



**Planning Board  
Regular Meeting Agenda  
September 26, 2017 - 6:30 PM**

**Town Hall**

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

**B. Approval of Minutes**

1. Consider approval of the August 22, 2017 Regular Meeting Minutes

**C. Public Comments**

**D. Action Agenda**

1. **Rezoning:** R17-08 is a request by Central Piedmont Community College (CPCC) to generally rezone 9.3 acres from Campus Institutional (CI), Highway Commercial (HC), and Neighborhood Residential (NR) to all Campus Institutional (CI). The property is located at 12332 Statesville Road (Parcel # 01742111).
2. **Rezoning:** R17-06 is a request by the Phoenix Montessori Academy to rezone 6.8 acres from Corporate Business (CB) to Campus Institutional Conditional District (CI-CD) located at 12340 Mt. Holly-Huntersville Road (Tax Parcel ID 01720205). The purpose of the rezoning is to allow for the expansion of the school.
3. **Special Use Permit:** SUP15-01 is a request to remove the approved special use permit issued for the Phoenix Montessori School at 12340 Mt. Holly Huntersville Road to operate a temporary school in the Corporate Business (CB) zoning district. The purpose of the removal is to allow the permanent operation of the school at the subject location if the R17-06 rezoning application is approved.
4. **Text Amendment:** TA-17-07 request by the Town of Huntersville to amend 8.17.15 offering additional options to meet Huntersville's Water Quality Ordinance.

**E. Other Business**

1. Discuss update of East Huntersville Small Area Plan, Clarke Creek Small Area Plan, NCDOT Transportation Improvement Plan, and various transportation studies.
2. Discussion of TIA reporting format

**F. Adjourn**

**Town of Huntersville  
PLANNING BOARD  
9/26/2017**

**To:** Planning Board Members  
**From:** Michelle Haines  
**Subject:** Approve Minutes

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Consider approval of the August 22, 2017 Regular Meeting Minutes

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

	Description	Type
□	Draft Minutes	Backup Material



**Planning Board  
Regular Meeting Minutes  
August 22, 2017 - 6:30 PM**

**Town Hall**

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

**DRAFT MINUTES SUBJECT TO CHANGE UPON APPROVAL**

The Vice Chairman determined quorum, and called the meeting to order.

**B. Approval of Minutes**

**1. Consider approval of the July 25, 2017 Regular Meeting Minutes**

A Motion to Approve the July 25, 2017 Regular Meeting Minutes was made by Joe Sailers and seconded by Stephen Swanick. The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Miller, Sailers, Swanick

Absent: Bankirer, Smith, Thomas

**C. Public Comments**

Item #3. Sheila Skelton, 11901 Everett Keith Road, Huntersville. Ms. Skelton stated they bought their house in 1995, and the landfill was supposed to be opened another year, and kept getting extended until 2018. She has gotten use to it, and the neighbor just sold their house and having issues. When there have been complaints about the road and the inspector is coming out is when they wash it. There was one man that did a good job. The road is never graveled right where they come out and mud is brought out. She has not had a clean car in 22 years. A paved road on the other side would be good, but when they (trucks) come out they bring the mud out. There is water standing in the road, and said she had pictures. They (Piedmont Grading) have done things to help, and she was not trying hurt them, but this has been going on for years. She and her husband mow Everett Keith Road (both sides) since they have lived there. They do that for the cosmetics of their property. She just had her house appraised. With the dump still opened she did not feel she could get it sold. It is a constant thing about the road. They wash it at night when everybody is sleeping and the next morning you drive right back through it. She called the Storm Water people because her neighbor has water from the dump going onto his property, and makes a marsh.

Item #3. John Lively, 11919 Everett Keith Road, Huntersville. Mr. Lively stated that he grew up in a family that owned garbage businesses, landscaping removal businesses, and even had a landfill that took in construction debris. As Sheila mentioned, everybody keeps saying that the road is clean. He bought his house in March 2013, and have asked for it to be washed when it gets bad, but hear, "yeah, we'll get; the truck is broke down". His wife called and spoke to Wayne (the owner). Mr. Lively believes they have bought the equipment to wash the road, but it is not getting washed. Whoever is telling Wayne they washed the road is lying to him. Mr. Lively plans on moving to Greenville, SC. There are pot holes in the road that have now been filled. He thought

the landfill was closing in 2018. Whoever buys his house will have to deal with the same thing. He questioned who is going to make sure they stay in compliance with washing the road regularly. The future Everett Keith Road that will tie into Verhoeff Drive, and all the continuing development, how will that affect the road and site plan?

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

1. **Rezone:** Request by Nickel Development Group, LLC to rezone 2.024 acres located along Sam Furr Rd. west of Birkdale Village from Highway Commercial Conditional District (HC-CD) to Highway Commercial Conditional District (HC-CD) to create a 78 unit age restricted apartment building. Parcel ID # 00537401

A Motion to Approve was made by Stephen Swanick and seconded by Joe Sailers. The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Miller, Sailers, Swanick

Absent: Bankirer, Smith, Thomas

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

Joe Sailers made a substitute Motion to include the conditions of the Motion to Approve with the building being moved 15' north to allow for the maximum amount of buffer on the west property line. The Motion did not receive a second, and failed.

Discussion: Jack Simoneau, Planning Director, presented the rezoning, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference. The Sam Furr Senior Apartment building was described for its location, surrounding zoning, and concerns with the height of the building from the public hearing. The developer just advised the Planning Director that they are willing to go to a four (4) story building (an example was presented), with 62 units. The site plan shows the narrow frontage on NC73 with a driveway into the site. The developer is asking for modifications: 1) building does not front a street due to the narrow lot (staff supports the modification), 2) parking is in the rear of the building (staff supports the modification), 3) pedestrian access to building from street (staff supports the modification), 4) the height has now been modified to four (4) stories and 44' (staff supports the modification), and 5) modification to the 20' buffer (staff supports the modification only in certain areas that are adjacent to the two ponds). Staff showed the elevations and cross-sections relevant to the townhomes immediately adjacent to the rear of the property. A letter from the Townhomes of Birkdale Village HOA, Inc. was shown and noted as being in opposition of the development due to the height, buffer, and the color scheme of the project. There was also a petition received with approximately 90 signatures opposing the rezoning.

Questions of staff: The 20' buffer in the rear of the property was questioned, and Mr. Simoneau explained there is 34' in the rear. The developer was called to podium. Jake Palillo (Nickel Development Group, 19520 W Catawba Ave #200, Cornelius, NC 28031) stated they are not opposed to it, but did not want to lose parking spaces. By reducing the unit count it gives additional parking spaces for those concerned, and there will more than likely be a retaining wall on that side, so it does not really matter about the buffer. Joe Sailers



asked about sliding the building 15' south. Mr. Palillo stated they would lose parking spaces, and have 82 spaces now. Discussions were made with Mr. Sailors about the movement of the building, loss of parking and/or compact car parking, and the buffers. It was noted by the Vice Chairman that her concern was not necessarily about the vegetation of the buffer, but the encroachment of the buffer and the adjoining apartment complexes. Mark McAuley (Principal and Director of Operations with ColeJenest & Stone, 10733 Cain Alexander Drive, Huntersville), explained their position about shifting the building down to allow for 20' on either side and the effects on the site plan. Mark McAuley commented that with 62 units and 82 parking spaces it is more than adequate parking. He also stated that the architectural style is not conflicting with Birkdale Village, as there are four story buildings, and the color of the roof adds character to the whole design of the building. Mr. Sailors went back to moving the building 15', the design of the parking, and offered suggestions. Mark McAuley noted that if they had to increase the buffer to 10'-20', the 34' buffer in the rear of the property would likely be reduced to 20', and it currently provides a larger buffer between the site and townhomes.

Discussion after Motion: Stephen Swanick explained his reasoning for the Motion, and the buffer modifications. The buffer in the rear is maximized for consideration of the townhomes, and there is a lot of vegetation and a retaining wall on the west side. Jennifer Davis noted that the plan was a challenging item due to the complexity of the site, public concerns, and height. She agreed with the developer about the architectural interest and diversity; however, the ordinance states the buildings need to blend with adjoining properties. The colors, depending on how well done, could look very nice.

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

A Motion to Approve was made by Stephen Swanick and seconded by Jennifer Davis. The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Miller, Sailors, Swanick

Absent: Bankirer, Smith, Thomas

Included in the Motion: It makes sense to remove the SUP so that the rezoning can move forward.

3. **Text Amendment:** TA17-05 is a request by Piedmont Wrecking and Grading Company, Inc. to amend Article 9.23.9 of the Huntersville Zoning Ordinance. The purpose of the application is to extend the closure deadline for existing LCID landfills.

A Motion to Deny was made by Stephen Swanick and seconded by Catherine Graffy. The Motion Carried by a vote of 5 Ayes and 1 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Miller, Swanick

Nays: Sailors

Absent: Bankirer, Smith, Thomas

Included in the Motion: The denial is based on the amendment being inconsistent with the best practices for evaluating a continued operation of LCID landfills. It is not reasonable and in the public interest to amend the zoning ordinance because a SUP is preferred for adherence with precedent and allowing community input.

Discussion: Bradley Priest, Senior Planner (also referred to herein as “staff”), presented the text amendment, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B. Staff gave a brief overview, and noted that Piedmont Grading is the only Land Clearing and Inert Debris (“LCID”) landfill in Huntersville. The applicant applied to push back the sunset date another ten (10) years (March 3, 2028). The LCID, as it exists in a nonconforming situation, had until December 4, 2016 to come up to code, or close down. There are conditions noted: 1) driveway needed for the facility be paved for 100’, 2) landscaping along the frontage, 3) installation of gravel for the driveway exiting the facility, and 4) regular cleaning of the public right of way from the exiting driveway to the nearest street intersection. Staff is in favor of the continuation of the landfill. It is recommended that the Special Use Permit (“SUP”) be used for several reasons, one of which it involves public input, and has been used before with the Greenway Waste landfill on Holbrook Road.

Susan Irvin, Attorney at Law (19726 Zion Avenue, Cornelius), briefly gave points to the public hearing. The landfill is for disposal of land clearing and inert debris, which are natural materials. This is the only nonconforming LCID in Huntersville. It has operated herein for 32 years, and was originally in the County and validly operating under the County until the Town annexed the property and rezoned it to a classification that did not include this use. The landfill does not accept materials with chemicals added. The SUP that was used for Greenway Waste was not for a LCID facility. The LCID property cannot be redeveloped or removed. The average acceptance is about 75,000 tons per year of LCID, and homeowners inside and outside of Huntersville use this property, including its commercial neighbors, builders and developers. The Bryton development used the facility in November of 2016 with 16,980 tons of LCID, and in December, 20,820 tons. Ms. Irving further listed other users of the facility, including the Town of Huntersville, and since 1985 the Town and NCDOT have both used the facility. Other facilities are available in the area, but have limited hours, and take limited amounts of materials. In talking about the SUP process, she and staff disagree on the numbers for what would be required, and showed an estimated amount of \$100,000. In talking with staff about the SUP process, and realizing the complications, it was thought to extend the existing permit for 5 years. When going to the Advisory Board it was recommended to go 10 years with the conditions mentioned, to which the applicant agreed. The facility has a valid LCID permit from the State of NC, and the permit renewal and closure plan is approved by the State with regular inspections (site security, hours of operation, signs). The owners are very careful and clean the road whenever it is muddy. The facility is shut down when it is raining so they do not have trucks coming in and dragging mud out. The main issue heard from two (2) neighbors has to do with where the driveway is located. Since, NCDOT has been contacted about moving the driveway further away from the neighbors, and to have a better flow through the project. NCDOT indicated three (3) things to be aware of, 1) site distance from Hambright Road, 2) transmission line on south side of the site, and 3) driveway has to be at a 90° angle coming in. The permit is being worked on with NCDOT.

Public comments were made. See above section.

Questions for staff were made concerning any material disagreement with Ms. Irvin’s presentation. Staff noted that Ms. Irvin has a lot of statistics about the landfill, and staff agrees that it is a value to have this facility in Huntersville. Staff disagrees with the hardship that a potential SUP would impose. A Traffic Impact Analysis (“TIA”) would not be required. The delta has been measured and there are no new trips. The cost of plans is minimal, using a past example for the crematorium using an 11x17 photocopy of the commercial plan. In staff’s opinion, the SUP does not need to be complicated. It is a specific review; walk the site, getting a plan that is available and putting notes on it. The intent

is not to put a hardship on the applicant, but to have a full understanding and move forward. Staff does not feel that the applicant's estimate of \$100,000 is accurate for the SUP process. Also, the Planning Director has the ability to make suggestions and recommendation through the SUP process. It was also asked about the text amendment using more generic and broad language for a future facility, if any. Staff indicated it is easier to address a site specific portions of the plan on a SUP application. A text amendment should generally be broader, and the specifics to this plan would not be normally included in the ordinance. Staff would recommend that LCID be added with the C&D existing landfills can operate in the existing zone with the issuance of a SUP. With a SUP there is no sunset date.

The Chairman summarized the amendment with a ten (10) year extension, and with four (4) conditions, but staff is preferring to switch this to a SUP, with an unlimited time for closure. Staff confirmed. Staff was asked the projected fill date, to which staff does not have. It is dependent on the economy, and what debris is brought in and the recycling ability. The State Permit may have it in 7 or 8 years.

Comments about the road were made, and staff indicated this would be a code enforcement issue if it is in the zoning limits. The remedy now would be to contact the County or State for inspections. If road cleaning was part of the SUP, or in the text amendment to have regular cleaning of the public right of way, that will become a Town zoning enforcement issue. Jack Simoneau, Planning Director stated that "regular cleaning" is problematic and vague, and referred to the current ordinance. Ms. Irvin stated they would be willing to change the definition of the "regular cleaning", and further noted that there are lots of businesses in Huntersville that do not have a SUP. Discussions were also made about the location of the driveway, and Ms. Irvin identified the new proposed driveway for the one entrance and exit driveway, which is further away from the Skelton's property. The southern driveway has a site distance issue when exiting, and will not be used. The paving on the existing driveway is 50', and it is proposed for the new driveway to come in at a 90° angle, meet the site distance, avoid the transmission line, which will address the concerns. The driveway will be paved 100', which is the better solution to remove the mud from truck tires. The water runoff was questioned, and Ms. Irvin noted the regulatory requirements around the landfill, and storm water improvements cannot be done on the landfill (BMP, detention facilities), and are not permitted. The water runoff area was located on the site, which may go over the road during a heavy rain, because of the pipe under the road.

Discussion after the Motion: Concerns were expressed for an SUP. The landfill serves a valid purpose. The neighbors need to be taken care of and not harmed. There may need to be mechanisms to protect their rights and interests. The SUP put more teeth in the enforcement. It was also noted that the text amendment has been through discussions with staff and the Advisory Board, to which compromises by both were made. Additionally noted, the SUP removes a sunset date. If the applicant brings a SUP through the process, the Planning Board would like to see conditions for the driveway improvements as herein discussed. There were no further discussions.

