning Board for review and approval. Such BMP design shall incorporate a combination of the following design elements; but not limited to, pathways, boardwalks, ponds with fountains, and landscape material. Underground BMPS are not limited.
- (f) Urban Open Space types includes Community Garden, Forecourt, Green, Greenbelt, Greenway, Park, Parkway, Pedestrian Passage, Plaza, Promenade, Square, and Woonerf, and that are characterized as described below or to a minor variation of same.






Community Gardens should be centrally located and accessible to residents for participation. Maintenance of the site shall be continued year round, as the intent is for the garden to be all-season. Should the garden become abandoned then the garden area will be required to be seeded with grass and used as a recreational area. Community Gardens shall be a minimum of 500 sq. ft.








Recommended VERSION 06.01.17

<p>Forecourts are open space areas which act as buffers between residential buildings and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street ROW's with one tree species. Such plantings shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center.</p>	
<p>Greenbelts run along the perimeter of a neighborhood or town and serve to buffer from surrounding non-compatible uses such as a highway corridor, industrial district, or from agricultural areas or adjacent towns.</p> <p>Greenbelts are left natural, but may include walking trails or passive recreation.</p>	 
<p>A Green is typically landscaped with trees at the edge and an open expanse of grass in the center that is externally surrounded directly or indirectly by buildings.</p>	 
<p>Greenways are generally linear in nature and may bisect or border developments. They are designed to incorporate natural settings such as creeks and significant stands of trees with neighborhoods. Recreational uses shall be provided, at a minimum, trails for walking, jogging and/or bicycling. A greenway may be bound by Public Street, but not required. Greenways dedicated to Town/County as identified on the adopted greenway plan will be counted toward tree save area, if relevant. Upon completion of the publicly dedicated greenway any trees removed due to construction are not required to be replaced.</p>	 

Recommended VERSION 06.01.17

<p>Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 25% of their perimeter, and are encouraged to be enclosed by streets on all sides. Mini Parks, such as, but not limited to dog parks, playgrounds, pocket parks and splash pads can be incorporated throughout a development to meet the ordinance requirements.</p> <p>Where mini parks are not used, the minimum size shall be 1 acre and maximum size 3 acres. Maximum park size may exceed 3 acres, if through design, the park creates a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake, high ground, significant stand of trees).</p>	 
<p>Parkways are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Parkway may be entirely bounded by streets or pedestrian ROW's within developed areas. Parkway differs from parks and squares in that their detailing is natural (i.e. informally planted). Parkway are used for walking, jogging or bicycling. In addition, small scale recreational features such as playground area or soccer field are appropriate in parkways.</p>	 
<p>A Plaza is an open area adjacent to a civic, commercial, or residential building/s. Plazas function as gathering places. Limited parking is also permitted. Plazas are always paved in brick or another type of paver or crushed stone. Plazas shall be level, stepped, or gently sloping (less than 5% grade). The following sizes are recommended but may be smaller or larger depending on the building or facility design. At no time shall a plaza's horizontal length or width be greater than 3 times the height of surrounding buildings. Plazas may be left unplanted. If planted, trees should form the geometric frame of the plaza space or for the structure the plaza services. Spacing shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center. Minimum size is 2,000 sq. ft. and maximum size is 30,000 sq. ft.</p>	

Recommended VERSION 06.01.17

<p><u>Pedestrian passageway</u> are relatively narrow public spaces located in dense areas between buildings, allowing pedestrian access to the public front. These passageways can be successful locations for store entries, window displays café seating or public meeting space. The passageway shall incorporate fixtures such as, but not limited to fountains, benches, landscape materials, sculptures, and other decorative elements.</p>	 
<p><u>Promenade</u> is a large, linear-designed area, usually adjacent to buildings lined with trees and shrubbery, which can be used as a public walk. Typically parking surrounds a promenade.</p>	
<p><u>Squares</u> are areas for passive recreational use. Square shall be bounded by streets on a minimum of three sides or 75% of their perimeter. Minimum size: 500 sq. ft.; Maximum size: 1 acre. Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved with other areas of soft landscape. Squares are encouraged to be planted parallel to all street ROW's with one tree species planted a minimum of 10 ft. on center and at a maximum of 30 ft. on center. Geometrical tree planting layouts for internal plantings are encouraged. A close can function as a square.</p>	
<p>A <u>Woonerf</u> is an access way where the primary use is by pedestrian and bicycles with secondary use by vehicles. By removing curbs and any indication of a car travel line, while at the same time adding landscaping and street furniture, the public realm for pedestrians is expanded into what was the street. Parking areas shall be dispersed,</p>	

.2 Agricultural Open Space: shall include areas set aside for agricultural purposes such as livestock, growing fruits, vegetables, grains, etc. The goals of the agricultural open space are as follows:

- (a) To conserve areas of the town with productive soils for continued agricultural use by preserving large blocks of land large enough to allow for efficient operations.

Recommended VERSION 06.01.17

- (b) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive farmland areas.
- (c) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.
- (d) To preserve and maintain historic and archeological sites and structures that serve as significant visible reminders of the town's social and architectural history.

Reference Article 3 and Article 7.12 - 7.14 for further information

.3 Common Open Space: shall include all other areas that are not suitable within the other open space categories. These areas can include, but are not limited to the following:

- (a) Entryway monumentation to include the landscaped area, berm (if applicable).
- (b) Water quality/quantity feature, known as Best Management Practices (BMPS): The required maintenance easement shall be included as common open space. BMPS include, but are not limited to, sandfilters, detention ponds, dry ponds, rain gardens, swales, and level spreaders.

Reference Article 3 and Article 7.12 - 7.14 for further information

.4 Natural Open Space: shall include areas where natural features, such as topography, rock outcroppings, hills and valleys are not altered. Only minimal thinning of vegetation shall be permitted to promote overall health of the natural area in accordance with the tree protection regulations of Article 7. The goals of natural open space are as follows:

- (a) To conserve areas of the town with productive soils for forestry use by preserving large blocks of land large enough to allow for efficient operations.
- (b) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
- (c) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive areas.
- (d) To conserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams and creeks, wetlands and floodways.
- (e) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.

Reference Article 3 and Article 7.12 - 7.14 for further information

.5 Recreational Open Space: shall include areas where natural features may be altered to provide for recreational activities without impacting the impervious quality of the soil except as provided herein. These activities may include

Recommended VERSION 06.01.17

ballfields, equestrian trails, hiking trails, picnicking, primitive camping, golf courses, green spaces (manicured or not), etc. Structures related to the recreation space may count towards open space provided they do not create an impervious area over 100 sq. ft. The goals of recreation open space are as follows:

- (a) To preserve and maintain historic and archeological site and structures that serve as significant visible reminders of the town's social and architectural history.
- (b) To provide for active and passive recreational needs of town residents, including implementation of associated town long range plans.

Reference Article 3 and Article 7.12 - 7.14 for further information

7.13 Open Space_Evaluation Criteria

- .1 In evaluating the layout of lots and open space, the following criteria will be considered by the town as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Reference Subdivision Ordinance 6.300. Accordingly, the Town shall evaluate proposals to determine whether the proposed subdivision plan:

{Items (a) – (j) unchanged}

(k) Landscapes common areas, cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs providing high wildlife conservation value listed on the approved tree and shrub list.

{Items (l) – (n) unchanged}

Article 8.1 Street Frontage Requirement

4. A site specific development plan may be considered for approval in the TC, NC, NR, R, TR, HC, CB, CI, VS, and both TND and TOD districts where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, mid-block private alleyway with courtyard, or pedestrian way, or urban open space as defined in Article 7, part B, where adequate access by emergency vehicles is maintained by way of a street or alley and where the off-street placement of uses does not diminish the orientation of building fronts to the public street.

Article 12.2.1 General Definitions

Large-Lot Subdivision A major residential subdivision in which all residential lots are a minimum of $\frac{3}{4}$ acre in size.

Open Space. Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation; unless specifically allowed by this ordinance in the Farmhouse Cluster, Conservation Subdivisions, and Minor Subdivisions. Reference Article 7.11 Urban, Agricultural, Common, Natural, and Recreational Open Space for specific qualitative criteria.

Recommended VERSION 06.01.17

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

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

PUBLIC HEARING DATE:

PLANNING BOARD MEETING:

PLANNING BOARD RECOMMENDATION:

TOWN BOARD DECISION:

TOWN BOARD MEETING:

Quick Reference Guide

Current Ordinance	Proposed Ordinance	Reason for proposal
3.2.1 d. 2. Rural Zoning	In order to obtain 1.5X open space credit the open space should align with Town and County's future land use plan.	Developers have questioned how to obtain the 1.5X open space credit. Clarity was needed; therefore future land use plans were referenced.
3.2.1.d.3. Rural Zoning	Identify that the rural district shall include a combination of the following open space typologies— agricultural, common, natural and recreational as defined in Article 7	Instead of having multiple located for the open space types to be defined, staff felt that one location, Article 7 Open Space, was the best place for definitions. Addition of Common Open Space to be a catch all.
3.2.2.d.2 Transitional Residential Zoning	In order to obtain 1.5X open space credit the open space should align with Town and County's future land use plan.	Developers have questioned how to obtain the 1.5X open space credit. Clarity was needed; therefore future land use plans were referenced.
3.2.2.d.3 Transitional Residential Zoning	Identify that the Transitional Residential district shall include a combination of the following open space typologies— urban, agricultural, common, natural and recreational as defined in Article 7	Instead of having multiple located for the open space types to be defined, staff felt that one location, Article 7 Open Space, was the best place for definitions Addition of Common Open Space to be a catch all.
3.2.5 Neighborhood Center, 3.2.6 Town Center, 3.2.7 Highway Commercial, 3.2.8 Campus Institutional, 3.2.9 Corporate Business, 3.2.11 Transitional Neighborhood Development Districts, 3.2.12 Passenger Vehicle Sales, 3.2.13 Transit Oriented Development – Residential, 3.2.14 Transit Oriented Development – Employment	Remove the use of square and add all urban open space types	Found that each of the sections was limiting; to provide more opportunity for good design staff is proposing to open it up to all urban open space types.
7.10 Urban Open Space	Change title of 7.10 to Open Space - Purpose, Intent and Definitions. Provided definitions for each type of open space and a chart stating which types of open space options are available to meet zoning district standards.	There was no introduction. Many people read 7.10 Urban Open Space and never realized there were other qualitative types of open space.
7.11 Natural, Recreational and Agricultural Open Space Purpose	Change title to address all open space types: Urban, Agricultural, Common, Natural and Recreational.	Each type of open space is discussed and expectations

		set for appropriate application.
	<p>Added 7.11.1 Urban Open Space, use Ordinance language that existed in 7.10, as well as adding the following:</p> <ul style="list-style-type: none"> • new typologies (Greenways, Promenades, Pedestrian Passages, Greens, woonerfs and Community Gardens) • Identify that only 25% of the Urban Open Space can be used for BMP's if the nature of the open space is being respected. If more than 25% is used as BMP then Planning Board would have to approve based on qualitative criteria. • Language was also added to some of the existing urban open space typologies to provide clarity, such as parks. Parks were required to be 1 acre, with no options of pocket parks. Now a combination can occur. 	The development community had a desire as well as staff to have more options for urban open space. The 6 existing types, depending upon the variables at hand, could be limiting. This change adds more items (6) to the "menu".
	Added 7.11.2 Agricultural Open Space	Needed to be separated out from the other typologies to understand the goal of this open space.
	Added 7.11.3 Common Open Space	Category was added due to the inability to quantify entrance monumentation, BMPs, and other areas within a subdivision with in the four other types.
	Added 7.11.4 Natural Open Space	Needed to be broken out to provide clarity on the qualitative nature of the open space to applicants
	Added 7.11.5 Recreational Open Space	Needed to be broken out from the other typologies to understand the goal of this type of open space.
7.13 Evaluation Criteria	Add "Open Space" in front of Evaluation Criteria for clarity. Corrected references within the section.	Clarity needed, it was unclear as to what was being evaluated.

		Reference to the subdivision ordinance was added and the approved tree and shrub list.
8.1.4	Add CI, VS, and TOD districts	For buildings within these districts to be able to front urban open space.
12.2 Definitions	Removed references to Urban and Rural open space within the Open Space definition.	The definition was very limited, there was nothing in the Ordinance that is called rural open space (even though we believe the intent was to address the recreational, natural and agricultural). In removing both the urban and rural terminology the definition become more general. Reference has been added for Article 7.10 with defines the five open space types.
	Remove BMP's from the definition of structure	Currently the ordinance doesn't allow for BMPs to be in open space; however consistently staff has allowed them to exist in open space. This is an ordinance clean up from how we have consistently done business for years. BMP's per ordinance changes can exist in common open space or within 25% of urban open space. If more, then design requires Planning Board approval.
	Refine large lot subdivision	The ordinance refers to large lot subdivisions, but clarify those lots to be residential.

Town of Huntersville
REQUEST FOR BOARD ACTION
8/21/2017

REVIEWED:

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

Rezoning: Petition R16-07, a request by Skybrook, LLC to revise the existing Conditional District rezoning plan for 175.05-acres to add 4-acres (currently zoned R) and to revise the Transitional Residential Conditional District (TR-CD) to increase density, adjust open space, streets and other site plan changes. TR-CD zoning is requested for the entire site to permit 221 single-family lots located north of Huntersville-Concord Road and west of Poplar Tent Church Road. Property is vacant, with a few single-family homes.

ACTION RECOMMENDED:

Town Board Final Action on August 21, 2017

FINANCIAL IMPLICATIONS:

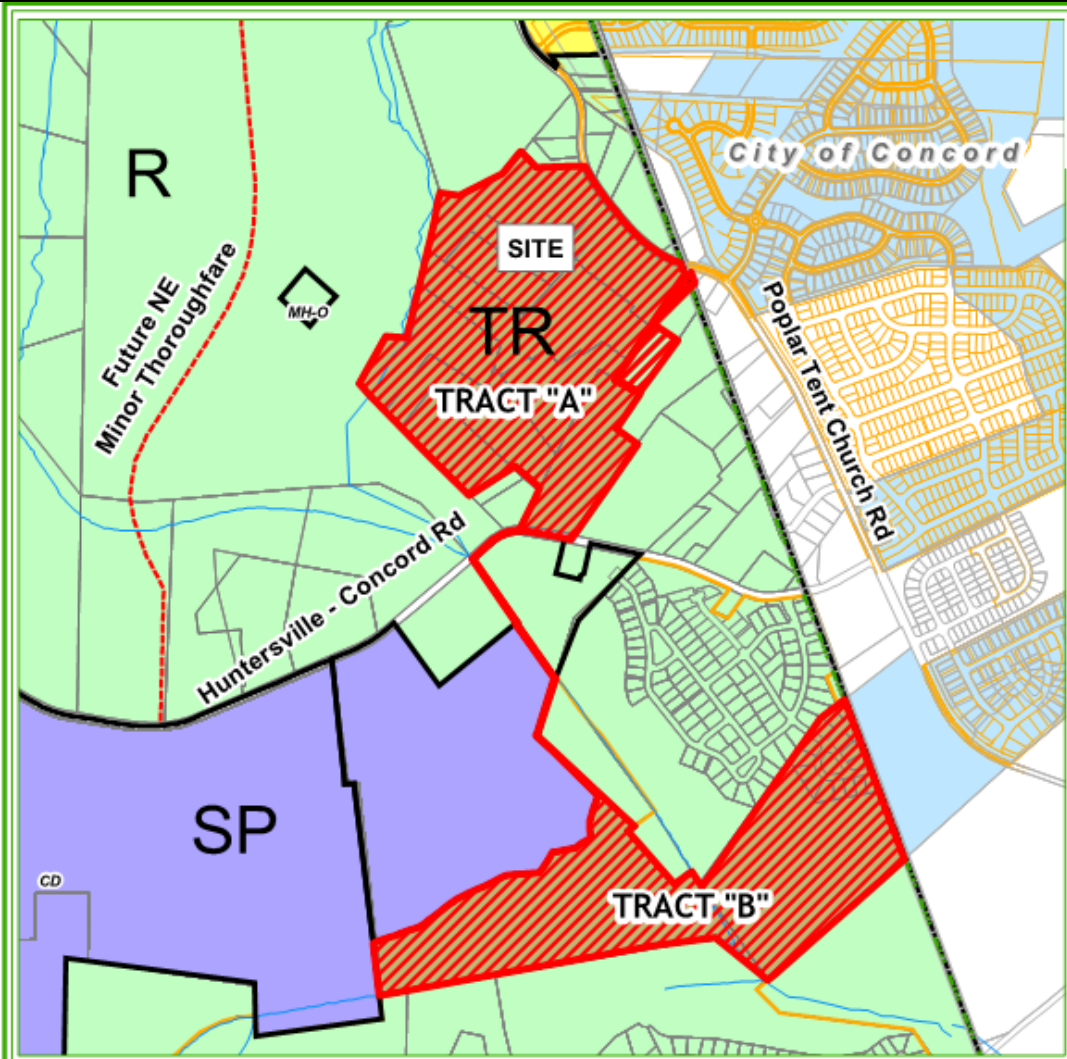
TBD

ATTACHMENTS:

Description	Type
❑ Oaks at Skybrook North Rezoning Staff Report	Cover Memo
❑ Attachment A - Rezoning Application	Cover Memo
❑ Attachment B - CD Rezoning Plan (8-7-17 version)	Cover Memo
❑ Attachment C - Neighborhood Mtg Report	Cover Memo
❑ Attachment D - APF Letter of Determination	Cover Memo
❑ Attachment E - Planning Board (draft) minutes (July 25, 2017)	Cover Memo

Petition R16-07
Oaks at Skybrook North Conditional District Rezoning

PART 1: PROJECT SUMMARY



Applicant: Skybrook, LLC

Property Owner: John T. Coley IV and Jordan Real Estate Holdings, LLC (see Attachment A).

Property Address: 15645 Poplar Tent Church Road.

Project Size: (+/-) 175.05-acres

Parcel Numbers:
011-103-01, -03, -04, -07, -09, -10, -11, -13, -16, -17, -18, -19, 011-102-01, -13 and 021-081-04, -06 (owned by Metrolina Greenhouses).

Current Zoning: Transitional Residential Conditional District (TR-CD) & Rural (R).

Current Land Use: vacant & a few homes.

Proposed Zoning: Revised Transitional Residential—Conditional District (TR-CD).

Proposed Land Use:
221 single-family homes:
205 in Tract A;
16 in Tract B
(a 41 home increase over currently approved plan)

1. Purpose: Rezone 175.05-acres from an existing conditional district plan to a revised conditional district plan. The changes are proposed on the 96.39-acre area north of Huntersville-Concord Road and west of Poplar Tent Church Road, near the Cabarrus County line (north of Parkside at Skybrook Subdivision), shown as Tract A, above. No changes are proposed for Tract B (see above). The specific request is to rezone 175.05 acres from Transitional Residential Conditional District (TR-CD) and Rural (R) to Transitional Residential – Conditional District (TR-CD) to add approximately four (4) acres of land, to increase the lot count from 180 to 221 and to adjust open spaces and street layouts.

It is important to understand that Oaks at Skybrook North, as a whole, includes 175.05-acres broken-out into Tracts A & B. All of the PROPOSED CHANGES ARE FOR TRACT A ONLY. The addition of new acreage, street layout changes, open space adjustments and other revisions are all on Tract A. There are no revisions proposed for Tract B.

A Subdivision Sketch Plan for this project has also been submitted concurrent with this Rezoning Plan and was reviewed by the Planning Board on June 27 and July 25, 2017.

2. Adjoining Zoning and Land Uses.

North: Rural (R) – large-lot single-family & vacant.

South: Rural (R) – single-family (Parkside at Skybrook Subdivision) & agri-business (Metrolina Greenhouses).

East: Rural (R) – mostly vacant & a few large-lot single-family homes (along Cabarrus County line).

West: Rural (R) – regional tourist attraction (Renaissance Festival) & vacant.

3. A neighborhood meeting was held on Monday, February 27, 2017. The complete meeting summary is provided in Attachment C. Questions/concerns centered on possible road improvements and what type and number of homes are proposed to be built.
4. Notice for this rezoning petition was given via letters sent to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property in two (2) locations.
5. NOTE: This rezoning petition has been continued twice by the applicant, to explore the possibility of developing under the new Transitional Residential (TR) zoning regulations. The applicant ultimately decided not to pursue that route and has continued with their original revision submittal, with some adjustments.

PART 2: REZONING/SITE PLAN ISSUES

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

- The Oaks at Skybrook North subdivision (Tract A), which is the only portion of the development making changes, will be developed as one (1) phase.
- Additional right-of-way required along both Huntersville-Concord Road and Poplar Tent Church Road is to be dedicated, along with road improvements for both roads as outlined in previous approvals (see Part 3 for details).
- Required Urban Open Space is provided via a 1.64-acre Park, a 0.54-acre pocket park, a 0.33-acre pocket park and a 0.69-acre square for a total of 3.20-acres for Tract A. There are a total of 3.62-acres of Urban Open Space provided for both Tracts A & B. Overall open space totals are 97.53-acres (55.72%). Current TR zoning requires 40% open space, minimum, to achieve maximum permitted density.
- 2.30-acres is proposed to be dedicated to Mecklenburg County, along the northern stream, where a new sewer line was recently installed, to accommodate a section of future County/Town greenway.
- Minimum Tree Preservation for the current TR zone is 35%. The proposed TR-CD Rezoning Plan saves 51.49% of the overall existing tree canopy, [12.51% for Tract A (Currently 7.6%) & 85.64% (currently 58.1%) for Tract B].
- Grass paths will be maintained along both gas-line easements by the Home Owners Association (HOA).
- An “emergency-access only” drive / pedestrian path is proposed to cross one of the gas line easements in order to provide multiple accesses to the western portion of the subdivision.

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

- The total density increase of 41 homes is supported by staff. From the beginning of this review process, staff indicated they could support a 40 unit increase, provided, open space deficiencies were addressed by incorporating “additional open space features” into the CD-Rezoning Plan and all redline comments were addressed. **(7-25-17 UPDATE) The requirements outlined to support 40 more units have been incorporated into the CD-Rezoning Plan.**

- Two (2) waivers are requested and must be specifically approved or denied. The waivers are as follows:
 - “Waiver to increase block length per block length table.” This waiver was approved on 10-16-06 and is on the current 2010 version of the CD Rezoning. It should be noted that there were three (3) blocks that required a waiver in 2010, but there are only two (2) on the proposed plan, Block “V” and “W”.
 - Waiver to eliminate curb and gutter requirement on Huntersville-Concord Road and Poplar Tent Church Road. This waiver was approved on 10-16-06 and is on the current 2010 version of the CD Rezoning.
- A build-to range of 20 ft. – 50 ft. is proposed. This range is acceptable, however, a provision that there will not be more than 5ft. – 10 ft. of variation from one home to another was recommended **(7-25-17 UPDATE) This note has been added to the latest version of the plan.**
- As part of this CD Rezoning, a reservation of land (dedication or easement) is required to be provided to facilitate the development of the greenway, per Article 11.3.7(h) of the Zoning Ordinance, which stipulates that “in approving a petition to reclassify property to conditional zoning district... Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to town ordinances, the officially adopted Huntersville Community Plan, other applicable adopted long range plans and those that address the impacts reasonable expected to be generated by the development or use of the site.” In summary, adequate accommodation, such as a dedication of land (preferred) or an easement should be provided for future greenway development. **(7-25-17 UPDATE) As stated on page 2, 2.30-acres is proposed to be dedicated to Mecklenburg County to accommodate a section of future County/Town greenway.**
- In addition to the greenway-land reservation, the applicant **(7-25-17 UPDATE) will provide a private trail connection to the future greenway from the subdivision.**
- The properties involved in this CD-Rezoning will be offered for voluntary annexation into the Town of Huntersville, as have all other sections of Skybrook.

PART 3: TRANSPORTATION ISSUES

A TIA is not required by the Town for the proposed increase from 180 to 221 single family detached housing units as it is below the 50 peak hour and 500 daily trip thresholds. A left-turn lane on Huntersville-Concord Road at the site entrance as well as a left-turn lane on Poplar Tent Church Road at the site entrance are recommended by Town staff and are required by NCDOT (both with a minimum of 100 feet of storage).

Two streets centerline radii are proposed to be below the Engineering Standards and Procedures Manual minimum of 200 feet for streets posted 25 MPH. The Engineering Dept. recommends that both be increased to this minimum. Centerline radii of 165 – 195 are consistent with Article 5 of the Zoning Ordinance for context of the streets proposed in this neighborhood. Both of the curves that were below the 165 foot minimum were increased to this minimum in the latest version of the plan.

The plan however still lists a design speed of 20 MPH and a centerline radius minimum of 90 in one of the typical cross sections (see Sheet 5) which is not applicable based on the context of the street network design and actual layout depicted on the plans. Removal of these notes on the Typical Section are needed as they are not applicable.

PART 4: ADEQUATE PUBLIC FACILITIES (APF)

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

PART 5: REZONING CRITERIA

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

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

- **Policy E-1, E-2 & E-3: Preservation and Enhancement.** Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.
Comment: The proposed development provides adequate open space buffers (80+ feet wide) along both Huntersville-Concord Road and Poplar Tent Church Road. In addition, 55.72% of the overall site and 26% of Tract A is set aside as open space.
- **Policy T-5: Context-sensitive Design of Streets:** Continue to support “context-sensitive” design of streets and the selection of appropriate street section designs for residential, commercial and industrial developments.
Comment: The internal streets are appropriately sized and create short blocks to encourage pedestrian activity. The proposed cross-section to be used through the development follows context sensitive design by providing adequate lane widths and green zones for street trees and sidewalks.
- **Policy T-7: Traffic Impact Analysis Ordinance:** Continue to apply requirements of “Traffic Impact Analysis” Ordinance, including Level of Service and mitigation of impacts generated by new development.
Comment: A new TIA was not required for this revision; however transportation enhancements are outlined in Part 3 of this staff analysis.
- **Policy T-8: Street Connectivity:** Promote and require street connectivity in the Town of Huntersville among residential, employment, recreational and institutional uses.
Comment: The proposed development provides two (2) connections to existing thoroughfares (Huntersville-Concord Road & Poplar Tent Church Road). In addition, there are six (6) stub streets: two to the north, two to the south, one to the east and one to the west.
- **Policy CD-5: Street Infrastructure:** Continue to require that adequate public infrastructure (roads, utilities, etc.) either exist or will be made available to support all new development.
Comment: The proposed development will provide all TIA-required improvements to external public roads, extend public water and sewer, provide two (2) connections to existing roads, provide six (6) stubs for future connections and provide a greenway dedication.
- **Policy PF-2: Adequate Public Facilities:** Continue use of “Adequate Public Facilities Ordinance” to ensure that demand generated by existing and future growth and development for police, fire and parks & recreation capital facilities can be met by available supply of facilities.
Comment: see Part 4 of this report.

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

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

STAFF COMMENT:

The proposed Conditional District (CD) Rezoning for the Oaks at Skybrook North subdivision is supported by the 2030 Comprehensive Plan, as the zoning district is not changing, only the provision of the CD rezoning plan. The Oaks at Skybrook North’s proposed overall density is 1.26 units per acre, however Tract A (where the revisions

are proposed) would have a density of 2.12 units per acre. Overall, the density is below the Transitional Residential District (TR) maximum density of 1.5 units per acre, but the proposed density for Tract A would be higher than both the TR density limit, as well as the adjacent Parkside at Skybrook North development, which has 1.44 units per acre. The proposal will provide adequate infrastructure (which includes new roads within the development, existing, adjacent road upgrades and other transportation enhancements as well as providing additional open space).

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

STAFF COMMENT:

- A Transportation Impact Analysis was originally required in 2006, but NOT for this revision – see Part 3 of this report.
- The APF Ordinance Determination of Adequacy was not required, as the initial APF allocation for Skybrook North was not exceeded – see Part 4 of this report.
- Storm water drainage, water supplies and wastewater and refuse disposal and a Willingness-to-serve letter provided by Charlotte Water (which has been issued), as well as PCO-1 storm water approval from Mecklenburg County are conditions of recommended approval.

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

STAFF COMMENT:

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

PART 6: STAFF RECOMMENDATION

The Oaks at Skybrook North Conditional District Rezoning Plan can be supported by staff subject to the following:

- All required TIA/Town/NCDOT required improvements, as well as all outstanding Transportation comments are addressed, as outlined in Part 3 of this report;
- All outstanding redline comments are addressed.
- RECOMMENDATION: The centerline radii for two curves in “Street 2” are proposed to be below the Engineering Standards Manual min. of 200 feet for streets posted 25 MPH. The Engineering Dept. recommends that both are increased to this min. Article 5 of the Zoning Ordinance permits centerline radii of 165 – 195 given the context of the streets proposed in this neighborhood. Both of the curves that were (originally) below the 165 foot min. were increased to this min. in the latest version of the plan.
- RECOMMENDATION: Property should be annexed into the Town limits in exchange for all municipal services. (UPDATE 6-27-17 – Applicant indicated (via email) on June 5, 2017 that property will be offered for annexation into Town as a condition of Conditional District Rezoning. A note to this effect must be added to the Rezoning plan.)

PART 7: PUBLIC HEARING COMMENTS

Public Hearing was held on Monday, June 05, 2017. No specific questions or concerns were raised during the public hearing.

PART 8: PLANNING BOARD RECOMMENDATION

Planning Board continued item on June 27, 2017, with applicant’s consent, to address staff’s concerns.

Planning Board, on July 25, 2017 made a motion to deny by 6 – 3 vote. The motion to deny was based upon factors related to density and it was not seen as in the public interest to continue to “eat away at our Rural zones”. The July 25, 2017 Planning Board minutes offer additional comments relative to their recommendation (see Attachment E).

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C - Neighborhood Meeting Report from February 27, 2017.
- D – APF Letter of Determination
- E – Planning Board (draft) minutes from July 25, 2017.

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

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R16-07; Oaks at Skybrook North Subdivision Conditional District Rezoning, the Planning staff RECOMMENDS CONDITIONAL APPROVAL FOR ONLY 221 units, as overall, it is consistent with Implementation Goals E-1, E-2, E-3, T-5, T-7, T-8, CD-5 and PF-2 of the 2030 Community Plan. The property is located within the low intensity development area of the 2030 Comprehensive Plan and the proposed overall density is consistent with similar surrounding developments (see Part 5). Recommendation of approval is also based on <u>all provisions outlined in Part 6 being addressed.</u></p> <p><u>With those provisions, it is reasonable and in the public interest to approve the Conditional District Rezoning Plan BECAUSE it is consistent with the 2030 Comprehensive Plan (as outlined above) and the applicable provisions of the Zoning Ordinance can be adequately addressed, with staff's recommendations in Section 6 .</u></p>	<p>APPROVAL: n/a</p>	<p>APPROVAL: In considering the proposed rezoning application R16-07; Oaks at Skybrook North Subdivision Conditional District, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u></p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>
	<p>DENIAL: In considering the proposed rezoning application R16-07; Oaks at Skybrook North Subdivision Conditional District, the Planning Board <u>recommends denial, by 6-3 vote, based on the Plan not being reasonable and not in the public interest to continue to "eat away at our Rural zones".</u></p>	<p>DENIAL: In considering the proposed rezoning application R16-07; Oaks at Skybrook North Subdivision Conditional District, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>



General Application

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

1. Application Type

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

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

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

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

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

2. Project Data

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

Name of Project Skybrook North Phase # (if subdivision) NA

Location Poplar Tent Road and Huntersville-Concord Road

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

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

Property Size (acres) 175.05 Street Frontage (feet) _____

Current Land Use Vacant

Proposed Land Use(s) Residential (Single Family)

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

Remove a road crossing over PNG existing gas line, make minor internal revisions to the overall layout, increase open space & tree save

and increase density from 180 to 220 single family lots.