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

A Motion to Approve was made by Jennifer Davis and seconded by Stephen Swanick. The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Miller, Sailors, Swanick

Absent: Bankirer, Smith, Thomas

Included in the Motion: It is consistent with the 2030 Community Plan, and is reasonable and in the public interest to approve the rezoning, because it is inline with the adjoining properties.

Discussion: Jack Simoneau, Planning Director, presented the request and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit C, and incorporated herein by reference. The brief history of the rezoning was given from 1992. The zoning for the surrounding property is Neighborhood Residential ("NR") and allows single-family and duplexes. Staff supports the general rezoning. Currently the duplex unit, with the conditions, are that there will be no exterior modifications made to the building. There have been no complaints from neighbors about the rezoning. The proposed NR district allows for modifications. There were no further questions, or discussion.

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

A Motion to Approve was made by Joe Sailers and seconded by Stephen Swanick. The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Davis, Gaffy, McClelland, Miller, Sailers, Swanick

Absent: Bankirer, Smith, Thomas

Included in the Motion: It is reasonable and does not pose an injurious effect on adjoining properties, and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the fact if you travel Beatties Ford Road you have no service, and we need it. The lights shall be removed from the tower, appropriate screening of the property (8'), and an engineered statement on the fall zone.

Discussion: Bradley Priest, Senior Planner (also referred to herein as "staff"), presented the Special Use Permit ("SUP"), and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit D. The SUP is for a commercial communication tower behind Bradley Middle School, which is in a residential district. The area and location of the tower was shown, and the site plan. There is a leased area around the tower with the Charlotte-Mecklenburg Board of Education. There is a distance of 333' from the property line, and 465' from the nearest home adjacent to the property, which are within the established setbacks of the ordinance. Staff showed the elevation of the tower (160' tall), the landscaping plan, and noted that many of the requirements are being met. Staff showed the area with all cell towers, and wanted documentation of need for a new tower at this location, over colocation, to which the applicant is willing to provide. Staff showed the non-functioning lights on the tower, and requested the lights be removed. There are shields on the tower for the mechanical area, and staff is not certain if they need to be there other than for screening. An engineered fall zone requirement needs to be met. The planting height of the trees need to be 8', not 3' at installation.

Bonnie Newell, with Berkley Group, 19000 Davidson-Concord Road, Davidson, presented the application for the SUP. The tower industry has skyrocketed with the use of data. It

continues to amaze everyone in the industry. There is a great deal of growth (includes health and safety), increase in productivity, and efficiency in the wireless wave. CMS and Berkley Group have worked together on this site for a long time. They are sensitive of the community. There was a community meeting and over 4000 adjacent property owners and students of the school invited. The demand for wireless and cell towers continues to explode, and this is like a highway in the sky and the need for more towers is needed. Ms. Newell noted that Verizon is on all existing towers shown by staff, and often they are less than a mile and a half apart. With the expansion of use and data the towers are needed. Ms. Newell presented a map to articulate the need, and included that voice and text takes very little space, but data takes a massive amount of space and capacity. The tower at Bradley Middle School is needed, and currently the only tower proposed at this time. The access to the tower is through school property, and they will not be on the property during school hours unless there is an emergency of safety and/or weather. The area will also be gated. There is an access road to the tower area, to which they will maintain. An engineered fall zone will be provided to staff. A monopole is a single pole, the safest and least obtrusive, and a low maintenance tower. The neighbors want a monopole, and the light pole was preferred over the monopine. It is requested to do a single monopole, as permitted, which will be seen by kids in the gym, and the public at football games. There will be multiple companies on the pole, which should work for all four major carriers. In finding of facts; the use will not endanger the local citizens, and Berkley Group considers it the fifth utility in essential communication as it improves the Town. The plans will be fine-tuned for the few items that are missing. There is no distinction in property values with towers. The use is in harmony with the area and other uses for infrastructure. The lights on the pole can and will be removed as staff requested.

Staff indicated that a monopole design is fine, and the ordinance, as far as camouflage, it is a requirement to painting it to blend in. It is not required to have faux tree branches (monopine), nor is it being recommended. The monopole cannot be lit. There is a park next door with tall lights, and collocation may be good there as opposed to a standalone fixture. Ms. Newell was asked what she is recommending, to which she suggested the monopole. She noted they are going 5G up to 8G, and a monopole allows it to happen quickly. The Town will want to be there for the latest and greatest. There is a program with CMS to install poles on its sites (Meyers Park, Providence High, Quall Hollow Middle, etc.). With the topo in this area (the school is at 731' and the tower site is at 704'), it will not be as visually seen, and it is one-third of a mile away from the neighborhood across Beatties Ford Road

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

A Motion to Approve was made by Jennifer Davis and seconded by Joe Sailors. The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Miller, Sailors, Swanick

Absent: Bankirer, Smith, Thomas

Included in the Motion: It is consistent with the 2030 Community Plan, it is reasonable and

in the public interest to amend the zoning ordinance because it provides greater flexibility within the Open Space requirements. " Forestry" to be added prior to the word "etc." in the Agricultural section of the text, as well as increase tree species on the four court type of space. Jennifer Davis made a Motion to Strike the increase tree species from the original Motion.

Discussion: Alison Adams, Senior Planner (also referred to as "staff"), entered the Staff Report into the record, a copy of which is attached hereto as Exhibit E, and incorporated herein by reference. An overview was given for the Open Space ("OS") text amendment, which has been in process for several years, and initiated by the Planning Board. The proposed changes were given. There are four types of OS; agricultural, natural, recreational, and urban. It is being proposed to add OS labelled "common", and allowing 25% water quality features within the urban OS. Article 7 is organizational clean up. Article 12 is the definition section, and is also clean up. The urban open space types is another major change, which includes community garden, greenway, pedestrian passage, promenade and a woonerf.

The amendment is in keeping with the 2030 Community Plan, and promotes the preservation of open space, and well as good quality design.

It was asked if the amendment would cause unintentional consequences for potential abuse.

Alison Adams commented that staff has actually prescribed it more specific, and gave an example of agricultural being named as common open space without a definition from the ordinance. It was questioned if forestry should come under agricultural, since trees are a crop in the State forestry program. Staff responded that it is contextual based on the project being reviewed. There are provisions in the ordinance that deal with forestry and forestry clearing as it relates to subdivisions. If in the OS, and left as forested area as an agricultural entity a developer would get credit, but there is a provision in the storm water ordinance that if it is actually forested then you cannot develop for three years. Jack Simoneau, Planning Director explained the agricultural purposes with forestry, which can be a renewable resource for funding an HOA. The OS easement will always remain on the development, and can be farmed, timbered, or left natural. It was suggested that Forestry be mentioned as an option, and the proposed text mentions it as natural area. Staff confirmed she would look at that section. Another question was asked about the four courts using only one tree species, and felt it was limited. Staff indicated that is current language that has not changed in the proposal. The thought process is uniformity of the trees. Staff will outline all comments of the Planning Board in the recommendation to the Town Board.

The Chairman called for a Motion. Prior to the Motion the Vice Chairman thanked the subcommittee and staff for the work on the text amendment. There was no discussion after the Motion.

## **E. Other Business**

### **1. Adjusted TIA Results Reporting Format**

For discussion at a later meeting.

## **F. Adjourn**

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

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Chairman or Vice Chairman

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Michelle V. Haines, Board Secretary

**Town of Huntersville  
PLANNING BOARD  
9/26/2017**

**To:** Planning Board Members  
**From:** Brad Priest, Senior Planner  
**Subject:** R17-08: CPCC General Rezoning

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

**ACTION RECOMMENDED:**

Consider making a recommendation to the Town Board on September 26, 2017.

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Application	Backup Material

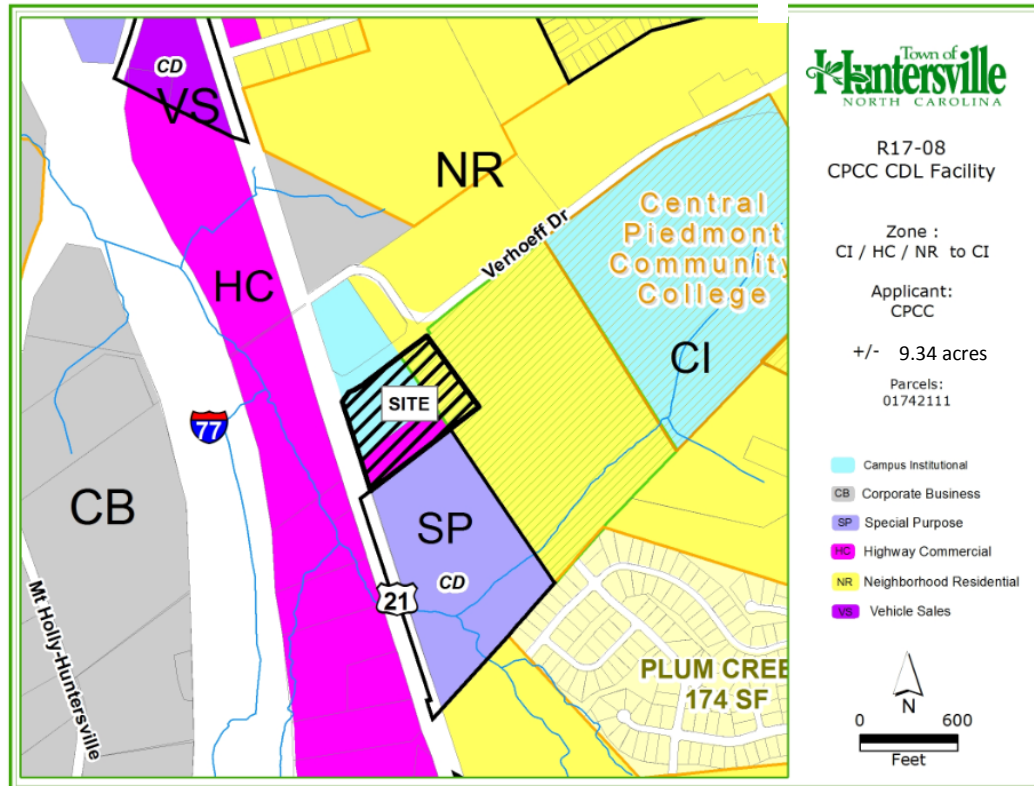


## Petition R17-08: Central Piedmont Community College General Rezoning

### PART 1: PROJECT SUMMARY

#### Application Summary:

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



**Applicant:** CPCC

**Property Owner:**  
Same

**Property Address:**  
12332 Statesville Road

**Project Size:** 9.34 acres

**Parcel Numbers:**  
01742111

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

**Proposed Zoning:**  
Campus Institutional (CI) portion remains, the Highway Commercial (HC) and Neighborhood Residential (NR) portion is rezoned to Campus Institutional (CI)

2. Adjoining Zoning and Land Uses

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

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

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

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

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

for vocational training schools but the NR district does not. Therefore to establish one zoning district that allows their facilities CPCC proposes to rezone the entire parcel CI.

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

## **PART 2: REZONING/SITE PLAN ISSUES**

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

## **PART 3: TRANSPORTATION ISSUES**

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

## **PART 4: REZONING CRITERIA**

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

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

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

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

#### **PART 5: PUBLIC HEARING**

The Public Hearing was held on September 5, 2017. No one from the public spoke on the application. Discussions between the Board and staff focused on the Commercial Driver's License facility and Public Safety Training facility proposed by CPCC.

#### **PART 6: STAFF RECOMMENDATION**

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

#### **PART 7: PLANNING BOARD RECOMMENDATION**

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

<b>PART 8: CONSISTENCY STATEMENT – R17-08: CPCC GENERAL REZONING</b>
----------------------------------------------------------------------

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



# General Application

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

## 1. Application Type

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

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

- ☐ 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 July 31, 2017

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

Location 12332 Statesville Road Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01742111

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

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

Current Land Use Vacant

Proposed Land Use(s) Community College

Is the project within Huntersville's corporate limits?

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

## 3. Description of Request

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

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

## 4. Site Plan Submittals

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

## 5. Outside Agency Information

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

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

## 6. Signatures

\*Applicant's Signature

Printed Name

Address of Applicant

Email

Property Owner's Signature (if different than applicant)

Printed Name

Property Owner's Address

Email

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

Development Firm

Name of contact

Phone

Email

Alfred Benesch & Company

Paula Gornto

704 943-3178

pgornto@benesch.com

Design Firm

Name of contact

Phone

Email

### If Applying for a General Rezoning:

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

### If Applying for a Conditional Rezoning:

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

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

### If Applying for a Subdivision:

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

## Contact Information

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

Phone:

Fax:

Physical Address:

Website:

704-875-7000

704-992-5528

105 Gilead Road, Third Floor

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

**Town of Huntersville  
PLANNING BOARD  
9/26/2017**

**To:** Planning Board Members  
**From:** Brad Priest, Senior Planner  
**Subject:** R17-06 Phoenix Montessori Academy

---

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

**ACTION RECOMMENDED:**

Consider making a recommendation to the Town Board on September 26, 2017.