4. Site Plan Submittals

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

5. Outside Agency Information

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

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

6. Signatures

*Applicant's Signature John T. Coley IV Printed Name John T. Coley IV
Address of Applicant P.O. Box 38 Holly Springs, NC 27540
Email coley@bpropnc.com

Property Owner's Signature (if different than applicant) _____
Printed Name John T. Coley IV

Property Owner's Address P.O. Box 38 Holly Springs, NC 27540 Email coley@bpropnc.com

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

Skybrook, LLC.	Brian Pace	704-3651208	bpace@pacedevelop.com
Development Firm	Name of contact	Phone	Email
Yarbrough-Williams & Houle, Inc.	Marc Houle	704-556-1990	march@y-wh.com
Design Firm	Name of contact	Phone	Email

If Applying for a General Rezoning:

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

If Applying for a Conditional Rezoning:

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

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

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

If Applying for a Subdivision:

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

John T. Coley IV

Contact Information

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



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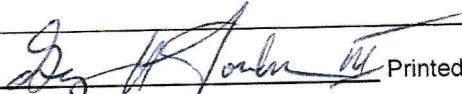
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*Applicant's Signature



Printed Name

George H. Jordan III

Address of Applicant

P.O. Box 4422 Cary, NC 27519

Email

George@GHIJordan.com

Property Owner's Signature (if different than applicant)

Printed Name

Property Owner's Address

Email

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

↓
Manager of
Jordan Real
Estate Holdings
LLC.

Development Firm

Name of contact

Phone

Email

Design Firm

Name of contact

Phone

Email

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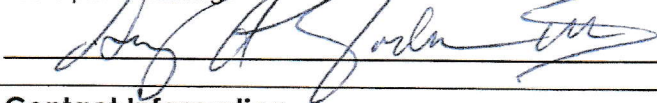
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Planning Department
PO Box 664
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Phone:

704-875-7000

Fax:

704-992-5528

Physical Address:

105 Gilead Road, Third Floor


Website:

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

SHEET INDEX
SHEET 1 COVER SHEET
SHEET 2 PARCEL 'A' SKETCH PLAN

PERCENTAGE OF CHANGE										
PARCEL	ACREAGE		#LOTS		OPEN SPACE		TREE PRESERVATION TOTAL / SAVED		SPECIMEN TREES TOTAL / SAVED	
A	approved	revision	approved	revision	approved	revision	approved	revision	approved	revision
	93.22	96.39	164	205	18.39	25.91	63.80/4.87 (7.6%)	66.5/8.32 (12.51%)	289/121 (45%)	289/151 (56%)
	+3.40%		+25.00%		+40.89%		+4.23% / +70.84%		24.79%	
B	approved	revision	approved	revision	approved	revision	approved	revision	approved	revision
	78.66	78.66	16	16	71.68	71.62	75.88/44.11 (58.1%)	75.88/64.99 (85.64%)	63/27 (42.9%)	63/27 (42.9%)
	0.00%		0.00%		-0.08%		0.00% / 47.33%		0.00%	
TOTAL	approved	revision	approved	revision	approved	revision	approved	revision	approved	revision
	171.88	175.05	180	221	90.07(52.4%)	97.53(55.72%)	139.68/48.98 (35%)	142.38/73.31 (51.49%)	332/148 (44.6%)	332/178 (53.6%)
	+1.84%		+22.78%		+8.28%		+1.93% / +49.67% (+47.11)		20.27%	



6	8/26/17	PER TOWN OF HUNTERSVILLE COMMENTS	BTB
5	8/26/17	PER TOWN OF HUNTERSVILLE COMMENTS	BTB
4	1/13/17	REVISED PER TOWN OF HUNTERSVILLE AND LIESA COMMENTS AND ADDED 35 LOTS	WGD
3	7/16/16	ADDED PARCELS TAX PARCEL 011-102-0-1	BTB
2	6/10/16	REMOVED ROAD/CAS CROSSING, REVISED LOTS 14-16, ADDED LOTS 186-189	BTB
1	3/12/16	ADDED NOTES 1-4 PER TOWN OF HUNTERSVILLE COMMENTS	BTB
NEL	DATE	REVISION	BY
SHEET TITLE			PROJECT NEL
REZONING PARCEL "A" SKETCH PLAN			SCALE 1"=100'
			DATE 7/13/10
			DRAWN BY YWH
PROJECT THE OAKS AT SKYBROOK NORTH TOWN OF HUNTERSVILLE, MECK. CO., N.C. FOR: SKYBROOK ,LLC			CHECKED BY MAH
 NC Corporate Registration #C-0475			DRAWING NEL 255-03C
YARBROUGH-WILLIAMS & HOULE, INC. Planning • Surveying • Engineering (Registered) (Licensed) 750 Windsor Oak Court Charlotte, North Carolina, 28273 704.556.1990 704.556.0609(fax)			SHT 2 OF 2 SHTS



February 28, 2017

To: Janet Pierson, Town of Huntersville

From: Scott Moore, Skybrook Project Manager

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

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

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

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

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

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

Summary of items discussed at the meeting:

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

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

The meeting was adjourned at 6:40 PM.

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



February 9, 2017

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

Dear Property Owner,

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott Moore", with a long horizontal flourish extending to the right.

Scott Moore
Project Manager
Skybrook Subdivision

Rt 16-07 Skybrook North
Neighborhood Meeting Mailing List
Mailed: USPS 2/9/17 12:30 PM

MARY BRADFORD BOST
16418 MCAULEY RD
HUNTERSVILLE, NC 28078

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

EGW ENTERPRISES LLC
38 SALEM ST
THOMASVILLE, NC 27360

H KEVIN GEDNEY
15026 SKYPARK DR
HUNTERSVILLE, NC 28078

DWAYNE NELSON HENSLEY
10120 HARRIS RD
HUNTERSVILLE, NC 28078

GEORGE H III JORDAN
PO BOX 4422
CARY, NC 27519

LANRE M LADIPO
15107 SKYPARK DR
HUNTERSVILLE, NC 28078

DIANNE JONES MCVAY
16241 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

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

ELEASAR NGASSA
15102 SKYPARK DR
HUNTERSVILLE, NC 28078

ROBERT BANNER
1505 BURNING LANTERN LN
KANNAPOLIS, NC 28081

PAUL J CAPALDI
16317 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

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

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

DONNA M GILMORE
16311 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

KENMORE HINKSON
16321 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

BRIAN KEITH
15120 SKYPARK DR
HUNTERSVILLE, NC 28078

GREGG A MATTHIESEN
16329 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

WILLIAM MERCER
15700 POPLAR TENT CHURCH RD
HUNTERSVILLE, NC 28078

MVC LLC
PO BOX 38
HOLLY SPRINGS, NC 27540

EDDIE C PALMER
15114 SYKPARK DR
HUNTERSVILLE, NC 28078

CORA BATTIES
16325 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

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

STEPHEN P DUFFEY
15712 POPLAR TENT RD
HUNTERSVILLE, NC 28078

DAVID N FARACE
15126 SKYPARK DR
HUNTERSVILLE, NC 28078

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

TODD JOHNSON
16959 HUNTERSVILLE-CONCORD RD
HUNTERSVILLE, NC 28078

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

DAVID G MCALEXANDER
14703 LONG IRON DR
HUNTERSVILLE, NC 28078

METROLINA GREENHOUSES INC
16400 HUNTERSVILLE CONCORD RD
HUNTERSVILLE, NC 28078

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

PARKSIDE AT SKYBROOK NORTH HOA
6719-C FAIRVIEW RD
CHARLOTTE, NC 28210

KAREN A PORETTI
15034 SKYPARK DR
HUNTERSVILLE, NC 28078

DENNIS R RANAGAN
15018 SKYPARK DR
HUNTERSVILLE, NC 28078

BRYAN REDDING
15108 SKYPARK DR
HUNTERSVILLE, NC 28078

RICHARD O SHIREY
6207 GLENCAIRN CR
CHARLOTTE, NC 28269

SKYBROOK HOA
830 SKYBROOK DR
HUNTERSVILLE, NC 28078

SKYBROOK LLC
PO BOX 38
HOLLY SPRINGS, NC 27540

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

MARY DEOLA SIMMONS WILSON
17117 HUNTERSVILL CONCORD
HUNTERSVILLE, NC 28078

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

Mayor John Aneralla
15705 Framingham Lane
Huntersville, NC 28078

Commissioner Melinda Bales
15426 Ranson Road
Huntersville, NC 28078

Commissioner Dan Boone
317 Southland Road
Huntersville, NC 28078

Commissioner Mark Gibbons
13818 Bramborough Road
Huntersville, NC 28078

Commissioner Rob Kidwell
7603 Rolling Meadows Ln
Huntersville, NC 28078

Commissioner Danny Phillips
14720 Brown Mill Road
Huntersville, NC 28078

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

Hal Bankirer
17206 Linksview Lane
Huntersville, NC 28078

Jennifer Davis
7530 McIlwaine Road
Huntersville, NC 28078

Catherine Graffy
15120 Pavilion Loop Drive
Huntersville, NC 28078

JoAnne Miller
13900 Asbury Chapel Road
Huntersville, NC 28078

Adam Planty
12327 Cross Meadow Road
Huntersville, NC 28078

Joe Sailers
9332 Westminster Drive
Huntersville, NC 28078

Ron Smith
15902 Gathering Oaks
Huntersville, NC 28078

Stephen Swanick
12903 Heath Grove Drive
Huntersville, NC 28078

Susan Thomas
10215 Lasaro Way
Huntersville, NC 28078

Gerry Vincent
PO Box 664
Huntersville, NC 28070

Janet Pierson
PO Box 664
Huntersville, NC 28070

David Pecte
PO Box 664
Huntersville, NC 28070



Received: _____
Complete Application: _____
Yes: _____
No: _____

Adequate Public Facilities (APF) Application

Section I: Background Information

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

- apartment building or attached house site plans involving twenty (20) or more dwelling units
- subdivisions involving more than twenty (20) lots
- nonresidential developments or uses of 10,000 square feet or more of floor area or creating fifty (50) or more peak hour vehicle trips or 500 or more daily vehicle trips, whichever is less; and
- developments meeting any one of the thresholds above, which requires any one of the following
 - ◆ a special use permit
 - ◆ any overlay district for which a site specific development plan is required under the provisions of this ordinance
 - ◆ a conditional zoning district
 - ◆ a subdivision sketch plan or a preliminary plan when required by the subdivision ordinance
 - ◆ a final plat when no sketch plan or preliminary plan is required

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

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

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

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

Section II: Development Project Information

Please provide the following information.

Name of Applicant:	Skybrook LLC.
Address of Applicant:	6719 -C Fairview Road, Charlotte NC 28210
Name of Property Owner:	Skybrook LLC.
Address of Subject Property:	15645 Poplar Tent Church Road
Zoning - Current	TR(CD)
Zoning - Proposed	TR(CD)
Phone Number(s) of Applicant:	704-365-1208
Parcel Number of Subject Property:	011-102-11, 13, 011-103-01, 03, 04, 07, 09, 10, 11, 13, 16
Size of Subject Property:	011-103-17, 18, 19, 021-081-04 96.39 Ac.
Number of Phases & Total Sq. Ft.:	One Phase
(If this Development Proposal will be phased, please see Section III below.)	
Number of Phases & Sq. Ft. Included in this APF Request:	
Number of Phases & Sq. Ft. Included in TIA Request (if applicable)	

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

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

None

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

Non-Residential Land Uses Proposed

Square Feet Gross Floor Area

Residential Land Uses Proposed

(please indicate whether single- or multi-family)

Single Family

Number of New Dwelling Units

220

Section III: Phasing

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

Preliminary Plan Review will begin immediately following the Rezoning and Sketch Plan Approval, with an anticipated approval set for September 2017.

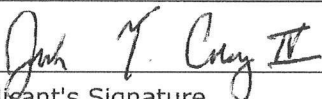
Construction on the site will start in October 2017, with builder permits being sought after in March 2018.

This phasing and takedown of lots is dependent upon the real estate market.

Section IV: Past or Proposed Public Facility Contributions

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

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


Applicant's Signature

9/13/17

Date

||

Property Owner's Signature

Date



**Planning Board
Regular Meeting Minutes
July 25, 2017 - 6:30 PM**

Town Hall

A. Call to Order/Roll Call

DRAFT MINUTES ARE SUBJECT TO CHANGE

The Chairman determined quorum and called the meeting to order.

B. Approval of Minutes

1. Consider Approval of the June 27, 2017 Regular Meeting Minutes

A Motion to Approve was made by Joe Sailers and seconded by Ron Smith. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

C. Public Comments

Item 3. Trevor Kale, 15372 Michael Andrew Road, Huntersville. Mr. Kale stated his appearance was on behalf of some neighbors in the subdivision and some present, and noted he was against the subdivision for 94 single family homes. There are 227 homes in both Stone Hollow I and II, and the 94 home will impair their quality of life. They have major traffic concerns. There is a current traffic study done between April 27, 2017 and May 1, 2017, with a total of 8,727 cars going through the neighborhood of 227 homes. The traffic study was completed before the residents of the new Cobblestone Manor (across from Torrence Creek Elementary School), and there is no one living in that 82 home development now. So the traffic study (counts) do not include the new development. Mr. Kale identified the cut through in Stone Hollow that cuts off about a quarter of a mile of traffic. There are no plans being presented by the Town to improve the traffic in that area of Ranson Road. There are no environmental studies done to show an impact on the neighborhood and residents. Currently, there are sink holes that homeowners are having to pay for. He repeated that the 94 homes would hinder his, and the neighbors' quality of life. He is getting more frustrating by sitting in traffic; gaining more time away from his family, and putting his family in potential accidents by pulling out on Ranson to turn left or right. He asked the Board to take a hard look at the situation. This side of Huntersville is growing rapidly, and he felt they were being left out of the study part as far as traffic with no traffic plan whatsoever for Ranson Road. He requested denial for the proposed neighborhood.

D. Action Agenda

1. **Rezoning:** Petition R16-07, a request by Skybrook, LLC to revise the existing Conditional District rezoning plan for 175.05-acres to add 4-acres (currently zoned R) and to revise the Transitional Residential Conditional District (TR-CD) to increase density, adjust open space, streets and other site plan changes. TR-CD zoning is requested for the entire

site to permit 225 single-family lots located north of Huntersville-Concord Road and west of Poplar Tent Church Road. Property is vacant, with a few single-family homes.

A Motion to Deny was made by Stephen Swanick and seconded by Jennifer Davis. The Motion Carried by a vote of 6 Ayes and 3 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Sailers, Smith, Swanick

Nays: Bankirer, Miller, Thomas

Included in the Motion: the denial is based upon factors related to density and characteristic. It is not reasonable and not in the public interest to continue to eat away at our Rural zones.

David Peete, Principal Planner, gave an update from last month's deferral, and entered by the rezoning and sketch plan Staff Reports into the record, a copy of which are attached hereto collectively as Exhibit A, and incorporated herein by reference. The current site plan for tract A (no changes to tract B), has reduced density to 221 lots, and staff recommends approval, including the waivers. The Urban Open Space ("UOS") has not changed. There are miscellaneous transportation comments to be addressed. The curve radii has been further discussed, and the Engineering Department would still recommend 200, but the developer is in compliance with what has been proposed. The cross section near the park now includes street trees. The storm water review and USPS will be taken care of. The applicant intends to annex the area, and create a build-to range variation no greater than 5-10' from home to home. There will be a private trail connection to a future greenway. The applicant is only amending just the specific sketch plan that goes with the majority of the rezoning that was in place in 2006 and 2010. There is a small amount of acreage being added to the rezoning from Rural to the TR-CD. Staff has no outstanding issues and recommends the density increase of 41 units overall.

Scott Moore, Project Manager with Skybrook, LLC, 830 Skybrook Drive, stated that a private trail will be maintained by the HOA and will be connected for pedestrian purposes, which will be noted on the plans.

Ron Smith commented about the age of the Traffic Impact Analysis ("TIA") from 2006, and staff responded that the Engineering Department determined that a new TIA was not needed. The number of units requested does not meet the threshold to require a new TIA. Scott Moore noted that the original TIA used 258 lots, and now it is down to 221; even less than what was studied and what the standard would have called for. Jack Simoneau, Planning Director, commented that this is a conditional rezoning plan that is approved and vested. The only question before the Board is the additional 41 lots. The Board continued to express concerns with the (older) TIA. The Chairman suggested that as part of the Minutes that a message to the Town Board be made to perhaps look at aged TIA's and if there is substantial development in the affected area since the (older) TIA.

Other questions were made about language in the Staff Report for the number of lots ("should be 220") and staff indicated they wanted to see the 40-41 lots along with the UOS.

The radii was questioned if it was changed, and staff indicated that one did not change. Scott Moore added that the plan is supported by staff. From a historical standpoint, the plan was approved for 258, and there are now 37 fewer lots, and the overall density is 1.6. There were no other questions, and the Chairman called for a Motion.

Discussion after the Motion included Stephen Swanick's reasoning to deny. Acknowledging the development is by right, and the zoning ordinance was put in place to support

development and keep certain characteristic consistent. This being a rural area at the edge of our borders requires a different consideration. It has already be rezoned once to allow 180 units, and this request is for an additional 41 units that will further the density in that area.

The Staff Report confirms the density being higher than nearby development. Mr. Swanick did not feel this was in the best interest of the community, because we are running out of rural land. He further commented that the developer could build under the existing plan, and that Skybrook could do that instead of further increasing density in that area. It was expressed by another member that the committee that worked on the three (3) areas of density was to control development with more dense development toward the center. As development changes, density would be increased going out to the edges, and there was no intent on keeping the edges rural. There needs to be a blending between the densities. Other comments were noted they were not in favor of denial, and there is a good representation of UOS. Another member noted his support of denial is based on a 10 year old TIA.

2. **Sketch Plan:** A request by Skybrook, LLC to revise the Sketch Plan for 175.05-acres to add 4-acres (currently zoned R) to increase density, adjust open space, streets and other site plan changes. The Sketch Plan would permit 225 single-family lots located north of Huntersville-Concord Road and west of Poplar Tent Church Road. Property is vacant, with a few single-family homes.

A Motion to Deny was made by Stephen Swanick and seconded by Jennifer Davis. The Motion Carried by a vote of 5 Ayes and 4 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Smith, Swanick

Nays: Bankirer, Miller, Sailers, Thomas

Included in the Motion: The application is complete, and does comply with all applicable requirements; however the denial is based on overriding concerns relative to density and Town development, including concerns with the TIA. The Sketch Plan is inconsistent with the recommended conditional rezoning district.

3. **Sketch Plan:** Ranson Road Residential Subdivision Sketch Plan proposed by applicant, Larry Burton with Classica Homes, is a request to subdivide parcel numbers 01714205 and portions of 01714247, 01714207, 01714204, and 01714214 in to 94 single family residential homes within the Neighborhood Residential Zoning District.

A Motion to Approve was made by Harold Bankirer and seconded by Stephen Swanick. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

Included in the Motion: The application is complete, and complies with all applicable requirements, and it is in compliance with the 2030 Community Plan. The Planning Board finds support for the applicant's block waiver request. The applicant to provide corrections to the minor plan comments, and that the applicant comply with the Town recommendation of the left turn lane on Ranson Road with a 100' stacking lane, and that language is provided in the plan to match ordinance language for the cross-section of the greenway to be provided to the County.

Alison Adams, Senior Planner, presented the sketch plan, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference. The plan is by right, and there is no conditional rezoning. Staff gave the zoning and location of the site, including its density. Staff addressed the Air Quality and Noise

Pollution issues raised at the neighborhood meeting, as well as the construction on I-77 and other surrounding areas. Stone Hollow sits in a low spot and a lot of noise will bounce into the area. Through the I-77 project there will be noise walls installed the entire length of Stone Hollow. The study to measure speeding resulted in less than 1% of the cars studied were speeding, and therefore no need for a traffic calming study. The number of cars going through the subdivision was analyzed as cut-through traffic, and the Engineering Department does not feel that based on trips per day there is a cut-through problem occurring. The applicant is providing connectivity with stubs, and the TIA has been completed and sealed. It was determined no road improvements were needed, but through the driveway permit onto Ranson Road the Town is requiring a left turn lane into the subdivision. There is a 20' required undisturbed buffers and the cross sections of the streets meet the street requirements. The applicant is asking for a block length waiver, and staff show the location. Applicant will dedicate property to the County for future greenway and bikeway plans. There is a willingness to serve letter from Charlotte Water, and CMS indicated that a total of 46 students would be derived from the subdivision.

The applicant, Bill Saint, President and CEO of Classica Homes, 2215 Arysley Town Blvd., Suite G, Charlotte, presented and commented about the company and local developments (i.e. Robbins Park). Blending open space, connectivity and timeless design. Rick Jasinski, Vice President of Land, with Classica Homes, commented about the neighborhood design and the other current developments (i.e. Jetton Road and Washam Potts Reserve in Cornelius). The site on Ranson Road is existing farm land, excluding the home of Mrs. McAulay, and totaling about 37 acres. There will be common open land at the entrance and a mail kiosk with parking spots. The lots are 55' wide, and 65' wide. In the back of the neighborhood there will be a one-way road that loops around common open space. There will be a left turn lane on Ranson Road with 100' of storage as recommended by the Town. The stub streets from Stone Hollow will be tied into and connected. Property for the greenway will be dedicated. Pocket park examples were shown from Robbins Parks for this proposal. Mr. Jasinski also showed examples of the product homes, with the market price of \$500,000, and up.

The Chairman called for questions, and it was asked of staff why the entrance for the development was not across from the entrance into the assisted living facility, and noted that a prior plan's discussion included that the entrances match and line up. Staff responded that the location if lined up would take a lot of property from the design, and possibly take a house to accommodate the alignment. The Engineering staff has deemed the space between the entrances appropriate. The cut-through traffic issue was raised, and staff further explained the route taken through Stone Hollow to avoid traffic at the stop light at Ranson Road and Stumptown Road. It is assumed by staff that the cut-through is used during high volume traffic times. Staff is looking at solutions for the intersection. It was also noted that Stone Hollow residents would have connection through the proposed neighborhood to Ranson Road, and how traffic routes might work in the future. The Planning Board noted that future routes by homeowners are hypothetical, and clearly the Town has identified a traffic issue. Staff stated that the possible traffic patterns were analyzed.

The topography of the subdivision on the eastern side was noted as being at a lower grade, and Mr. Jasinski responded that the land comes into the center point where there is currently an existing pond. The property will need to be lowered for proper grading. The grade with Stone Hollow will be line up, and the grade transition will be further into the site with the houses sitting lower than Stone Hollow. There is a 20' landscaped buffer that will provide privacy screening as well. The pond was questioned, and staff noted it is a farm pond and from a natural stream. It was further asked to the developer if any modifications to the plan

were made from Stone Hollow concerns, and Mr. Jasinski responded that concerns of traffic is more of a global concern, and connectivity will help alleviate some congestion. The addition 94 homes is not what is causing traffic concerns that is there now. Ranson Road is a disaster now because of the I-77 widening and traffic going around it. The target for home sales is 25-35 homes per year. There are no tree save concerns, and the canopy requirement is being met. The BMP location was identified on the plan.

Staff noted it is recommended to add parking, and the applicant will submit concept plans and have the opportunity to commit to the parking. The Staff Report includes a mini-circle suggestion, and staff identified its location and the reasoning for adding a mini-circle to which the developer has not yet made a commitment. Mr. Bankirer noted that measurements were taken for the TIA at Ranson and Gilead, and requested further explanation. Staff replied that Ranson Road and Gilead was the only intersection that needed to be studied for the TIA. Staff noted the threshold (30 trips on approach, or 50 trips at the intersection), and once studied there was a difference of 1.4, and no mitigation is required. Ranson and Stumptown did not hit the threshold of 30/50 trips. The Town will be looking at Gilead Road improvements that will affect the intersection to help offset the traffic issue, and solutions at Ranson and Stumptown. It was asked about a bike lane on Ranson Road, and staff noted a lane will be installed along the frontage of the site. The bike lane does not connect, but there is an existing bike lane on the other side of the road.

The discussion after the Motion included the members expressing concerns for the traffic issue at Ranson and Stumptown, and Ranson and Gilead. Clearly the Town knows there is a current traffic issue at Ranson and Stumptown, and how the TIA arrived at not having to study that intersection was concerning. This subdivision, and every subdivision, impacts the global transportation picture. The Town Board needs to consider whether or not to use the flexibility provided in the TIA ordinance to look at intersections that might statistically not otherwise rise to the level of being considered for improvement, but nevertheless needs improvement. The members can review the TIA on online. It was requested that the Minutes reflect these concerns, and insure that communications to the Town Board may be made. It was further noted the ability to provide emergency services in traffic congestion.

4. **Sketch Plan:** Bellterre Subdivision located in the rural zoning district is being requested by Bowman Development. Eighteen (18) single family residential homes are being proposed on parcel numbers 01115104 and 0115121.

A Motion to Approve was made by Joe Sailers and seconded by Susan Thomas. The Motion Carried by a vote of 0 Ayes and 0 Nays. Board Members voting

Included in the Motion: The application is complete, and complies with all applicable requirements. It is found to meet the Subdivision Ordinance, and complies with the 2030 Community Plan.

A Motion to Amend and Approve was made by Jennifer Davis and seconded by Susan Thomas. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

Included in the Motion to Amend: To add that all outstanding comments be addressed.

Alison Adams, Senior Planner, presented the sketch plan, and entered the Staff Report into

the record, a copy of which is attached hereto as Exhibit C, and incorporated herein by reference. The site is for 18 homes off McCord Road near Black Farm Road containing approximately 21 acres. The density requirement is for 43% Open Space, and 44% is being provided. An 80' buffer along the street is required with existing vegetation to be maintained, or installed if none. The developer will install a meandering sidewalk. There is recreational open space is being provided, and can also be considered like an urban park. A street stub is included in the plan, along with a 20' undisturbed buffer around the project. The site is above 12% impervious, and there will be a sand filters installed. There is a willingness to serve letter from Charlotte Water. Sidewalks will be installed on one side of the road, with a ditch type cross section. Tree save is being met, and they are providing 51% of the tree canopy and 76% of the specimen trees. A concern at the neighborhood meeting was about the buffers, and traffic. The sketch plan meets the requirements of the ordinance. A TIA is not required. CMS has projected 9 students from the subdivision. The application is complete and it within the future land use plans. Staff recommends approval.

Mr. Bankirer asked the developer, Nate Bowman (205 S. Church Street, Huntersville), about the buffer concerns from the neighboring property owner, and Mr. Bowman indicated the buffer area near this neighbor will be planted match to look more natural. Mr. Bowman was asked the size of the lots, which are significantly smaller to the surrounding lots, and Mr. Bowman replied that with the 44% open space surrounding the lots they will look like acre lots. The quality of design and open space is being used to provide more features, trails, and open space with less yards for owners to mow.

There was no discussion after the Motion.

5. **Rezoning:** R17-03 is a request by Donald and Vicki Shew to generally rezone 12.66 acres from Corporate Business (CB) to Special Purpose (SP) at 15746 Old Statesville Road (Parcel #01101235).

A Motion to Approve was made by Susan Thomas and seconded by Joe Sailers. The Motion Carried by a vote of 7 Ayes and 2 Nays. Board Members voting Ayes: Bankirer, Graffy, McClelland, Miller, Sailers, Smith, Thomas

Nays: Davis, Swanick

Included in the Motion: The rezoning is consistent with the 2030 Community Plan and other applicable long range plans. It is reasonable and in the public interest to rezone the property because a Special Purpose District is consistent with adjacent zoning districts; there are no traffic impacts outlined, and it accommodates the current use of the property with reasonable improvement to be outlined in the commercial phase.

Bradley Priest, Senior Planner, presented, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit D, and incorporated herein by reference. Staff indicated there are no changes made to the plan since the public hearing.

During questions for staff, it was noted that the application was being made to make the property compliant, and staff confirmed it is a general rezoning request, and the current use is not permitted under the current zoning. Rezoning to Special Purpose ("SP") will bring the use into compliance. A member mentioned storage of items on the adjoining property, and staff was not aware of that situation. Jack Simoneau, Planning Director and staff commented they walked the property and did not see an issue. Brad Priest responded to a question of all requirements being met by the applicant, and confirmed to the extent practical. In example,

there is existing vegetation around some areas, and other areas could use screening, and storm water will be worked out. The applicant is putting a plan together to calculate the impervious on the site, which is separate of the rezoning. Staff was asked to explain the process for the commercial site plan, and described the administrative review process and that staff will look closely at screening and storm water, and possibly a driveway permit. The future Church Street extension was mentioned, and staff indicated that nothing will be changed based on the rezoning, and staff is not asking at this time for any right of way reservation as that would not be appropriate. Staff was asked about the uses in SP, to which staff listed the various by right uses, and conditional uses. Mr. Swanick questioned if the process could be made without a general rezoning, and staff commented there are options for a conditional rezoning, but staff is trying to keep this simple for the applicant considering it has been there for 22 years. Further discussion was made about the uses, zoning, and the future extension of Church Street. For the future Stumptown Road extension some of the railroad crossings to the north would need to be closed and additional or alternative access crossings will need to be created. Mr. Swanick again asked staff about adjusting the application to a conditional rezoning, and staff explained the (approximately) four month process. This is a much shorter process, and this request will move forward to the Town Board as proposed. The Town Board would have to deny this rezoning for the applicant to submit a conditional rezoning application.

There was no discussion after the Motion.

6. **Tree Mitigation:** Request by the developers of Bellamor at the Park, a Senior Living Apartment building, to preserve less than the required amount of canopy and specimen tree save on their Old Statesville Road site and to mitigate the shortage per Article 7.4 of the Huntersville Zoning Ordinance.

A Motion to Approve was made by Jennifer Davis and seconded by Stephen Swanick. The Motion Carried by a vote of 8 Ayes and 1 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick

Nays: Thomas

Bradley Priest, Senior Planner, presented, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit E, and incorporated herein by reference. Through the commercial site plan application it was found that the application would not be able to save the required amount of trees (10% of the canopy and specimen trees). Staff showed the existing conditions and the grading plan. Calculations were submitted; 11 trees and 11 specimen trees to saved (22 total), and the applicant has requested the trees be mitigated by contribution to the tree fund. The contribution is \$5,500.00. Staff recommends approval. Staff was asked the amount in the tree fund, and staff indicated it was approximately \$10,000.00, but some may have been used (possibly NC73 trees). Staff described the left turn lane being required for the site, and the right of way. There were concerns about trees outside of the boundary not being counted because of NCDOT. Staff interrupts that area not under the ownership of the applicant, and the applicant does not have the ability to save those trees. A concern was that there is a total wipe of trees. Staff noted that some trees were being saved in the right of way, and if counted the applicant might met the specimen requirements but not the canopy requirements. The right of way is to be dedicated to NCDOT and is on the plan. It was asked about the landscaping, and staff indicated there would be a double row of trees along NC115, in the parking lot (perimeter and interior), and along the southern façade of the building.

Susan Irvin, Attorney at Law (19726 Zion Avenue, Cornelius), spoke on behalf of the applicant, and explained the unique situation for the plan. There is a letter from the NC Housing and Finance Authority explaining the tax credit program and the project by Solstice. The program is limited to 30-40 awards each year, and this project is for affordable living for seniors through the IRS tax credit program. It is extremely difficult to obtain permission to build these projects with strict requirements. The 2030 Community Plan, Policy H-5 is to encourage housing options for senior citizens, and Policy H-7 that supports appropriate mix of housing for all income levels. This is not your average apartment development. The registered landscaping architect was present, to which Ms. Irvin gave his qualifications, and could speak to any specific landscaping or mitigation questions. Along with the project is a crucial time period for funding by July 31, 2017. Ms. Irvin expressed thanks to staff for their prompt and thorough job.

There was no discussion after the Motion.

E. Other Business

1. Elections for Chairman and Vice Chairman

Chairman: Harold "Hal" Bankirer

Vice Chairman: Jennifer Davis

2. Adjusted TIA Results Reporting Format

The Chairman requested that Stephen Swanick communicate with the Planning Director, Stephen Trott and Max Buchanan, Engineering Department, concerning the template for TIA results and analysis presented to the Planning Board. It is suggested to use color codes that might be beneficial in presenting and show consistency. This matter will be placed on the August 22, 2017 Agenda.

F. Adjourn

Approved this _____ day of _____, 2017.

Chairman or Vice Chairman

Michelle V. Haines, Board Secretary

Town of Huntersville
REQUEST FOR BOARD ACTION
8/21/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: David Peete, AICP, Principal Planner
Subject: Oaks at Skybrook North Sketch Plan Revision

Sketch Plan: A request by Skybrook, LLC to revise the Sketch Plan for 175.05-acres to add 4-acres (currently zoned R) to increase density, adjust open space, streets and other site plan changes. The Sketch Plan would permit 221 single-family lots located north of Huntersville-Concord Road and west of Poplar Tent Church Road. Property is vacant, with a few single-family homes.

ACTION RECOMMENDED:

Town Board Final Action on August 21, 2017

FINANCIAL IMPLICATIONS:

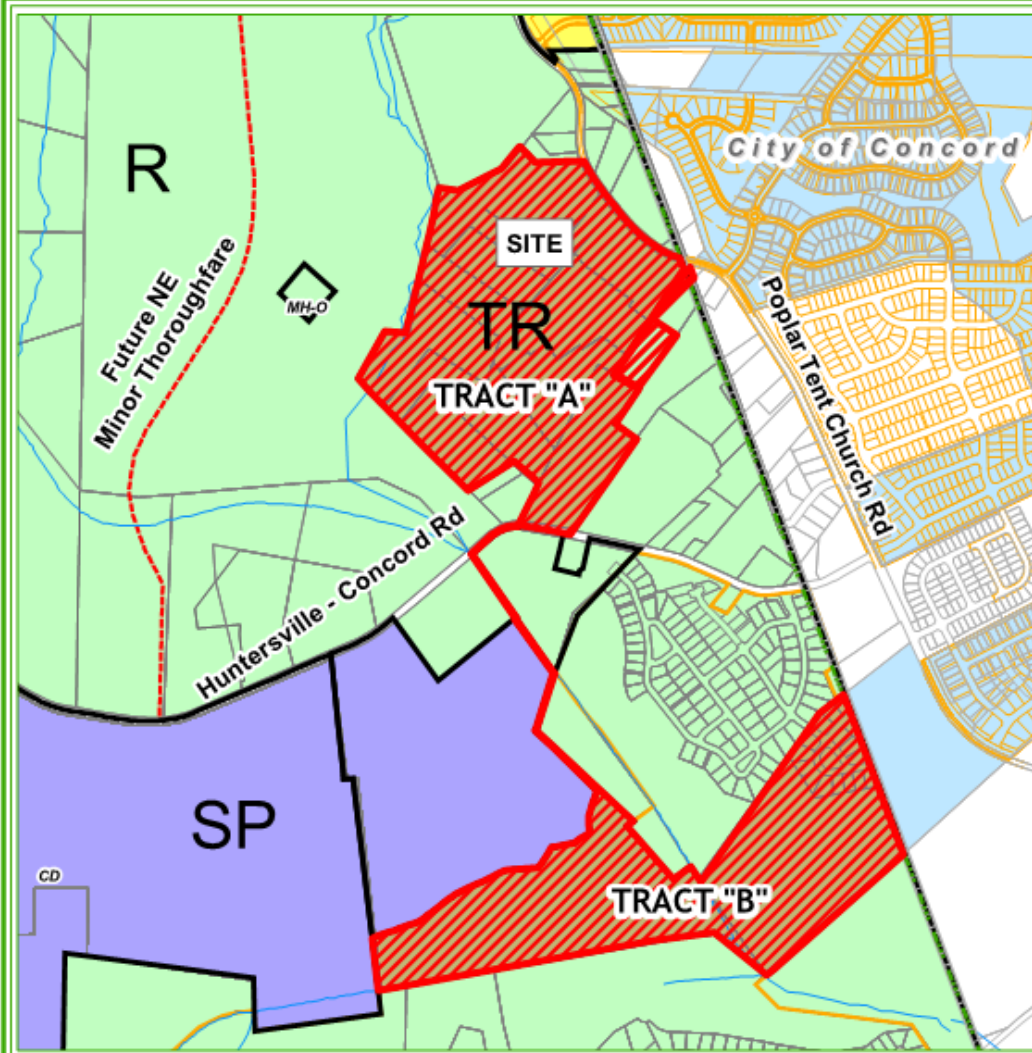
TBD

ATTACHMENTS:

Description	Type
☐ Oaks at Skybrook North Subdivision Sketch Plan Staff Report	Cover Memo
☐ Attachment A - Subdivision Sketch Application	Exhibit
☐ Attachment B - Sketch Plan pages 1-4	Cover Memo
☐ Attachment B - Sketch Plan pages 5-8	Cover Memo
☐ Attachment C - Neighborhood Mtg Report	Exhibit
☐ Attachment D - Planning Board (draft) minutes (July 25, 2017)	Cover Memo

Oaks at Skybrook North Subdivision Sketch Plan

PART 1: PROJECT SUMMARY



Applicant: Skybrook, LLC

Property Owner(s): John T. Coley IV and Jordan Real Estate Holdings, LLC (see Attachment A).

Property Address: 15645 Poplar Tent Church Road

Project Size: (+/-) 175.05-acres.

Parcel Number(s): 011-103-01, -03, -04, -07, -09, -10, -11, -13, -16, -17, -18, -19, 011-102-01, -13 and 021-081-04, -06 (owned by Metrolina Greenhouses).

Current Zoning: Transitional Residential Conditional District (TR-CD) & Rural (R).

Current Land Use: vacant & a few homes.

Proposed Zoning: Revised Transitional Residential—Conditional District (TR-CD).

Proposed Land Use:

221 single-family homes:
 205 in Tract A;
 16 in Tract B
 (a 41 home increase over currently approved plan)

Application is Attachment A and Site Plan is Attachment B.

PART 2: SITE PLAN DESCRIPTION AND ISSUES

1. Purpose: To REVISE an conditional district rezoning and sketch plan for 175.05-acres of land located north of Huntersville-Concord Road and west of Poplar Tent Church Road, near the Cabarrus County line (north of Parkside at Skybrook Subdivision), shown as Tract A, above.
It is important to understand that Oaks at Skybrook North, as a whole, includes 175.05-acres broken-out into Tracts A & B. ALL OF THE PROPOSED CHANGES ARE FOR TRACT A ONLY. The addition of a new parcel, street layout changes, open space adjustments and other revisions are all on Tract A. There are no revisions proposed for Tract B.
A revised Conditional District Rezoning Plan for this project has also been submitted concurrent with this Sketch Plan and was reviewed by the Planning Board on June 27 and July 25, 2017.
2. Adjoining Zoning and Land Uses:
North: Rural (R) – large-lot single-family & vacant.
South: Rural (R) – single-family (Parkside at Skybrook Subdivision) & agri-business (Metrolina Greenhouses).
East: Rural (R) – mostly vacant & a few large-lot single-family homes (along Cabarrus County line).
West: Rural (R) – regional tourist attraction (Renaissance Festival) & vacant.
3. A neighborhood meeting was held on Monday, February 27, 2017. The complete meeting summary is provided in Attachment C. Questions/concerns centered on possible road improvements and what type and number of homes are proposed to be built.
4. The proposed subdivision has 221 single family homes, with lots averaging 11,143 sq. ft.in size.
5. An 80' planted buffers are proposed along both Huntersville-Concord Road and Poplar Tent Church Road.
6. There are 332 specimen trees on the site. In the TR zoning district, 35 percent (117 trees) of the specimen trees are required to be saved and the developer proposes to save 178 specimen trees (54%). There are no known heritage trees on the site. Eighty-one percent (81%) of the site is covered by tree canopy and the developer proposes to save 73.31-acres (51%) of the canopy (10% required in TR).
7. The subdivision will be developed as one (1) phase.
8. A water quality concept plan is being reviewed by Mecklenburg County Engineering (LUESA), but has not been approved as of the date of this report.
9. A "Willingness to Serve" letter has been provided by Charlotte Water. **7-25-17 UPDATE – Willingness to Serve Letter has been provided.**
10. Required Urban Open Space is provided via a 1.64-acre Park, a 0.54-acre pocket park, a 0.33-acre pocket park and a 0.69-acre square for a total of 3.20-acres for Tract A. There are a total of 3.62-acres of Urban Open Space provided for both Tracts A & B. Overall open space totals are 97.53-acres (55.72%). Current TR zoning requires 40% open space, minimum, to achieve maximum permitted density.

PART 3: TRANSPORTATION ISSUES/TRAFFIC IMPACT ANALYSIS (TIA)

A TIA is not required by the Town for the proposed increase from 180 to 221 single family detached housing units as it is below the 50 peak hour and 500 daily trip thresholds. A left-turn lane on Huntersville-Concord Road at the site entrance as well as a left-turn lane on Poplar Tent Church Road at the site entrance are recommended by Town staff and are required by NCDOT (both with a minimum of 100 feet of storage).

Two streets centerline radii are proposed to be below the Engineering Standards and Procedures Manual minimum of 200 feet for streets posted 25 MPH. The Engineering Dept. recommends that both be increased to this minimum. Centerline radii of 165 – 195 are consistent with Article 5 of the Zoning Ordinance for context of the streets proposed in this neighborhood. Both of the curves that were below the 165 foot minimum were increased to this minimum in the latest version of the plan.

The plan however still lists a design speed of 20 MPH and a centerline radius minimum of 90 in one of the typical cross sections (see Sheet 5) which is not applicable based on the context of the street network design and actual layout depicted on the plans. Removal of these notes on the Typical Section are needed as they are not applicable.

PART 4: PLANNING STAFF ANALYSIS

Section 6.200 of the Subdivision Ordinance outlines the “general requirements and policies to be used in the design, review, and approval” of subdivisions in the Town of Huntersville. The following staff findings are provided for the Board’s consideration of the Oaks at Skybrook North Subdivision Sketch Plan.

1. Consistency with adopted public plans and policies.

There are no Small Area Plan’s that apply to these parcels, however, the following sections of the 2030 Huntersville Community Plan apply to this request:

- **Policy E-1, E-2 & E-3: Preservation and Enhancement.** Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.
Comment: The proposed development provides adequate open space buffers (80+ feet wide) along both Huntersville-Concord Road and Poplar Tent Church Road. In addition, 55.72% of the overall site and 26% of Tract A is set aside as open space.
- **Policy T-5: Context-sensitive Design of Streets:** Continue to support “context-sensitive” design of streets and the selection of appropriate street section designs for residential, commercial and industrial developments.
Comment: The internal streets are appropriately sized and create short blocks to encourage pedestrian activity. The proposed cross-section to be used through the development follows context sensitive design by providing adequate lane widths and green zones for street trees and sidewalks.
- **Policy T-7: Traffic Impact Analysis Ordinance:** Continue to apply requirements of “Traffic Impact Analysis” Ordinance, including Level of Service and mitigation of impacts generated by new development.
Comment: A new TIA was not required for this revision; however transportation enhancements are outlined in Part 3 of this staff analysis.
- **Policy T-8: Street Connectivity:** Promote and require street connectivity in the Town of Huntersville among residential, employment, recreational and institutional uses.
Comment: The proposed development provides two (2) connections to existing thoroughfares (Huntersville-Concord Road & Poplar Tent Church Road). In addition, there are six (6) stub streets: two to the north, two to the south, one to the east and one to the west.
- **Policy CD-5: Street Infrastructure:** Continue to require that adequate public infrastructure (roads, utilities, etc.) either exist or will be made available to support all new development.
Comment: The proposed development will provide all TIA-required improvements to external public roads, extend public water and sewer, provide two (2) connections to existing roads, provide six (6) stubs for future connections and provide a greenway dedication.
- **Policy PF-2: Adequate Public Facilities:** Continue use of “Adequate Public Facilities Ordinance” to ensure that demand generated by existing and future growth and development for police, fire and parks & recreation capital facilities can be met by available supply of facilities.
Comment: see Part 4 of this report.

2. Conformity.

The proposed subdivision is not immediately adjacent to any small-lot, single-family home subdivision, however Parkside at Skybrook North subdivision is located across Huntersville-Concord Road, to the south. The project land is also bordered to the east by Poplar Tent Church Road and a few large-lot, single-family homes, to the north and vacant land to the west. The proposed (overall) subdivision has a density of 1.26-units per acre on 175.05-acres, however, Tract A

(where the revisions are proposed) has a density of 2.12 units per acre. Maximum density in the Transitional Residential (TR) zone is 1.5 units per acre.

3. Access between Adjoining Properties.

The subdivision provides two (2) new connections to existing streets, one (1) to Huntersville-Concord Road and one (1) to Poplar Tent Church Road. In addition, there are six (6) street stubs to the north, south, east and west.

4. Relation to topography.

The 96.39-acres that make up Tract A, are generally flat, except near the creek to the north and the proposed street network generally respects the topography of the site.

5. Mature trees and natural vegetation.

The proposed project is required to save 10 percent of the tree canopy, 10 percent of the specimen trees and 100% of the heritage trees. All three of these requirements are being satisfied, as outlined in Part 2, Item 6.

6. Access to parks, schools, etc.

Not Applicable.

7. Discourage through traffic.

The proposed subdivision has one (1) connection to Huntersville-Concord Road and one (1) to Poplar Tent Church Road and the internal street layout does not provide a direct connection between the two external roads. The internal streets are appropriately sized for residential traffic and are designed to include short blocks. Stopping conditions at intersections are also called for.

8. Relationship to railroad rights-of-way.

Not Applicable.

9. Half streets.

Not Applicable.

10. Parallel streets along thoroughfares.

Not Applicable.

11. Public School and Public Park Sites

The parcels associated with the Oaks at Skybrook North Subdivision Sketch Plan have not been identified for a school or park site.

12. Public Facilities

The parcels associated with the Oaks at Skybrook North Subdivision Sketch Plan have not been identified for a public facility.

13. Proposed street names

The street names for the Oaks at Skybrook North Subdivision Sketch Plan will be approved with the Preliminary Plan submission (if Sketch Plan is approved).

14. Easements.

Easements have been identified and the plans have been sent to the respective Engineering and Utility Departments.

15. Proposed water and sewerage system.

Water and sewer will need to be extended to the development. A “Willingness to Serve” letter from Charlotte Water has been provided.

16. Restrictions on the subdivision of land subject to flooding.

No development is proposed within the floodplain of the creek to the north.

17. Reserved.

18. Open Space

Required Urban Open Space is provided via a 1.64-acre Park, a 0.54-acre pocket park, a 0.33-acre pocket park and a 0.69-acre square for a total of 3.20-acres for Tract A. There are a total of 3.62-acres of Urban Open Space provided for both Tracts A & B. Overall open space totals are 97.62-acres (55.72%). Current TR zoning requires 40% open space, minimum, to achieve maximum permitted density.

19. Impact of Development on Public Facilities

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

PART 5: STAFF RECOMMENDATION

COMPLETENESS OF APPLICATION

Town Staff has reviewed the proposed Subdivision Sketch Plan and finds the application complete.

COMPLIANCE WITH APPLICABLE REQUIREMENTS

Oaks at Skybrook North Subdivision Sketch Plan complies with all applicable requirements and is supported by the findings of fact outlined in Parts 2 – 4 of this report, with the following conditions:

There are several site plan issues that **MUST BE ADDRESSED**:

- All required TIA/Town/NCDOT required improvements, as well as all outstanding Transportation comments are addressed, as outlined in Part 3 of this report;
- All outstanding redline comments are addressed.

There are several Subdivision Sketch Plan issues that staff makes **RECOMMENDATION** on:

- **RECOMMENDATION: The centerline radii for two curves in “Street 2” are proposed to be below the Engineering Standards Manual min. of 200 feet for streets posted 25 MPH. The Engineering Dept. recommends that both are increased to this min. Article 5 of the Zoning Ordinance permits centerline radii of 165 – 195 given the context of the streets proposed in this neighborhood. Both of the curves that were (originally) below the 165 foot min. were increased to this min. in the latest version of the plan.**
- **RECOMMENDATION: Property should be annexed into the Town limits in exchange for all municipal services. (UPDATE 6-27-17 – Applicant indicated (via email) on June 5, 2017 that property will be offered for annexation into Town as a condition of Conditional District Rezoning. A note to this effect must be added to the Rezoning plan.)**

APPROVAL

The Oaks at Skybrook North Subdivision Sketch Plan could comply with all applicable requirements once the conditions listed above are addressed. Staff can recommend approval of the proposed Subdivision Sketch Plan.

PART 6: PLANNING BOARD RECOMMENDATION

Planning Board continued item on June 27, 2017, with applicant's consent, to address staff's concerns.

Planning Board, on July 25, 2017 made a motion to deny by 5 – 4 vote. The application was complete and does comply with all applicable requirements; however the denial is based on overriding concerns relative to density and Town development, including concerns with the TIA. The Sketch Plan is inconsistent with the recommended (recommendation for the) Conditional District Rezoning.

The July 25, 2017 Planning Board minutes offer additional comments relative to their recommendation (see Attachment D).

PART 7: ATTACHMENTS AND ENCLOSURES

- A – Subdivision Sketch Plan Application
- B – Proposed Oaks at Skybrook North Subdivision Sketch Plan
- C – Neighborhood Meeting Report
- D - Planning Board (draft) minutes from July 25, 2017.

PART 8: DECISION STATEMENTS

Please refer to Part 5 of this report for recommendation.

In considering whether to approve an application for a subdivision sketch plan, the Planning and Town Board must complete the following (a full version can be found in [Section 6.320.5](#) of the Subdivision Ordinance).

- Is the application complete (lacking any particular requirement)? *If no member of the Board moves that the application is incomplete, then this inaction is taken as an affirmative finding that the application is complete.*
- Does the application comply with all the applicable requirements? *A statement must be made that the application complies or does not comply that includes the support documentation of the particular motion.*
- Lastly, the Board must make a motion to approve or deny based on the previous statements.



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 1/10/17 (Updated from 5/24/16)

Name of Project Skybrook North

Phase # (if subdivision) NA

Location Poplar Tent Road and Huntersville-Concord Road

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

Current Zoning District TR(CD) & R

Proposed District (for rezonings only) TR-CD (New)

Property Size (acres) 175.05

Street Frontage (feet) _____

Current Land Use Vacant

Proposed Land Use(s) Residential (Single Family)

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

Remove a road crossing over PNG existing gas line, make minor internal revisions to the overall layout, increase open space & tree save

and increase density from 180 to 220 single family lots.

4. Site Plan Submittals

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

5. Outside Agency Information

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

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

6. Signatures

*Applicant's Signature John T. Coley IV Printed Name John T. Coley IV

Address of Applicant P.O. Box 38 Holly Springs, NC 27540

Email coley@bpropnc.com

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

Printed Name John T. Coley IV

Property Owner's Address P.O. Box 38 Holly Springs, NC 27540 Email coley@bpropnc.com

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

Skybrook, LLC.	Brian Pace	704-3651208	bpace@pacedevelop.com
Development Firm	Name of contact	Phone	Email
Yarbrough-Williams & Houle, Inc.	Marc Houle	704-556-1990	march@y-wh.com
Design Firm	Name of contact	Phone	Email

If Applying for a General Rezoning:

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

If Applying for a Conditional Rezoning:

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

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

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

If Applying for a Subdivision:

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

John T. Coley IV

Contact Information

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



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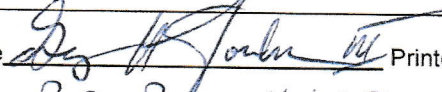
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6. Signatures

*Applicant's Signature  Printed Name George H. Jordan
Address of Applicant P.O. Box 4422 Cary, N.C. 27519
Email George@GHJordan.com
Property Owner's Signature (if different than applicant) _____
Printed Name _____
Property Owner's Address _____ Email _____
* Applicant hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

↓
Manager of
Jordan Real
Estate Holdings
LLC.

Development Firm	Name of contact	Phone	Email
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Design Firm	Name of contact	Phone	Email
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If Applying for a General Rezoning:

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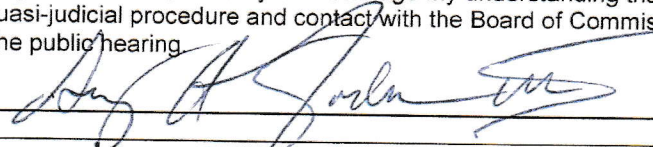
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Signature, name, firm, address, phone number and email of Duly Authorized Agent by owner needed below:

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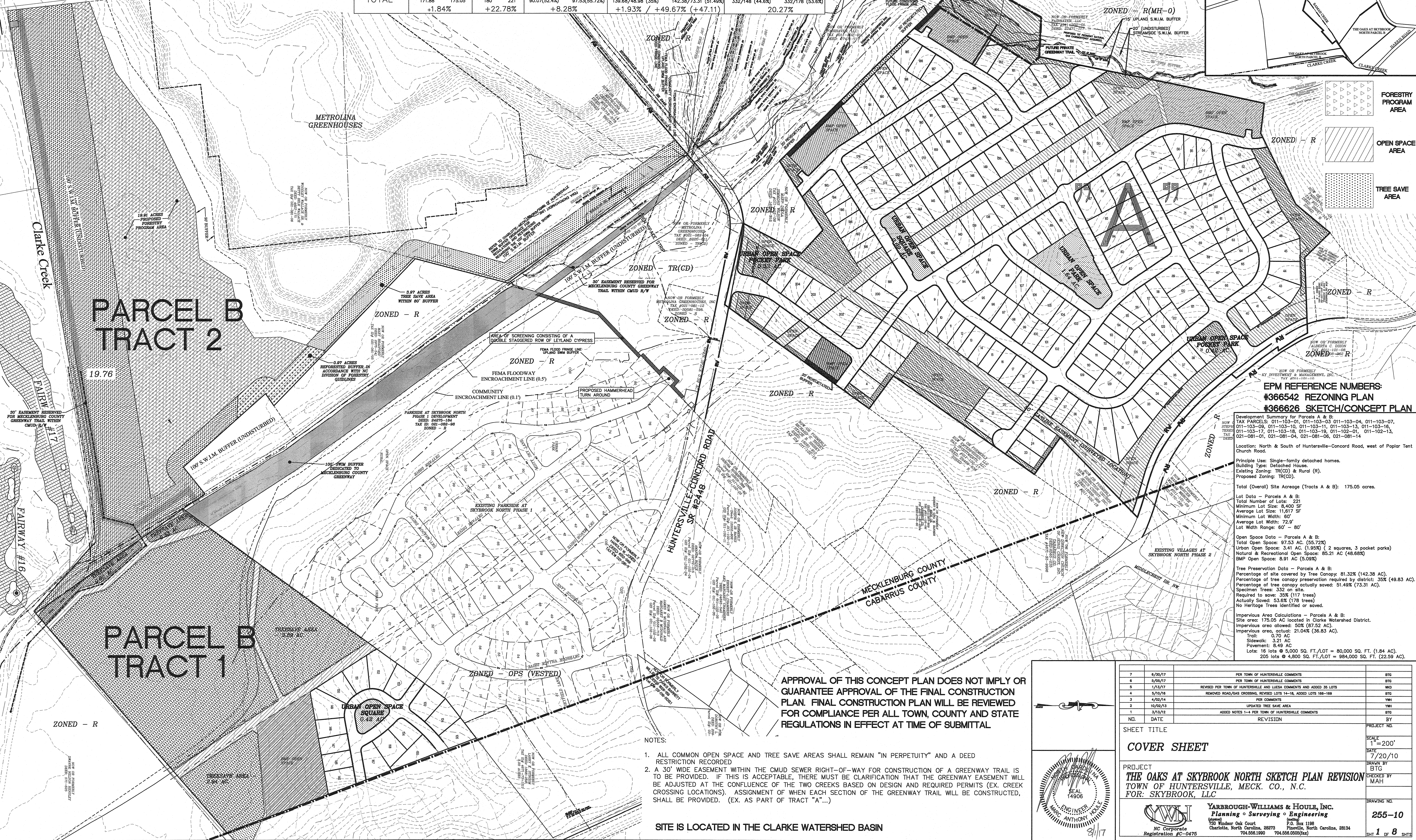
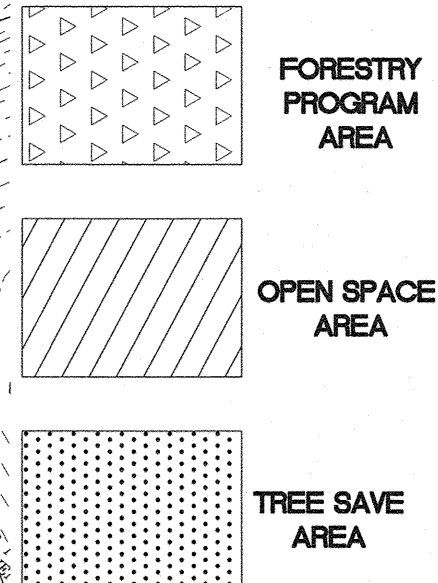
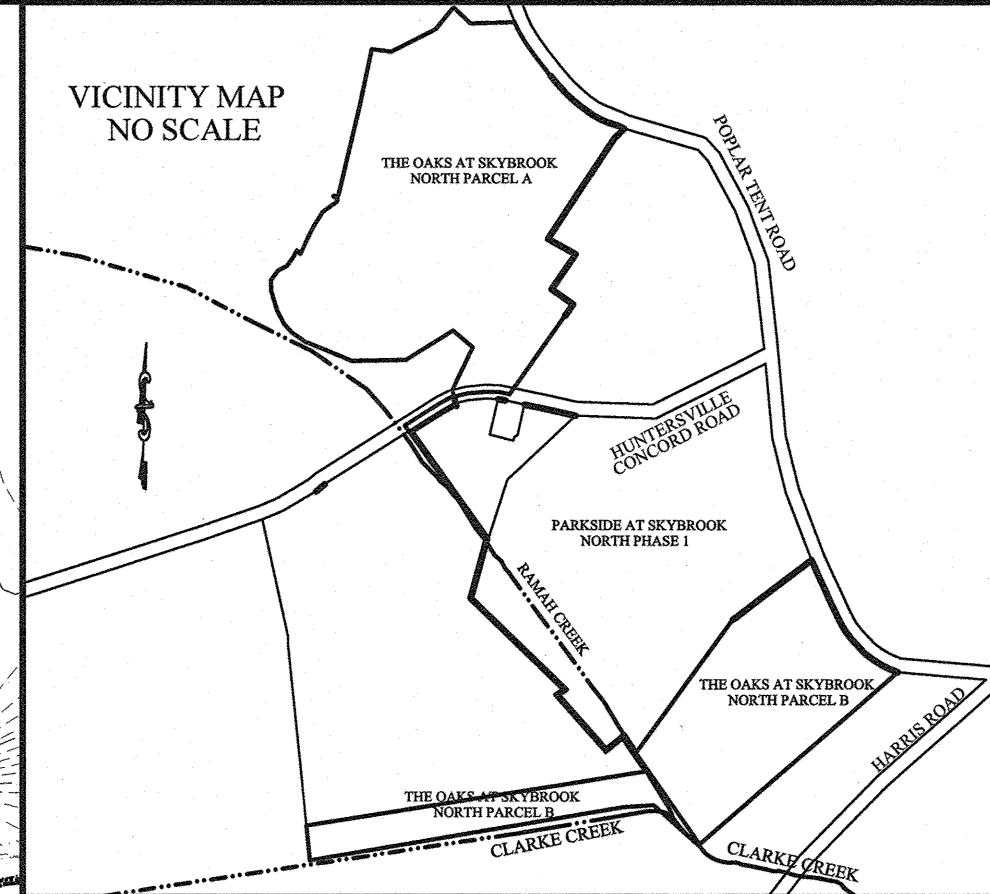
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Huntersville, NC 28070	Website:	http://www.huntersville.org/Departments/Planning.aspx

SHEET INDEX	
SHEET 1	COVER SHEET
SHEET 2	PARCEL 'A' EXISTING FEATURES / TREE SURVEY PLAN
SHEET 3	PARCEL 'A' SKETCH PLAN
SHEET 4	PARCEL 'A' GRADING/DRAINAGE/ STORMWATER PLAN
SHEET 5	PARCEL 'A' LANDSCAPE PLAN AND BLOCK LENGTH / DETAIL SHEET
SHEET 6	OPEN SPACE DETAIL SHEET
SHEET 7	PARCEL 'B' SKETCH PLAN
SHEET 8	PARCEL 'B' SKETCH PLAN

PERCENTAGE OF CHANGE										
PARCEL	ACREAGE		#LOTS		OPEN SPACE		TREE PRESERVATION TOTAL / SAVED		SPECIMEN TREES TOTAL / SAVED	
A	approved	revision	approved	revision	approved	revision	approved	revision	approved	revision
	93.22	96.39	164	205	18.39	25.91	63.80/4.87 (7.6%)	66.5/8.32 (12.51%)	269/121 (45%)	269/151 (56%)
	+3.40%		+25.00%		+40.89%		+4.23% / +70.84%		24.79%	
B	approved	revision	approved	revision	approved	revision	approved	revision	approved	revision
	78.66	78.66	16	16	71.68	71.62	75.88/44.11 (58.1%)	75.88/64.99 (85.64%)	63/27 (42.9%)	63/27 (42.9%)
	0.00%		0.00%		-0.08%		0.00% / 47.33%		0.00%	
TOTAL	approved	revision	approved	revision	approved	revision	approved	revision	approved	revision
	171.88	175.05	180	221	90.07(52.4%)	97.53(55.72%)	139.68/48.98 (35%)	142.38/73.31 (51.49%)	332/148 (44.6%)	332/178 (53.6%)
	+1.84%		+22.78%		+8.28%		+1.93% / +49.67% (+47.11)		20.27%	

THE OAKS AT SKYBROOK NORTH SKETCH/CONCEPT PLAN EPM #366626

VICINITY MAP
NO SCALE



EPM REFERENCE NUMBERS: #366542 REZONING PLAN #366626 SKETCH/CONCEPT PLAN

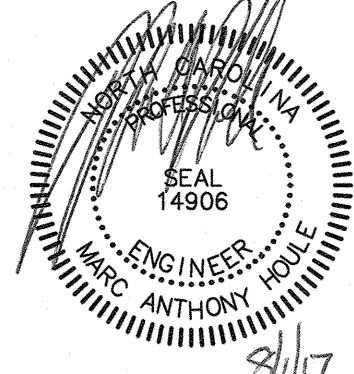
Development Summary for Parcels A & B:
TAX PARCELS: 011-103-01, 011-103-03, 011-103-04, 011-103-07, 011-103-08, 011-103-10, 011-103-11, 011-103-13, 011-103-16, 011-103-17, 011-103-18, 011-103-19, 011-102-01, 011-102-13, 021-081-01, 021-081-04, 021-081-06, 021-081-14
Location: North & South of Huntersville-Concord Road, west of Poplar Tent Church Road.
Principle Use: Single-family detached homes.
Building Type: Detached House.
Existing Zoning: TR(CD) & Rural (R).
Proposed Zoning: TR(CD).
Total (Overall) Site Acreage (Tracts A & B): 175.05 acres.
Lot Data - Parcels A & B:
Total Number of Lots: 221
Minimum Lot Size: 8,400 SF
Average Lot Size: 11,617 SF
Minimum Lot Width: 60'
Average Lot Width: 72.9'
Lot Width Range: 60' - 80'
Open Space Data - Parcels A & B:
Total Open Space: 97.53 AC. (55.72%)
Urban Open Space: 3.41 AC. (1.95%) (2 squares, 3 pocket parks)
Natural & Recreational Open Space: 85.21 AC. (48.68%)
BMP Open Space: 8.91 AC. (5.09%)
Tree Preservation Data - Parcels A & B:
Percentage of site covered by Tree Canopy: 81.32% (142.38 AC).
Percentage of tree canopy preservation required by district: 35% (49.83 AC).
Percentage of tree canopy actually saved: 51.49% (73.31 AC).
Specimen Trees: 332 on site.
Required to save: 35% (117 trees)
Actually Saved: 53.6% (178 trees)
No Heritage Trees identified or saved.
Impervious Area Calculations - Parcels A & B:
Site area: 175.05 AC located in Clarke Watershed District.
Impervious area allowed: 50% (87.52 AC).
Impervious area, actual: 21.04% (36.83 AC).
Trail: 0.70 AC
Sidewalk: 3.21 AC
Pavement: 8.49 AC
Lots: 16 lots @ 5,000 SQ. FT./LOT = 80,000 SQ. FT. (1.84 AC).
205 lots @ 4,800 SQ. FT./LOT = 984,000 SQ. FT. (22.59 AC).

APPROVAL OF THIS CONCEPT PLAN DOES NOT IMPLY OR GUARANTEE APPROVAL OF THE FINAL CONSTRUCTION PLAN. FINAL CONSTRUCTION PLAN WILL BE REVIEWED FOR COMPLIANCE PER ALL TOWN, COUNTY AND STATE REGULATIONS IN EFFECT AT TIME OF SUBMITTAL.