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

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

## Petition R17-06: Phoenix Montessori Academy

### PART 1: PROJECT SUMMARY

#### Application Summary:

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

**Applicant:** Phoenix Montessori Academy

**Property Owner:**  
Meeting Place Properties II, LLC

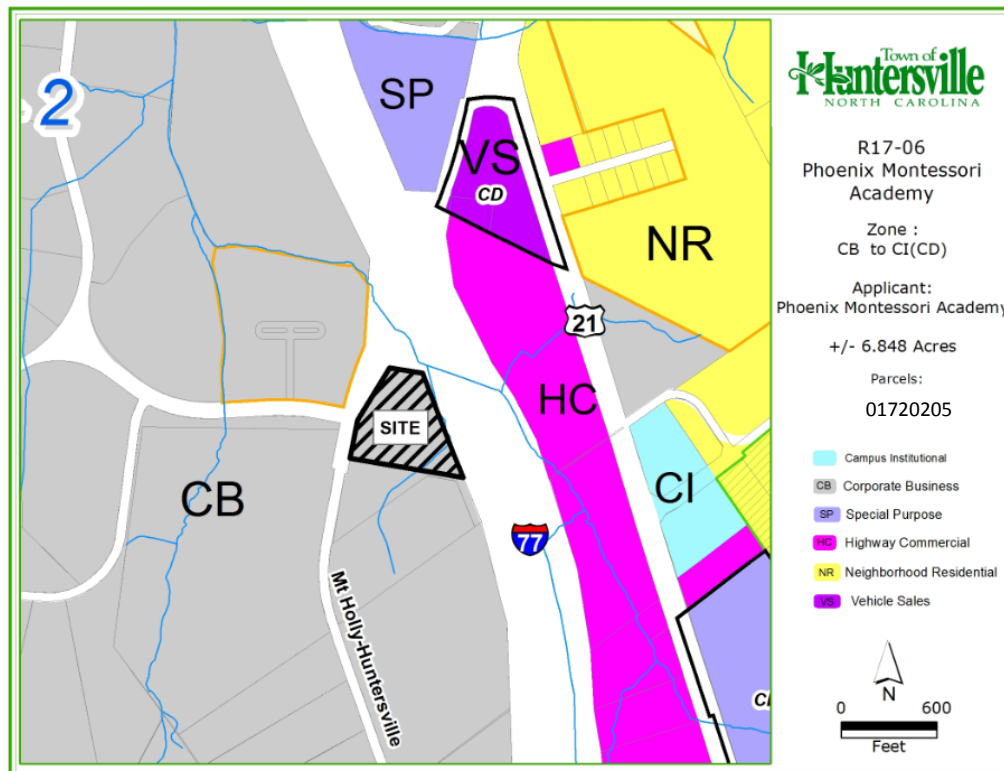
**Property Address:**  
12340 Mt. Holly Huntersville Road

**Project Size:** 6.8 acres

**Parcel Numbers:**  
01720205

**Existing Zoning:**  
Corporate Business (CB)

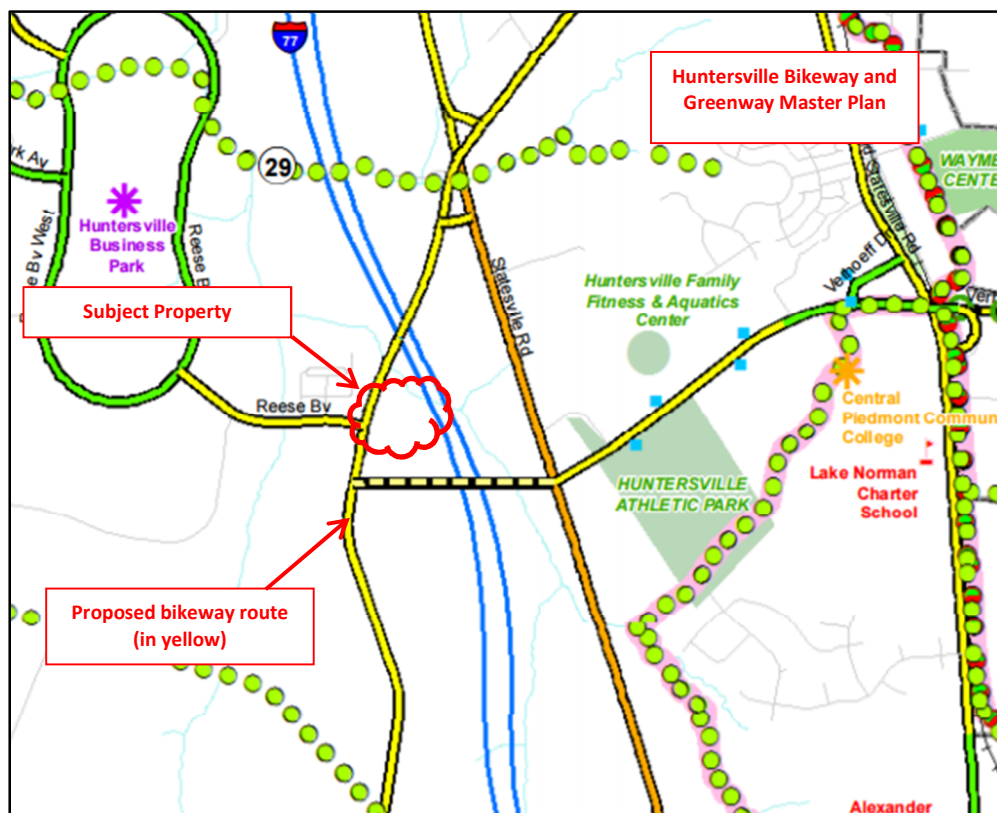
**Proposed Zoning:**  
Campus Institutional Conditional District (CI-CD)

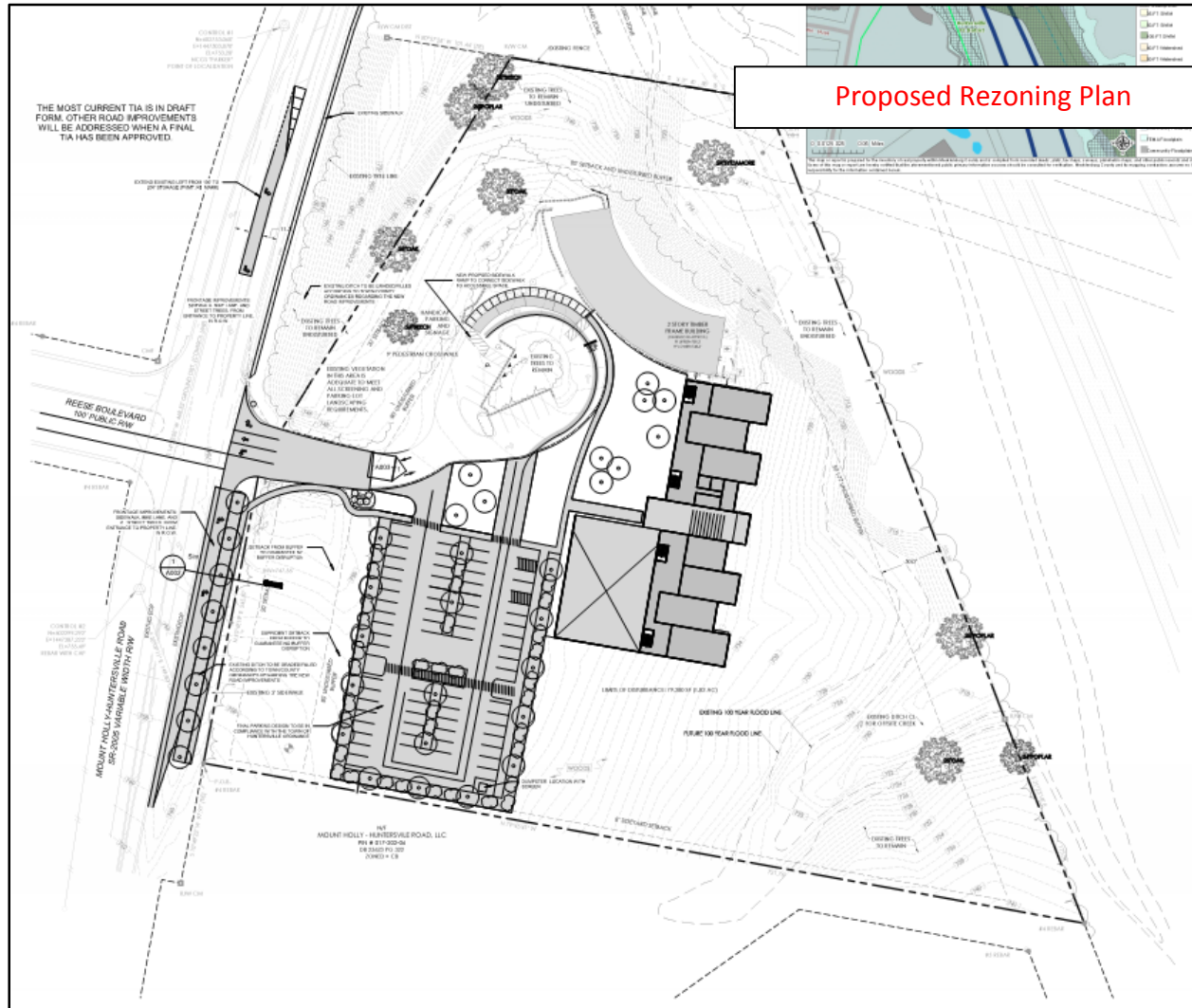


2. Adjoining Zoning and Land Uses
  - North: Special Purpose (SP), Trucking facility, Vehicular Sales (VS), Honda Car Dealership, Interstate I-77.
  - South: Corporate Business (CB), Saertex, manufacturing, Vacant Land, Nutec manufacturing.
  - East: Highway Commercial (HC), Vacant land, Interstate I-77.
  - West: Corporate Business (CB), Huntersville Business Park, NCDOT DMV facility, Multifamily homes.
3. Schools are allowed in the Corporate Business (CB) zoning district only as a temporary use with the issuance of a Special Use Permit (SUP) per Article 9.35.12 of the Huntersville Zoning Ordinance. On April 6, 2015 the Phoenix Montessori Academy was issued a SUP by the Town Board that is valid for 3 years.
4. The applicant wishes to be able to make their current location on Mt. Holly Huntersville Road permanent. The Campus Institutional (CI) district allows schools and academic institutions by right. Therefore the property owner has submitted a conditional rezoning plan to rezone the property to CI thus allowing the school to operate indefinitely. The school is currently leasing the location from the property owner, Meeting Place II, LLC.



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





## PART 2: REZONING/SITE PLAN ISSUES

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

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

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

- Note 5-A on the rezoning plan states that “Parking, landscaping, lighting, screening, vehicle maneuvering areas and drive throughs may be located within the building envelopes shown on the plan for such uses if dictated by final site plan, architectural or engineering design”. Although it is normal to add a flexibility note on the conditional rezoning plan to allow minor alterations after approval, the submitted note seems to allow major changes to the plan. Staff recommends this note be removed. The first note under “Design and Performance Standards” (note section 5) provides an appropriate amount of flexibility within the confines of the overall layout of the rezoning plan.
  - The applicant has agreed to change this note, however there have been no new submittals showing the amended language.
- Please see Part 3 below for a list of transportation improvements recommended by the TIA. No improvements are required to meet Article 14 of the Zoning Ordinance. However the applicant will need to work with NCDOT to receive an approved TIA and driveway permit for the expansion.
- Note 6-C on the rezoning plan states that “except as specifically indicated on the rezoning plan, nothing herein shall be deemed to be a commitment by the developer to provide, dedicate or reserve right of way of any property located outside of the boundaries of the property”. This note could conflict with improvements needed at the site. Please see Part 3 below for a list of recommended road improvements to accommodate queuing.
- Article 7.4.2 F of the Huntersville Zoning Ordinance requires that developments in the CI district preserve at least 30% of their specimen trees. The ordinance defines a specimen tree as a large maturing tree 24 inches in caliper and above or a small maturing tree 12 inches in caliper and above. The submitted plan only surveys trees a minimum of 24 inches and above. It is currently unclear if any small maturing specimen trees are proposed to be removed and if the required 30% specimen trees are being preserved.

### **PART 3: TRANSPORTATION ISSUES**

#### TIA

A TIA for the proposed school was required as the peak hour trips exceeded the ordinance threshold for 50 trips in a peak hour. The school is proposing three separate bell schedules (separated by 1 hour) to spread out the peak traffic demand. A revised, sealed TIA was submitted to the Town for review on 9/12/17. Based on a review of the TIA, it is found to be acceptable as a final version with no improvements required to meet Article 14 of the Zoning Ordinance. On site stacking as identified in the TIA, meets the minimum calculated length for queuing with side by side stacking (double stacking) the drive aisles in the added parking lot.

The following improvements are recommended by the TIA to address queuing concerns at the intersection of Mt Holly Huntersville Road at Reese Boulevard/School Access:

- Construct an exclusive northbound right-turn lane on Mt Holly-Huntersville Road with 200 feet of full width storage
- Extend the southbound left-turn lane on Mt Holly-Huntersville Road to 200 feet of full width storage
- Extend the existing westbound left-turn lane on School Access to 125 feet of full width storage

The TIA recommends the following roadway improvements at the intersection of Mt Holly Huntersville Road at Reese Boulevard/School Access to meet NCDOT requirements:

- Construct an exclusive northbound right-turn lane on Mt Holly-Huntersville Road with 200 feet of full width storage
- Extend the southbound left-turn lane on Mt Holly-Huntersville Road to 200 feet of full width storage
- Extend the existing westbound left-turn lane on School Access to 125 feet of full width storage
- Construct an exclusive eastbound left-turn lane on Reese Boulevard with 100 feet of full width storage (modify the existing shared through left lane to an exclusive through lane)
- Construct an exclusive westbound right-turn lane on the School Access with a minimum of 100 feet of full width storage.

#### Site Plan

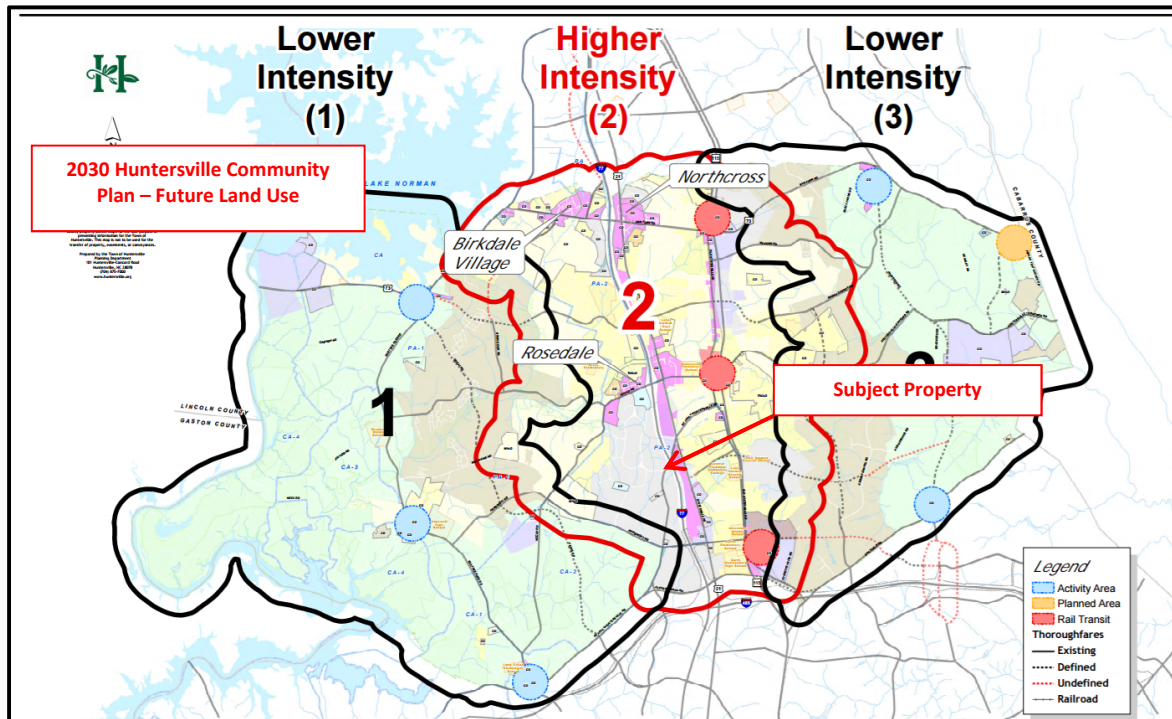
Several plan issues remain to be addressed regarding the site plan. Those issues include driveway lane alignment with Reese Boulevard, sidewalk location, sidewalk ramps, and an inadequate typical section for Mt Holly Huntersville Road.