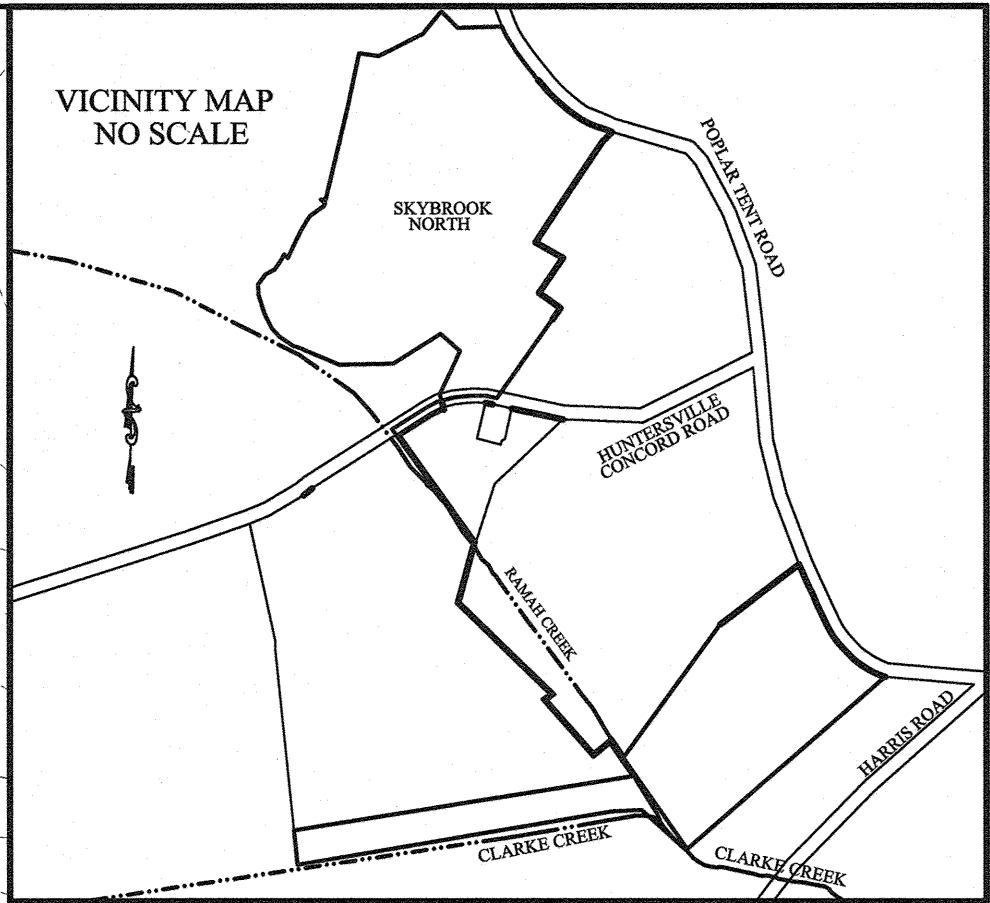
NOTES:

- ALL COMMON OPEN SPACE AND TREE SAVE AREAS SHALL REMAIN "IN PERPETUITY" AND A DEED RESTRICTION RECORDED.
- A 30' WIDE EASEMENT WITHIN THE CMUD SEWER RIGHT-OF-WAY FOR CONSTRUCTION OF A GREENWAY TRAIL IS TO BE PROVIDED. IF THIS IS ACCEPTABLE, THERE MUST BE CLARIFICATION THAT THE GREENWAY EASEMENT WILL BE ADJUSTED AT THE CONFLUENCE OF THE TWO CREEKS BASED ON DESIGN AND REQUIRED PERMITS (EX. CREEK CROSSING LOCATIONS). ASSIGNMENT OF WHEN EACH SECTION OF THE GREENWAY TRAIL WILL BE CONSTRUCTED, SHALL BE PROVIDED. (EX. AS PART OF TRACT "A"...)

SITE IS LOCATED IN THE CLARKE WATERSHED BASIN



7	6/26/17	PER TOWN OF HUNTERVILLE COMMENTS	BTG
8	6/26/17	PER TOWN OF HUNTERVILLE COMMENTS	BTG
9	1/15/17	REVISED PER TOWN OF HUNTERVILLE AND LUESA COMMENTS AND ADDED 35 LOTS	WMD
5	5/10/16	REMOVED ROAD/AS CROSSING, REVISED LOTS 14-18, ADDED LOTS 168-169	BTG
3	4/02/14	PER COMMENTS	YMH
2	10/02/13	UPDATED TREE SAVE AREA	YMH
1	3/13/12	ADDED NOTES 1-4 PER TOWN OF HUNTERVILLE COMMENTS	BTG
NEL	DATE	REVISION	BY
SHEET TITLE			
COVER SHEET			
PROJECT			
THE OAKS AT SKYBROOK NORTH SKETCH PLAN REVISION			
TOWN OF HUNTERVILLE, MECK. CO., N.C.			
FOR: SKYBROOK, LLC			
YARBROUGH-WILLIAMS & HOULE, INC.			
Planning • Surveying • Engineering			
150 Windsor Oak Court			
Charlotte, North Carolina, 28273			
P.O. Box 1198			
Pineville, North Carolina, 28134			
704.556.1990			
704.556.0505(fax)			
NC Corporate Registration #C-0476			
PROJECT NO.			
SCALE			
1" = 200'			
DATE			
7/20/10			
DRAWN BY			
BTG			
CHECKED BY			
MAH			
DRAWING NO.			
255-10			
SHT 1 OF 8 SHTS			



- SITE IS LOCATED IN THE CLARKE WATERSHED BASIN
- THERE ARE NO HERITAGE TREES LOCATED ON-SITE
- THERE ARE NO PERENNIAL STREAMS LOCATED ON-SITE

Existing Features (Site Analysis) Plan
Contours not less than 4 feet - shown
Wetlands - shown
Watercourses, streams, floodways & buffers - shown
Right of ways & Easements (current) - shown
Right of ways & Easements (future) - shown
Slopes over 25% - shown
Woodlands - shown
Open fields, scenic views - shown
Watershed divides - shown
Existing structures, roads, trails, etc. - shown
Wildlife habitat & farmland - none
Historic features - none
Aquifers and recharge areas - none
Existing Structures - shown

All future utilities will be within the proposed street right of way

SLOPE ANALYSIS		
XRANGE BEG.	XRANGE END	PERCENT
25.00	50.00	0.0
15.00	25.00	16
10.00	15.00	8.5
0.00	10.00	99.9

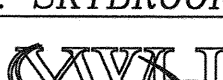
TREE PRESERVATION SUMMARY
% OF SITE COVERED BY TREE CANOPY - 68.99% (66.5 AC)
% OF TREE CANOPY ACTUALLY SAVED - 12.51% (8.32 AC)
SPECIMEN TREES
269 ON SITE
151 (56.1%) SAVED

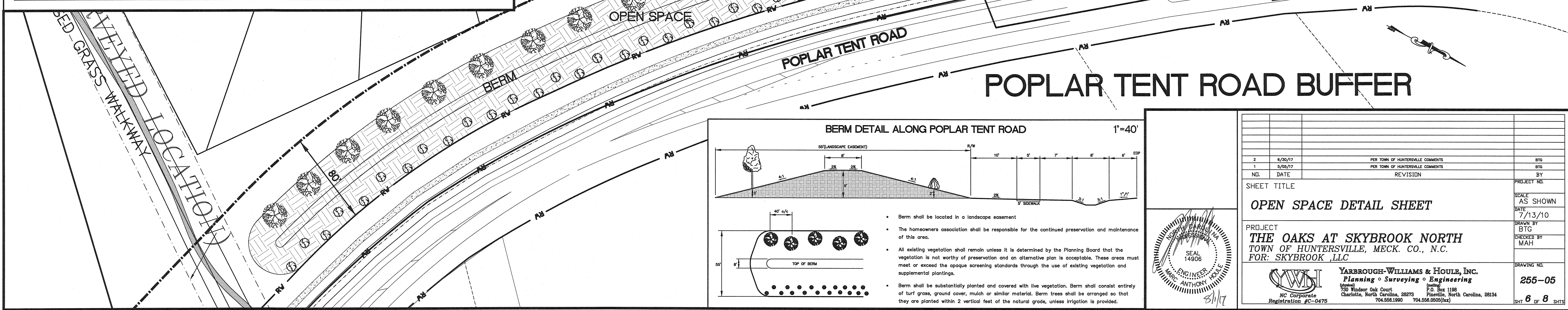
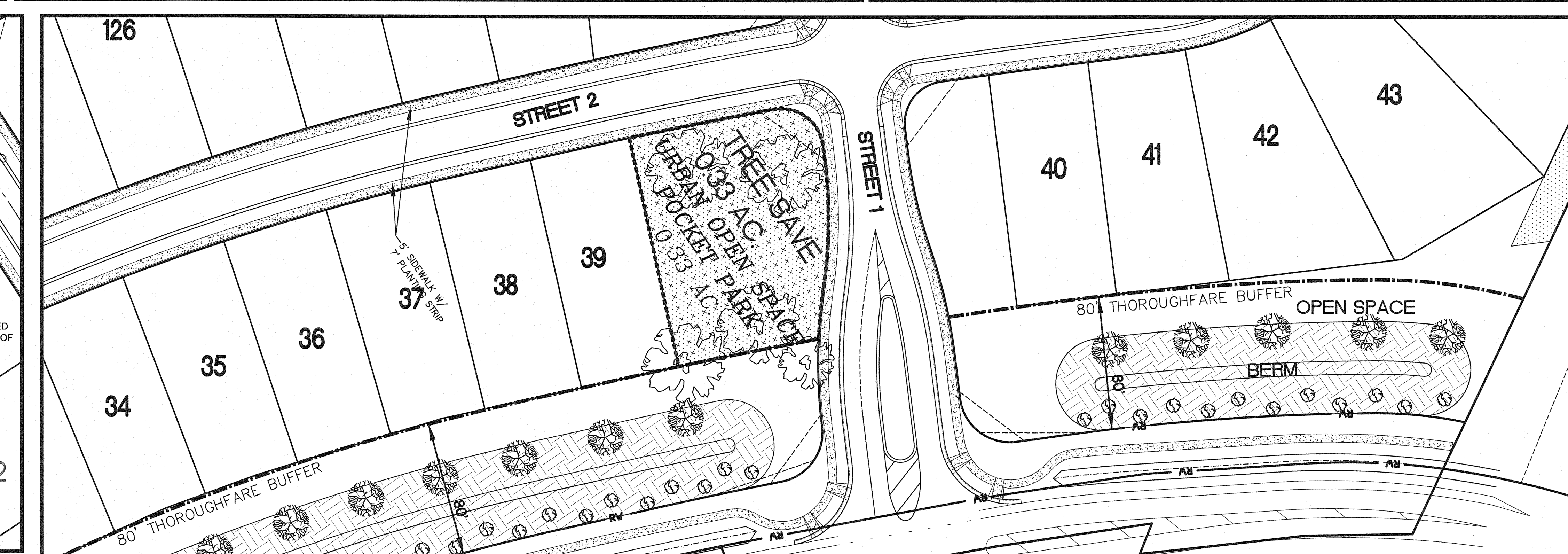
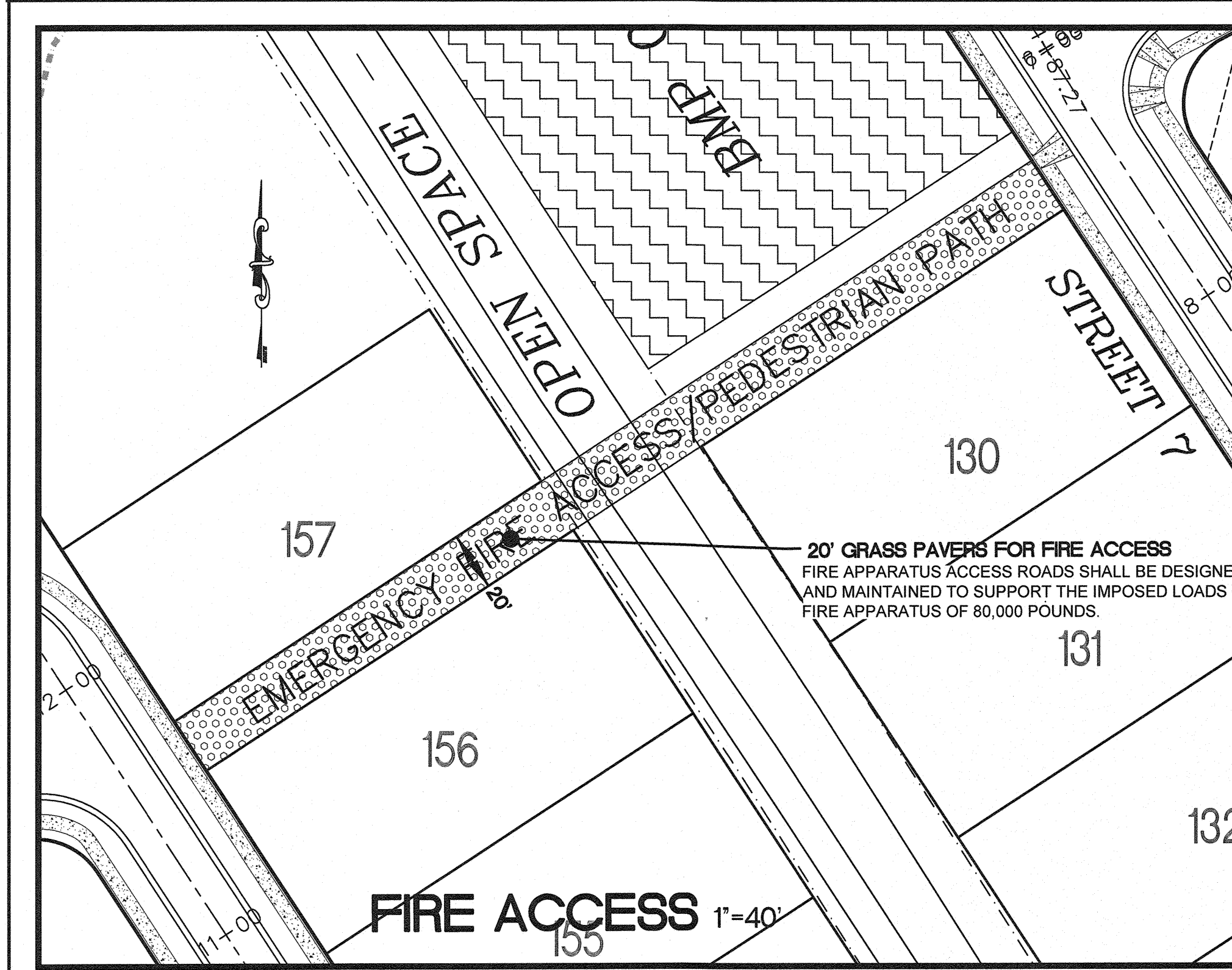
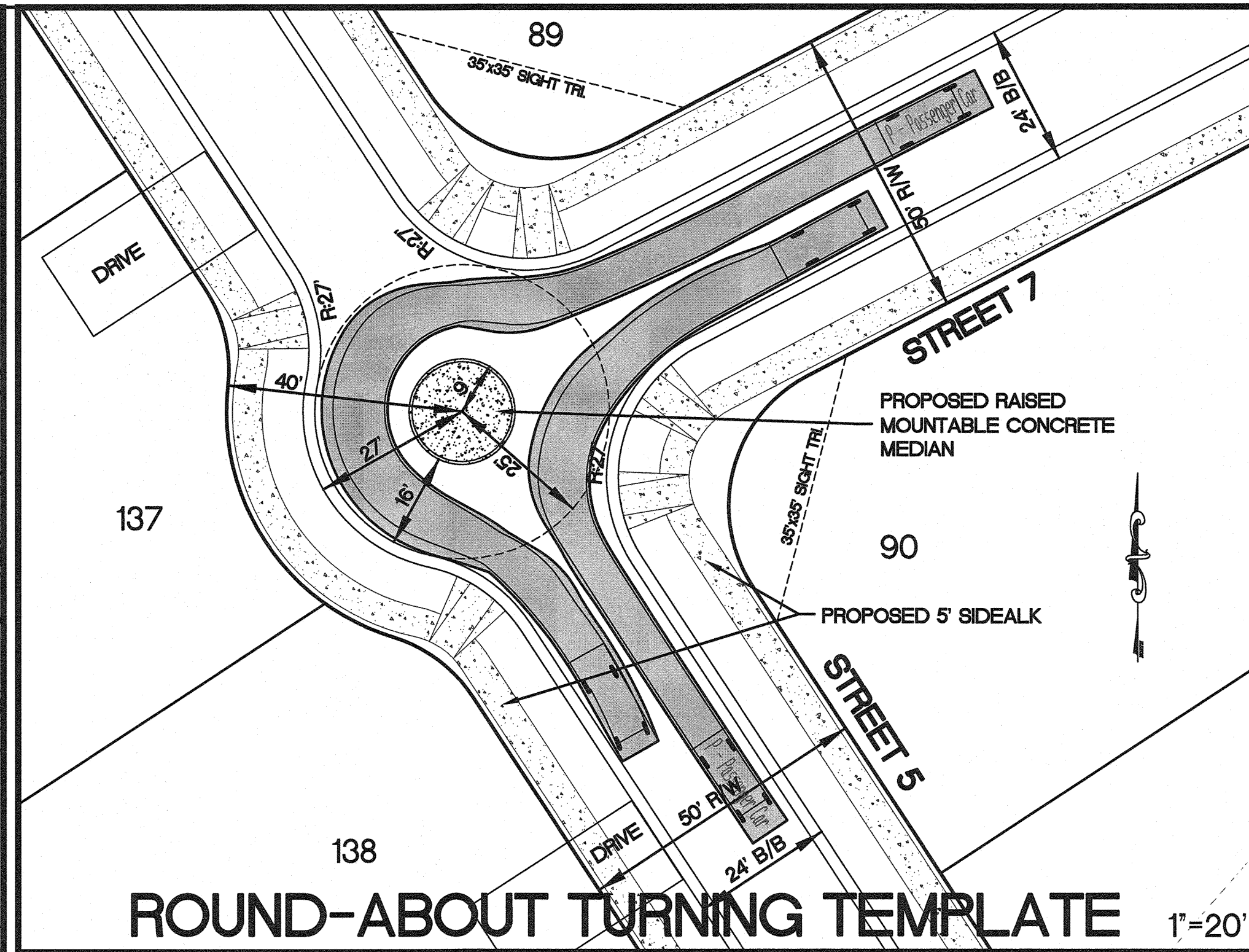
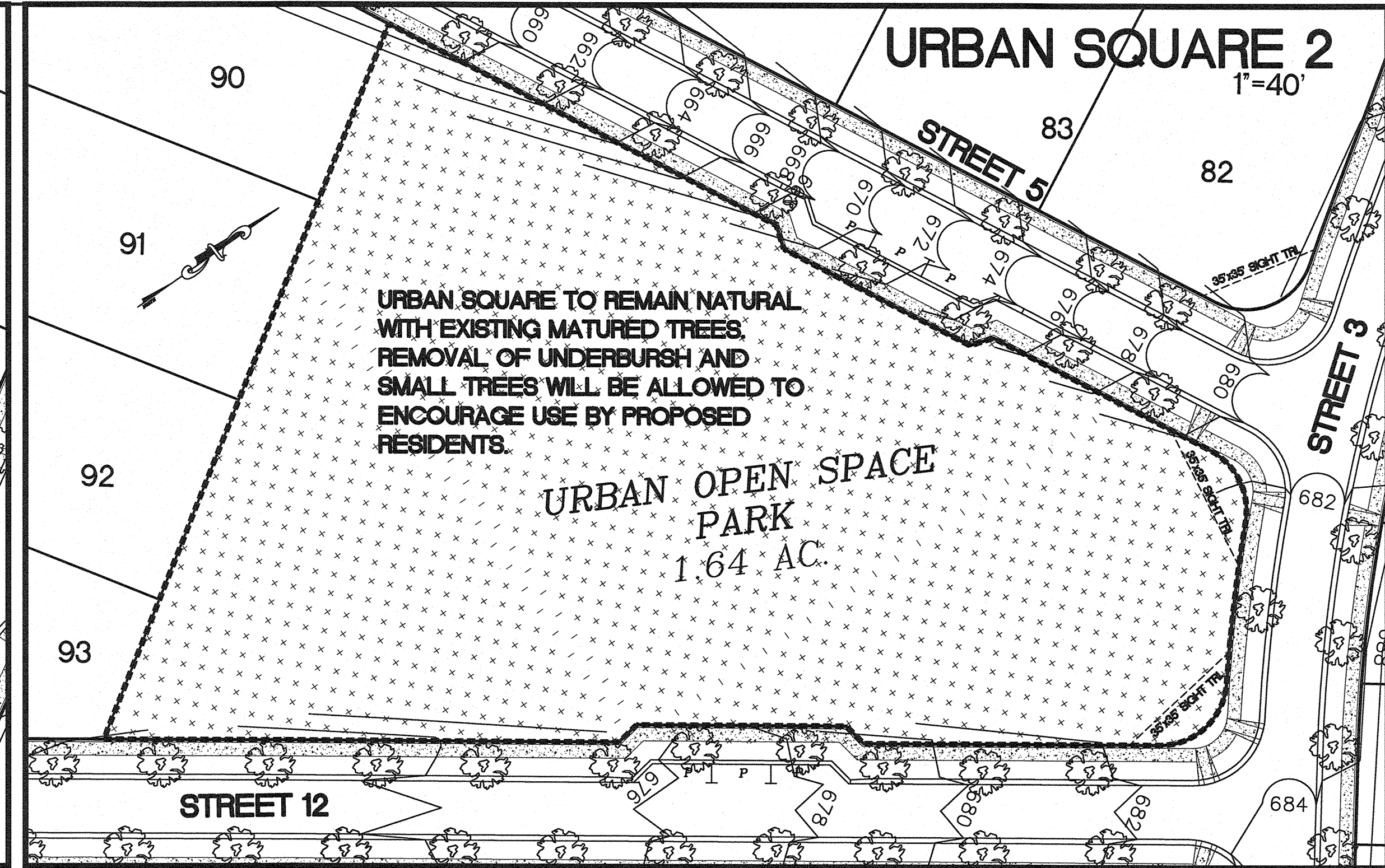
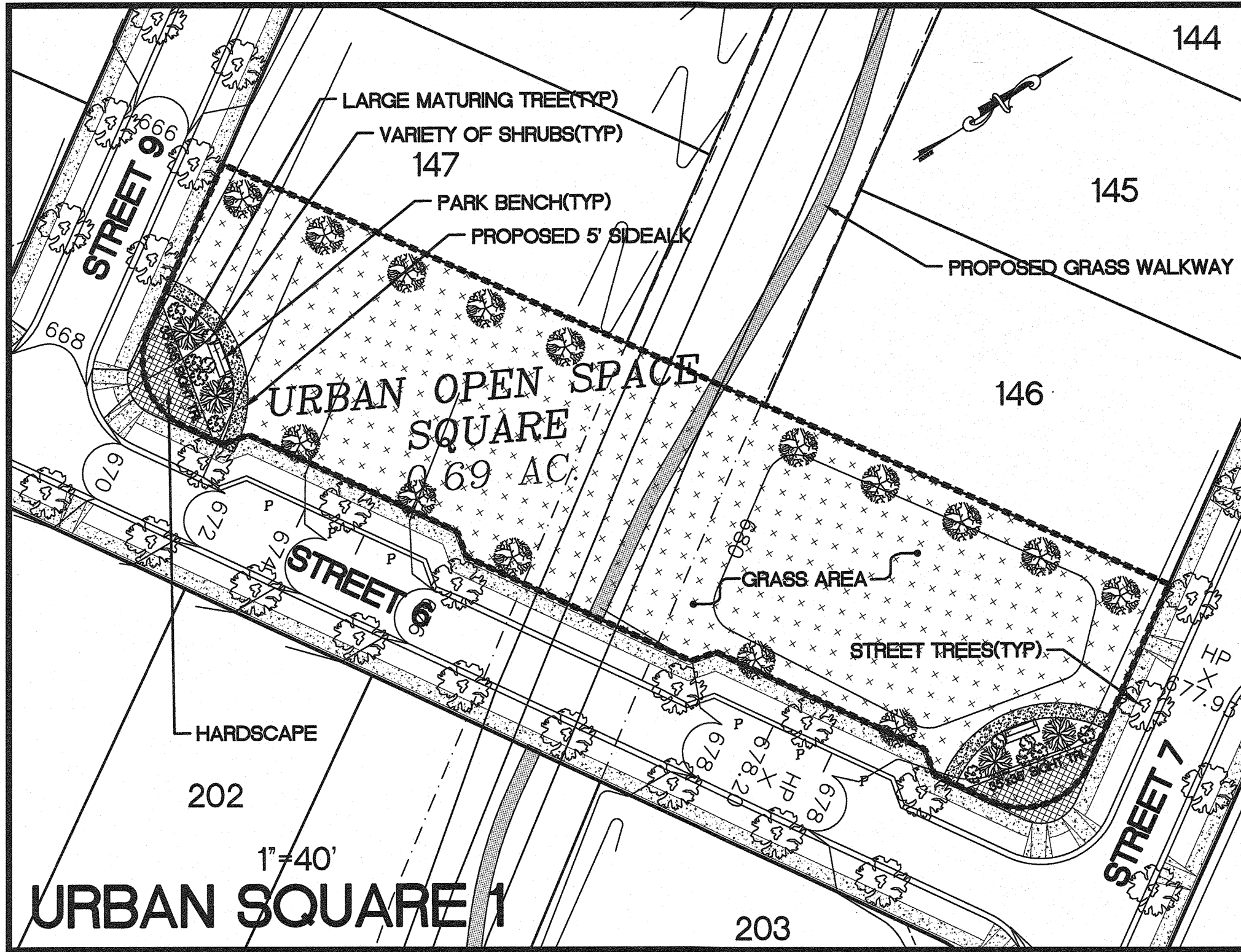
TREES LOCATED
- 12" OR GREATER AT DBH

2	5/25/17	PER TOWN OF HUNTERVILLE COMMENTS	BTG
1	1/25/17	REVISED PER TOWN OF HUNTERVILLE AND LUNA COMMENTS AND ADDED 35 LOTS	WJD
ND	DATE	REVISION	BY
SHEET TITLE			PROJECT NO.
PARCEL "A" EXISTING FEATURES/TREE SURVEY PLAN			SCALE: 1"=100'
PROJECT			DATE: 7/13/06
THE OAKS AT SKYBROOK NORTH "A"			DRAWN BY YWH
TOWN OF HUNTERVILLE, MECK. CO., N.C.			CHECKED BY MAH
FOR: SKYBROOK, LLC			DRAWING NO.
YARBROUGH-WILLIAMS & HOULE, INC.			255-09
Planning & Surveying & Engineering			SHT 2 OF 8
730 Windsor Oak Court, Charlotte, North Carolina, 28273			
704.558.1990 704.558.0505(fax)			

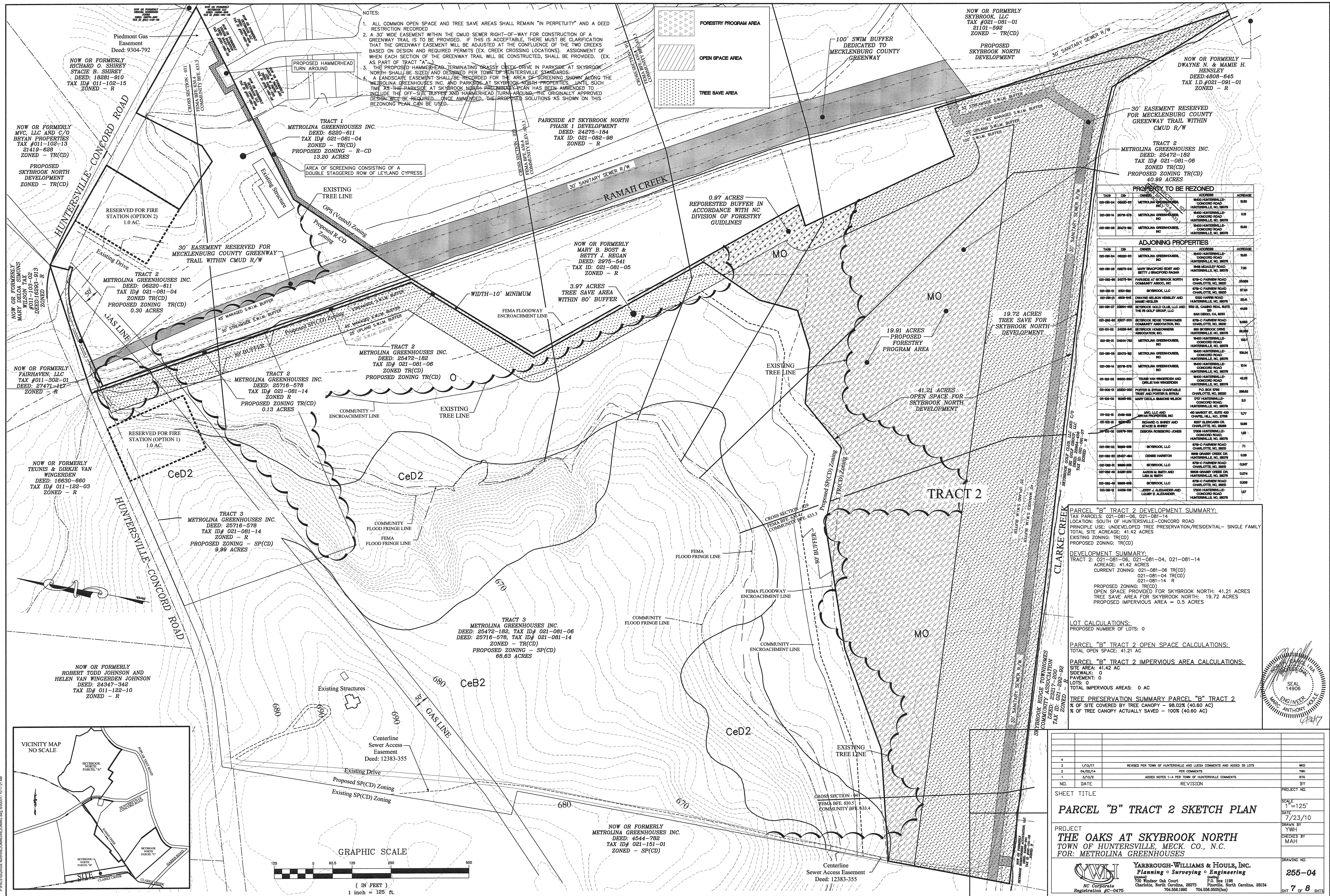


PARCEL 'A' TREE SAVE AREA
TREE SAVE IN LOTS: 0.31 AC.
TOTAL TREE SAVE: 8.41 AC.

6	6/30/17	PER TOWN OF HUNTERSVILLE COMMENTS	BTG
5	5/26/17	PER TOWN OF HUNTERSVILLE COMMENTS	BTG
4	1/23/17	REVISED PER TOWN OF HUNTERSVILLE AND LUEDA COMMENTS AND ADDED 36 LOTS	WCO
3	7/19/16	ADDED PARCELS TAX PARCEL 011-109-01	BTG
2	5/19/16	REMOVED ROAD/AS CROSSING, REVISED LOTS 14-16, ADDED LOTS 185-189	BTG
1	3/3/12	ADDED NOTES 1-4 PER TOWN OF HUNTERSVILLE COMMENTS	BTG
ND.	DATE	REVISION	BY
SHEET TITLE			PROJECT NDL
<p>PARCEL "A" SKETCH PLAN</p>			SCALE 1"=100'
			DATE 7/13/10
			DRAWN BY YWH
			CHECKED BY MAH
PROJECT			DRAWING NDL
<p>THE OAKS AT SKYBROOK NORTH TOWN OF HUNTERSVILLE, MECK. CO., N.C. FOR: SKYBROOK ,LLC</p>			<p>255-08</p>
			<p>3 OF 8 SHEET</p>
<p>YARBROUGH-WILLIAMS & HOULE, INC. <i>Planning • Surveying • Engineering</i> <small>(Incorporated)</small> 1750 Windsor Oak Court Charlotte, North Carolina, 28273 704.556.1990 704.556.0506(fax)</p>			
<p>NC Corporate Registration #C-0476</p>			



2	6/25/17	PER TOWN OF HUNTERVILLE COMMENTS	BTG
1	6/25/17	PER TOWN OF HUNTERVILLE COMMENTS	BTG
NEL	DATE	REVISION	PROJECT NEL
SHEET TITLE			SCALE
OPEN SPACE DETAIL SHEET			AS SHOWN
PROJECT			DATE
THE OAKS AT SKYBROOK NORTH			7/13/10
TOWN OF HUNTERVILLE, MECK. CO., N.C.			DRAWN BY
FOR: SKYBROOK, LLC			BTG
YARBROUGH-WILLIAMS & HOULE, INC.			CHECKED BY
Planning • Surveying • Engineering			MAH
700 Windsor Oak Court			DRAWING NEL
Charlotte, North Carolina, 28273			255-05
P.O. Box 1198			SHT 6 OF 8
704.556.1990			
704.556.0505(fax)			
Registration #C-0476			





February 28, 2017

To: Janet Pierson, Town of Huntersville

From: Scott Moore, Skybrook Project Manager

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

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

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

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

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

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

Summary of items discussed at the meeting:

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

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

The meeting was adjourned at 6:40 PM.

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



February 9, 2017

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

Dear Property Owner,

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott Moore", with a long horizontal flourish extending to the right.

Scott Moore
Project Manager
Skybrook Subdivision

Rt 16-07 Skybrook North
Neighborhood Meeting Mailing List
Mailed: USPS 2/9/17 12:30 PM

MARY BRADFORD BOST
16418 MCAULEY RD
HUNTERSVILLE, NC 28078

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

EGW ENTERPRISES LLC
38 SALEM ST
THOMASVILLE, NC 27360

H KEVIN GEDNEY
15026 SKYPARK DR
HUNTERSVILLE, NC 28078

DWAYNE NELSON HENSLEY
10120 HARRIS RD
HUNTERSVILLE, NC 28078

GEORGE H III JORDAN
PO BOX 4422
CARY, NC 27519

LANRE M LADIPO
15107 SKYPARK DR
HUNTERSVILLE, NC 28078

DIANNE JONES MCVAY
16241 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

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

ELEASAR NGASSA
15102 SKYPARK DR
HUNTERSVILLE, NC 28078

ROBERT BANNER
1505 BURNING LANTERN LN
KANNAPOLIS, NC 28081

PAUL J CAPALDI
16317 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

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

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

DONNA M GILMORE
16311 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

KENMORE HINKSON
16321 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

BRIAN KEITH
15120 SKYPARK DR
HUNTERSVILLE, NC 28078

GREGG A MATTHIESEN
16329 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

WILLIAM MERCER
15700 POPLAR TENT CHURCH RD
HUNTERSVILLE, NC 28078

MVC LLC
PO BOX 38
HOLLY SPRINGS, NC 27540

EDDIE C PALMER
15114 SYKPARK DR
HUNTERSVILLE, NC 28078

CORA BATTIES
16325 GRASSY CREEK DR
HUNTERSVILLE, NC 28078

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

STEPHEN P DUFFEY
15712 POPLAR TENT RD
HUNTERSVILLE, NC 28078

DAVID N FARACE
15126 SKYPARK DR
HUNTERSVILLE, NC 28078

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

TODD JOHNSON
16959 HUNTERSVILLE-CONCORD RD
HUNTERSVILLE, NC 28078

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

DAVID G MCALEXANDER
14703 LONG IRON DR
HUNTERSVILLE, NC 28078

METROLINA GREENHOUSES INC
16400 HUNTERSVILLE CONCORD RD
HUNTERSVILLE, NC 28078

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

PARKSIDE AT SKYBROOK NORTH HOA
6719-C FAIRVIEW RD
CHARLOTTE, NC 28210

KAREN A PORETTI
15034 SKYPARK DR
HUNTERSVILLE, NC 28078

DENNIS R RANAGAN
15018 SKYPARK DR
HUNTERSVILLE, NC 28078

BRYAN REDDING
15108 SKYPARK DR
HUNTERSVILLE, NC 28078

RICHARD O SHIREY
6207 GLENCAIRN CR
CHARLOTTE, NC 28269

SKYBROOK HOA
830 SKYBROOK DR
HUNTERSVILLE, NC 28078

SKYBROOK LLC
PO BOX 38
HOLLY SPRINGS, NC 27540

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

MARY DEOLA SIMMONS WILSON
17117 HUNTERSVILL CONCORD
HUNTERSVILLE, NC 28078

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

Mayor John Aneralla
15705 Framingham Lane
Huntersville, NC 28078

Commissioner Melinda Bales
15426 Ranson Road
Huntersville, NC 28078

Commissioner Dan Boone
317 Southland Road
Huntersville, NC 28078

Commissioner Mark Gibbons
13818 Bramborough Road
Huntersville, NC 28078

Commissioner Rob Kidwell
7603 Rolling Meadows Ln
Huntersville, NC 28078

Commissioner Danny Phillips
14720 Brown Mill Road
Huntersville, NC 28078

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

Hal Bankirer
17206 Linksview Lane
Huntersville, NC 28078

Jennifer Davis
7530 McIlwaine Road
Huntersville, NC 28078

Catherine Graffy
15120 Pavilion Loop Drive
Huntersville, NC 28078

JoAnne Miller
13900 Asbury Chapel Road
Huntersville, NC 28078

Adam Planty
12327 Cross Meadow Road
Huntersville, NC 28078

Joe Sailors
9332 Westminster Drive
Huntersville, NC 28078

Ron Smith
15902 Gathering Oaks
Huntersville, NC 28078

Stephen Swanick
12903 Heath Grove Drive
Huntersville, NC 28078

Susan Thomas
10215 Lasaro Way
Huntersville, NC 28078

Gerry Vincent
PO Box 664
Huntersville, NC 28070

Janet Pierson
PO Box 664
Huntersville, NC 28070

David Pecte
PO Box 664
Huntersville, NC 28070



**Planning Board
Regular Meeting Minutes
July 25, 2017 - 6:30 PM**

Town Hall

A. Call to Order/Roll Call

DRAFT MINUTES ARE SUBJECT TO CHANGE

The Chairman determined quorum and called the meeting to order.

B. Approval of Minutes

1. Consider Approval of the June 27, 2017 Regular Meeting Minutes

A Motion to Approve was made by Joe Sailers and seconded by Ron Smith. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

C. Public Comments

Item 3. Trevor Kale, 15372 Michael Andrew Road, Huntersville. Mr. Kale stated his appearance was on behalf of some neighbors in the subdivision and some present, and noted he was against the subdivision for 94 single family homes. There are 227 homes in both Stone Hollow I and II, and the 94 home will impair their quality of life. They have major traffic concerns. There is a current traffic study done between April 27, 2017 and May 1, 2017, with a total of 8,727 cars going through the neighborhood of 227 homes. The traffic study was completed before the residents of the new Cobblestone Manor (across from Torrence Creek Elementary School), and there is no one living in that 82 home development now. So the traffic study (counts) do not include the new development. Mr. Kale identified the cut through in Stone Hollow that cuts off about a quarter of a mile of traffic. There are no plans being presented by the Town to improve the traffic in that area of Ranson Road. There are no environmental studies done to show an impact on the neighborhood and residents. Currently, there are sink holes that homeowners are having to pay for. He repeated that the 94 homes would hinder his, and the neighbors' quality of life. He is getting more frustrating by sitting in traffic; gaining more time away from his family, and putting his family in potential accidents by pulling out on Ranson to turn left or right. He asked the Board to take a hard look at the situation. This side of Huntersville is growing rapidly, and he felt they were being left out of the study part as far as traffic with no traffic plan whatsoever for Ranson Road. He requested denial for the proposed neighborhood.

D. Action Agenda

1. **Rezoning:** Petition R16-07, a request by Skybrook, LLC to revise the existing Conditional District rezoning plan for 175.05-acres to add 4-acres (currently zoned R) and to revise the Transitional Residential Conditional District (TR-CD) to increase density, adjust open space, streets and other site plan changes. TR-CD zoning is requested for the entire

site to permit 225 single-family lots located north of Huntersville-Concord Road and west of Poplar Tent Church Road. Property is vacant, with a few single-family homes.

A Motion to Deny was made by Stephen Swanick and seconded by Jennifer Davis. The Motion Carried by a vote of 6 Ayes and 3 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Sailers, Smith, Swanick

Nays: Bankirer, Miller, Thomas

Included in the Motion: the denial is based upon factors related to density and characteristic. It is not reasonable and not in the public interest to continue to eat away at our Rural zones.

David Peete, Principal Planner, gave an update from last month's deferral, and entered by the rezoning and sketch plan Staff Reports into the record, a copy of which are attached hereto collectively as Exhibit A, and incorporated herein by reference. The current site plan for tract A (no changes to tract B), has reduced density to 221 lots, and staff recommends approval, including the waivers. The Urban Open Space ("UOS") has not changed. There are miscellaneous transportation comments to be addressed. The curve radii has been further discussed, and the Engineering Department would still recommend 200, but the developer is in compliance with what has been proposed. The cross section near the park now includes street trees. The storm water review and USPS will be taken care of. The applicant intends to annex the area, and create a build-to range variation no greater than 5-10' from home to home. There will be a private trail connection to a future greenway. The applicant is only amending just the specific sketch plan that goes with the majority of the rezoning that was in place in 2006 and 2010. There is a small amount of acreage being added to the rezoning from Rural to the TR-CD. Staff has no outstanding issues and recommends the density increase of 41 units overall.

Scott Moore, Project Manager with Skybrook, LLC, 830 Skybrook Drive, stated that a private trail will be maintained by the HOA and will be connected for pedestrian purposes, which will be noted on the plans.

Ron Smith commented about the age of the Traffic Impact Analysis ("TIA") from 2006, and staff responded that the Engineering Department determined that a new TIA was not needed. The number of units requested does not meet the threshold to require a new TIA. Scott Moore noted that the original TIA used 258 lots, and now it is down to 221; even less that what was studied and what the standard would have called for. Jack Simoneau, Planning Director, commented that this is a conditional rezoning plan that is approved and vested. The only question before the Board is the additional 41 lots. The Board continued to express concerns with the (older) TIA. The Chairman suggested that as part of the Minutes that a message to the Town Board be made to perhaps look at aged TIA's and if there is substantial development in the affected area since the (older) TIA.

Other questions were made about language in the Staff Report for the number of lots ("should be 220") and staff indicated they wanted to see the 40-41 lots along with the UOS.

The radii was questioned if it was changed, and staff indicated that one did not change. Scott Moore added that the plan is supported by staff. From a historical standpoint, the plan was approved for 258, and there are now 37 fewer lots, and the overall density is 1.6. There were no other questions, and the Chairman called for a Motion.

Discussion after the Motion included Stephen Swanick's reasoning to deny. Acknowledging the development is by right, and the zoning ordinance was put in place to support

development and keep certain characteristic consistent. This being a rural area at the edge of our borders requires a different consideration. It has already be rezoned once to allow 180 units, and this request is for an additional 41 units that will further the density in that area.

The Staff Report confirms the density being higher than nearby development. Mr. Swanick did not feel this was in the best interest of the community, because we are running out of rural land. He further commented that the developer could build under the existing plan, and that Skybrook could do that instead of further increasing density in that area. It was expressed by another member that the committee that worked on the three (3) areas of density was to control development with more dense development toward the center. As development changes, density would be increased going out to the edges, and there was no intent on keeping the edges rural. There needs to be a blending between the densities. Other comments were noted they were not in favor of denial, and there is a good representation of UOS. Another member noted his support of denial is based on a 10 year old TIA.

2. **Sketch Plan:** A request by Skybrook, LLC to revise the Sketch Plan for 175.05-acres to add 4-acres (currently zoned R) to increase density, adjust open space, streets and other site plan changes. The Sketch Plan would permit 225 single-family lots located north of Huntersville-Concord Road and west of Poplar Tent Church Road. Property is vacant, with a few single-family homes.

A Motion to Deny was made by Stephen Swanick and seconded by Jennifer Davis. The Motion Carried by a vote of 5 Ayes and 4 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Smith, Swanick

Nays: Bankirer, Miller, Sailers, Thomas

Included in the Motion: The application is complete, and does comply with all applicable requirements; however the denial is based on overriding concerns relative to density and Town development, including concerns with the TIA. The Sketch Plan is inconsistent with the recommended conditional rezoning district.

3. **Sketch Plan:** Ranson Road Residential Subdivision Sketch Plan proposed by applicant, Larry Burton with Classica Homes, is a request to subdivide parcel numbers 01714205 and portions of 01714247, 01714207, 01714204, and 01714214 in to 94 single family residential homes within the Neighborhood Residential Zoning District.

A Motion to Approve was made by Harold Bankirer and seconded by Stephen Swanick. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

Included in the Motion: The application is complete, and complies with all applicable requirements, and it is in compliance with the 2030 Community Plan. The Planning Board finds support for the applicant's block waiver request. The applicant to provide corrections to the minor plan comments, and that the applicant comply with the Town recommendation of the left turn lane on Ranson Road with a 100' stacking lane, and that language is provided in the plan to match ordinance language for the cross-section of the greenway to be provided to the County.

Alison Adams, Senior Planner, presented the sketch plan, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference. The plan is by right, and there is no conditional rezoning. Staff gave the zoning and location of the site, including its density. Staff addressed the Air Quality and Noise

Pollution issues raised at the neighborhood meeting, as well as the construction on I-77 and other surrounding areas. Stone Hollow sits in a low spot and a lot of noise will bounce into the area. Through the I-77 project there will be noise walls installed the entire length of Stone Hollow. The study to measure speeding resulted in less than 1% of the cars studied were speeding, and therefore no need for a traffic calming study. The number of cars going through the subdivision was analyzed as cut-through traffic, and the Engineering Department does not feel that based on trips per day there is a cut-through problem occurring. The applicant is providing connectivity with stubs, and the TIA has been completed and sealed. It was determined no road improvements were needed, but through the driveway permit onto Ranson Road the Town is requiring a left turn lane into the subdivision. There is a 20' required undisturbed buffers and the cross sections of the streets meet the street requirements. The applicant is asking for a block length waiver, and staff show the location. Applicant will dedicate property to the County for future greenway and bikeway plans. There is a willingness to serve letter from Charlotte Water, and CMS indicated that a total of 46 students would be derived from the subdivision.

The applicant, Bill Saint, President and CEO of Classica Homes, 2215 Arysley Town Blvd., Suite G, Charlotte, presented and commented about the company and local developments (i.e. Robbins Park). Blending open space, connectivity and timeless design. Rick Jasinski, Vice President of Land, with Classica Homes, commented about the neighborhood design and the other current developments (i.e. Jetton Road and Washam Potts Reserve in Cornelius). The site on Ranson Road is existing farm land, excluding the home of Mrs. McAulay, and totaling about 37 acres. There will be common open land at the entrance and a mail kiosk with parking spots. The lots are 55' wide, and 65' wide. In the back of the neighborhood there will be a one-way road that loops around common open space. There will be a left turn lane on Ranson Road with 100' of storage as recommended by the Town. The stub streets from Stone Hollow will be tied into and connected. Property for the greenway will be dedicated. Pocket park examples were shown from Robbins Parks for this proposal. Mr. Jasinski also showed examples of the product homes, with the market price of \$500,000, and up.

The Chairman called for questions, and it was asked of staff why the entrance for the development was not across from the entrance into the assisted living facility, and noted that a prior plan's discussion included that the entrances match and line up. Staff responded that the location if lined up would take a lot of property from the design, and possibly take a house to accommodate the alignment. The Engineering staff has deemed the space between the entrances appropriate. The cut-through traffic issue was raised, and staff further explained the route taken through Stone Hollow to avoid traffic at the stop light at Ranson Road and Stumptown Road. It is assumed by staff that the cut-through is used during high volume traffic times. Staff is looking at solutions for the intersection. It was also noted that Stone Hollow residents would have connection through the proposed neighborhood to Ranson Road, and how traffic routes might work in the future. The Planning Board noted that future routes by homeowners are hypothetical, and clearly the Town has identified a traffic issue. Staff stated that the possible traffic patterns were analyzed.

The topography of the subdivision on the eastern side was noted as being at a lower grade, and Mr. Jasinski responded that the land comes into the center point where there is currently an existing pond. The property will need to be lowered for proper grading. The grade with Stone Hollow will be line up, and the grade transition will be further into the site with the houses sitting lower than Stone Hollow. There is a 20' landscaped buffer that will provide privacy screening as well. The pond was questioned, and staff noted it is a farm pond and from a natural stream. It was further asked to the developer if any modifications to the plan

were made from Stone Hollow concerns, and Mr. Jasinski responded that concerns of traffic is more of a global concern, and connectivity will help alleviate some congestion. The addition 94 homes is not what is causing traffic concerns that is there now. Ranson Road is a disaster now because of the I-77 widening and traffic going around it. The target for home sales is 25-35 homes per year. There are no tree save concerns, and the canopy requirement is being met. The BMP location was identified on the plan.

Staff noted it is recommended to add parking, and the applicant will submit concept plans and have the opportunity to commit to the parking. The Staff Report includes a mini-circle suggestion, and staff identified its location and the reasoning for adding a mini-circle to which the developer has not yet made a commitment. Mr. Bankirer noted that measurements were taken for the TIA at Ranson and Gilead, and requested further explanation. Staff replied that Ranson Road and Gilead was the only intersection that needed to be studied for the TIA. Staff noted the threshold (30 trips on approach, or 50 trips at the intersection), and once studied there was a difference of 1.4, and no mitigation is required. Ranson and Stumptown did not hit the threshold of 30/50 trips. The Town will be looking at Gilead Road improvements that will affect the intersection to help offset the traffic issue, and solutions at Ranson and Stumptown. It was asked about a bike lane on Ranson Road, and staff noted a lane will be installed along the frontage of the site. The bike lane does not connect, but there is an existing bike lane on the other side of the road.

The discussion after the Motion included the members expressing concerns for the traffic issue at Ranson and Stumptown, and Ranson and Gilead. Clearly the Town knows there is a current traffic issue at Ranson and Stumptown, and how the TIA arrived at not having to study that intersection was concerning. This subdivision, and every subdivision, impacts the global transportation picture. The Town Board needs to consider whether or not to use the flexibility provided in the TIA ordinance to look at intersections that might statistically not otherwise rise to the level of being considered for improvement, but nevertheless needs improvement. The members can review the TIA on online. It was requested that the Minutes reflect these concerns, and insure that communications to the Town Board may be made. It was further noted the ability to provide emergency services in traffic congestion.

4. **Sketch Plan:** Bellterre Subdivision located in the rural zoning district is being requested by Bowman Development. Eighteen (18) single family residential homes are being proposed on parcel numbers 01115104 and 0115121.

A Motion to Approve was made by Joe Sailers and seconded by Susan Thomas. The Motion Carried by a vote of 0 Ayes and 0 Nays. Board Members voting

Included in the Motion: The application is complete, and complies with all applicable requirements. It is found to meet the Subdivision Ordinance, and complies with the 2030 Community Plan.

A Motion to Amend and Approve was made by Jennifer Davis and seconded by Susan Thomas. The Motion Carried by a vote of 9 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

Included in the Motion to Amend: To add that all outstanding comments be addressed.

Alison Adams, Senior Planner, presented the sketch plan, and entered the Staff Report into

the record, a copy of which is attached hereto as Exhibit C, and incorporated herein by reference. The site is for 18 homes off McCord Road near Black Farm Road containing approximately 21 acres. The density requirement is for 43% Open Space, and 44% is being provided. An 80' buffer along the street is required with existing vegetation to be maintained, or installed if none. The developer will install a meandering sidewalk. There is recreational open space is being provided, and can also be considered like an urban park. A street stub is included in the plan, along with a 20' undisturbed buffer around the project. The site is above 12% impervious, and there will be a sand filters installed. There is a willingness to serve letter from Charlotte Water. Sidewalks will be installed on one side of the road, with a ditch type cross section. Tree save is being met, and they are providing 51% of the tree canopy and 76% of the specimen trees. A concern at the neighborhood meeting was about the buffers, and traffic. The sketch plan meets the requirements of the ordinance. A TIA is not required. CMS has projected 9 students from the subdivision. The application is complete and it within the future land use plans. Staff recommends approval.

Mr. Bankirer asked the developer, Nate Bowman (205 S. Church Street, Huntersville), about the buffer concerns from the neighboring property owner, and Mr. Bowman indicated the buffer area near this neighbor will be planted match to look more natural. Mr. Bowman was asked the size of the lots, which are significantly smaller to the surrounding lots, and Mr. Bowman replied that with the 44% open space surrounding the lots they will look like acre lots. The quality of design and open space is being used to provide more features, trails, and open space with less yards for owners to mow.

There was no discussion after the Motion.

5. **Rezoning:** R17-03 is a request by Donald and Vicki Shew to generally rezone 12.66 acres from Corporate Business (CB) to Special Purpose (SP) at 15746 Old Statesville Road (Parcel #01101235).

A Motion to Approve was made by Susan Thomas and seconded by Joe Sailers. The Motion Carried by a vote of 7 Ayes and 2 Nays. Board Members voting Ayes: Bankirer, Graffy, McClelland, Miller, Sailers, Smith, Thomas

Nays: Davis, Swanick

Included in the Motion: The rezoning is consistent with the 2030 Community Plan and other applicable long range plans. It is reasonable and in the public interest to rezone the property because a Special Purpose District is consistent with adjacent zoning districts; there are no traffic impacts outlined, and it accommodates the current use of the property with reasonable improvement to be outlined in the commercial phase.

Bradley Priest, Senior Planner, presented, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit D, and incorporated herein by reference. Staff indicated there are no changes made to the plan since the public hearing.

During questions for staff, it was noted that the application was being made to make the property compliant, and staff confirmed it is a general rezoning request, and the current use is not permitted under the current zoning. Rezoning to Special Purpose ("SP") will bring the use into compliance. A member mentioned storage of items on the adjoining property, and staff was not aware of that situation. Jack Simoneau, Planning Director and staff commented they walked the property and did not see an issue. Brad Priest responded to a question of all requirements being met by the applicant, and confirmed to the extent practical. In example,

there is existing vegetation around some areas, and other areas could use screening, and storm water will be worked out. The applicant is putting a plan together to calculate the impervious on the site, which is separate of the rezoning. Staff was asked to explain the process for the commercial site plan, and described the administrative review process and that staff will look closely at screening and storm water, and possibly a driveway permit. The future Church Street extension was mentioned, and staff indicated that nothing will be changed based on the rezoning, and staff is not asking at this time for any right of way reservation as that would not be appropriate. Staff was asked about the uses in SP, to which staff listed the various by right uses, and conditional uses. Mr. Swanick questioned if the process could be made without a general rezoning, and staff commented there are options for a conditional rezoning, but staff is trying to keep this simple for the applicant considering it has been there for 22 years. Further discussion was made about the uses, zoning, and the future extension of Church Street. For the future Stumptown Road extension some of the railroad crossings to the north would need to be closed and additional or alternative access crossings will need to be created. Mr. Swanick again asked staff about adjusting the application to a conditional rezoning, and staff explained the (approximately) four month process. This is a much shorter process, and this request will move forward to the Town Board as proposed. The Town Board would have to deny this rezoning for the applicant to submit a conditional rezoning application.

There was no discussion after the Motion.

6. **Tree Mitigation:** Request by the developers of Bellamor at the Park, a Senior Living Apartment building, to preserve less than the required amount of canopy and specimen tree save on their Old Statesville Road site and to mitigate the shortage per Article 7.4 of the Huntersville Zoning Ordinance.

A Motion to Approve was made by Jennifer Davis and seconded by Stephen Swanick. The Motion Carried by a vote of 8 Ayes and 1 Nays. Board Members voting Ayes: Bankirer, Davis, Graffy, McClelland, Miller, Sailers, Smith, Swanick

Nays: Thomas

Bradley Priest, Senior Planner, presented, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit E, and incorporated herein by reference. Through the commercial site plan application it was found that the application would not be able to save the required amount of trees (10% of the canopy and specimen trees). Staff showed the existing conditions and the grading plan. Calculations were submitted; 11 trees and 11 specimen trees to saved (22 total), and the applicant has requested the trees be mitigated by contribution to the tree fund. The contribution is \$5,500.00. Staff recommends approval. Staff was asked the amount in the tree fund, and staff indicated it was approximately \$10,000.00, but some may have been used (possibly NC73 trees). Staff described the left turn lane being required for the site, and the right of way. There were concerns about trees outside of the boundary not being counted because of NCDOT. Staff interrupts that area not under the ownership of the applicant, and the applicant does not have the ability to save those trees. A concern was that there is a total wipe of trees. Staff noted that some trees were being saved in the right of way, and if counted the applicant might met the specimen requirements but not the canopy requirements. The right of way is to be dedicated to NCDOT and is on the plan. It was asked about the landscaping, and staff indicated there would be a double row of trees along NC115, in the parking lot (perimeter and interior), and along the southern façade of the building.

Susan Irvin, Attorney at Law (19726 Zion Avenue, Cornelius), spoke on behalf of the applicant, and explained the unique situation for the plan. There is a letter from the NC Housing and Finance Authority explaining the tax credit program and the project by Solstice. The program is limited to 30-40 awards each year, and this project is for affordable living for seniors through the IRS tax credit program. It is extremely difficult to obtain permission to build these projects with strict requirements. The 2030 Community Plan, Policy H-5 is to encourage housing options for senior citizens, and Policy H-7 that supports appropriate mix of housing for all income levels. This is not your average apartment development. The registered landscaping architect was present, to which Ms. Irvin gave his qualifications, and could speak to any specific landscaping or mitigation questions. Along with the project is a crucial time period for funding by July 31, 2017. Ms. Irvin expressed thanks to staff for their prompt and thorough job.

There was no discussion after the Motion.

E. Other Business

1. Elections for Chairman and Vice Chairman

Chairman: Harold "Hal" Bankirer

Vice Chairman: Jennifer Davis

2. Adjusted TIA Results Reporting Format

The Chairman requested that Stephen Swanick communicate with the Planning Director, Stephen Trott and Max Buchanan, Engineering Department, concerning the template for TIA results and analysis presented to the Planning Board. It is suggested to use color codes that might be beneficial in presenting and show consistency. This matter will be placed on the August 22, 2017 Agenda.

F. Adjourn

Approved this _____ day of _____, 2017.

Chairman or Vice Chairman

Michelle V. Haines, Board Secretary

Town of Huntersville
REQUEST FOR BOARD ACTION
8/21/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Gerry Vincent, Town Manager
Subject: Contract for Management Services - HFFA

Consider approving contract with Swim Club Management Group of Charlotte, Inc. for management of Huntersville Family Fitness & Aquatics.

ACTION RECOMMENDED:

Approve Contract

FINANCIAL IMPLICATIONS:

Town of Huntersville
REQUEST FOR BOARD ACTION
8/21/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Bill Coxe, Transportation Planner
Subject: Appointment to CTAG

Consider appointment to the Citizens' Transit Advisory Group (CTAG).

ACTION RECOMMENDED:

Appoint representative to CTAG. Applications were sent to you via e-mail.

FINANCIAL IMPLICATIONS:

Town of Huntersville
REQUEST FOR BOARD ACTION
8/21/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Commissioner Mark Gibbons
Subject: Resolution

Consider adopting Resolution requesting NC Secretary of Transportation Trogdon and appropriate representatives address the Town's concerns and comments regarding the Comprehensive Agreement between the North Carolina Department of Transportation and I-77 Mobility Partners, LLC for I-77 Managed Lanes Project.

ACTION RECOMMENDED:

Adopt Resolution

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

	Description	Type
□	Resolution	Backup Material

Resolution Requesting of NCDOT Secretary Trogon

WHEREAS, NCDOT Secretary Tennyson asked the Town of Huntersville and other jurisdictions to submit specific concerns and comments about the Comprehensive Agreement between the North Carolina Dept. of Transportation and I-77 Mobility Partners, LLC for I-77 Managed Lanes Project (I-3311C, I-5405, I-4750AA) and design in Spring 2016, which the Town did within the 30 day requested response time; and

WHEREAS, NCDOT Secretary Trogon presented at the March 2017 CRTPO, and stated that the Town's submitted comments would be part of the Mercator Advisors review of said contract and that the Town could submit additional comments/concerns, which the Town did; and

WHEREAS, at the time of that presentation, it was requested that the Secretary directly respond to the North Mecklenburg Towns' submitted comments/concerns, including those submitted by the Town of Huntersville, with a "one-on-one" presentation with the Towns once the preliminary report was prepared, to which Secretary Trogon stated "all comments will be addressed"; and

WHEREAS, Representative Bradford and Senator Tarte requested Secretary Trogon to address the citizens of our Town (and our neighbors) at Cornelius Town Hall on this matter, to which the Secretary agreed; and

WHEREAS, the Mercator Advisors preliminary report is expected to be available August 2017; and

WHEREAS, attempts to schedule a forum to discuss the Town's specific concerns and comments regarding said contract have not resulted in a meeting date; and

WHEREAS, this portion of I-77 has severe ramifications on all aspects of the North Mecklenburg economy and quality of life for our citizens, as well as North Carolina as a whole; and

WHEREAS, travel to a "central location" is difficult and hazardous because of the construction currently occurring on I-77 resulting in an undo hardship on our citizens and business owners who choose to attend.

NOW THEREFORE, BE IT RESOLVED, that the Town of Huntersville formally requests the NC Secretary of Transportation Trogon and appropriate representatives to address the Town's concerns and comments regarding the Comprehensive Agreement between the North Carolina Dept. of Transportation and I-77 Mobility Partners, LLC for I-77 Managed Lanes Project (I-3311C, I-5405, I-4750AA) and design at a forum held in Huntersville after the Mercator Advisors preliminary report is available and before it is final, to assure each and all concerns have been sufficiently addressed as the Secretary has previously agreed.

Adopted this _____ day of _____, 2017.

John Aneralla, Mayor

ATTEST:

Janet Pierson, Town Clerk

Town of Huntersville
REQUEST FOR BOARD ACTION
8/21/2017

REVIEWED:

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

Consider approving the minutes of the August 7, 2017 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

Description	Type
□ Draft Minutes	Backup Material

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**August 7, 2017
6:30 p.m. – Huntersville Town Hall**

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 5:45 p.m. on August 7, 2017.

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

Chief Spruill updated the Board on police communications and dispatch services. *Refer to*

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on August 7, 2017.

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Jack Suthard, Boy Scout Troop 42, led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- The next meeting of the North Meck Alliance is August 10.
- Congresswoman Alma Adams is having a Transportation Summit on August 10.
- The next meeting of the Metropolitan Transit Commission is August 23.

Commissioner Bales

- Huntersville has 19 active economic development projects. There was a project visit today.

Commissioner Boone

- The Huntersville Fire Department just completed the first full month of having fire and EMS under one department. They ran a total of 469 calls during the month of July.
- National Night Out was a success. Expressed appreciation to the Police Department and Parks & Recreation Department for their efforts.

- Part 1 crimes have significantly decreased since the beginning of the year.
- Wished Wesley Mecimore of the Police Department the best in his new endeavor and announced Officer Tom Slymon will retire August 18.

Commissioner Gibbons

- The Veterans Patriot Guard will have a breakfast on August 16.
- Attended the Charlotte Regional Transportation Planning Organization meeting last month. The Metropolitan Transportation Plan for 2045 is being put out, the draft Transportation Improvement Projects from the state came back with some changes which benefit the North Mecklenburg area, and after discussion the Catawba River crossing project was tabled until the next CRTPO meeting.

Commissioner Guignard

- The next Centralina Council of Governments meeting is August 9.
- Reminded everyone that school will be starting in the next couple of weeks which will mean increased traffic, especially with the Hambright Road bridge closed.

Commissioner Kidwell

- Received a communication from a gentleman in Cornelius that said I was an obstacle in firing a staff member for the town. Pointed out that the Board cannot hire/fire a staff member. Provided information to the Board from the League of Municipalities on how North Carolina municipalities work and the state statute that cites what power the Town Manager has in case they are contacted.

Commissioner Phillips

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

Commissioner Bales requested update on Veterans Park.