#### **PART 4: REZONING CRITERIA**

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

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

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



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

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

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

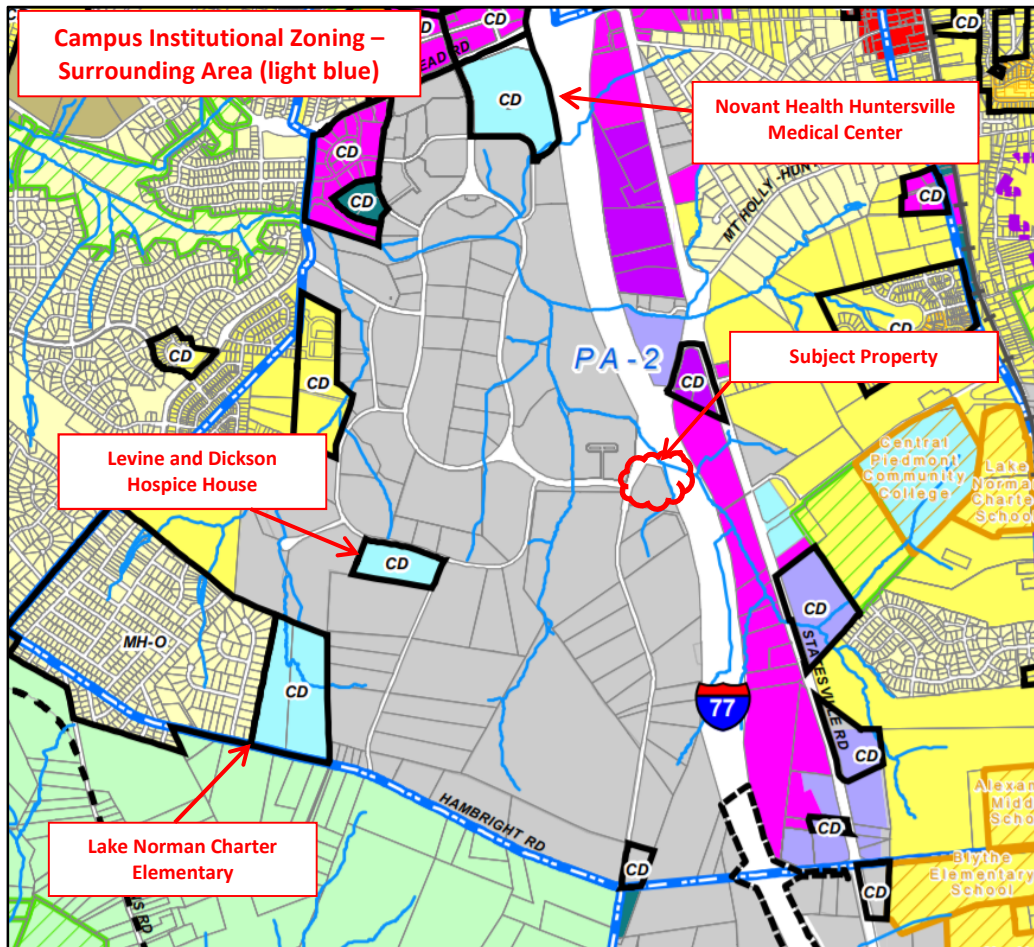
- Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

**STAFF COMMENT:**

The majority of the area surrounding the subject property (west of the interstate) is zoned Corporate Business (CB). Although there is no Campus Institutional (CI) zoning immediately adjacent to the subject property, there is however individual CI zoning developments dispersed throughout the general area. Please see the zoning map attached below. The Novant Health Huntersville Medical Center, Levine Dickson Hospice House, and recently the Lake Norman Charter Elementary School are all zoned CI amidst a largely



CB zoned area. Therefore the zoning of the property CI will not be out of character with the established development pattern of the area.



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

STAFF COMMENT:

- In regard to the roadway system, please see Part 3 above for transportation comments. Transportation staff has accepted the revised TIA. No improvements are needed to meet Article 14 TIA requirements.
- A Determination of Adequacy (DOA) was issued to Meeting Place Properties on May 31, 2017 for the following public facilities: Fire Vehicles, Fire Facilities, Police Facilities, and Police Vehicles. Please find the DOA letter attached in your agenda packet for reference.

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

**STAFF COMMENT:**

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

**PART 5: PUBLIC HEARING**

The Public Hearing took place on September 5, 2017. No one from the public spoke for or against the application.

**PART 6: STAFF RECOMMENDATION**

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

1. Any traffic improvements needed to address queuing concerns by NCDOT is installed prior to issuance of certificate of occupancy for the school expansion.
2. The design criteria notes ("flexibility notes") are refined to keep the general arrangements of structures and features as shown on the submitted plan.
3. Tree save requirements are verified as conforming to the ordinance.
4. All remaining site plan comments from planning and transportation are addressed.

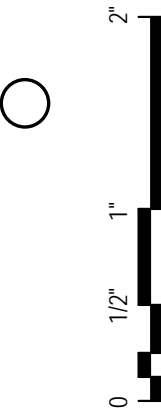
**PART 7: PLANNING BOARD RECOMMENDATION**

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

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


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





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

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




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

Client/Project


PHOENIX  
MONTESSORI  
ACADEMY

12340 MT  
HOLLY-HUNTERSVILLE  
ROAD





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

Consultants



Birkdale Village  
8712 Lindholm Dr #202A  
Huntersville, NC 28078  
P 704.875.1615  
F 704.875.0959  
info@hensonfoley.com  
www.hensonfoley.com

Seals



08/14/17

Revisions

Revisions table with 3 columns: No., Description, and Date.

Sheet Information

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

Sheet Title

COVER SHEET

Sheet Number

A000

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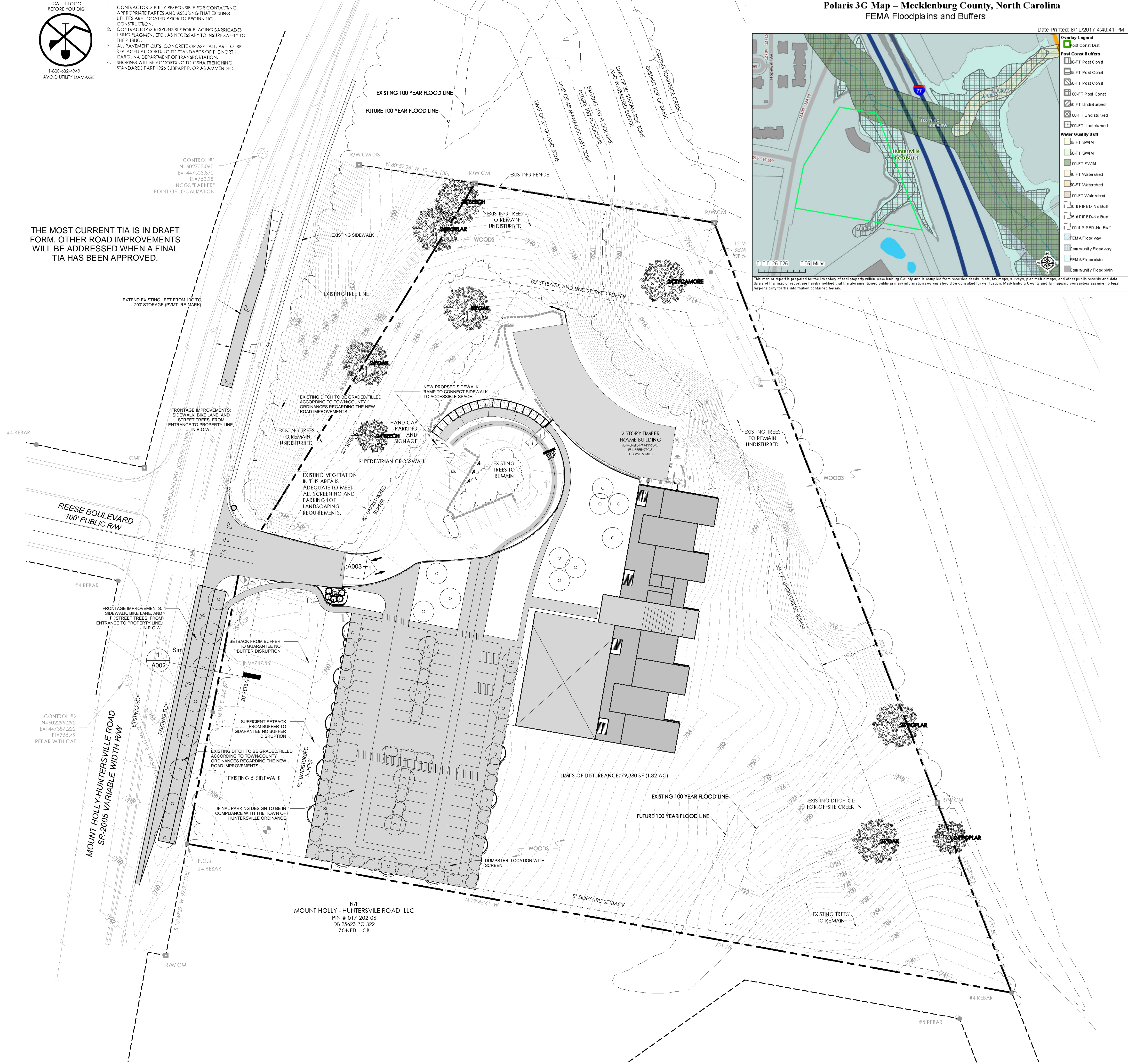


1 FLR - LEVEL 01 - SKETCH/CONCEPT PLAN  
1" = 40'-0"

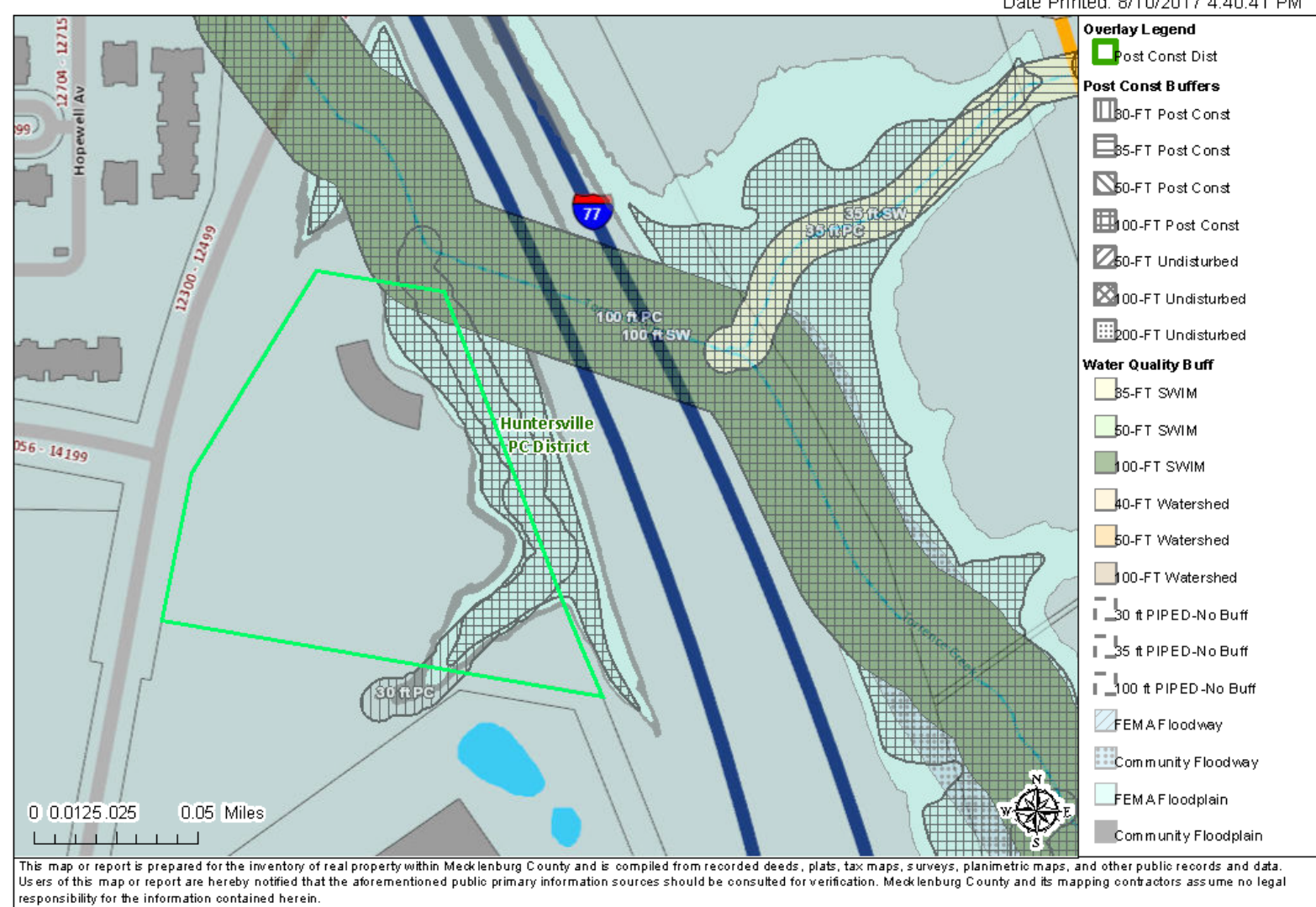


1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTRACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMAN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CURBS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
4. SIGNING WILL BE ACCORDING TO COSTA MICHING STANDARDS PART 125 SUBPART 1, OR AS AMENDED.