Michael Jaycocks, Parks & Recreation Director, explained that during construction they found a water line that was not identified by any locating company. A request was submitted to Charlotte Water for them to relocate that line and they are in the process of reviewing that request.

Mr. Jaycocks announced as part of the Mecklenburg County's 5-year CIP, about \$6 million will go towards greenways in Huntersville.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Kidwell made a motion to make the following agenda changes:

- Move Item I under the Consent Agenda (Authorize the Town Manager to execute Rental Agreement between the Town of Huntersville and Huntersville Music Academy, LLC for the Annex Building at 104 Gilead Road) to Item G under Other Business.
- Move Item J under the Consent Agenda (Consider authorizing the Town Manager to execute Operating and Services Agreement for Fire Protection Services) to Item H under Other Business.

- Add Item I to the Consent Agenda – Call a public hearing for Tuesday, September 5, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-08, a request by Central Piedmont Community College to generally rezone 9.3 acres from Campus Institutional, Highway Commercial and Neighborhood Residential to all Campus Institutional, located at 12332 Statesville Road.

Commissioner Boone seconded motion.

Motion carried unanimously.

Commissioner Kidwell made a motion to adopt the agenda as amended.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

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

Petition #R17-04. Mayor Aneralla called to order public hearing on Petition #R17-04, a request by Nickel Development Group, LLC to rezone 2.024 acres located along Sam Furr Road west of Birkdale Village from Highway Commercial Conditional District to Highway Commercial Conditional District to create a 78 unit age restricted apartment building.

Brian Richards, GIS Administrator, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 1.*

Commissioner Guignard said at what point does the fire department and those type of people see this.

Mr. Richards said we have already had multiple discussions with the fire department in regards to the height of the building, the setbacks, and the ability to service this project. They are very comfortable with this being able to be built as proposed.

Commissioner Kidwell said are there any paths or walkways towards the Birkdale Village shopping besides the sidewalk.

Mr. Richards said the developer is in negotiation with Birkdale Village to have a pathway over towards the Fifth Third bank, so there will be a pedestrian path near the newly installed gas facility.

Commissioner Bales said in the community meeting report it says in the end that the petitioner and petitioner's agent are reviewing comments and questions generated during that community meeting. Has any discussion happened with that since the meeting.

Mr. Richards said no that hasn't occurred.

Mike Kopczynski, 16870 Bridgeton Lane, said I would like to start by thanking the Nickel Development Group for the time they have put into this proposal. It's obviously very comprehensive. I think with some common sense modifications I could fully support the development of the senior living complex. There are a few aspects of the plan that obviously need to be modified. The first is the height of the

building. This is consistent with the staff report just heard. The five-story building with a high pitched roof is simply too tall for the surrounding area. There's no way for it to harmonize with the surrounding neighborhoods. However in the Staff Report we did not hear the height of the four-story building. A four-story with a high pitched roof is significantly higher than a four-story with a flat roof. If you look at the Birkdale apartments that were shown those are either four stories with a flat roof or four stories with a high pitched roof. I would like to see some clarification on what we mean by four stories. The second issue to be addressed is the aesthetics of the senior living complex. It's shown as a whitewashed, Grand Floridian style that's not consistent with the neighborhoods in the area. I think with some aesthetic modifications, not having that bright red roof, it could fit in much better and serve the community much better.

Tyce Hart, 16814 Bridgeton Lane, said I agree with all of the points that he made. We are in support of this development and we are happy to have this type development in Huntersville. The only additional point that I would add to the points that he made was Birkdale Village is an interesting community in terms of it brings an opportunity to Huntersville that I have seen duplicated in other cities. Avalon in Atlanta, Asheville the mixed-use community there, where it's an opportunity to bring other types of economic development to this area. I would hope that you guys would consider that in what you are considering to approve in terms of the pitched roof, in terms of aesthetics and that type of thing. Any type of development that we have there we want to make sure that it contributes to what we've already built in Birkdale Village. Sometimes I think you can have developments that bring tax dollars.....but what that subsequently then does to the community is detrimental in terms of we have an opportunity to make this an economic hub so we need to make sure the decisions that we make for the development around that contribute to that, not take away from that.

Bruce Hardy, 17021 Carlton Way Road, Cornelius, said I'm on the board for the Greens. The Greens is the single-family community adjacent to the townhomes. I'm actually the chairman of the board. I would like to request that we be given further information regarding the possible run-off that will be piped I assume into a pond for which our community is responsible for. I don't know if you received any information regarding that – how it will be done, what the potential affect will be on that pond. I think we are due that before you approve this. Now not speaking as a board member, but on a personal basis, I wish to at least confirm that the members of the board did sign the petition requesting denial for the variances. Of particular concern is the height as has been spoken to. The proposal is for a five-story building with a gable roof which is essentially is a six-story building compared to other buildings in the area which are four-story with a flat roof.

Jake Palillo, 17532 Sailview Drive, Cornelius, said we're the developer of the project. I first want to start out by thanking Mr. Richards and Mr. Simoneau through this whole process. I've been somewhat critical of the Planning staff. It's probably been one of the most enjoyable processes through a project that we've dealt with. They've been very helpful.

When we started this project we went to Mr. Simoneau and Mr. Richards and asked them what they would like to have at this property. Hotel was one of the options. Restaurant was another one. Office building was another one. They actually brought up the senior housing project, that there was a need. And so we have worked hand-in-hand with them to come up with this project.

The idea of the five-story building seems to be the biggest stumbling block on it. We're not opposed to going to four stories. Quite honestly during our conversation we were asked to carry forward a text amendment to go to five stories. The reason being is Huntersville has one of the most unique areas and if you get higher up you can see the view of the lake. It seems that all of the development in Huntersville is three stories, four stories and so you lose the advantage of all of the scenes that you

could get. There's parts of Huntersville that should go to ten or twelve stories. But when we originally started out the staff was in favor of five stories. We got some pushbacks so they wanted us to cut it back to four. I'm not opposed of going to four but the value of a five-story building is not out of content for what's going in there. Adding one story adds about the height to that clock, so you are talking about 10'. The land itself is down in a hole.

Huntersville is a fast growing suburb of Charlotte and it should have more mid-rise buildings instead of being stuck in this little town feel where you set everything at three stories. There's a lot of value that goes up, there's higher rents. If you get high enough you can see the view across at the golf course. You've got two lakes to both sides of the building. We've tried to work with the Birkdale people. We offered to put over \$100,000 worth of landscaping to give them buffers. We offered to put a sprayer in the one pond to add value. We offered to build a gazebo there for the community. So we have reached out and done a lot of things to try to please the adjoining properties.

Our residents are going to typically be 70 plus. Most of them are going to be widows or widowers or single people so as they start to age they'll go into different steps. From this phase here they'll go from here typically into assisted living or nursing. Typically they only have one car because there's only one person living in the unit, so there's not an overburdening of parking. There's not an overburdening of traffic because they travel at off-peak hours. It's great because it's ideally located right next to Birkdale.

In our process of giving the gas line an easement to do that blow off we negotiated to heavily landscape that and put a pedestrian path through their gas line over to Birkdale. That was part of our negotiation to giving them the easement to use our driveway. So again the five stories to me is a given. The town needs to start to raise the height to start to go up, even your office buildings and stuff. There's great views the higher you go up and it's unfortunate we can't get up higher to take advantage of seeing the lake because you have a real jewel there with the lake but the only people that can see it are the ones that live right next to it.

You can see there's apartments to one side, multi-family with the townhouses to rear. We are directly adjacent to the entryway into Birkdale for the residents of the townhomes who have the strongest objection is right through a live-work-play area. There's corporate housing behind that, across the street there's a proposed grocery store coming, so there's a lot of retail in there so it's not a project that just doesn't fit in there. It fits in there because there's multi-family around it.

You can see here that's there two lakes. The one at the apartments does have a sprayer in it. The one that's the Birkdale owned one does not. We've offered to pay for that and put that in. We've offered additional landscaping for the townhomes in the back. One of the big concerns of the townhomes is parking which is within their own community. We don't have any effect on that parking. Directly across the street you've got the Birkdale golf course. The people from the fifth floor could actually see across there.

Building with the red roof is one of the most attractive architectural buildings in the US today. That's similar to what we are going to build – all white with the red roof. There's another one in California. If you look at all of the buildings in Birkdale 75 percent of them are white buildings, so they do have some variation in color but as you drive through Birkdale they are all white front buildings. The apartments all have the white façade to them.

Commissioner Phillips said I heard some people talking about the colors. Have you sat down and tried to work with them and listen to them as far as the façade and the fascia.

Mr. Palillo said we extended an invitation to both homeowner associations and no one reached out to contact us. One of the things about buildings and architecture is the uniqueness of every building. When everything always blends together then there's no character. It adds character. Prime example Aquesta Bank, the town fought and fought and said that building is going to look like a sail and everything. The Aquesta Bank is one of the most attractive buildings in Cornelius. We could build a lot less attractive building. We can build a building cheaper but it's really all about the architecture. We like to have a property that has character to it and is a focal point and stands out. It blends but it still has its own unique character.

Commissioner Phillips said the elevation of your property, how low is that.

Mr. Palillo said if you look at the elevation here it's about 1-1/2 stories below. And you've got tall trees there that aren't going to be disturbed so really you have to be in front of the building to look straight up to even see the roof.

Commissioner Guignard said I just want to say thank you for getting us to this point. There needs to be more and more living quarters in this Huntersville area for the folks over 70 and wherever we get to with this project hopefully it's something that we can compromise because there's no doubt that in that area there's probably plenty of people that their aging parents would like to live close to them but not with them. I appreciate the fact that staff has worked diligently with the developer on this because we are an aging area with youngsters coming in all the time with aging parents that might want to move down here or over here to be near to their children and grandchildren.

Commissioner Bales said I would like to echo Commissioner Guignard. When I heard this project was being looked at I thought what a great place frankly to be able to retire and still be able to enjoy Birkdale Village. It's one of our little jewels here in Huntersville. I do hope that we can work through the issues and make sure that it works well for everyone in that community.

There being no further business, Mayor Aneralla closed the public hearing.

Commissioner Guignard requested to be recused from public hearing on Petition #R17-07.

Commissioner Gibbons made a motion to recuse Commissioner Guignard.

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes.

Petition #R17-07. Mayor Aneralla called to order public hearing on Petition #R17-07, a request by Charles Guignard to rezone 0.33 acres located at 503 S. Old Statesville Road (south of Mt. Holly-Huntersville Road) from Neighborhood Residential Conditional District to Neighborhood Residential to remove an existing multi-family overlay.

Brian Richards, GIS Administrator, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 2.*

Commissioner Boone said will this affect the value of any of the properties around this parcel.

Mr. Richards said not that we are aware of.

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

Commissioner Gibbons made a motion to bring Commissioner Guignard back.

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes.

Petition #TA17-05. Mayor Aneralla called to order public hearing on Petition #TA17-05, a request by Piedmont Wrecking and Grading Company, Inc. to amend Article 9.23.9 of the Huntersville Zoning Ordinance to extend the closure deadline for existing LCID landfills.

Brad Priest, Senior Planner, reviewed the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 3.*

Commissioner Kidwell said just to be clear here, land clearing and inert debris, LCID landfill, we are talking dirt, trees, stumps.....basically it's moving earth from one area to another.

Mr. Priest said that's correct.

Commissioner Kidwell said this is the only one in Huntersville.

Mr. Priest said correct, that I'm aware of.

Commissioner Kidwell said is there any others in Mecklenburg County.

Mr. Priest said I believe there are some more in Mecklenburg County. I think the applicant is prepared to discuss those specifics as well.

Scott Munday, LStar Ventures, developer in Bryton, said I'm here tonight in opposition to the continued use of the landfill. Bryton will soon be home to residences on both sides of Hambright and the continued use of the landfill will in effect run all the truck traffic as it exists now right through Hambright, right through the heart of this residential community and turn Hambright essentially into an industrial thoroughfare. This industrial traffic would create a nuisance for this residential community and more importantly a significant safety concern, so for these reasons we hope the Board will find that this continued use of the landfill is not in the public interest of Huntersville.....in an industrial area, yes with the truck traffic but through a residential community and a dense residential community and home to some 1,500 plus homes, no.

Susan Irvin, representing Piedmont Grading Land Clearing and Inert Debris, presented PowerPoint presentation. *PowerPoint attached hereto as Exhibit No. 4.*

I want to thank the Advisory Committee because they have now met on this I believe three times. We appreciate your patience with this and also with Brad and Jack who we've gone through several versions of this text amendment with them as well.

I'm not going to repeat information that you've been given. Just generally, this has operated for 32 years since 1985 and in answer to Commissioner Kidwell's questions these are all of the items that are allowed to be accepted by the LCID. And as you pointed out it is basically moving land from one part of the town or county to another.

These are the materials that are not acceptable. Pretty much anything that has chemicals or is artificial. We're really looking at only natural materials going into the LCID. I wanted to give you some information about Piedmont Grading LCID. According to the permit application it accepts about 75,000 tons a year and approximately one-half of those right now are recyclable. We are looking into some permitting that would allow us additional recycling.

This is kind of a breakdown of who uses the LCID. We have 20 percent homeowners, 40 percent builders and developers. I did want to point out that I had asked for some examples of developers who had used the Piedmont Grading LCID and to give you some numbers in November of last year Bryton actually deposited 16,980 tons into the Piedmont LCID and in December 20,820 tons. So that gives you an idea of the amount of disposal that is benefitting local builders and developers. We also have landscaping, grading contractors and the government. The Town of Huntersville just in 2017 has deposited 160 tons in the LCID and NCDOT we are estimating about 1,058 tons.

This gives you an idea of what the competition is in Mecklenburg County. I have listed over on the right the various LCID's. We have looked these up and called them. Some of them have very limited materials that they accept, they were smaller and they have limited hours. But that gives you an idea of where all of them are and Piedmont is really the only one that is north of 485 but I just wanted you to know what's available. Certainly, it's the only one in Huntersville.

I'm not going to go into great detail about this and I do want to say that Brad and Jack and I have a difference of opinion on what would be required for the SUP process in terms of time and money. I'm probably looking at it much more from the applicant side. But these are all the things that are required to be submitted if you were to go through the Special Use permit process. It's a quasi-judicial hearing before this Board and it's an evidentiary hearing and you are required to show compliance with those current ordinance standards I just showed you as well as additional conditions for the C&D landfills now and I guess new LCID landfills.

I think you have to either go through a rezoning to Special Purpose because it's not zoned for that right now or you would have to do another text amendment in addition to going through the SUP. I've given you some numbers here and I will respectfully disagree with Brad and Jack. We've had some conversations about this. I called around and I asked a couple of land use surveying firms what they would estimate the site plan cost to be. Now Piedmont has done a permit application and that was done by SM&E and that actually does include some of the information that would be submitted as part of the site plan. I called them today because I wanted to find out if that could just be used again. The person who worked on the permit before isn't with the company anymore but I talked with someone else in the department and they said that they would have to go out and resurvey, so I'm sure there would be some savings with historical information but it's just really hard to say. Brad tells me that there would be no TIA required and that the staff would look at not the commercial street standards but some lower version of that. Still it's hard to say by looking at the requirements you know to put a 200' buffer from the adjacent property to the fill area I think that would be virtually impossible, because you start the landfill out at the beginning at a certain point and then you go in from there and you really can't move the landfill once you are done. So there's probably not 200'. You also have to have no activities within 100' of the exterior property line. I don't think that that could be met. There is a requirement for a buffer in these additional conditions.

Again, we could get into a discussion about how much all of those things cost and what would be required. You'd have to pay consultant fees. The consultants that gave me the estimate of \$40,000 said

that did not include their time to attend meetings and to go to public meetings. In addition to that you would have legal fees because you would be going through two processes.

Brad really already covered this. The current text exempts the pre-1990 LCID's and that's really only Piedmont. It gives you some description of what you have to do and it meets all of those requirements. It was required to be closed in 2016. It was extended by to 2018. And so this is just a summary.

I do want to point out that under the state permit the regular inspections by the State of North Carolina and Mecklenburg County, there's site security, there's really cameras all over the area. There are hours of operation and signs posted. The permit renewal process is required every 5 years through the state. They have a closure plan. So all of these things are really monitored under their state application by the state and the county.

Here's our proposal. I think Brad really covered it in his Staff Analysis. We are proposing to extend the termination for this LCID for 10 years and to include these conditions. I would like to talk with Brad and Jack about the 100' and some other issues about the entering driveway. When we looked at that entering driveway and paving it we realized that originally they had asked for a driveway permit for that southern driveway, Piedmont did. And because the site distance for exiting vehicles was too close to the curve, NCDOT had not granted a driveway permit for that southern driveway. And so what Piedmont did was they used the northern driveway for exiting and one of the neighbors who has horse trailers to the north had asked them to reopen that southern driveway just for entrance so there was no site distance issue. I want to go back and talk with staff about that and about what we need to do to get that southern driveway permitted or maybe move that driveway between the entering and exit one, put it in the middle and try to accommodate some of the concerns that staff has expressed. I would like to do that between now and next month.

This just shows you a comparison. This pretty much sums up the points I'd like to make about the Piedmont LCID. And I think the 10-year extension does a lot of good things. One thing I haven't really mentioned too much other than to say that one-half of these materials are recycled is to say that by extending the termination you really are encouraging this recycling. And just to ask for fairness. This has been open for 32 years serving Huntersville. It was permitted when it was opened and to require it to go through a very complicated and long and expensive process I'm just asking for the Board to consider this and the benefits of the 10-year extension.

Commissioner Guignard said I want to note that it just hasn't been serving Huntersville, it's been serving North Mecklenburg and probably north Charlotte. I'm not sure if I have done my math right. Moving this freight is sort of near and dear to my heart. If you are talking about 75,000 tons a year and Commissioner Bales was quick to point out to me that an estimated 160 tons in 2017 somebody tell me I would assume that these trucks are hauling at least 15,000 to 20,000 lbs. a load, they're not just hauling 3,000 for 4,000 lbs. Just guesstimating if I've done it right, we're talking about 15 to 20 trucks a week. Now I can be wrong. And if I'm wrong I will still tell you I'm only wrong by one digit. The Town was quick and I'm not disagreeing with what they did, but the Town was quick to build and promote the commercial development down here where ABB, Southern Wire, whatever they are called today and Pactiv whatever they are called today and I would guarantee you that they run that many trucks an hour 7' from this building up and down 115 to the storage facilities up here off of Sam Furr Road. So with the most due respect to the people of Bryton I thoroughly understand trucks being close but I bet you Hambright's got a whole lot more buffer than this Town building is between here and 115. The other thing is if we don't allow things of this nature to be where they have been for 30 years, nobody else is going to want them in their backyard. However, everybody wants to build something. We just had a nice presentation about something up here off of Sam Furr Road. The stuff that comes off that property

has got to go somewhere and the trucks are not drones they can't get up off the highways and go somewhere else. That might be seen in somebody's lifetime but it ain't going to be seen in mine. The trucks have got to travel. Stuff has got to be moved. Stuff has got to be dealt with. In my 8 years sitting at this dais there's probably been more heartache over different types of landfills than any other one particular thing but we certainly don't want the stuff to pile up in our own backyards. We don't want the stumps to be there. And I think one of the most important things is the third line down approximately half is recycled. It's not just left there. I personally applaud the folks that have run this for over 30 years and their efforts to continue to recycle this product and will want to do whatever I can to help this to continue to stay where it is because nobody else is going to want it anywhere else and it's already near and dear.....I'd almost ask Ms. Irvin to re-read how much Bryton has put there and how much the Town has put there and how much the county has put there, but y'all heard those numbers as well as I did.

There being no further business, Mayor Aneralla closed the public hearing.

OTHER BUSINESS

Petition #R17-03. Petition #R17-03 is a request by Donald and Vicki Shew to rezone 12.66 acres from Corporate Business to Special Purpose at 15746 Old Statesville Road (Parcel #01101235).

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 5.*

The Planning Board reviewed the application at their July 25, 2017 meeting and recommended approval by a 7-2 vote.

Commissioner Kidwell made a motion in considering the proposed rezoning of Petition #R17-03 Storage Central General Rezoning, the Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans. The Town Board recommends rezoning the property from Corporate Business to Special Purpose. It is reasonable and in the public interest to rezone this property because it is consistent with the existing businesses in the same area.

Commissioner Bales seconded motion.

Motion carried unanimously.

Ranson Road Residential Subdivision Sketch Plan. Mayor Aneralla pointed out this item is quasi-judicial.

Commissioner Bales requested to be recused since her property sits about 70' from this new development.

Commissioner Gibbons made a motion to recuse Commissioner Bales.

Commissioner Guignard seconded motion.

Motion carried with five (5) yes votes.

Mayor Aneralla swore in Alison Adams, Jack Simoneau, Max Buchanan, Stephen Trott, Paula Thompson, Lisa Ballard, Soha Ashour and Sherif Abdelrazek.

Alison Adams, Senior Planner, said I'd first like to enter the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 6.* This is a request for a subdivision sketch plan known as Ranson Road Residential. The applicant is Classica Homes. They are requesting 94 single-family homes on approximately 38 acres. As you can see the site is located off Ranson Road surrounded by NR zoned property.

The neighborhood meeting was held on June 20 and it was well attended by many of the residents that live in Stone Hollow. They had quite a few concerns. The traffic on Ranson Road in general, just the general traffic based on all the homes that are there, the cut-through traffic as well as when school is in session that becomes a concern. The other is actual cut-through traffic of people trying to skip the light at Stumptown and Ranson Road, cutting through their subdivision and then coming out the other side of Stumptown Road. Also, the noise that's being created. Obviously there's construction on 77 as well as there are some surrounding neighborhoods that are being introduced into the area, a lot of construction sites. So all those concerns. There were a few more but those were the primary concerns of the citizens.

The application for adequate public facilities has been satisfied and the traffic impact analysis has been completed. No improvements are actually being required here. One intersection was studied and it was the intersection of Gilead and Ranson and then that proved to not create enough impact to warrant improvements. With that being said, as part of the driveway permit for this subdivision it will be a requirement because Ranson Road is a Town road that a southbound left-turn lane be installed by the developer on Ranson.

This is actually the site plan that's being proposed. I'll go over different areas of the plan. I'll start off by saying that the primary entrance of the subdivision obviously is Ranson Road. There are two existing stubs here and here. Stone Hollow is over here. And this direction would be north. There is a proposed connection here for future development, as well as here, to hopefully tie-in eventually here if these parcels ever become developed.

The applicant is also meeting the block length requirements except for two of the streets which are here and here. The applicant is also providing greenway connectivity through the site from here.....they are actually dedicating all this land to Mecklenburg County to help assemble that area that's needed. It's like the last piece in the puzzle for the greenway to go through and the connection to happen under 77. So that's a huge dedication piece. The other requirement of the ordinance is for the developer to provide urban open space. They are providing three points of urban open space which are forecourts. There's one here where I believe a mail kiosk will go here. There's one here and then in this area here.

This is the landscape plan. The requirements for the landscaping is of course the 20' undisturbed buffer that goes through here. If that 20' buffer does not meet threshold of the ordinance then it will be supplemented with plantings. They are also providing a buffer here, street trees along their frontage of Ranson Road, a bike lane and sidewalks. And then the cross-section for the actual subdivision is a curb and gutter cross-section with sidewalks and street trees on both sides. They are meeting the specimen tree requirement as well as the tree canopy requirement.

This request is in keeping with our 2030 Community Plan. It is located within that higher intensity area.....the area surrounding the property as well as the property is NR zoned. So in your Staff Report there are numerous points within the 2030 Plan that this is in keeping with.

The Planning Department is recommending approval for this, along with the approval of the block length waiver. And then the Planning Board made the recommendation on July 25 unanimously to recommend approval. They did highly recommend that the applicant look at staff's recommendations to install a mini-circle as well as on-street parking on both sides of the street and a new plan came in but we haven't had a chance to review it. I did take a quick peak at it and some of the comments that the developer wrote back. They are looking to hopefully address those concerns and do more engineering work on that during the prelim to determine if that's something that they would like to do as a feasible option. The Planning Board even though they recommended approval they had concerns that there was a problem with traffic on Ranson Road and especially the traffic light where Ranson and Stumptown are located and they recommended the Town Board try to work on a solution to improve the traffic situation within that intersection as well as on Ranson Road itself.

With that being said I'll answer any questions. The applicant is here as well.

Commissioner Kidwell said can you go back to the sketch plan. The private drive right here, how far does that private drive go. Is that private drive all the way back through Rosedale or does that stub off.

Ms. Adams said they have their own easement that comes in here to this lot. And as part of the agreement and the stub, they are stubbing here but they will actually let him have access to his property.

Commissioner Boone said on July 25 the Planning Board recommended the Town work for a solution for the traffic on Ranson Road where it meets Stumptown. Have you had any conversations started with that process of improving that and if you have what is that progress.

Ms. Adams said prior to the Planning Board actually staff got together at the Technical Review Committee and we discussed different options. One being could we extend the length of the light. The other could we install a turn-lane. Obviously the turn-lane takes more money to be able to do. But we are still looking over our options and so we will continue to work toward hopefully a solution. There is not necessarily that intersection but the intersection at Gilead and Ranson we did get grant money awarded and so that intersection itself will be looked at for improvements, so that will take hopefully some stress off of that intersection and then obviously it would help some of Ranson Road.

Commissioner Guignard said I was here the night that the neighborhood meeting was run and most of your colleagues were up trying to deal with bigger issues but I think that you ran the meeting real well that night. Can you point out to us the land that is being reserved by one of the owners and where that land is and is there any connectivity so that if that land is eventually developed is there going to be connectivity to that.

Ms. Adams said there is not a connection point to this parcel here, but the same gentleman owns this and this and so the stub here hopefully provides some type of road connectivity that would go through here if that was to be developed in the future. This is the low point here and in engineering.....obviously that's why the BMP is located here so the thought was is that this provided an adequate connection as well.

Commissioner Guignard said also the second subject that we hear a lot about and I respect it greatly, many years ago we were petitioned by the homeowners up and down Ranson Road before all of this happened or a lot of this happened, and some people in the room will probably remember when there were actually speed humps on Ranson Road. I am not suggesting the speed humps go back. But we can't win for losing. We don't like cut-through traffic. We do something about cut-through traffic. We

take away the speed humps. And cut-through traffic is still there. I just say all of that to say that Ranson Road is where Ranson Road is and there's schools on Ranson Road, there's churches on Ranson Road, there's churches with schools on Ranson Road and there's empty land. We are going to do something here, hopefully we can come to the best solution. It looks like we've done pretty well with it.

Commissioner Kidwell said the dedication to the greenway. Is there any connection to Rosedale or will they be able to get Rosedale.

Ms. Adams said from what I understand through conversation, the hope is to have an actual connection up here. With the lack of dedication up there the trail will actually run down I believe this side here. There will be.....and we are looking at different solutions to this, but the developer is actually going to install a trail down to this point here and then hopefully Mecklenburg County with hopefully the help of the Town can run a linear trail here and then we will have a crossing. So there will be actually a crossing through Stone Hollow. Rosedale is over here and there will be a connection point down off your screen to the south. So yes, it will all connect together.

Paula Thompson, 15459 Stone Hollow Drive, said I'm here this evening to address some issues, evidence, facts, that I think the Planning Board needs to reconsider to at least delay and look at what we have at issue at hand. One general requirements.....the following statements provide general requirements and for policies to be used in design review and approval of any subdivision under the jurisdiction of this ordinance. This is Conformity No. 2 - all proposed subdivisions shall be planned as to facilitate the most advantageous development of the entire neighboring area, which includes Stone Hollow I, Stone Hollow II, Rosedale, the assisted living, all of our neighbors on Ranson Road, Torrence Creek, etc. With that being said the developer did not contact us, Stone Hollow I, as needed and as required in the Planning Board recommendations and policies. We were not informed. And I have a statement from our manager stating that we were not contacted. I refer back to Letter F under Conformity – contact person for each neighborhood association, property owner association and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2,000' of any portion of the subdivision site (distance scaled on a Town of Huntersville or Mecklenburg County official map). Stone Hollow I was not contacted. Our homeowners association was not contacted. We will bear the burden of this new subdivision with those two abatements coming out onto Shiella Caruth, Heather Leanne, and driving down Stone Hollow Drive we will become a high volume, high speed neighborhood with through traffic which will have detrimental effects on our community, our children. And speaking of the children, with the town impact from the proposed development which the statistics were taken on the 20th day of the 2016-2017 school year, this report does not take into account the fact that CMS has re-done boundaries, so students from Blythe are going to be coming over to Torrence Creek and students from Hough High are going to be going over to Hopewell. So with the utilization as a result of this development according to this plan without mobiles the developer is saying that Torrence Creek is only going to be 92 percent utilized. But when you take in Ranson Road development, the proposal, and you take in Cobblestone, this will bring up utilization by 25 percent which brings it to 117 percent.

Lisa Ballard, 15439 Stone Hollow Drive, said I will yield my time to Sherif Abdelrazek.

Sherif Abdelrazek, 13717 Shiella Caruth Drive, said as you heard from the Town Planning Board a traffic impact analysis was requested from the developer and we had a neighborhood meeting last June 20 where it was expressed by the residents that there are extreme concerns of the intersection of Shiella Caruth and Ranson, Ranson and Stumptown, Ranson and Gilead, and also Stumptown and Stone Hollow Drive, not just Ranson and Gilead. So all these other intersections are of extreme concern for the residents. In that neighborhood meeting we expressed our concern that the traffic impact analysis is

conducted by the developer himself. We expressed concern that represents a conflict of interest since the developer would obviously want the impact analysis to be minimal and would not recommend something or conduct a study that would recommend them not building this development. The Town mentioned that's the rules so following that with the North Carolina Freedom of Information law under Chapter 132 of North Carolina General Statutes in mind we requested this traffic impact analysis from the Planning Board. And we were sent an e-mail by the Transportation Engineer for the Town including the link to the traffic impact analysis. The traffic impact analysis link does not contain the traffic impact analysis so the residents of this town do not have access to that information that we view as can have some conflict of interest. Looking at Article 14, Section 14.5.2 of the Zoning Ordinance the traffic impact analysis shall take into account the following demand factors: (1) existing traffic volumes; (2) background traffic including historical growth traffic and projected trips associated with approved but unbuilt developments; and (3) the trips to be generated by the proposed development. Not having access to such information that should be public will prevent us from knowing what the intersection capacity utilization is for the intersections that we just mentioned that are Ranson and Shiella Caruth, Ranson and Stumptown, Ranson and Gilead, Stumptown and Stone Hollow Drive so we can't know if Article 14 Section 14.5.2 has been addressed since we don't have access to that information.

Larry Burton, Classica Homes, these homes will be built and will be in the approximately \$500,000 to \$750,000 range. We have two different product lines. About half of these homes will be for empty nesters and then rest of the homes will be for traditional buyers. In regards to the traffic study we do a traffic study under the guidance of Huntersville DOT. We send the draft analysis to Huntersville DOT and get comments back. We do have our TIA consultant here if you do have detailed questions. In regards to the town meeting, it was very well attended. Notice was sent out to all the people Huntersville staff required that we send it to. We sent our draft list to the Town of Huntersville. They reviewed that list and said yes this is in compliance and so we sent the letters out to all the different people in that requirement.

Commissioner Kidwell said Ms. Thompson said that Stone Hollow I was not contacted.

Ms. Adams said if you look in your Staff Report towards the back there's maps in there. The two closest HOA's based on the property boundaries are Stone Hollow II and Rosedale. And that meets the requirement. They also have to notify everybody within 250' which they did per the list. We double check it. I send the information received from the applicant to our GIS tech and they verify. Whatever is listed under the tax record is where we send the notifications. I do see one property owner in here that does not say Stone Hollow II. I don't know it to be Stone Hollow I. Stone Hollow homeowners association that still could be correlated to II, but we never received a return mailing back and so therefore we have reason to believe if it was Stone Hollow I then it got delivered. If it's not then they had met the requirement.

Commissioner Kidwell said does this Cam, do they manage I and II or just I.

Ms. Thompson said Cam manages Stone Hollow I and Superior Association Management manages II. When you go into the mailing list it says Stone Hollow II, Westport Road and that is Eastwood Development Corporation, not Superior. Stone Hollow I is not listed anywhere. If you are going to use an abatement that's going to lead out from Shiella Caruth, Heather Leanne or Stone Hollow Drive to get out onto Stumptown we should have been notified as well. When you look at that, it's all Stone Hollow.

Mr. Abdelrazek said property management for neither 1 nor 2 were notified.

Ms. Adams said we use the tax records and if it's not correct through the tax records of the property ownership that's something that needs to be corrected, but we don't have any way to know whether somebody has the correct property address or not on their listing. It's all gathered through the tax records.

Commissioner Boone said in your Staff Report and it comes from the Planning Board, even though the Planning Board does not have the ability to recommend denial since the plan meets all the ordinance, it means exactly what it says, so they could not deny this development.

Ms. Adams said correct. It is a by-right development that meets the merits of the ordinance.

Mayor Aneralla said I have two questions. One, Mr. Buchanan or Mr. Trott can speak to the TIA and can go through that. And then the other one is there a way of getting to Torrence Creek Elementary for people to walk.

Ms. Adams said the greenway.

Mayor Aneralla said on the TIA there was an issue with the link.

Mr. Trott said I did receive a request. I don't have the person's name memorized but I did receive a request and replied to their e-mail with a link to the Town website where the TIA was loaded. I didn't hear anything back from anyone saying that the link did or didn't work so my assumption was that it did work. If it didn't work I didn't know.

Mayor Aneralla said in terms of in your analysis of reviewing the TIA, 94 homes.....

Mr. Trott said the study area per the ordinance was pretty small. Only two intersections were required to be studied, one of those being the site entrance onto Ranson Road and the other being Gilead at Ranson Road. There's only 94 homes so not a whole lot of traffic that would meet at intersections over the threshold of 30 for an approach or 50 for an intersection.

Mr. Burton said you had asked a question about kids walking to school. As most kids do as I did when I was a young child, I picked the path of least resistance to walk to school or ride my bicycle. Whether this is allowed to happen I can guarantee this is what's going to happen. The easement that is at the very back end of the property goes right by the elementary school and that's where most of the kids will probably end up walking down that gravel road to the elementary school.

Commissioner Gibbons made a motion in considering the application for the Ranson Road Residential Sketch Plan we the Town Board recommend approval because the application is complete. The request meets the 2030 Community Plan with some minor comments addressed as stated in the Staff Report. Furthermore we recommend the approval of the block waiver request and additionally the applicant will comply with the Town's request to install a left-turn lane (southbound) on Ranson Road.

Commissioner Phillips seconded motion.

Commissioner Boone said I would like to know if we could add 100' stacking lane, be specific on that motion.

Commissioner Gibbons said I would like to add that we have a minimum of 100' of storage in that left-turn lane.

Commissioner Kidwell said I know Kirk over at the Carolina Management. They used to manage our properties. I'm going to just to put it out there, I'm going to contact him and have him update the records for the HOA. I don't think it does justice to the HOA.

Commissioner Gibbons said I was at the neighborhood meeting that night as well and I would like to echo what Commissioner Guignard said. A lot of people are upset around here about what's going on with traffic. Everywhere you look around here and all I can say is that if you were here at the beginning of the meeting when I talked we've got lots of projects coming up. We've got this Board is going to be doing work on Gilead Road that's going to help that southern end of Ranson Road. Highway 21 is going to be improved and it will help that on the top end where Ranson Road is running into Stumptown Road. We are behind in infrastructure but the way the state puts out money for it is you have to have the congestion first. Congestion is what gives you the highest score when you get a road project put in. We can all sit here as commonsense people and say well this is going to add congestion. And yes it is and that's what's going to make what we do in the future score higher so we get the state funds to fix it. I wish the cart wasn't before the horse but it's kind of the way the world works. If I could be king for a day we would change it. It complies, it is a by-right project.

Mayor Aneralla called for the vote to approve the Ranson Road Residential Subdivision Sketch Plan.

Motion carried with five (5) yes votes.

Commissioner Guignard made a motion to bring Commissioner Bales back.

Commissioner Gibbons seconded motion.

Motion carried with five (5) yes votes.

Belleterre Subdivision Sketch Plan. Mayor Aneralla pointed out this item is quasi-judicial.

Mayor Aneralla swore in Alison Adams, Max Buchanan and Nate Bowman.

Alison Adams, Senior Planner. *Staff Report attached hereto as Exhibit No. 7.* This request is made by Bowman Development. Mr. Bowman is here. The name of the request is Belleterre. It's a residential subdivision located in the Rural zoning district for 18 single-family homes on approximately 20 acres. As you can see where the site is located it should also include this parcel here because obviously you have to enter the site somehow. It is surrounded by Rural zoning.

A neighborhood meeting was held on June 24. It was attended by several residents within the area. The biggest concern obviously they wanted to talk about traffic on McCord Road and Black Farm Road. But primarily the lady that lives to the north of this property so along this property line right here was concerned about the buffer and what type of buffer because she was closest in proximity. Since then Mr. Bowman and the property owner have communicated and they've come to an agreement that an increased buffer will be planted and also certain types of species will be planted. They've worked together from the neighborhood meeting on that issue.

The traffic impact analysis doesn't hit the threshold, therefore it was not a requirement. The adequate public facilities ordinance has been satisfied and again this is not a conditional rezoning, it is a sketch plan so it is a sketch plan by right as long as they meet the merits of the ordinance.

This is a Rural development so therefore you have an 80' buffer from here to McCord Road and typical Bowman Development they put a meandering sidewalk through this 80' buffer. The buffer will be planted if it doesn't already have existing vegetation. There will be a 20' undisturbed buffer again around the perimeter of the project and a majority of what you see on the screen, the natural open space is the area in which the tree save exist. So they are meeting the requirements of the ordinance for the Rural zone for tree save which is 50 percent. They are actually providing 51 percent and then the specimen tree requirement, they require to keep 50 percent and they are keeping 76 percent.

Water quality, they are not in a watershed however they went over the 12 percent. That's why they are having to install these BMP's. As you can see there's a sand filter here and here. They've stubbed to the adjoining property here and the typical rural subdivision they are providing a cross-section that is a ditch cross-section with sidewalk on one side of the road. It's a pretty straightforward subdivision. They are meeting all the requirements of the ordinance. In fact on the plan there's no outstanding comments left.

One thing I believe I forgot to tell you is there is a bike lane on McCord Road that will be accommodated with the improvements along McCord. They are consistent with the 2030 Community Plan and those statements are in your Staff Report so if you have any questions I'll be happy to answer them or the applicant is here.

Commissioner Bales made a motion in considering the Belleterre Subdivision the Town Board finds that the application is complete and that it complies with all requirements, meets the Subdivision Ordinance and complies with the 2030 Plan and I make a motion that we approve this.

Commissioner Guignard seconded motion.

Commissioner Boone said I would like to know if you would add to your motion that all outstanding comments will be addressed.

Commissioner Bales said yes. They have already addressed those, correct.

Ms. Adams said yes.

Mayor Aneralla called for the vote to approve the Belleterre Subdivision Sketch Plan.

Motion carried unanimously.

Sponsorship Agreement – Novant Health. The proposed Facility Sponsorship with Novant Health at the new Recreation Center will be for five years. Novant Health will pay the Town \$150,000 over this five year period in equal payments of \$30,000 per year.

Below are the bullet points of the agreement:

- Signage at the Main Entrance into the Recreation Center
- Signage on the Facility Sign at the Driveway
- Ballfield Sign in Huntersville Athletic Park
- One company logo on each main basketball court
- Logo recognition on publications, receipts and social media related to the Recreation Center
- Bulletin Board within the facility
- No other healthcare provider can be a competing sponsor at the Facility

- Right of first refusal for contract renewal or for future sponsorships at HAP
- Opportunity for on-site promotions
- Access to the multi-purpose room and courts at a 25% discounted rate based on availability.
- Right of first refusal for ATC coverage for the Recreation Center
- Primary advertising for performance training, but will not take away from existing relationships
- One free facility rental per quarter for employee benefits or promotions
- On-site storage up to 25 sq. ft.

Commissioner Guignard made a motion to approve Agreement for Recreation Center Facility Sponsorship with Novant Health.

Commissioner Bales seconded motion.

Motion carried unanimously.

Agreement attached hereto as Attachment No. 8.

Sponsorship and Sales Agreement – Pepsi. This Sponsorship and Sales Agreement will be for five years and includes the new Recreation Center, Town Center, Town Hall, Police Department and Parks. During this five year period the Town would have to purchase a minimum of 7,550 cases. If this number is not reached after five years, then the agreement will continue until that number of cases are purchased. The Town will receive a \$2 rebate on every case purchased and 40 percent on vending machine purchases. As part of this agreement Pepsi will provide the Town two new scoreboards for the new Recreation Center valued at \$12,000. At the end of the agreement the scoreboards will become the property of the Town. These scoreboards will have three slots each that the town can use to sell to other sponsors.

Commissioner Guignard made a motion to approve Sponsorship and Sales Agreement with Pepsi.

Commissioner Bales seconded motion.

Motion carried unanimously.

Agreement attached hereto as Exhibit No. 9.

Resolution – Governor’s Highway Safety Program Grant. The Huntersville Police Department has been awarded a Governor’s Highway Safety Program (GHSP) grant for two officers to increase the size of its Traffic Unit and needs Board approval of the Local Government Resolution to accept the Grant.

The breakdown of matching percentage obligation over the life of the grant is as follows.

Year 1 – 85% GHSP - 15% Huntersville
 Year 2 – 70% GHSP - 30% Huntersville
 Year 3 – 50% GHSP - 50% Huntersville
 Year 4 – 0% GHSP - 100% Huntersville

The grant costs are as follows:

Budget Year	Total Cost	GHSP Grant	Huntersville Match
FY-2018 *	\$232,676	\$197,775	\$34,901
FY-2019 **	\$109,675	\$76,773	\$32,903
FY-2020	\$109,675	\$54,838	\$54,837
FY-2021	\$109,675	\$0	\$109,675

*includes cost of 2 officers plus vehicles, uniforms and equipment

** Includes only cost of 2 officers

Commissioner Guignard made a motion to adopt resolution to accept the Governor's Highway Safety Program Grant for two Traffic Unit officers.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 10.

Rental Agreement – Huntersville Music Academy. Commissioner Guignard requested to be recused because it is his former tenant.

Commissioner Kidwell made a motion to recuse Commissioner Guignard.

Commissioner Gibbons seconded motion.

Motion carried with five (5) yes votes.

Gerry Vincent, Town Manager, said this rental has come up due in July, however there was some information that a gentleman may want to purchase the building so I gave that gentleman an additional month to vet out the process. He has indicated a week or ten days ago that he is not interested in the property. The rent remained the same for August for the existing tenant but the new rental agreement is before you starting for September 1. The amount is \$5.32 per sq. ft. A number of Board members have indicated that amount is low. I did since contact a commercial real estate professional and we kind of vetted out the process. The indication from the realtor was basically at some point in time the rental really needs to get to \$10 per sq. ft. We are at \$5.00 - \$5.50. So his suggestion was not to try to get these funds through this process for the first year but incrementally add to your rental to your lease. So we have done so. It's gone from the \$5.32 per sq. ft. to \$7.32 per sq. ft. So instead of \$900 a month we are looking at closer to \$1,200 which is in the rental agreement.

Commissioner Kidwell said a while back I made the comment that I think the Town should get out of the rental business. I'm staying consistent with that train of thought. Also because I know of other people renting in the area, not so much right here but down 115, and they are paying \$2,000 plus for the same type of square footage. I think we are undermining current business owners who have commercial real estate for rent and just my personal feeling as a commissioner that we should be supporting our business partners of the community not undercutting. I will not be supporting it and that's why I wanted it off the Consent Agenda.

Commissioner Phillips said not too long ago we made an agreement with the gentleman right behind us. And that's Town-owned property. And I feel like what we should be doing is being fair to everyone. And I think the rent rate should be the same for all buildings that the Town of Huntersville owns. We

shouldn't be competing with private industry. In fairness I think we need to go on up to the current market rate where it should be and let the cards fall where they may.

Mayor Aneralla said was that a motion.

Commissioner Phillips said I'll put that in the form of a motion. The motion is that we go up to the current market rate as we have with Foster's Frame.

Mayor Aneralla said Foster's Frame is paying \$9.75 per sq. ft.

Commissioner Phillips said then it should be the same. It should be at the current value.

Commissioner Kidwell seconded motion.

Commissioner Boone said why was the \$5.32 sq. ft. rate so low. Is there any history on that. Why they started there. Is there something wrong with the building.

Mr. Vincent said I do not know the history on it. I was not involved in that rental process.

Commissioner Bales said I think the only concern I have with this and I don't disagree that we need.....if we are going to rent property we need to be renting it at a fair market price. My only concern really to the Huntersville Music Academy that's currently renting from us to almost double their rent, that concerns me in one fatal swoop. I don't necessarily have a problem with the contract as is written leaving it at the \$7.32 and then moving it up to the \$9.75 the following year, but I think to do that to a business while obviously the \$5.32 wasn't right but I think to double their rent in one fatal swoop isn't right either.

Commissioner Phillips said the only thing I'm trying to do is trying to be fair and when we have other properties within a rock's throw of each other basically the same type....now some people would argue that. But there's no doubt that the rate was way undervalued and I hate it for the people that's in there but it's all a matter of being fair. What do we do if Mr. Foster comes back and says okay you give them a discount, why don't you give me a discount. And so moving forward it's just a policy if we are going to be in the rental business which we should have never been in to start with we should be fair and equitable to all not just pick and choose.

Commissioner Bales said I don't disagree but then if we're not going to have a little bit of grace and incrementally increase to where it's the right number, that \$9.75, then maybe Commissioner Kidwell is right and we just bulldoze it, which was the plan to begin with.

Mayor Aneralla called for the vote to renew the contract at the \$9.75 per sq. ft. rate.

Motion carried 3 to 2, with Commissioners Bales and Kidwell opposed.

Lease Agreement attached hereto as Exhibit No. 11.

Mayor Aneralla said we are going to be looking at all the properties the Town owns and what we should or shouldn't be doing with them short and long term.....renting or selling or bulldozing.

Commissioner Kidwell made a motion to bring Commissioner Guignard back.

Commissioner Phillips seconded motion.

Motion carried with five (5) yes votes.

Fire Protection Services Agreement. Gerry Vincent, Town Manager, said the previous agreement was a five year agreement. It becomes effective October 15, 2017. You see some proposed changes within the agreement that you have before you. There have been some comments as far as some areas of interest so I believe that's why it was taken off the Consent Agenda.

Commissioner Phillips said I'd like to basically get another bite at the apple. I'm going to suggest that there's some changes I would like to make or at least to discuss as far as transparency since the Town funds the fire department over 95 percent, there's some minor changes in here and again it's a matter of setting policy moving forward. I think this contract is a little bit weak. I have some concerns and so I would like to leave this open for more discussion for a couple more weeks, and so I would like to make a motion that we go ahead and notify the fire department that the contract will be rewritten, there will be a new contract. I think we have to do that now to stay within the timeframe and defer this for two more weeks.

Commissioner Gibbons seconded motion.

Mr. Blythe said what you are getting at, all we need to do is to notify them that we do not want renewal of the existing contract and we will negotiate a new one. I think the only notification necessary is non-renewal of existing contract.

Commissioner Phillips said we are supposed to notify them in writing and so we had to do it by this deadline and I would like to amend my motion to Mr. Blythe's recommendation.

Commissioner Gibbons seconded amended motion.

Commissioner Boone said just to be clear we're just voting tonight whether we are going to extend this for two weeks but we are going to approve it, is that right.

Mayor Aneralla said we have to see if there's new wording to it and you would have to review that.

Commissioner Kidwell made a substitute motion to approve the contract as is. We've added releasing the tax records, we've got an explanation of ownership of property and we received a list of property that is currently being used by the fire department that the Town has ownership to. This is an extension of a contract with some added changes. I think our Huntersville Fire Department does an excellent job at servicing our community. We have the added benefit of Charlotte being responsible for all the training. That takes a huge burden off this town. We have the added benefit of a lot of these men and women live in the Town of Huntersville, which is also a positive.

Commissioner Bales seconded motion.

Commissioner Boone said I don't see anybody from the fire department here tonight, but Mr. Vincent maybe I could ask you these questions. Basically Paragraph 9, the Vehicles and Equipment, Paragraph 11, if the fire department ever merges and then we come back to the equipment again in Paragraph 16 the taxpayers of Huntersville have purchased this equipment that the firefighters have and that's approximately 95 percent of everything they own the Town has purchased.

Mr. Vincent said yes, sir. We fund the fire department 94 percent and if you look at the list of assets that I sent you guys over the weekend with the exception of a 1963 vehicle, a 1968 vehicle, and 1974 pumper, we own 98 percent of the equipment and vehicles that are run in the fire department.

Commissioner Guignard said when you say we own are you saying the titles are in our name.

Mr. Vincent said the titles are not in our name. The titles under one of these sections indicates that it has to be in the fire department's name and my understanding from history is that it saves us from the liability.

Commissioner Guignard said when you say we own and if the titles aren't in our name will you kindly explain to me what you are saying by that.

Mr. Vincent said I'm saying that the Town has contributed to the purchase or the financing of 98 percent of the vehicles that we have.

Commissioner Boone said let's say Huntersville merges with another fire department and the Town has the first right of refusal, if we pay \$100,000 for a piece of equipment and we own 95 percent of that equipment, the only part we would be bidding on would be 5 percent of the cost or the value of it.

Mr. Vincent said that's correct. There's a section in here that indicates basically we have the first right of refusal other than items that we have purchased previously.

Commissioner Boone said I have met with the Chief Dotoli and some of his other chiefs and I'm going to support Mr. Kidwell's motion.

Commissioner Phillips said I'm asking for two weeks to basically clean up an old contract and basically give a little bit oversight. Just like one of the things that I feel like is pretty strong Paragraph 4 Fire Department Standards – Throughout the term of this Agreement, Fire Department will remain a fully qualified, equipped and staffed fire department, meeting all state and local standards for volunteer fire department serving a suburban area. Without limiting the foregoing generality, Fire Department will meet all of the standards of performance required by the County Agreement, which standards are incorporated herein by reference. So what standards. Is the volunteer standard a less standard. Who knows. But we need to clean that language up. The part in No. 9 – Upon termination or cancellation of this Agreement for any reason, other than dissolution or merger as described in Paragraphs 10 and 11....that simple paragraph could be struck. There's dissolution simply by adding the word town, should fire department go away where it's in Paragraph 10 Dissolution of Fire Department – Fire Department is a non-profit corporation whose charter provides that upon dissolution the assets must be distributed to a qualified tax exempt organization or to a federal, state or local government. Why wouldn't we just insert town, because we've already paid for this equipment one time. It's not that I'm picking on these boys, it's just all I'm saying is to take another couple of weeks to look this over. We need to add some I feel like some language for transparency by us funding this organization I dare say there's any other department that we don't have some form of recourse other than them. We send them money over there, they do as they please. Again Paragraph 13, that's where it just needs a little bit of cleaning up.

Mayor Aneralla said I appreciate where the Board is coming from. We just closed down the North Meck Rescue Squad after having no agreement with them for the last 40 or 50 years that anybody can find and I did a little research on that and the Town contributed over the last 12 years about \$4 million to the North Meck Rescue Squad which ended up being about 80 to 90 percent of what they spent each year and yet we had no recourse over their assets other than their benevolence which to this date is zero.

And I think that's where this Board is coming from. However I feel comfortable that we do have recourse, first right of refusal on these particular assets, and we have an agreement. We didn't have an agreement. It's really I think something that's been really bothering a lot of people on this Board over the last few months that the North Meck Rescue Squad would not fulfill the obligation to the Town. The fire department had to buy two new trucks. They could have had one of the trucks from North Meck Rescue. Michael Jaycocks and the Parks & Rec had to buy a gator. North Meck Rescue had a gator. So this is why we are having this discussion.

Mayor Aneralla called for the vote to approve the Operating and Services Agreement for Fire Protection Services as it is in your packet.

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

Agreement attached hereto as Exhibit No. 12.

CONSENT AGENDA

Approval of Minutes – July 11. Commissioner Guignard made a motion to approve the minutes of the July 11, 2017 Special Town Board Meeting Minutes. Commissioner Bales seconded motion. Motion carried unanimously.

Approval of Minutes – July 17. Commissioner Guignard made a motion to approve the minutes of the July 17, 2017 Regular Town Board Meeting Minutes. Commissioner Bales seconded motion. Motion carried unanimously.

Reschedule Meeting. Commissioner Guignard made a motion to reschedule the Monday, September 4, 2017 Regular Town Board Meeting to Tuesday, September 5, 2017 at 6:30 p.m. due to the Labor Day holiday. Commissioner Bales seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA17-07. Commissioner Guignard made a motion to call a public hearing for Tuesday, September 5, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #TA17-07 providing additional options to meet water quality standards for lots less than 1 acre and redevelopment in the Town Center zoning district. Commissioner Bales seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R17-06. Call a public hearing for Tuesday, September 5, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-06, a request by the Phoenix Montessori Academy to rezone 6.8 acres from Corporate Business to Campus Institutional Conditional District located at 12340 Mt. Holly-Huntersville Road (Tax Parcel 01720205) to allow for the expansion of the school. Commissioner Bales seconded motion. Motion carried unanimously.

Budget Amendment – Rec Center. Commissioner Guignard made a motion to approve budget amendment appropriating \$250,000 from General Fund Balance to provide for improvements to Highway 21 as required by the TIA for the Recreation Center project. Commissioner Bales seconded motion. Motion carried unanimously.

Annual Settlement of Tax Collector and Order of Collection. Commissioner Guignard made a motion to approve Annual Settlement of Tax Collector and Order of Collection. Commissioner Bales seconded motion. Motion carried unanimously.

Annual Settlement of Tax Collector and Order of Collection attached hereto as Exhibit No. 13.

Budget Amendment – Police. Commissioner Guignard made a motion to approve budget amendment in the amount of \$197,775 to provide for the grant funded revenue and expenses for the two grant funded police officers. Commissioner Bales seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R17-08. Commissioner Guignard made a motion to call a public hearing for Petition #R17-08, a request by Central Piedmont Community College to generally rezone 9.3 acres from Campus Institutional, Highway Commercial, and Neighborhood Residential to all Campus Institutional, located at 12332 Statesville Road. Commissioner Bales seconded motion. Motion carried unanimously.

CLOSING COMMENTS

Commissioner Kidwell congratulated Lee Sullivan on being appointed editor of the Lake Norman Citizen.

Commissioner Guignard reported that all the marking that is being done by surveyors for NCDOT in the downtown area is for future road improvements.

Mayor Aneralla announced that the Mayor's luncheon is on August 15.

There being no further business, the meeting was adjourned.

Approved this the _____ day of _____, 2017.

Town of Huntersville
REQUEST FOR BOARD ACTION
8/21/2017

REVIEWED:

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

Consider adopting resolution approving interlocal agreement with Mecklenburg County for fire protection services.

ACTION RECOMMENDED:

Adopt Resolution

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
□ Agreement	Backup Material

**RESOLUTION APPROVING INTER-LOCAL COOPERATION AGREEMENT
FOR FIRE PROTECTION SERVICES**

WHEREAS, NCGS 160A-461 permits municipalities to enter into inter-local agreements with other governmental agencies for the providing of services; and

WHEREAS, the Town of Huntersville ("Town") and Mecklenburg County ("County") have previously entered into inter-local agreements for the provision of fire protection services to unincorporated areas within the Town's sphere of influence; and

WHEREAS, the parties have agreed to renew such interlocal agreement effective for the period of July 1, 2017 through June 30, 2018.

NOW, THEREFORE, be it **RESOLVED** the attached inter-local agreement between the Town and the County is hereby approved and ratified and the Town Manager and Town Clerk are hereby authorized to execute the said document as the act of the Town.

Adopted this _____ day of July, 2017.

Mayor

ATTEST:

Town Clerk

FIRE PROTECTION SERVICES AGREEMENT

THIS AGREEMENT, made and entered into as of the 1st day of July, 2017 by and between Mecklenburg County, a political subdivision of the State of North Carolina, hereinafter referred to as the "County", and the Town of Huntersville, a North Carolina municipal corporation, hereinafter referred to as the "Town";

Identification:	Town of Huntersville
-Address:	PO Box 664 Huntersville, NC 28070
Telephone:	704-875-3563
Contact Person:	Gerry Vincent
INITIAL TERM OF CONTRACT:	7/1/17 – 6/30/18

RECITALS:

- A. WHEREAS, North Carolina General Statute §153A-233 provides that a county may maintain a fire department and provide financial assistance to incorporated volunteer fire departments (VFD) and may contract for fire-fighting or prevention services with counties, cities, or other units of local government, and may for these purposes appropriate funds not otherwise limited as to use by law; and
- B. WHEREAS, the Mecklenburg Board of County Commissioners has established fire protection service districts that cover the entire unincorporated area of Mecklenburg County and has levied a property tax for every fire protection service district for the purpose of funding fire protection services in the unincorporated area of Mecklenburg County; and
- C. WHEREAS, the Town agrees to contract with the County to provide fire protection services in the area that is within the portion of unincorporated Mecklenburg County which is in the sphere of influence of the Town as shown on the map attached hereto as Attachment A (such area referred to herein as the "District") by exercising the power granted to the County by N.C.G.S. 153A-233 to maintain a fire department and/or to provide financial assistance to incorporated volunteer fire departments in the unincorporated area of Mecklenburg County; and
- D. WHEREAS, the County and Town desire to enter into this Agreement for the Town to furnish fire protection and emergency services for and within the District using either a municipal fire department, or by contracting with one or more incorporated volunteer fire departments that meet the criteria set forth in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable considerations, the receipt of which is hereby acknowledged, the parties hereto contract and agree as follows:

SECTION 1. USE AND AMOUNT OF SERVICE TAX LEVIED

The Mecklenburg Board of County Commissioners has agreed to levy and collect a tax each year on all taxable property within District. The amount of such fire protection service district tax levy shall be determined by the Board of County Commissioners from year to year and maintained by the County in a special fund as provided by law and more specifically set out in Section 2 hereunder. Out of this fund, the County shall, to the extent of the taxes collected hereunder, provide funds for fire protection services for the District by appropriating funds for fire protection services to the Town. For each fiscal year, the funds provided to the Town from the fire protection service district tax fund shall be based on the request submitted by the Town to the County and as approved by and deemed necessary by the Board of County Commissioners for furnishing fire protection services within the District. The Town will recommend a tax rate for the District based on their annual budget assessment as it relates to the projected tax rate for fire protection services within the Town.

Fire protection services district tax funds levied and collected by the County and paid to the Town by the County shall be used solely for fire department operations, fire protection and emergency services in the District and other areas of response as dispatched and to meet the standards established by this Agreement.

SECTION 2. ACCOUNT MAINTAINED FOR RECEIPTS FROM SERVICE TAX

A separate account will be maintained by the County for the receipts from the property tax levied for the District. Any fire protection service tax district revenues collected annually in excess of the approved total appropriations shall be maintained in the separate account established by the County, and held for appropriation in future fiscal years to fund fire protection services in the tax district from which collected. The Mecklenburg County Fire Marshall's Office shall make recommendations to the Board of County Commissioners for distribution of these revenues.

The County will pay the approved total appropriations, up to the amount of taxes collected, to the Town in equal monthly payments on the last day of each month.

SECTION 3. PAYMENT PROVISIONS

1. Amount payable each month: \$58,132.50 Total Amount: \$697,590
2. Submit monthly invoices via electronic format to the email address:
LUESA.invoices@mecklenburgcountync.gov.
3. Electronic invoices must be submitted in accordance with the following privacy and security requirements:

- a. The Service Provider shall adopt and apply data security standards and procedures that comply with all applicable federal, state, and local laws, regulations, and rules.
 - b. Electronic exchange of confidential information, including any email which will include invoices, billing information, employee or administrative data, or any information regarding the delivery of services, must be sent and received via encrypted methods.
4. Payment will be made via electronic funds transfer.
5. Town will submit an invoice by the fifth (5th) of each month. The total amount paid under the terms of this Agreement shall not exceed the maximum amount payable in #1 above.
6. The first invoice will be due no later than August 15, 2017 for services rendered from July 1st through July 31th of the current year and will be paid providing the contract has been fully executed.
7. Upon receipt, the invoice will be validated and verified for accuracy and submitted to Finance for payment. Incorrect invoices will be clarified with Town with corrections/changes made on a revised invoice.
8. The date of the revised invoice will be considered as the original date of the invoice.
9. County will authorize approved amounts to be paid to Town.
10. Failure to send requests to the appropriate person may result in payment being delayed beyond thirty (30) calendar days.
11. For services rendered from June 1st through June 30th of the previous year, the invoice will be due no later than July 5th of the current year. Late billings must be submitted for payment no later than sixty (60) calendar days from the date of service. If billing is over (60) calendar days, the County may deny payment.

SECTION 4. SERVICES FURNISHED BY TOWN

The Town will furnish fire protection and other emergency services twenty four (24) hours per day, seven (7) days per week, 365 days per year as determined and approved by the Town's governing body and as contracted for by the County within the District and shall provide the necessary equipment, personnel and those things necessary for furnishing such protection in the District, or shall contract with one or more incorporated volunteer fire departments to provide such services. The services shall be in accordance with minimum standards set forth in this Agreement and all future amendments adopted in accordance with Section 16 of this Agreement. The Town shall furnish said fire protection in the District without charge (other than the service district tax funds) to all persons and property located in the District in an efficient and workmanlike manner. This provision shall not prohibit the Town from entering into contracts with the Federal, State or local governments, or utility companies for the provision of fire protection services exceeding the scope of this Agreement for a fee. This provision shall not prohibit the Town from billing for certain

services, including but not limited to hazardous materials mitigation responses nor shall this provision prohibit the Town or volunteer fire departments from additional fundraising, memberships dues or similar funding.

SECTION 5. BOOKS AND RECORDS

The Town shall maintain a written accounting system which provides adequate documentation of all of its receipts and disbursements including, but not limited to, those related to the expenditure of funds subject to this Agreement (it being acknowledged and agreed that the Town is not required to maintain separate accounting for fire and emergency related services provided within the Town corporate limits and outside the Town corporate limits). The County may inspect the financial books and records of the Town at reasonable times during regular business hours of the Town during the Term of this Agreement for up to three (3) years after the end of the Term of the Agreement. The Town agrees that it will supply such financial books, records, and information or verification as may be reasonably requested by the County.

SECTION 6. AUDIT

The Town shall provide to the County an audit and accompanying management letter prepared in accordance with generally accepted accounting principles and generally accepted auditing standards.

In the event that the audit or management letter reveals any reportable and/or material issue(s) related to Town fire operations, including those provided in the District, with regard to compliance with generally accepted accounting principles, the Town shall provide a written statement to the County that contains an explanation of each such issue and an action plan (with implementation timetable) for resolving each such issue, and shall provide periodic reports to the County on progress made in resolution of each issue.

SECTION 7. DECISION MAKING PROCESS OPEN TO PUBLIC

The Town acknowledges that it is a public body subject to the provisions of N.C.G.S. Chapter 143, Article 33C and agrees to comply with all provisions of said statute in conducting any decision making process required by the terms of this Agreement.

SECTION 8. NOTICE OF FAILURE TO MAINTAIN DELIVERY OF SERVICES

In the event that the Town's governing body determines that the Town is unable to reliably deliver the services described herein, for reasons including, but not limited to, resignation or withdrawal of volunteers, part-time or full-time members, or other reasons for loss of ability to deliver services, the Town shall immediately so notify the County.

SECTION 9. TOWN'S USE OF FUNDS

The Town shall use the funds subject to this Agreement in accordance with the annual Town Budget. This budget may be amended by the Town within the approved total appropriations made available by this Agreement. All service tax funds provided by the County to the Town must be used for furnishing fire protection and emergency services within said District. For each year of the term of this Contract and as part of each parties annual budget process, the Town Manager and County Fire Marshal shall agree in writing to a mutually agreeable method to demonstrate compliance with this Section.

SECTION 10. INSURANCE AND INDEMNIFICATION

The Town and its contracted VFD shall obtain and keep in force during the term of this Agreement the following minimum insurance coverage. All required insurance shall be procured from insurance companies licensed to do business in North Carolina and Workers' Compensation. Coverage shall be maintained continuously during the term of this agreement. The Town shall be responsible for purchasing or assuring the provision of such insurance coverage for both regular employees and volunteers.