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



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



EXISTING ZONING: CB

PROPOSED ZONING: CI-CD

JURISDICTION: HUNTERSVILLE

PARCEL ID: 01720205

DEED BOOK/PAGE: 134602/260

TOTAL LOT SIZE: 298,323.92 SF

EXISTING BUILDING HEIGHT: 30 FEET (2 STORIES)

EXISTING GROSS FLOOR AREA: 10,101 SF

PROPOSED ZONING STREET ADDRESS: 12340 MT. HOLLY-HUNTERSVILLE ROAD, HUNTERSVILLE, NC

PROPOSED NEW CONSTRUCTION TYPE: CIVIC

#### REZONING NOTES

1. **REZONING PETITION.** THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS ("DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY MEETING PLACE PROPERTIES II, LLC ("PETITIONER") AS REZONING PETITION #R17-06 FOR THAT APPROXIMATELY 6.848 ACRE TRACT OF LAND IDENTIFIED ON THIS SITE PLAN AS THE PHOENIX MONTESSORI ACADEMY, AND OTHER SITE PLAN INFORMATION SUBMITTED TO THE TOWN OF HUNTERSVILLE ON JUNE 1, 2017 (THE "REZONING PLAN"), AS REVISED, IN CONNECTION WITH ALL OR PART OF TAX PARCEL NUMBER 017-202-05 (THE "PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO CONVERT THE ZONING CLASSIFICATIONS OF THE PROPERTY FROM THE CB (CORPORATE BUSINESS DISTRICT) ZONING DISTRICT TO CI-CD (CAMPUS INSTITUTIONAL - CONDITIONAL DISTRICT) PURSUANT TO THE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE").
2. **DEVELOPMENT STANDARDS.** DEVELOPMENT OF THE PROPERTY WILL BE GOVERNED BY THESE DEVELOPMENT STANDARDS, WHICH ARE PART OF THE REZONING PETITION, AND THE APPLICABLE PROVISIONS OF THE ORDINANCE IN PLACE ON THE DATE OF FILING DESCRIBED ABOVE. UNLESS THE REZONING PLAN ESTABLISHES A MORE STRINGENT STANDARD(S), OR UNLESS OTHERWISE NOTED ON THE REZONING PLAN OR IN THESE DEVELOPMENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE DATE OF FILING DESCRIBED ABOVE FOR THE CI (CAMPUS INSTITUTIONAL DISTRICT) ZONING DISTRICT GOVERN DEVELOPMENT OF THE PROPERTY AS SHOWN ON THE REZONING PLAN.
3. **PERMITTED USE**

THE CAMPUS INSTITUTIONAL ZONING DISTRICT IS APPROPRIATE FOR THE ACADEMIC INSTITUTION PROPOSED ON THE REZONING PLAN BECAUSE THE SCHOOL HAS BEEN LOCATED IN THE EXISTING BUILDING ON THE PROPERTY AND, THOUGH TEMPORARY, HAS SUCCESSFULLY OPERATED ON THIS SITE, WHICH IS UNDER THE ACREAGE LIMITATION. APPLICANT REQUESTS APPROVAL DESPITE THE ACREAGE LIMITATION FOR THIS REASON. ALL PARCELS MAY BE DEVOTED TO THE USES PERMITTED IN THE CI (CAMPUS INSTITUTIONAL) DISTRICT, TOGETHER WITH ANY OTHER PERMITTED INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH AND PERMITTED UNDER THE ORDINANCE BY RIGHT OR WITH CONDITIONS, EXCEPT THE FOLLOWING USES SHALL NOT BE PERMITTED:

- FAMILY CARE HOME
- SOLAR ENERGY FACILITY
- WIND ENERGY FACILITY
- HELISTOP
- HOME OCCUPATION
- HOSPITALS
- SINGLE FAMILY HOMES
- MULTIFAMILY HOMES

#### 4. SETBACKS, SIDE YARDS AND REAR YARDS

ALL BUILDINGS CONSTRUCTED ON THE SITE SHALL SATISFY OR EXCEED THE SETBACK / BUILD TO LINE, REAR YARD AND SIDE YARD REQUIREMENTS ESTABLISHED BY THE ORDINANCE UNLESS OTHERWISE SHOWN ON THE PLAN.

#### 5. DESIGN AND PERFORMANCE STANDARDS

THE DEVELOPMENT DEPICTED IN THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DESCRIBE THE GENERAL ARRANGEMENT OF BUILDINGS, PARKING, PUBLIC STREETS, IF ANY, AND STORM WATER MEASURES TO BE CONSTRUCTED ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS, AND SIZES OF THE BUILDING FOOTPRINTS, AS WELL AS THE LOCATIONS OF STREETS SHOWN ON THE REZONING PLAN, IF ANY, ARE SCHEMATIC IN NATURE AND MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION PHASES AS LONG AS SUCH ALTERATIONS AND MODIFICATIONS ARE NOT A SUBSTANTIAL DEVIATION FROM THE LAYOUT AND INTENT OF THE REZONING PLAN AND ARE CONSISTENT WITH THE INTENT OF THE ORDINANCE. SUCH MODIFICATIONS TO THE PLAN SHALL IN NO WAY IMPACT THE PETITIONER'S VESTED RIGHTS. THE REZONING PLAN IS APPROVED FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF APPROVAL OF THE REZONING PLAN AND WILL BE PERMANENTLY VESTED UPON FULL OR PARTIAL BUILDOUT DURING THE THREE (3) YEAR PERIOD.

AS THE ORDINANCE MAY BE MODIFIED FROM TIME TO TIME BY THE TOWN BOARD, INCLUDING LIGHTING AND LANDSCAPING STANDARDS, THE DEVELOPER MAY VOLUNTARILY AGREE TO APPLY SUCH MODIFICATIONS TO THE REZONING PLAN IN A MANNER CONSISTENT WITH THE ORDINANCE AS IT CHANGES.

BUILDING PERMITTING AND IMPROVEMENTS ASSOCIATED WITH EACH BUILDING (I.E. PUBLIC STREETS, PARKING, LIGHTING, AND LANDSCAPING) MAY OCCUR IN A PHASED SEQUENCE IF INDICATED ON THE PLANS.

#### DESIGN CONTROLS:

- (A) PARKING, LANDSCAPING, LIGHTING, SCREENING, VEHICLE MANEUVERING AREAS AND DRIVE THROUGH(S) MAY BE LOCATED WITHIN THE BUILDING ENVELOPES SHOWN ON THE PLAN FOR SUCH USES IF DICTATED BY FINAL SITE PLAN, ARCHITECTURAL OR ENGINEERING DESIGN.
- (B) BUILDING FOOTPRINTS AND ENVELOPES DEPICT THE GENERAL DEVELOPMENT INTENT. BUILDINGS SHOWN MAY BE DETACHED INTO NO MORE THAN FOUR (4) BUILDINGS WITHIN THE SAME GENERAL CONFIGURATION OF THE BUILDINGS AS SHOWN ON THE PLAN, AS DISCUSSED, THE INTENT MAY BE TO SEPARATE THE BUILDINGS IF LATER DESIRED, BUT THE DESIGN INTENT IS TO KEEP THEM IN THE GENERAL POSITION SHOWN.
- (C) ALL NEW BUILDINGS WILL BE DESIGNED IN ACCORDANCE WITH THOSE BUILDING TYPES THAT ARE PERMITTED IN THE CI ZONING DISTRICT AS DEFINED BY THE ORDINANCE AND IN COMPLIANCE WITH THE REZONING PLAN. THE CONCEPTUAL RENDERINGS ATTACHED HEREIN DEPICT APPROXIMATE BUILDING PLACEMENT, ORIENTATION AND DESIGN. MINOR MODIFICATIONS MAY BE NECESSARY TO ACCOMMODATE FINAL DESIGN; THEREFORE, FINAL DIMENSIONS OF BUILDINGS MAY BE CHANGED ACCORDINGLY.
6. **CONNECTIVITY**
- (A) VEHICULAR ACCESS TO PUBLIC RIGHTS OF WAY SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. IF NCDOT AND ANY OTHER AGENCIES WITH REVIEW AUTHORITY PERMIT THE INSTALLATION OF ADDITIONAL IMPROVEMENTS, DEVELOPER MAY INSTALL THE IMPROVEMENTS AT ITS OWN EXPENSE WITHOUT AMENDING THE REZONING PLAN.
- (B) THE PLACEMENTS AND CONFIGURATION OF VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SIZE, ARCHITECTURAL AND CONSTRUCTION PLANS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE NCDOT.
- (C) EXCEPT AS SPECIFICALLY INDICATED ON THE REZONING PLAN, NOTHING HEREIN SHALL BE DEEMED TO BE A COMMITMENT BY THE DEVELOPER TO PROVIDE, DEDICATE OR RESERVE RIGHT-OF-WAY OF ANY PROPERTY LOCATED OUTSIDE THE BOUNDARIES OF THE PROPERTY.
7. **BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS**
- (A) IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED BY THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE DEVELOPER, TENANT AND OWNER OF THE SITE, AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
- (B) THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "DEVELOPER" SHALL BE DEEMED TO INCLUDE THE PETITIONER, ITS SUCCESSORS AND ASSIGNS, TENANT, AND OWNER OF THE SITE, THEIR HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, AND SUCCESSORS IN INTEREST IN THE SITE.
- (C) AS DETERMINED BY THE DEVELOPER, THE TOWN OF HUNTERSVILLE ZONING ORDINANCE SHALL MEAN THE ORDINANCE AND TOWN OF HUNTERSVILLE LAND DEVELOPMENT STANDARDS MANUAL IN EFFECT AT THE TIME OF REZONING.

#### ADDITIONAL INFORMATION:

THE PROPOSED GROWTH IS FOR A MAXIMUM OF 300 STUDENTS

#### PARKING:

NO VEHICLE STACKING, QUEUING, OR PARKING IS ALLOWED ON THE PUBLIC R.O.W.

#### STACKING:

1. STAFF WILL SUPERVISE DROP-OFF AND PICK-UP
2. START, END TIMES ARE DESIGNATED - 9 IN BOTH MORNING AND EVENING
3. 987 FEET OF QUEUE IS PROVIDED IN ADDITIONAL OF 130 FEET FOR LOADING AREA AS PER MSTA

#### REGULATORY COMPLIANCE:

1. WILL COMPLY WITH THE HUNTERSVILLE ZONING ORDINANCE, INCLUDING:
  - 1.1 ARTICLE 6 (PARKING LOT REQUIREMENTS)
  - 1.2 ARTICLE 7 (LANDSCAPING SCREENING AND BUFFERS)
  - 1.3 ARTICLE 8.26 (SITE LIGHTING)

2. WILL PROVIDE SEALED COMMERCIAL SITE PLAN PRIOR TO OCCUPANCY

#### OUTDOOR PLAY AREA:

A PLAY AREA, YET TO BE LOCATED AND DESIGNED, WILL CONFORM TO TOWN PLANNING REQUIREMENTS AND BE FENCED FOR CHILD SAFETY. THE PLAY AREA WILL BE INCLUDED IN A DISTURBED TREE AREA BUT STAY WITHIN THE ALLOWED DISTURBANCE. NO SPECIMEN TREES WILL BE REMOVED FOR THE PLAY AREA.

#### LIGHTING:

SITE WILL MEET MINIMUM FOOTCANDLE REQUIREMENTS CONFORMING TO ARTICLE 8.26, OF HUNTERSVILLE TOWN ORDINANCES

#### UTILITIES:

WATER: PUBLIC  
SEWER: PUBLIC

#### YARD REQUIREMENTS

FRONT SETBACK: N/A (CIVIC BUILDING TYPE)  
SIDE YARD: 8'  
REAR YARD: 50'

#### BUFFER YARD REQUIREMENTS:

FRONT: 80'  
REAR: 50'  
SIDE: NORTH 80', SOUTH N/A

#### TREE SAVE:

TREES TO BE REMOVED IN ACCORDANCE WITH TOWN ORDINANCE

#### REQUIRED SCREENING:

FRONT: 80' BUFFER  
SIDE: NO  
REAR: 50'  
PARKING: YES-TREES & SHRUBS ALONG WESTERN EDGE IN OCCORDANCE WHIT TOWN ORDINANCE  
ALL UTILITIES INCLUDING ROOF EQUIPMENT TO BE SCREENED

#### BUILDING, PARKING LOTS, AND WALKWAYS COVERAGE: 57,000 (1.3 AC)

**PARKING REQUIRED:**  
(TOWN OF HUNTERSVILLE ZONING ORDINANCE ARTICLE 6) PROVIDED: 75 (8 HANDICAP)  
ALL SIGNAGE TO BE APPROVED AND PERMITTED SEPARATELY

Phoenix Montessori Academy Trip Generation								
Bell Schedule	Students	Daily	AM Peak Hour			PM Peak Hour		
			Enter	Exit	Total	Enter	Exit	Total
Proposed 300 Student + 45 Staff School (203 New Students + 31 New Staff)								
7:15 AM - 3:00 PM	100	222	71	56	127	40	55	95
8:15 AM - 6:00 PM	80	156	57	45	102	21	33	54
9:15 AM - 4:00 PM*	120	292	84	66	150	62	80	142

Reference: MSTA School Traffic Calculator, NCDOT, 2017

(Urban Charter land use per NC UZA Boundary & Mecklenburg Co.)

\* Conditions stated in the Phoenix Montessori TIA per the NCDOT/TTC approved scope.



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#### Client/Project

## PHOENIX MONTESSORI ACADEMY

12340 MT.  
HOLLY-HUNTERSVILLE  
ROAD



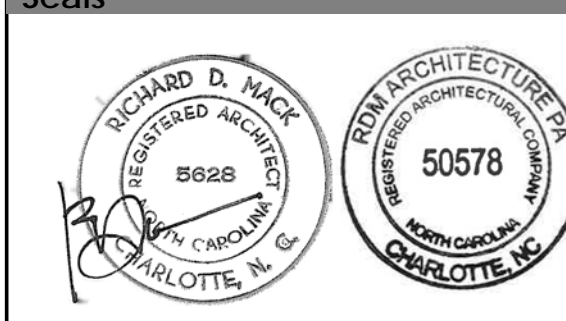
12340 Mt. Holly-Huntersville Road  
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P 704.875.2139  
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info@phoenixmontessori.org  
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#### Consultants



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8712 Lindholm Dr #202A  
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F 704.875.0959  
info@hensonfoley.com  
www.hensonfoley.com

#### Seals



08/14/17

#### Revisions

Revisions	

#### Sheet Information

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

#### Sheet Title

## PROPOSED SITE PLAN WITH FRONTAGE IMPROVEMENT AND LANDSCAPING

#### Sheet Number

A001



# PHOENIX MONTESSORI ACADEMY

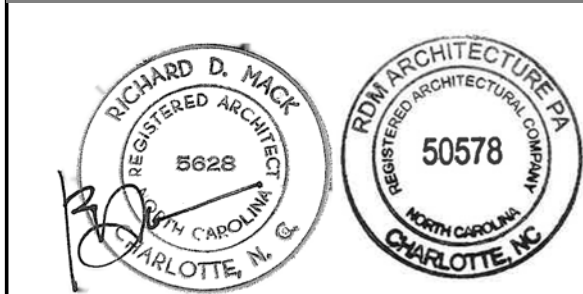
12340 MT  
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www.hensonfoley.com



08/14/17

Date 08/14/17  
Job Number 1501.02  
Drawn JB

## PROPOSED ROAD CONCEPT

A002

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

## Design Guidance

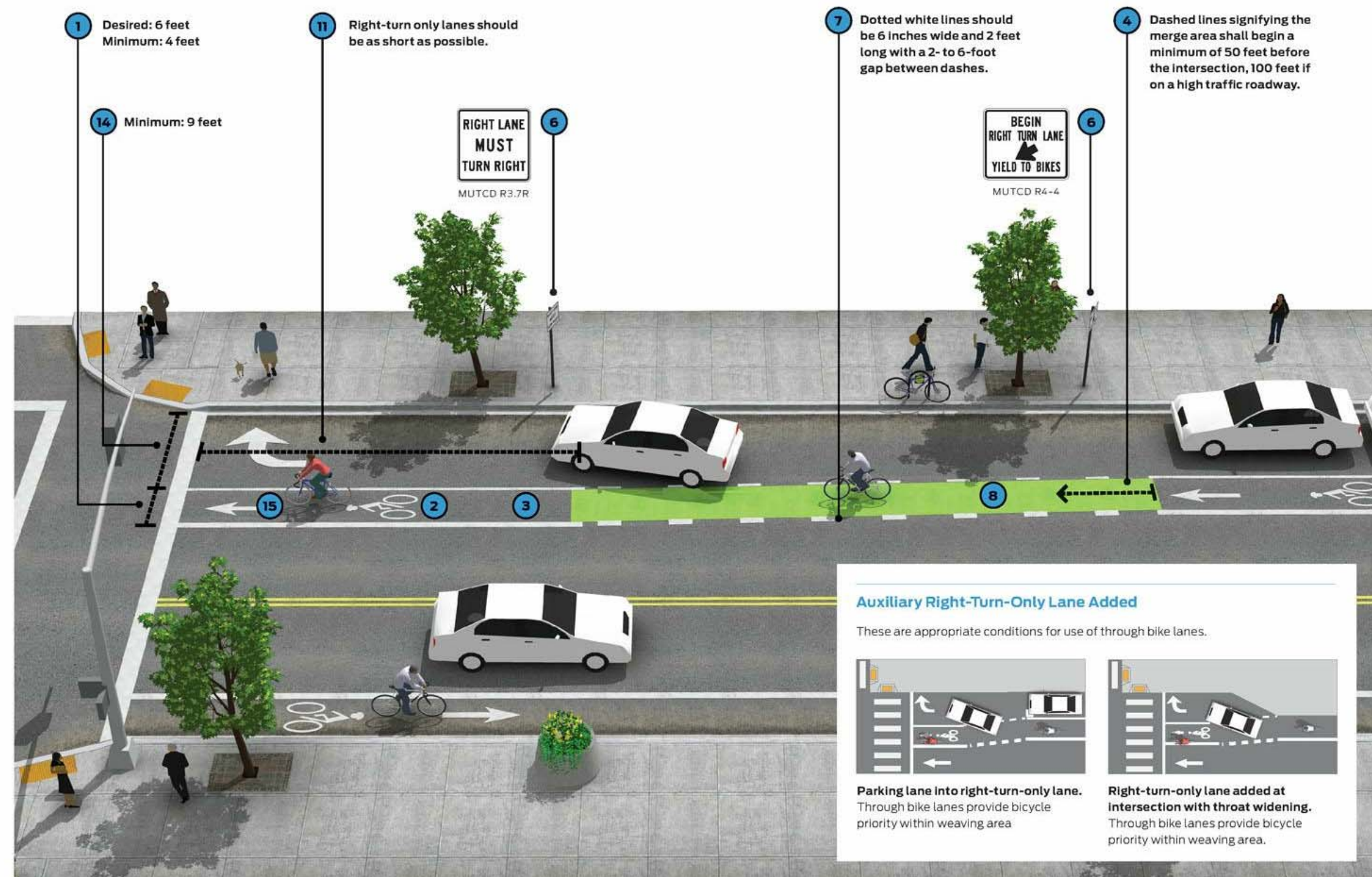
### Through Bike Lanes

#### Required Features

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

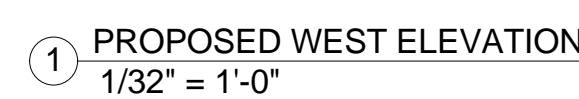
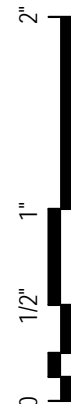
#### Recommended Features

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



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



[illegible][illegible][illegible]

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Client/Project	
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**PHOENIX  
MONTESSORI  
ACADEMY**

12340 MT  
HOLLY-HUNTERSVILLE  
ROAD



### Consultants



## Seals



## Revisions

## Sheet Information

Date	08/14/1
Job Number	1501.0
Drawn By	JR

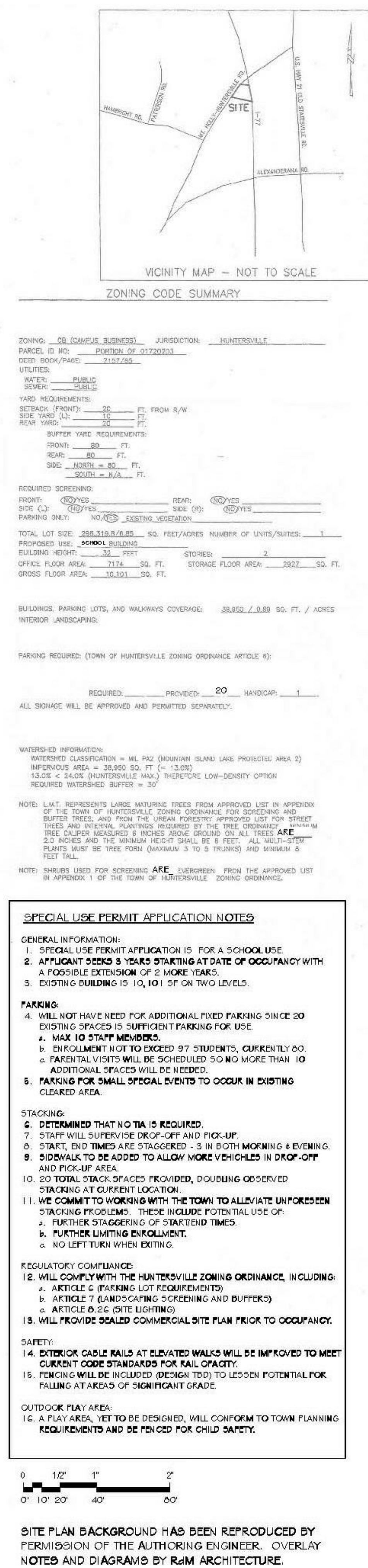
## Sheet Title

## VEHICLE TURNING DIAGRAMS AND ELEVATION PRECEDENTS

## Sheet Number

A003







## Community Meeting Notes

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

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

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

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



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

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

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

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

COMMUNITY MEETING

SIGN IN SHEET

AUGUST 2, 2017

Zoning Petition No.: R17-06

Location: PHOENIX MONTESSORI ACADEMY

12340 MT. HOLLY-HUNTERSVILLE ROAD, HUNTERSVILLE, NC

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



[illegible]

Phoenix Montessori Academy

Who to Notify:

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

Brad Priest, Senior Planner

Mayor: John Aneralla

Board of Commissioners

Planning Board Members

Town Manager: Gerry Vincent, P.O. Box 664, Huntersville, NC 28070, email: [gvincent@huntersville.org](mailto:gvincent@huntersville.org)

Assistant Town Manager: vacant

Planning Department Project Coordinator: Brad Priest

Town Clerk: Janet Pierson, P.O. Box 664, Huntersville, NC 28070, email: [jpierson@huntersville.org](mailto:jpierson@huntersville.org)

Project Manager: Brad Priest

Town Official Name and Address	Email	
Brad Priest, Senior Planner Town of Huntersville 105 Gilead Road, Third Floor Huntersville, NC 28070	<a href="mailto:bpriest@huntersville.org">bpriest@huntersville.org</a>	
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Dan Boone, Commissioner 317 Southland Road Huntersville, NC 28078	<a href="mailto:dboone@huntersville.org">dboone@huntersville.org</a>	
Mark Gibbons, Commissioner 13818 Bramborough Road Huntersville, NC 28078	<a href="mailto:mgibbons@huntersville.org">mgibbons@huntersville.org</a>	
Charles Guignard, Commissioner 201 Sherwood Drive Huntersville, NC 28078	<a href="mailto:cguignard@huntersville.org">cguignard@huntersville.org</a>	
Rob Kidwell, Commissioner 7603 Rolling Meadows Lane Huntersville, NC 28078	<a href="mailto:rkidwell@huntersville.org">rkidwell@huntersville.org</a>	
Danny Phillips, Commissioner 14720 Brown Mill Road Huntersville, NC 28078	<a href="mailto:dphillips@huntersville.org">dphillips@huntersville.org</a>	
Gerry Vincent, Town Manager P.O. Box 664,	<a href="mailto:gvincent@huntersville.org">gvincent@huntersville.org</a>	

Huntersville, NC 28070		
Assistant Town Manager: vacant		
Janet Pierson, Town Clerk P.O. Box 664, Huntersville, NC 28070	<a href="mailto:jpierson@huntersville.org">jpierson@huntersville.org</a>	
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Joe Sailors 9332 Westminster Drive Huntersville, NC 28078	<a href="mailto:jwscws@bellsouth.net">jwscws@bellsouth.net</a>	
Ron Smith 15902 Gathering Oaks Huntersville, NC 28078	<a href="mailto:ronsmith@celgard.com">ronsmith@celgard.com</a>	
Stephen Swanick 203 Mt. Holly-Huntersville Rd. Huntersville, NC 28078	<a href="mailto:stephen.swanick@gmail.com">stephen.swanick@gmail.com</a>	
Susan Thomas 10215 Lasaro Way Huntersville, NC 28078	<a href="mailto:set0525@bellsouth.net">set0525@bellsouth.net</a>	
<b>Owner Name and Mailing Address</b>	<b>Property Address</b>	<b>Parcel ID Number</b>
Owner of Property Petitioned for Rezoning: Meeting Place Properties II, LLC 308 S. Kimberly Drive, Davidson, NC 28036	12340 Mt. Holly-Huntersville Rd., Huntersville, NC 28078	01720205
Saertex USA LLC 12200-A Mt. Holly-Huntersville Rd., Huntersville, NC 28078	12200-A Mt. Holly-Huntersville Rd., Huntersville, NC 28078	01720206
Waterford at the Park DE LLC 1001 East Telecom Dr., Boca Raton, FL 33431  (Waterford at the Park Luxury Apartments)	1. Reese Bv 2. 12831 Hopewell Av 3. 12832 Hopewell Av 4. 12808 Hopewell Av 5. 11920 Joleen Ct 6. 12715 Hopewell Av	01719105

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



May 31, 2017

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

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

To Whom It May Concern:

The Town has completed its review of the above referenced APF Application and deemed it to be complete, per Article 13.6.3 of the Zoning Ordinance. Based upon your request for an allocation of capital facilities for the above-referenced development proposal, consisting of 21,363 square feet of Civic building space. I am issuing a "Determination of Adequacy (DOA)" for the following public facilities:

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

Please be advised that this DOA is valid for one (1) year, or until May 31, 2018, by which date this development proposal must have achieved vesting, per Section 2.2 of the Zoning Ordinance.

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

Sincerely,

*Brian Richards*

Brian Richards  
GIS Administrator

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



# General Application

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

## 1. Application Type

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

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

- ☐ CHANGE OF USE
- ☐ COMMERCIAL SITE PLAN
- ☐ CONDITIONAL REZONING
- ☐ GENERAL REZONING
- ☐ MASTER SIGNAGE PROGRAM
- ☐ REVISION to \_\_\_\_\_ ☐
- ☐ SPECIAL USE PERMIT special use permit to be terminated upon approval of proposed conditional

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

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

rezoning as described in this application.

## 2. Project Data

Date of Application \_\_\_\_\_

Name of Project \_\_\_\_\_ Phase # (if subdivision) \_\_\_\_\_

Location \_\_\_\_\_

Parcel Identification Number(s) (PIN) \_\_\_\_\_

Current Zoning District \_\_\_\_\_ Proposed District (for rezonings only) \_\_\_\_\_

Property Size (acres) \_\_\_\_\_ Street Frontage (feet) \_\_\_\_\_

Current Land Use \_\_\_\_\_

Proposed Land Use(s) \_\_\_\_\_

Is the project within Huntersville's corporate limits?

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

## 3. Description of Request

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

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

## 4. Site Plan Submittals

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

## 5. Outside Agency Information

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

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

## 6. Signatures

\*Applicant's Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

Address of Applicant \_\_\_\_\_

Email \_\_\_\_\_

Property Owner's Signature (if different than applicant) \_\_\_\_\_

Printed Name \_\_\_\_\_

Property Owner's Address \_\_\_\_\_ Email \_\_\_\_\_

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

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

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

### If Applying for a Conditional Rezoning:

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

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

### If Applying for a Subdivision:

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

## Contact Information

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

**Town of Huntersville  
PLANNING BOARD  
9/26/2017**

**To:** Planning Board Members  
**From:** Brad Priest, Senior Planner  
**Subject:** SUP15-01 Phoenix Montessori Academy - Removal

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**Special Use Permit:** SUP15-01 is a request to remove the approved special use permit issued for the Phoenix Montessori School at 12340 Mt. Holly Huntersville Road to operate a temporary school in the Corporate Business (CB) zoning district. The purpose of the removal is to allow the permanent operation of the school at the subject location if the R17-06 rezoning application is approved.

**ACTION RECOMMENDED:**

Consider making a recommendation to the Town Board on September 26, 2017.

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

Description	Type
▢ Staff Report	Staff Report
▢ Application	Backup Material
▢ Approved Special Use Permit - SUP15-01	Exhibit
▢ Special Use Permit Site Plan	Exhibit



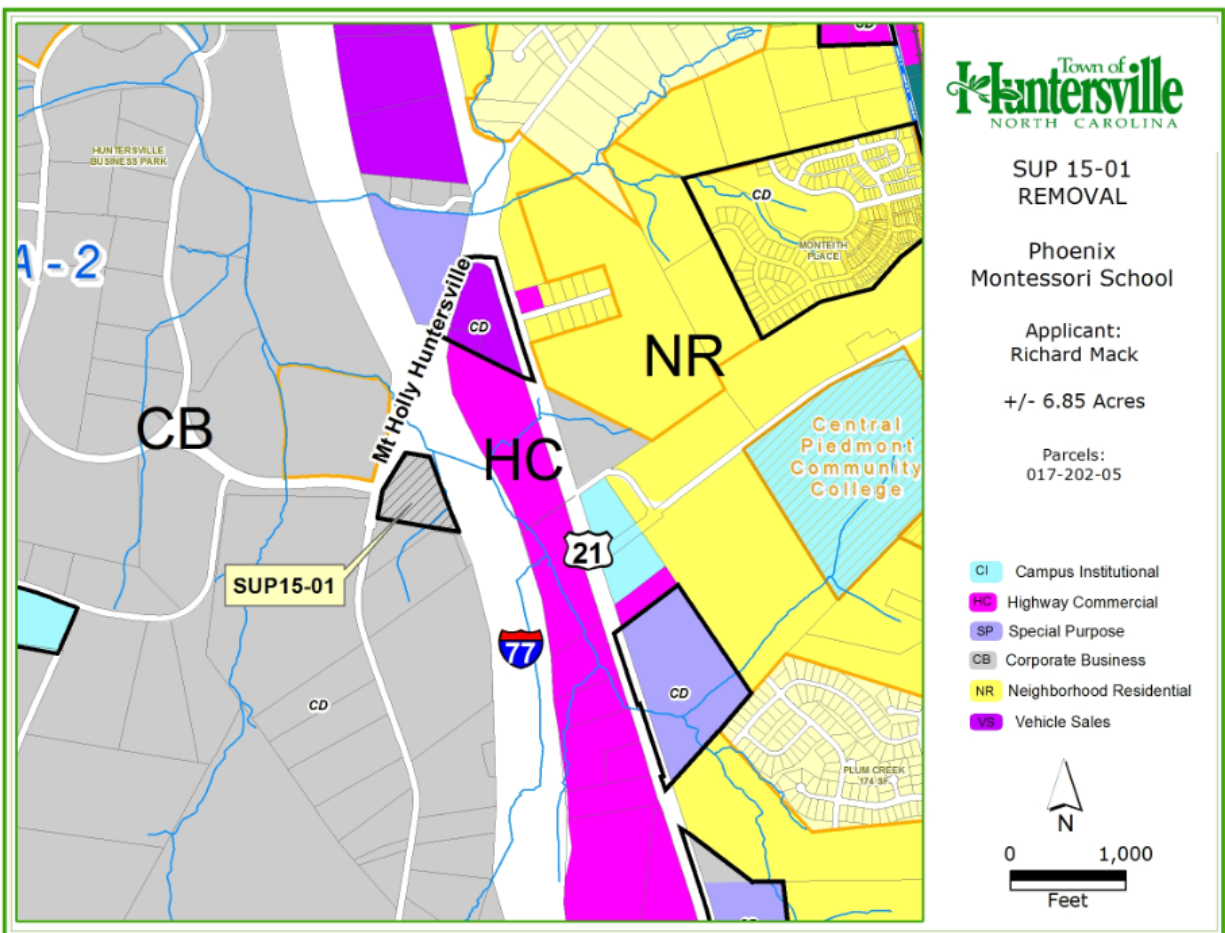
## REQUEST:

### Removal of an approved Special Use Permit – Phoenix Montessori Academy

#### PART 1: DESCRIPTION

On April 6, 2015 a Special Use Permit was issued to the property owners of 12340 Mt. Holly Huntersville Road. That permit allowed the Phoenix Montessori Academy to operate their school in a Corporate Business (CB) zoning district as a temporary use. The special use permit was issued for 3 years. In order to allow the permanent operation of the school at that location, the applicants have submitted a conditional rezoning application to rezone the property from Corporate Business (CB) to Campus Institutional (CI). If the application is successful, the Special Use Permit which limits their operation as a temporary use must be removed.