- A. Worker's Compensation: Coverage A – Statutory – State of North Carolina. Coverage B – Employers Liability - \$100,000 each claim.
- B. Comprehensive General Liability, Including Medical Malpractice and Errors and Omissions: Coverage with minimum limits of \$1,000,000.00 per occurrence combined single limit for bodily injury liability and property damage liability.
- C. Business Auto Policy: Coverage with minimum limits of \$1,000,000.00 per occurrence combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired and non-owned vehicles and employee non-ownership.
- D. Management Liability/Directors and Officers Liability: Coverage with minimum limits of \$1,000,000.00 per claim and \$2,000,000.00 aggregate.
- E. Umbrella Liability: Coverage with limits of \$2,000,000.00. Coverage shall excess the underlying auto liability, employer's liability, general liability including Medical Malpractice and Errors and Omissions liability. There shall not be any "drop down deductibles" in areas where underlying coverage is not required but the Umbrella Policy provides coverage.
- F. Fidelity Bonds: A blanket fidelity bond shall be purchased in the amount of not less than \$100,000.00.

To the extent permitted by law, the Town shall indemnify and save harmless the County, its officers, agents, and employees from and against all loss, cost, damages, expense and liability caused by accidents or other occurrence resulting in bodily injury, including death, sickness and disease to any person arising directly or indirectly from the negligence of the Town in performance of its obligations under this Agreement. The provisions of this Section shall survive the termination of this Agreement.

SECTION 11. STANDARDS OF PERFORMANCE.

The Town shall furnish fire protection and emergency services in a professional, efficient and workmanlike manner, in particular so as to meet the requirements of and comply with rules and regulations of the North Carolina Office of the State Fire Marshal, the North Carolina General Statutes, and other pertinent federal, State and County laws, regulations and standard.

The Town shall annually furnish documentation to the County certifying and/or verifying that the Town fire department or volunteer fire department servicing the District is in compliance with the minimal ISO performance standards, as well as the rules and regulations, as set forth by the North Carolina Department of Insurance, the North Carolina Office of State Fire Marshal, and the North Carolina General Statutes.

SECTION 12. RELATIONSHIP OF PARTIES

The County and the Town agree that the Town shall operate and act as an independent contractor of the County, and the County is in no way responsible for the administration and supervision of the officers, employees, subcontractors, and agents of the Town, which persons it is agreed are not the officers, employees, subcontractors, and agents of the County.

SECTION 13. TERM OF AGREEMENT

This agreement shall become effective as of July 1, 2017, and shall automatically renew from fiscal year to fiscal year unless terminated by either party in accordance with Section 15 of this Agreement or replaced with a new contract in the future.

SECTION 14. NON-ASSIGNABILITY

This Agreement may not be transferred, assigned, or subcontracted by the Town without the prior written consent of the County.

SECTION 15. TERMINATION

This Agreement may be terminated in the following manner:

- (a) By either party for breach that has not been cured within thirty (30) days after written notice of the breach;
- (b) At any time by mutual consent; and
- (c) By either party without cause upon advance written notice to the other party, served upon the other party by certified mail at least ninety (90) days prior to the date of termination. Failure of the Town and the County to agree on the level of funding (or the Town Budget) for fire protection and emergency services shall require at least ninety (90) days' notice to terminate if the County provides at least the same level of funding as provided during the previous fiscal year.

SECTION 16. AMENDMENTS

Any amendment to this Agreement shall be made in writing and signed by both parties in order to be effective.

SECTION 17. NOTICES

Any notice, consent or other communication required or contemplated by this Agreement shall be in writing, and shall be delivered in person, by U.S. mail, by overnight courier, by electronic mail or by telefax as follows:

To the County: See **CONTRACT SUMMARY B2a.**

To Town: See **CONTACT SUMMARY B1a.**

Notice shall be effective upon the date of receipt by the intended recipient; provided that any notice, which is sent by telefax or electronic mail, shall also be simultaneously sent by mail deposited with the U.S. Postal Service or by overnight courier. Each party may change its address for notification purposes by giving the

other party written notice of the new address and the date upon which it shall become effective as noted below:

A. Area to be served in Mecklenburg County is as identified on the attached Map (see Attachment A).

B. Agreement Identification:

1. Town: Huntersville
 - a. Name of Agreement Administrator: Gerry Vincent
 - b. Telephone Number: 704-875-3563
 - c. E-mail: gvincent@huntersville.org
 - d. Name of Program Contact: Same as Above
 - e. Telephone Number:
 - f. E-mail: Fax:
 - g. Name, Location, and Mailing Address: PO Box 664, Huntersville, NC, 28070
 - h. Status: ☒ MUNICIPALITY
 - j. Federal Tax Identification Number: 56-6001252

2. County

- a. Name of Agreement Analyst: Bob Iannucci
- b. Telephone Number: 980-314-2542
- c. E-mail: Robert.Iannucci@Mecklenburgcountync.gov
- d. Fax: 704-602-6921
- e. Name of Program County Fire Marshal: Ted Panagiotopoulos
- f. Telephone Number: 980-314-3070
- g. E-mail: Ted.Panagiotopoulos@mecklenburgcountync.gov
- h. Fax:
- i. Address of Department: Office of Fire Marshal/LUESA
2145 Suttle Avenue
Charlotte, NC 28208

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their names by their duly authorized officers as of the day and year first above written.

TOWN OF HUNTERSVILLE

BY: _____
Mayor or Town Manager

Attest:

BY: _____
Town Clerk

Approved as to Form

Town Attorney

**Town of Huntersville
Recommended Tax Rate
For
Huntersville ETJ Fire Protection Service District**

The Town of Huntersville recommends a FY18 tax rate of **5 cents/\$100.00** of assessed property value in the Huntersville ETJ Fire Protection Service District. This tax rate will fund an established level of services within the fire protection service district.

That amount of **\$697,590** is requested to be paid to the Department under this contract, providing sufficient funds are collected by the identified tax rate.

We also request this amount be reflected in the BOCC Final Budget Ordinance and Mecklenburg County Contract Control Sheet.

Date:

Town Manager:

Signature: _____

Town of Huntersville
REQUEST FOR BOARD ACTION
8/21/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Tim Kopacz, Electric Systems Manager
Subject: Commerce Substation

Consider accepting proposal from Country Boy Landscaping, Inc. to perform the necessary clearing, grading, erosion control, road construction and landscaping required to complete the balance of civil work for the Commerce Substation. This is necessary to accommodate access into and out of the substation from the Commerce Station drive public works road.

ACTION RECOMMENDED:

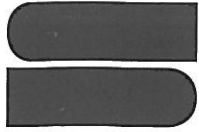
Accept proposal from Country Boy Landscaping.

FINANCIAL IMPLICATIONS:

\$126,115

ATTACHMENTS:

Description	Type
□ Proposal	Backup Material



Southeastern Consulting Engineers, Inc.

August 15, 2017

Mr. Tim Kopcaz
Electric Systems Manager
Electricities of North Carolina
11316 Sam Furr Road
Huntersville, North Carolina 28078

Ref.: Proposal from Country Boy Landscaping, Inc.

Dear Tim:

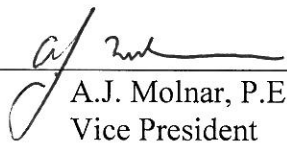
Completion of the Town of Huntersville's Commerce Substation has been pending on construction of Commerce Station Drive for a few years. The road is needed to deliver the heavy power transformer and equipment buildings and also for access to the transmission tap from Duke Energy. The outstanding substation work includes tying in two drives to the new road, constructing an all weather access road on the transmission r.o.w required by Duke, clearing trees on the r.o.w, and associated erosion control measures. Since they are already on site and under contract with the Town, we asked Country Boy Landscaping, Inc. for a quote to perform this work, a copy of which is attached.

Country Boy's proposal to provide labor, equipment, and material to complete this work for \$126,115.00 is very favorable relative to similar work our clients have recently contracted out. We've encountered clearing, road construction, and grading prices as much as double that offered by Country Boy. By all accounts, we also understand that the Town has been pleased with their work. In addition, their current availability will allow the Town the most expeditious route to completing the substation.

Therefore, we recommend that Electricities, on behalf of the Town, accept the proposal from Country Boy Landscaping, Inc., in the amount of \$126,115.00 to perform the necessary clearing, grading, erosion control, road construction, and landscaping required to complete the balance of civil work for the Commerce Substation.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By  _____
A.J. Molnar, P.E.
Vice President

AJM/lc



Country Boy Landscaping, Inc.

429 Old Mocksville Road • Statesville, NC 28625
 Phone (704) 924-9330 • Fax (704) 924-9332 • Email – cbl09@yahoo.com
 NC Unclassified – Unlimited General Contractor

PROPOSAL

August 11, 2017

**Re: Commerce Station Park
 Sub-Station Completion**

Country Boy Landscaping, Inc. offers to furnish all labor, equipment, and materials required for the construction of the project listed above.

Description	Quantity	Unit	Unit Price	Total
Clearing & Grubbing	1.65	AC	\$7,500.00	\$12,375.00
Erosion Control				
Temporary Silt Fence	2,550	LF	\$3.50	\$8,925.00
Silt Fence Outlets	6	EA	\$315.00	\$1,890.00
Tree Protection Fence	1,400	LF	\$3.00	\$4,200.00
Temporary Seeding	1	LS	\$1,800.00	\$1,800.00
Permanent Seeding & Mulching - Native Seed	1	LS	\$6,500.00	\$6,500.00
Total Erosion Control				\$23,315.00
Grading - Classified Excavation	1	LS	\$26,000.00	\$26,000.00
Timber Mat Stream Crossing	1	LS	\$15,000.00	\$15,000.00
18" RCP Class III	15	LF	\$95.00	\$1,425.00
Landscape Planting - Green Giant Arborvitae	24	EA	\$200.00	\$4,800.00
Paving Onsite				
All Weather Access Road - 6" ABC on Fabric	1,480	SY	\$18.00	\$26,640.00
Stone Access Drive - 6" ABC on Fabric	920	SY	\$18.00	\$16,560.00
Total Paving Onsite				\$43,200.00
TOTAL PROPOSED AMOUNT				\$126,115.00

Unit Prices				
Performance & Payment Bonds	1.50%	EA	\$126,115.00	\$1,891.73
Non-Woven Geo-textile		SY	\$5.00	
Under-Cut Waste Onsite and Replace w/ Borrow		CY	\$19.00	
Under-Cut Waste Onsite & Replace w/ Stone		CY	\$105.00	

The above prices, specifications and conditions are satisfactory and are hereby accepted.
 Country Boy Landscaping, Inc. is authorized to do the work as specified.

ACCEPTED:

Company _____

Country Boy Landscaping, Inc.

By: _____

By: Seth Hathcock

Date: _____

Town of Huntersville
REQUEST FOR BOARD ACTION
8/21/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Tim Kopacz, Electric Systems Manager
Subject: Duke Energy Carolina (DEC) Agreements

This item is for consideration of an agreement with Duke Energy Carolina (DEC) to address the easement and access right-of-way into the new Commerce Station Substation.

ACTION RECOMMENDED:

Authorize the Town Manager to execute the Indemnification Agreement and the Access Agreement and Assignment of Easement with Duke Energy Carolina.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
▢ Indemnification Agreement	Backup Material
▢ Access Agreement and Assignment of Easement	Backup Material
▢ Map	Backup Material

STAE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

INDEMNIFICATION AGREEMENT

THIS INDEMNIFICATION AGREEMNT, made and entered into the ____ day of _____, 2017, by and between the **TOWN OF HUNTERESVILLE**, a North Carolina municipal corporation having a mailing address of Post Office Box 664, Huntersville, North Carolina 28070 (the “Town”) and **DUKE ENERGY CAROLINAS, LLC**, a North Carolina limited liability company having a mailing address of _____, Charlotte, North Carolina 28201 (“DEC”).

W I T N E S S E T H:

WHEREAS, Pursuant to that certain Right of Way Agreement, dated February 9, 2017, by and between the Town, as Grantee, and Wilson D. Johnston, as Grantor, recorded in Book 31575, pages 50 – 55, Mecklenburg County Register of Deeds (the “ROW Agreement”), the Town has been granted a perpetual easement to enter and construct, reconstruct, replace, rebuild, enlarge, modify, remove, inspect, repair, maintain, operate and use overhead lines for the purpose of transporting electricity and for communications use over that certain property located in Mecklenburg County consisting of approximately 1.617 acres, as shown on a plat of survey entitled, “EASEMENT PLAT FOR: TOWN OF HUNTERSVILLE COMMERCE SUBSTATION TRANSMISSION ROUTE RIGHT OF WAY”, dated February 25, 2015” (the “Plat”), said Plat being attached to and made a part of the ROW Agreement (the “Property”); and

WHEREAS, included in the Property is approximately 0.479 acres labeled as “Proposed Duke Energy Right of Way in Easement” on the Plat (the “Duke ROW Easement”); and

WHEREAS, pursuant to the ROW Agreement, the Town has agreed to indemnify and hold Grantor harmless for any loss of injury from any accident within the right of way strip (as that phrase is defined in the ROW Agreement), except where the direct and proximate cause of actions by Grantor or his agents; and

WHEREAS, the Town is desirous of granting to DEC a perpetual easement to enter and construct, reconstruct, replace, rebuild, enlarge, modify, remove, inspect, repair, maintain, operate and use overhead lines and other facilities for the purpose of connecting its electricity and communications facilities to the electricity and communications facilities of the Town located on the DEC ROW Easement; and

WHEREAS, DEC is desirous of accepting the DEC ROW Easement upon the condition that the Town indemnify and hold harmless DEC in connection with the DEC ROW Easement to the same extent that the Town has agreed to indemnify and hold harmless the Grantor pursuant to the ROW Agreement; and

WHEREAS, the Town is willing to indemnify and hold harmless DEC to the extent set forth herein.

NOW, THEREFORE, in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, **IT IS AGREED** as follows:

1. The Town shall indemnify and hold harmless DEC for any loss or injury from any accident within the DEC ROW Easement, except where the direct and proximate results of actions of DEC or its agents.
2. This Agreement shall be binding upon the Town and its successors and assigns and inure to the benefit of DEC and its successors and assigns.
3. This Agreement constitutes the entire agreement of the parties hereto with respect to the subject matter hereof, and supersedes all other agreements and understandings, both written and oral, between the parties with respect to the subject matter hereof.
4. This Agreement shall be governed by and be construed in accordance with the laws of the State of North Carolina, without giving effect to the principles of conflicts of laws thereof.

[Signatures page follows]

IN WITNESS WHEREOFF, this Indemnification Agreement is executed and effective as of the day and year first above written.

Town of Huntersville

By: _____
Mayor

Attest:

Town Clerk

Site:

Land Unit:

Project No.:

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STATE OF NORTH CAROLINA

ACCESS AGREEMENT AND
ASSIGNMENT OF EASEMENT

MECKLENBURG COUNTY

ACCESS AGREEMENT

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THIS ACCESS AGREEMENT AND ASSIGNMENT OF EASEMENT (hereinafter referred to as "Agreement"), made as of this ____ day of _____, 2017, by and between the **TOWN OF HUNTERSVILLE**, a North Carolina municipal corporation having a mailing address of Post Office Box 664, Huntersville, North Carolina 28070 (the "Town") and **DUKE ENERGY CAROLINAS, LLC**, a North Carolina limited liability company having a mailing address of _____, 550 South Tryon Street DEC22A, Charlotte, North Carolina 282024 ("DEC").

WITNESSETH:

WHEREAS, pursuant to that certain Right of Way Agreement, dated February 9, 2017, by and between the Town, as Grantee, and Wilson D. Johnston, as Grantor, recorded in Book 31575, pages 50 – 55, Mecklenburg County Register of Deeds (the "ROW Agreement"), the Town has been granted a perpetual easement and right of way to enter and construct, reconstruct, replace, rebuild, enlarge, modify, remove, inspect, repair, maintain, operate and use overhead lines for the purpose of transporting electricity and for communications use over that certain property located in Mecklenburg County consisting of approximately 1.617 acres, as shown on a plat of survey entitled, "EASEMENT PLAT FOR: TOWN OF HUNTERSVILLE COMMERCE SUBSTATION TRANSMISSION ROUTE RIGHT OF WAY", dated February 25, 2015" (the "Plat"), said Plat being attached to and made a part of the ROW Agreement as Exhibit A thereto (the "Easement Property"); and

WHEREAS, included in the Easement Property is approximately 0.479 acres labeled on the Plat as "Proposed Duke Energy Right of Way Area in Easement" (the "Duke ROW Area"); and

WHEREAS, DEC lacks access to the Duke ROW Area and desires that the Town grant to DEC and easement and access across its property and the Easement Property; and

WHEREAS, the Town is desirous of granting DEC an easement and access to the Duke ROW Area upon the terms and conditions set forth herein.

WHEREAS, the ROW Agreement provides that the Town may assign its rights, obligations easements to another entity, and DEC desires that the Town assign a portion of its rights, obligations and easements under the ROW Agreement, and the Town desires to assign a portion of such rights, obligations and easements to DEC upon the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the foregoing and other good and valuable consideration, the receipt and adequacy of which are acknowledged hereby, the Town does hereby grant, bargain, sell, and convey unto DEC, its successors and assigns, a perpetual, non-exclusive easement and right of way over and along that portion of its property and the Easement Property, located in Mecklenburg County, State of North Carolina, referred to as "PROPOSED ALL WEATHER ACCESS ROAD, TYP." on that certain preliminary construction map entitled "COMMERCE STATION SUBSTATION EROSION AND SEDIMENT CONTROL 95% CONSTRUCTION DOCUMENTS," prepared by Dewberry Engineers, Inc. attached hereto as Exhibit A and incorporated herein by reference (the "Access Easement"). The use of the Access Easement shall be subject to the following terms and conditions.

1. DEC shall be permitted to use the entire area encompassing the Access Easement (the "Access Easement Area") for ingress, egress, and regress by any normal means of transportation, including, but not limited to, trucks, automobiles, tractors, heavy equipment and trailers.
2. Neither DEC nor its agents or employees shall park in the Access Easement Area except in connection with the construction, reconstruction, replacement, rebuilding, enlargement, modification, removal, inspection, repair, maintenance, operation and use of its overhead lines and other facilities located within the Duke ROW Area, and in the case of emergencies
3. DEC shall not construct, permit the construction of or allow to remain on the Access Easement Area any structures, other improvements or other property which prevent or inhibit the use of the Access Easement Area for and by vehicular traffic.
4. DEC shall use the Access Easement Area in a manner consistent with normal standards for vehicular traffic incident to the Access Easement Area, subject to normal wear and tear being permitted.
5. DEC shall, at its sole cost and expense, promptly repair any physical damage to or alteration of the Access Easement Area which results from its, or its agents' and employees', use of the Access Easement Area
6. DEC SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS THE TOWN FROM ANY LOSS, INJURY, DAMAGE, CLAIM, LIEN, COST OR EXPENSE, INCLUDING REASONABLE ATTORNEYS' FEES AND EXPENSES, ARISING OUT OF A BREACH OF THIS AGREEMENT BY DEC IN CONNECTION WITH ITS USE OF THE ACCESS EASEMENT AREA, OR RESULTING FROM THE ACTS OR OMISSIONS OF DEC OR ITS AGENTS OR EMPLOYEES IN CONNECTION WITH THE USE OF THE ACCESS EASEMENT AREA.
7. Entire Agreement. No representations or covenants of any kind other than those expressly contained herein have been made by either party hereto. This Agreement may only be modified or amended by an agreement in writing duly executed and delivered by

each of the parties hereto. This Agreement supersedes any provisions of any letter of intent between the parties.

8. Assignment. This Agreement may be assigned by either party hereto with the prior written consent of the non-assigning party, which consent will not be withheld unreasonably.

8-9. Assignment of ROW Agreement. The Town hereby assigns its rights, title and interest as Grantee under the ROW Agreement as to the Duke ROW Area, and DEC hereby assumes all of the obligations and liabilities of Assignor under the Easement as to the Duke ROW Area as fully as though DEC were the original grantee under the Easement except as otherwise provided by the Indemnification Agreement dated _____ between the Town and DEC. The Duke ROW Area is also shown on the map of survey labeled "Huntersville Delivery #3 Tap Line," Map: 104212-386316, dated 3/16/2017, attached hereto as Exhibit A and incorporated herein by this reference.

9-10. Governing Law. This Agreement shall be governed and interpreted by the laws of the State of North Carolina. Venue shall be in the State or federal courts of North Carolina. In the event of any litigation hereunder the prevailing party shall be entitled to recover reasonable attorney's fees and court costs.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Town and DEC have caused this Agreement to be executed by their duly authorized representative as of this date, month and year first written above.

TOWN OF HUNTERSVILLE

By: _____
Name: _____
Title: _____

DUKE ENERGY CAROLINAS, LLC

By: _____
Name: _____
Title: _____

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

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I, _____, Notary Public of the County and State aforesaid,
certify that _____ personally appeared before me this day
and acknowledged that he/she is _____ of TOWN OF HUNTERSVILLE and
that by authority duly given and as the act of the TOWN, the foregoing instrument was signed in its
name by him/her as its _____.

Witness my hand and notarial seal, this the _____ day of _____, 2017.

NOTARY PUBLIC

Please print or type name of Notary

My commission expires: _____

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, _____, Notary Public of the County and State aforesaid,
certify that _____ personally appeared before me this day
and acknowledged that he/she is _____ ~~of DUKE ENERGY CAROLNAS,~~
~~LLC~~ and that by authority duly given and as the act of ~~- DUKE ENERGY CAROLNAS, LLC, a~~
~~North Carolina~~ ~~the~~ limited liability company, the foregoing instrument was signed in its name by
him/her ~~as its~~ _____.

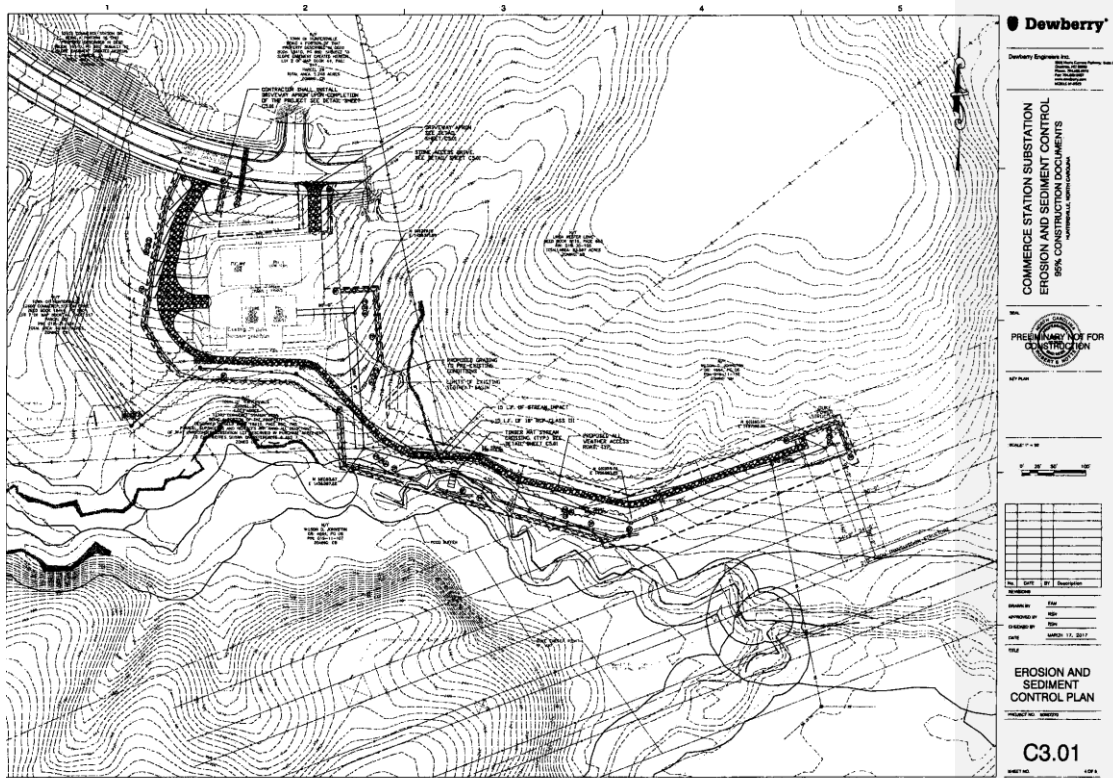
Witness my hand and notarial seal, this the _____ day of _____, 2017.

NOTARY PUBLIC

Please print or type name of Notary

My commission expires: _____

Exhibit "A"



I, W. ANDREW EADES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK AND PAGE AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY DASHED AND INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+.

W. ANDREW EADES, PLS L-3413 DATE: 3-16-17



LINDA WESTER LONG
DB. 6116 PG. 663
PARCEL ID# 01930105

TOTAL AREA TO BE
ACQUIRED = 0.48 ACRE
(21,107 SQ. FT.)

WILSON D. JOHNSTON
DB. 4654 PG. 6
PARCEL ID#01911107



MCKIM & CREED
ENGINEERS, PLANNERS, SURVEYORS
8020 TOWER POINT DRIVE
CHARLOTTE, NORTH CAROLINA 28227
PHONE (704) 841-2588
FAX (704) 841-2567
F-1222

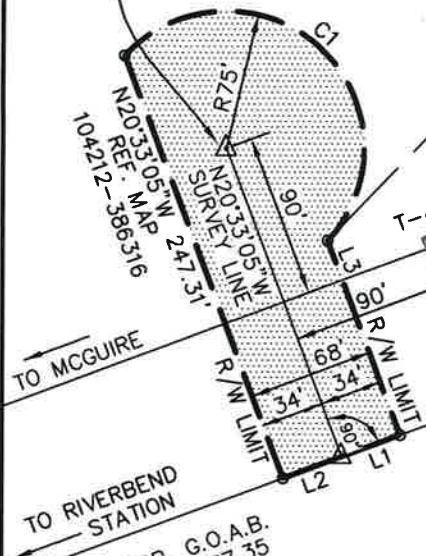
LINE TABLE		
LINE	LENGTH	BEARING
L1	34.00	S69°26'55"W
L2	34.00	S69°26'55"W
L3	113.61	S20°33'05"E

JOHNSIE H. BAUCOM
DB. 4016 PG. 137
PARCEL ID# 01934103

LEGEND

- LINES SURVEYED —————
LINES NOT SURVEYED - - - - -
TIE LINES - - - - -
◆ STONE (F) □ AXLE (F)
○ POINT NOT SET △ #5 REBAR(S)
⊠ TRANSMISSION TOWER

EP PROP. STRUCTURE
1+80.46
N 601168.67 FT.
E 1457101.51 FT.



- NOTES:
- PARCELS AND OWNERSHIP INFORMATION WERE DERIVED FROM THE MECKLENBURG COUNTY NORTH CAROLINA PROPERTY OWNERSHIP LAND RECORDS INFORMATION SYSTEM (POLARIS) AND IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. IT IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTIES SHOWN.
 - ALL COORDINATES LISTED HEREON ARE PROJECT COORDINATES UNLESS OTHERWISE NOTED.

SITE: 104212

- NOTES:
- THE LOCALIZED COORDINATES DEVELOPED FOR THIS PROJECT IS BASED ON THE STATE PLANE COORDINATES ESTABLISHED FROM CONTROL POINT #119, A STONE FOUND, WITH NAD 1983/95 STATE PLANE COORDINATES OF:
NORTHING: 601171.67 (FT)
EASTING: 1456510.81 (FT)
THE AVERAGE COMBINED GRID FACTOR USED ON THIS PROJECT (GROUND TO GRID) IS: 1.0001537050
THE N.C. LAMBERT GRID BEARING AND LOCALIZED HORIZONTAL GROUND DISTANCE FROM CONTROL POINT #119, A STONE FOUND, TO THE PROPOSED G.O.A.B (STA: 0+00) IS S75°16'07"E, 676.28 FT.
ALL LINEAR DIMENSIONS ARE LOCALIZED HORIZONTAL DISTANCES.
VERTICAL DATUM USED IS BASED ON CONTROL POINT #119, A STONE FOUND, ELEVATION 609.57 (FT), NAVD 88.

FOR SOURCE OF TITLE REFER TO D.B. 4654 PG. 6

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD DELTA
C1	75.00'	235.62'	N 43°05'50" W	150.00' 180°00'00"

DUKE ENERGY CAROLINAS, LLC
HUNTERSVILLE DELIVERY #3 TAP LINE

RIGHT OF WAY TO BE ACQUIRED FROM:
TOWN OF HUNTERSVILLE

HUNTERSVILLE, MECKLENBURG COUNTY, N.C.

BOOK: C832 50 0 50 100 150 CREW: CDM
DATE: 3/16/17 SCALE: 1"= 100' SCALE IN FEET
DRAWN BY: AMH R.O.P.= 1:10,000+

LAND UNIT: 1180037

MAP: 104212-386316



400 S. TRYON STREET
PO BOX 1007
CHARLOTTE N.C. 28201-1007
TELEPHONE NO. (704)382-6658

Town of Huntersville
REQUEST FOR BOARD ACTION
8/21/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Tim Kopacz, Electric Systems Manager
Subject: NCDOT Encroachment Agreement

This item is an agreement with NCDOT for the electric utility work required on the U-5114 project for the Highway 21/Gilead Road project.

ACTION RECOMMENDED:

Authorize the Town Manager to execute the Right-of-way Encroachment Agreement for Highway 21/Gilead Road.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
□ Encroachment Agreement	Backup Material

ROUTE US21 (Statesville Rd) PROJECT U-5114 COUNTY OF STATE OF NORTH CAROLINA
SR2136 (Gilead Rd) Mecklenburg

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY ENCROACHMENT AGREEMENT

-AND-

PRIMARY AND SECONDARY HIGHWAYS

ElectriCities of NC on behalf of Town of Huntersville
11316 Sam Furr Rd
Huntersville, NC 28078

THIS AGREEMENT, made and entered into this the ____ day of _____ 20 ____ by and between the Department of Transportation, party of the first part; and _____ ElectriCities of NC
11316 Sam Furr Rd, Huntersville NC 28078 _____ party of the second part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) US21 and SR2136, located On US21, 1300' South of SR2136 through 2400' North of SR2136, and on SR2136, 200' West of US21 through 1800' East of US21

with the construction and/or erection of: Electric utility service per attached plans

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utility Agent of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to the installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

- a. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- c. Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- d. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,
 - (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. Incorporation of Provisions: The contractor shall include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

R/W (161) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (161) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____

DIVISION ENGINEER

ATTEST OR WITNESS:

Second Party

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered City official is on file in the Raleigh office of the Manager of Right of Way. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

When the applicant is not a corporation, then his signature must be witnessed by one person. The address should be included in this agreement and the names of all persons signing the agreement should be typed directly below their signature.

This agreement must be accompanied, in the form of an attachment, by plans or drawings showing the following applicable information:

1. All roadways and ramps.
2. Right of way lines and where applicable, the control of access lines.
3. Location of the existing and/or proposed encroachment.
4. Length, size and type of encroachment.
5. Method of installation.
6. Dimensions showing the distance from the encroachment to edge of pavement, shoulders, etc.
7. Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
8. Drainage structures or bridges if affected by encroachment (show vertical and horizontal dimensions from encroachment to nearest part of structure).
9. Method of attachment to drainage structures or bridges.
10. Manhole design.
11. On underground utilities, the depth of bury under all traveled lanes, shoulders, ditches, sidewalks, etc.
12. Length, size and type of encasement where required.
13. On underground crossings, notation as to method of crossing - boring and jacking, open cut, etc.
14. Location of vents.

GENERAL REQUIREMENTS

1. Any attachment to a bridge or other drainage structure must be approved by the Head of Structure Design in Raleigh prior to submission of encroachment agreement to the Division Engineer.
2. All crossings should be as near as possible normal to the centerline of the highway.
3. Minimum vertical clearances of overhead wires and cables above all roadways must conform to clearances set out in the National Electric Safety Code.
4. Encasements shall extend from ditch line to ditch line in cut sections and 5' beyond toe of slopes in fill sections.
5. All vents should be extended to the right of way line or as otherwise required by the Department.
6. All pipe encasements as to material and strength shall meet the standards and specifications of the Department.
7. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
8. The Department's Division Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.