#### PART 2: LOCATION



**PART 3: PLANNING STAFF RECOMMENDATION**

Staff findings of this Special Use Permit amendment request:

- Removing the 2015 Special Use Permit would allow the school to operate permanently in their current location, dependent upon the approval of R17-06 Phoenix Montessori Academy in accordance to the conditional district rezoning plan.

Therefore, staff recommends approval of the application dependent upon the outcome of R17-06.

**PART 4: PLANNING BOARD**

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

**PART 5: TOWN BOARD HEARING**

The Town Board hearing is scheduled for October 2, 2017.

**PART 6: ATTACHEMENTS**

A: Application

B: 2015 Special Use Permit

C: 2015 Special Use Permit Site Plan



# General Application

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

## 1. Application Type

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

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- |                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <input type="checkbox"/> CHANGE OF USE<br><input type="checkbox"/> COMMERCIAL SITE PLAN<br><input type="checkbox"/> CONDITIONAL REZONING<br><input type="checkbox"/> GENERAL REZONING<br><input type="checkbox"/> MASTER SIGNAGE PROGRAM<br><input type="checkbox"/> REVISION to _____ <input type="checkbox"/><br>S SPECIAL USE PERMIT special use permit to be terminated upon approval of proposed conditional |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

- |  |                                                                                                                                                                                                                                                         |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <input type="checkbox"/> SKETCH PLAN<br><input type="checkbox"/> PRELIMINARY PLAN<br><input type="checkbox"/> FINAL PLAT(includes minor and exempt plats)<br><input type="checkbox"/> FINAL PLAT REVISION<br><input type="checkbox"/> FARMHOUSE CLUSTER |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

rezoning as described in this application.

## 2. Project Data

Date of Application \_\_\_\_\_

Name of Project \_\_\_\_\_ Phase # (if subdivision) \_\_\_\_\_

Location \_\_\_\_\_

Parcel Identification Number(s) (PIN) \_\_\_\_\_

Current Zoning District \_\_\_\_\_ Proposed District (for rezonings only) \_\_\_\_\_

Property Size (acres) \_\_\_\_\_ Street Frontage (feet) \_\_\_\_\_

Current Land Use \_\_\_\_\_

Proposed Land Use(s) \_\_\_\_\_

Is the project within Huntersville's corporate limits?

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

## 3. Description of Request

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

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

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## 6. Signatures

\*Applicant's Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

Address of Applicant \_\_\_\_\_

Email \_\_\_\_\_

Property Owner's Signature (if different than applicant) \_\_\_\_\_

Printed Name \_\_\_\_\_

Property Owner's Address \_\_\_\_\_ Email \_\_\_\_\_

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

Development Firm	Name of contact	Phone	Email
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Design Firm	Name of contact	Phone	Email
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## Special Use Permit Granted

On Monday April 6, 2015 the Huntersville Town Board held a public meeting to consider the below noted Special Use Permit:

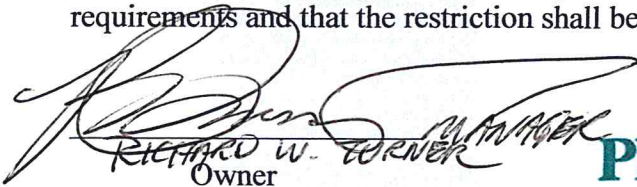
Petition SUP15-01, a request by Kalmia, LLC for a special use permit to operate a temporary school use in the Corporate Business (CB) zoning district. The proposed school and permit would be located at 12340 Mount Holly Huntersville Road (parcel number 01720205) for the Phoenix Montessori Academy.

Having heard all the evidence and argument presented at the meeting, the Board finds the application is complete, that the application complies with all of the applicable requirements of the Huntersville Zoning Ordinance for the operation proposed, and therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance, the attached Findings of Fact, and the following conditions:

1. The applicant shall complete the development strictly in accordance with the site plan and notes attached which were submitted to and approved by this Board, a copy of which is filed in the Town of Huntersville Planning Department.
2. That if the applicant chooses to develop the grass field into a permanent parking facility, they may do so per Huntersville Zoning Ordinance requirements and process without having to amend the approved special use permit.
3. The applicant has until April 6, 2016 to occupy the building or this permit becomes null and void.
4. This permit is good for a period of three (3) years from the date of building occupancy.
5. If any of the conditions or findings of fact affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, the Town of Huntersville has cause this permit to be issued in its name, and the undersigned, being all of the property owners of the property above described, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.

KALMIA LLC, owner(s) of the above identified property, do hereby acknowledge receipt of this Special Use Permit. The undersigned owners do further acknowledge that no work may be done pursuant to the permit except in accordance with all of its conditions and requirements and that the restriction shall be binding on them and their successors in interest.

  
Richard W. Turner  
Owner

**Planning**

Post Office Box 664 • 101 Huntersville-Concord Road • Huntersville, NC 28070  
phone 704.875.7000 • fax 704.875.6546 • [www.huntersville.org](http://www.huntersville.org)

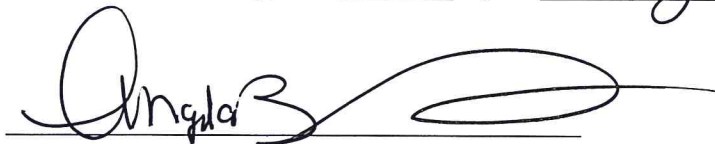
STATE OF VIRGINIA  
COUNTY OF Tazewell

I, Angela Greene, a Notary Public of the County and State aforesaid, certify  
that Richard W Turner, personally appeared before me this day and  
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this 29<sup>th</sup> day of May 2015.

(SEAL)

Notary Public



My commission expires: June 30, 2018





## APPROVED FINDINGS OF FACT

### Article 3.2.9

Schools are allowed in the Corporate Business District (CB) with the issuance of a special use permit and subject to the conditions outlined in Article 9.35.

*STAFF FINDINGS: The property owners of 12340 Mount-Holly Huntersville Road (tax parcel #01720205), Kalmia, LLC, have applied for a special use permit to operate a school at that location. The property is zoned Corporate Business (CB)*

### Article 9.35.11 (A)

Schools shall only be allowed in existing buildings and existing lots no greater than 50,000 sqft. Additions to buildings intended for school use will be limited to 10% of the existing floor area of the building.

*STAFF FINDINGS: The building in question (12340 Mount-Holly Huntersville Road) is 10,101 sqft in size and conforms to the mentioned size restraint. The special use permit plan that was submitted and is attached to the application shows no plan for building expansion. Only the existing building will be used.*

### Article 9.35.11 (B)

Schools shall be limited to a temporary use. The length of time allowed for the school to operate will be determined by the Town Board during the special use permit process; not to exceed three (3) years from the occupancy of the temporary building. If the school does not occupy the building within one (1) year of the special use permit approval, the permit will become null and void. A school may apply for another special use permit allowing an additional two (2) years in the CB district with the approval of the Town Board. At no time shall an individual school be located in the CB district at the same location for more than a total of five (5) years.

*STAFF FINDINGS: The plan attached to the application notes that the school is requesting approval for a school use for a period of 3 years, with the opportunity for a two year extension at a later time. The ordinance would allow the applicant, after their 3 year period, to apply for an optional extension with the Town Board approval.*

### Article 9.35.11 (C)

The maximum number of students shall be 300.

*STAFF FINDINGS: The special use permit states that the number of students will be limited to 97 in compliance with the ordinance restriction.*

Article 9.35.11 (D)

In a CB zoning district, the school site shall be designed, located, and accessed such that primary passenger vehicles routes avoid those that will be heavily used by truck/industrial traffic.

*STAFF FINDING: The school is located and would be accessed from Mount Holly Huntersville Road which is a major thoroughfare and a Major Arterial (Class III) as defined by the Town of Huntersville Zoning Ordinance. The property is not located interior to an office/industrial park where large concentrations of truck/industrial traffic would be.*

*Staff reviewed the school's Traffic Impact Assessment (TIA) Determination of Need Form (see attached). Due to the limited number of students and the suggested triple staggered drop off and pick up times, it was determined that the threshold for needing a TIA would not be reached as proposed*



PAVING SPECIFICATIONS  
LIGHT DUTY ASPHALT PAVEMENT (LDP)  
2" SURFACE COURSE, 1-2  
HEAVY DUTY ASPHALT PAVEMENT (HDP)  
8" COMPACTED AGGREGATE BASE COURSE  
2" SURFACE COURSE, TYPE H  
CONCRETE PAVEMENT (COMPLETED)  
3" #57 WASHED STONE BASE  
6" 3000 PSI W/ 6x6 WIRE MESH (10 GAUGE)  
CONCRETE PAVEMENT (SIDEWALK)  
4" 3000 PSI

NOTES:  
1. ALL FILL USED FOR RAISING SITE GRADE OR FOR REPLACEMENT OF MATERIAL THAT IS UNDERLAIN SHOULD BE UNIFORMITY COMPACTED IN 10% LIPS TO AT LEAST 90 PERCENT OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D 698). IN ADDITION, AT LEAST THE UPPER 18 INCHES OF SUBGRADE PAVEMENTS AND FLOOR SLABS AND 24 INCHES BELOW PAVEMENTS SUBJECT TO TRUCK TRAFFIC SHOULD BE COMPACTED TO 95 PERCENT OF THE SAME SPECIFICATION. SPECIFIC PAVEMENT OR FLOOR SLAB DESIGNS MAY REQUIRE FURTHER COMPACTOR.  
2. PAVEMENT SPECIFICATIONS ARE RECOMMENDATIONS ONLY AND ARE SUBJECT TO CHANGE BASED UPON PROJECT CONDITIONS OR RECOMMENDATIONS FROM SOLE REPORT.

UTILITIES:

POWER (704) 373-8050 DUKE POWER CO.  
500 SOUTH CHURCH ST.  
CHARLOTTE, N.C. 28202  
TELEPHONE (704) 376-6300 SOUTHERN BELL TEL. CO.  
P.O. BOX 30199  
CHARLOTTE, N.C.  
WATER & SEWER (704) 399-2551 CHAR-MEDIX UTILITY DEPT.  
5100 BELMONT BLVD.  
CHARLOTTE, N.C. 28233  
GAS (704) 525-5585 PIEDMONT NATURAL GAS CO.  
P.O. BOX 33068  
CHARLOTTE, N.C. 28233  
CABLE TELEVISION 1-800-432-4449

RECE BOULEVARD  
(75.0' PUBLIC R/W)

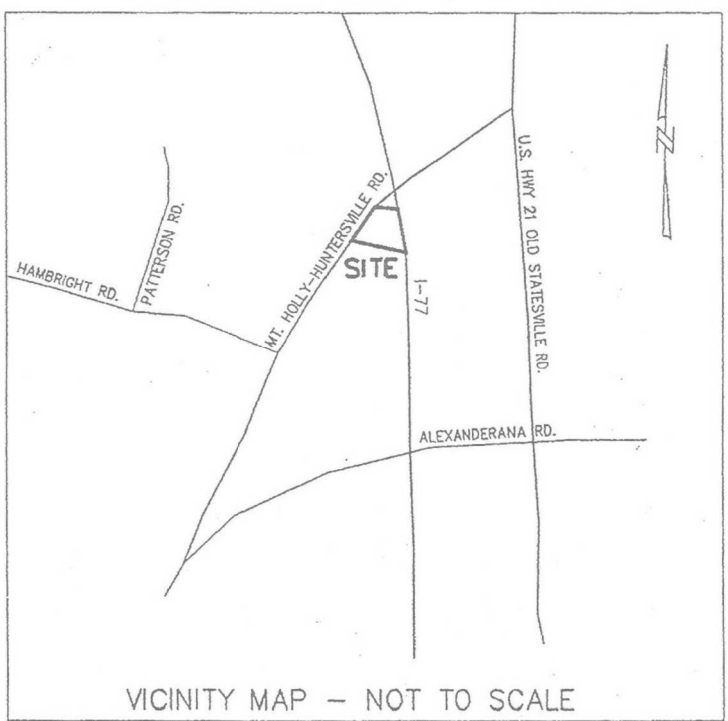
MT. HOLLY - HUNTERSVILLE ROAD  
S.R. #2004 (PUBLIC R/W VARIES)

MAXIMUM ENROLLMENT AND TRAFFIC FOR SPECIAL USE						
	Drop Off			Pick Up		
	7:15	8:15	9:15	3:00	4:00	6:00
Toddler/Primary	20	12		16		16
Elementary	10	30	25	30	25	10
Middle/High School	10				5	5
Total Students with Vehicle going in & Out	25	42	21	46	15	25
Total Students & Staff with Vehicle going in Only	15		4			
Total Students & Staff with Vehicle going Out Only				10	7	

Enrollment History	
2015	78
2014	75
2013	85
Enrollment	
Now	Max
9 Toddler	10
20 Primary	22
15 Lower Elementary	20
20 Upper Elementary	20
7 Middle School	15
8 High School	10

Approved Special Use Permit by  
Town Board of Commissioners  
4/6/15

Town of Huntersville Planning Department  
Brad Priest  
Senior Planner  
04/15/2015



VICINITY MAP - NOT TO SCALE

ZONING: CB (CAMPUS BUSINESS) JURISDICTION: HUNTERSVILLE  
PARCEL ID NO: PORTION OF 01720203  
DEED BOOK/PAGE: 7157/65  
UTILITIES: WATER: PUBLIC  
SEWER: PUBLIC  
YARD REQUIREMENTS:  
SETBACK (FRONT): 20 FT. FROM R/W  
SIDE YARD (L): 10 FT.  
REAR YARD: 20 FT.  
BUFFER YARD REQUIREMENTS:  
FRONT: 80 FT.  
REAR: 80 FT.  
SIDE: NORTH = 80 FT.  
SOUTH = N/A FT.  
REQUIRED SCREENING:  
FRONT: YES  
SIDE (L): YES  
SIDE (R): YES  
PARKING ONLY: NO/YES EXISTING VEGETATION  
TOTAL LOT SIZE: 288,319.8/8.85 SQ. FEET/ACRES NUMBER OF UNITS/SUITS: 1  
PROPOSED USE: SCHOOL BUILDING  
BUILDING HEIGHT: 32 FEET  
OFFICE FLOOR AREA: 7174 SQ. FT.  
STORAGE FLOOR AREA: 2927 SQ. FT.  
GROSS FLOOR AREA: 10,101 SQ. FT.

BUILDINGS, PARKING LOTS, AND WALKWAYS COVERAGE: 28,950 / 0.89 SQ. FT. / ACRES  
INTERIOR LANDSCAPING:

PARKING REQUIRED: (TOWN OF HUNTERSVILLE ZONING ORDINANCE ARTICLE 6):  
REQUIRED: 20 PROVIDED: 20 HANDICAP: 1  
ALL SIGNAGE WILL BE APPROVED AND PERMITTED SEPARATELY.

WATERSHED INFORMATION:  
WATERSHED CLASSIFICATION = M1 P2 (MOUNTAIN ISLAND LAKE PROTECTED AREA 2)  
WATERSHED AREA = 38,950 SQ. FT. (= 13.03)  
13.0% < 24.0% (HUNTERSVILLE MAX.) THEREFORE LOW-DENSITY OPTION  
REQUIRED WATERSHED BUFFER = 30'

NOTE: LMT REPRESENTS LARGE MATURING TREES FROM APPROVED LIST IN APPENDIX OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE FOR SCREENING AND BUFFER TREES, AND FROM THE URBAN FORESTRY APPROVED LIST FOR STREET TREES AND INTERNAL PLANTINGS REQUIRED BY THE TREE ORDINANCE. MINIMUM TREE CALIPER MEASURED 8 INCHES ABOVE GROUND ON ALL TREES ARE 2.0 INCHES AND THE MINIMUM HEIGHT SHALL BE 8 FEET. ALL MULTI-STEM PLANTS MUST BE TREE FORM (MAXIMUM 3 TO 5 TRUNKS) AND MINIMUM 2 FEET TALL.

NOTE: SHRUBS USED FOR SCREENING ARE EVERGREEN FROM THE APPROVED LIST IN APPENDIX 1 OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE.

SPECIAL USE PERMIT APPLICATION NOTES

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

- PARKING:
- WILL NOT HAVE NEED FOR ADDITIONAL FIXED PARKING SINCE 20 EXISTING SPACES IS SUFFICIENT PARKING FOR USE.
    - MAX 10 STAFF MEMBERS.
    - ENROLLMENT NOT TO EXCEED 97 STUDENTS, CURRENTLY 80.
    - PARENTAL VISITS WILL BE SCHEDULED SO NO MORE THAN 10 ADDITIONAL SPACES WILL BE NEEDED.
  - PARKING FOR SMALL SPECIAL EVENTS TO OCCUR IN EXISTING CLEARED AREA.

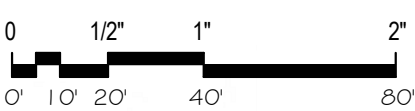
- STACKING:
- DETERMINED THAT NO TIA IS REQUIRED.
  - STAFF WILL SUPERVISE DROP-OFF AND PICK-UP.
  - START, END TIMES ARE STAGGERED - 3 IN BOTH MORNING & EVENING.
  - SIDEWALK TO BE ADDED TO ALLOW MORE VEHICLES IN DROP-OFF AND PICK-UP AREA.
  - 20 TOTAL STACK SPACES PROVIDED, DOUBLING OBSERVED STACKING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

- REGULATORY COMPLIANCE:
- WILL COMPLY WITH THE HUNTERSVILLE ZONING ORDINANCE, INCLUDING:
    - ARTICLE 6 (PARKING LOT REQUIREMENTS)
    - ARTICLE 7 (LANDSCAPING SCREENING AND BUFFERS)
    - ARTICLE 8.26 (SITE LIGHTING)
  - WILL PROVIDE SEALED COMMERCIAL SITE PLAN PRIOR TO OCCUPANCY.

- SAFETY:
- EXTERIOR CABLE RAILS AT ELEVATED WALKS WILL BE IMPROVED TO MEET CURRENT CODE STANDARDS FOR RAIL OPACITY.
  - FENCING WILL BE INCLUDED (DESIGN TBD) TO LESSEN POTENTIAL FOR FALLING AT AREAS OF SIGNIFICANT GRADE.

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

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



P.O. Box 1029  
209 Deiburg Street Suite 136  
Davidson, NC 28036  
P 704.987.9727  
F 704.987.9722  
rdmgroup@rdmgroup.net  
www.rdmgroup.net

Client/Project

Phoenix Montessori Academy

12340 MT HOLLY - HUNTERSVILLE ROAD



Consultants

Seals

Revisions		
NO	ISSUE	DATE
1	Revision 1	Date 1

Sheet Information

Date: 03.30.2015  
Job Number: 1501.01  
Drawn Author: Checked/Checker

Sheet Title

ARCHITECTURAL SITE PLAN

Sheet Number

A011

Not For Construction  
Copyright © 2015 R&M



**Town of Huntersville  
PLANNING BOARD  
9/26/2017**

**To:** Planning Board Members  
**From:** Jack Simoneau  
**Subject:** TA 17-07 Water Quality Amendment

---

**Text Amendment:** TA-17-07 request by the Town of Huntersville to amend 8.17.15 offering additional options to meet Huntersville's Water Quality Ordinance.

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

Description	Type
▣ Staff Report	Staff Report
▣ Text Amendment Application	Staff Report
▣ Proposed Ordinance	Staff Report
▣ Source Water Protection Award	Staff Report
▣ Summary Huntersville Ordinance Modifications	Staff Report

TA 17-07 Water Quality Amendment

**PART 1: DESCRIPTION**

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

**PART 2: BACKGROUND**

The purpose for additional mitigation sections to Huntersville's Water Quality Ordinance is to create additional opportunities for:

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

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

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

The Huntersville Ordinances Advisory Board (HOAB) considered the text amendment at their July 13, 2017 meeting and unanimously recommended its approval.

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

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

- Policy H-1: Development Pattern. Continue to follow existing residential development pattern as reflected in "Map of Zoning Districts," focusing higher intensity development generally within two miles of the I-77/NC-115 corridor and lower intensity development from the east and west of this corridor extending to the Town boundaries.

## TA 17-07 – Planning Board Staff Report 9-26-17

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

### PART 4: STAFF RECOMMENDATION

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

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

### PART 5: PUBLIC HEARING

The Public Hearing was held on September 5, 2017. Comments included:

- Put mitigation fee in ordinance and not in the Water Quality Design Manual to make it easier for customers to find (change made to ordinance in .15(f)(3)).
- Ordinance needs to spell-out who determines the mitigation project (change made to ordinance in .15(f)(3)-Town determines project).
- Should the term "built-upon" or "impervious" be used? Response: Use "built-upon", it is currently defined in ordinance (see bottom of attached ordinance).
- An example of how the mitigation fee would apply would be helpful (see Attachment D).

### PART 6: PLANNING BOARD RECOMMENDATION

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

### PART 7: ATTACHMENTS AND ENCLOSURES

**Attachment A: Text Amendment Application**

**Attachment B: Proposed Ordinance from Staff**

**Attachment C: Source Water Protection Award Letter and Support Material**

**Attachment D: Summary of Proposed Mitigation Sections for Addition**

**PART 8: STATEMENT OF CONSISTENCY – TA17-07**

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



## Text Amendment Application

**Incomplete submissions will not be accepted.**

### Applicant Data

Date of Application 7-3-2017  
Name Huntersville Planning Dept  
Address PO Box 664, Huntersville NC 28070  
Phone Number (home) 704-766-2211 (work) \_\_\_\_\_  
Email jsimoneau@huntersville.org

### Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee

\$400.00

### Type of Change

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

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

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 8 Section: 8.17.15  
Current Text: No provision

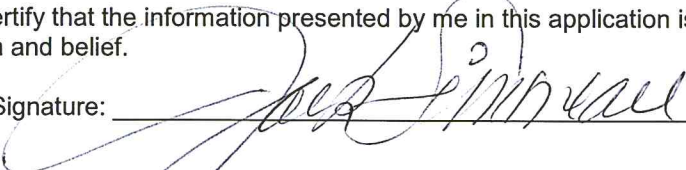
Proposed Text: see proposed ordinance

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

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

## Signatures

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

Applicant Signature:  Date: 7-3-17

## Contact Information

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

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

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

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

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

.15 LID Mitigation & Development and Redevelopment Options

- d) Lots Less Than One Acre. Development and redevelopment on a lot less than one (1) acre in size are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:
1. The lot has been described by metes and bounds in a recorded deed or shown on a recorded plat prior to July 1, 2007;
  2. Development and redevelopment on the lot are not part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules;
  3. Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance; and
  4. Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Subsection f) below.
- e) Redevelopment Projects in the Town Center Zoning District. Redevelopment projects in the Town Center Zoning District for the Town of Huntersville are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:
1. Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance;
  2. Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Subsection f) below; and
  3. If there is no net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, and there is no decrease in existing storm water controls, then there is no limit on the amount of disturbed area, or
  4. If there is a net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, or there is a decrease in existing storm water controls, then the amount of total disturbed area on the site must be less than one (1) acre.
- f) Development and Redevelopment Mitigation Criteria. One (1) of the following three (3) criteria must be fulfilled to satisfy the mitigation requirement for development and redevelopment projects described in Subsection d) and e) above:
1. Storm Water Quality Treatment requirements met on site as described in Section 8.17.12(b)(3), (4) and (5) of this ordinance with LID or Conventional BMPs allowed;
  2. Storm Water Volume and Peak Control requirements met on site as described in Section 8.17.12(b)(6) and (7) of this ordinance; or
  3. The Town is paid a mitigation fee prorated at \$60,000 per acre for all projects except single-family residential that will be prorated at \$45,000 per acre for the untreated post-project built-upon-area according to rates set forth in the Huntersville Water Quality Design Manual for the untreated post-project built-upon-area. This fee shall be used to cover the cost for installation by the Town or its designee of a mitigation project(s) capable of achieving a net mass removal of pollutants greater than or equal to the pollutant removal that would have been achieved by BMPs installed at the development site in full compliance with ordinance requirements. The mitigation project(s), as determined by the Town, must be located in the same named lake or stream watershed that is receiving storm water discharge from the development site, including Lake Norman, Mountain Island Lake, McDowell Creek, Gar Creek, Ramah Creek, and Clarke Creek. An exception can be made if the Storm Water Administrator determines there are no viable mitigation projects in that watershed.

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

Note: "built-upon-area" is defined in Article 12 and reads as follows:

Built-upon Area (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

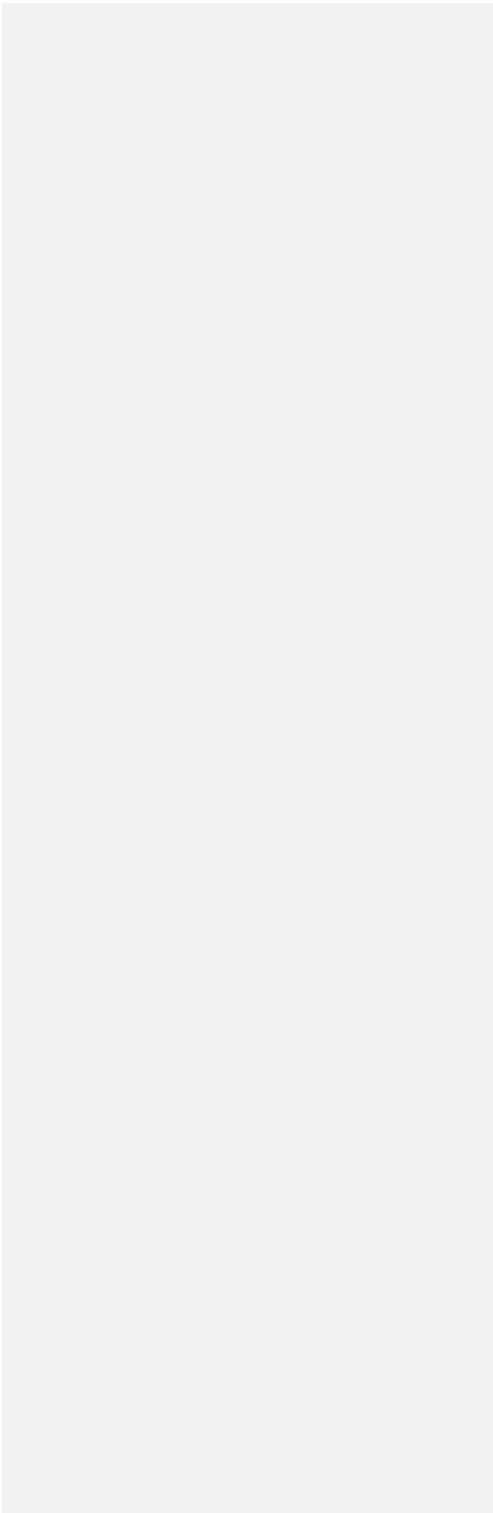
Section 2. That this ordinance shall become effective upon adoption.

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



Dear Mr. Rozzelle,

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

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

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

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

Sincerely,  
Rebecca Sadosky  
on behalf of The NC Source Water Collaborative  
[www.ncswc.org](http://www.ncswc.org)



*Rebecca Sadosky, Ph.D.*

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

Phone: (919) 707-9096  
FAX: (919) 715-4374

[Rebecca.Sadosky@ncdenr.gov](mailto:Rebecca.Sadosky@ncdenr.gov)

1634 Mail Service Center  
Raleigh, NC 27699-1634



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

## **Protection of Charlotte-Mecklenburg's Drinking Water Source**

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

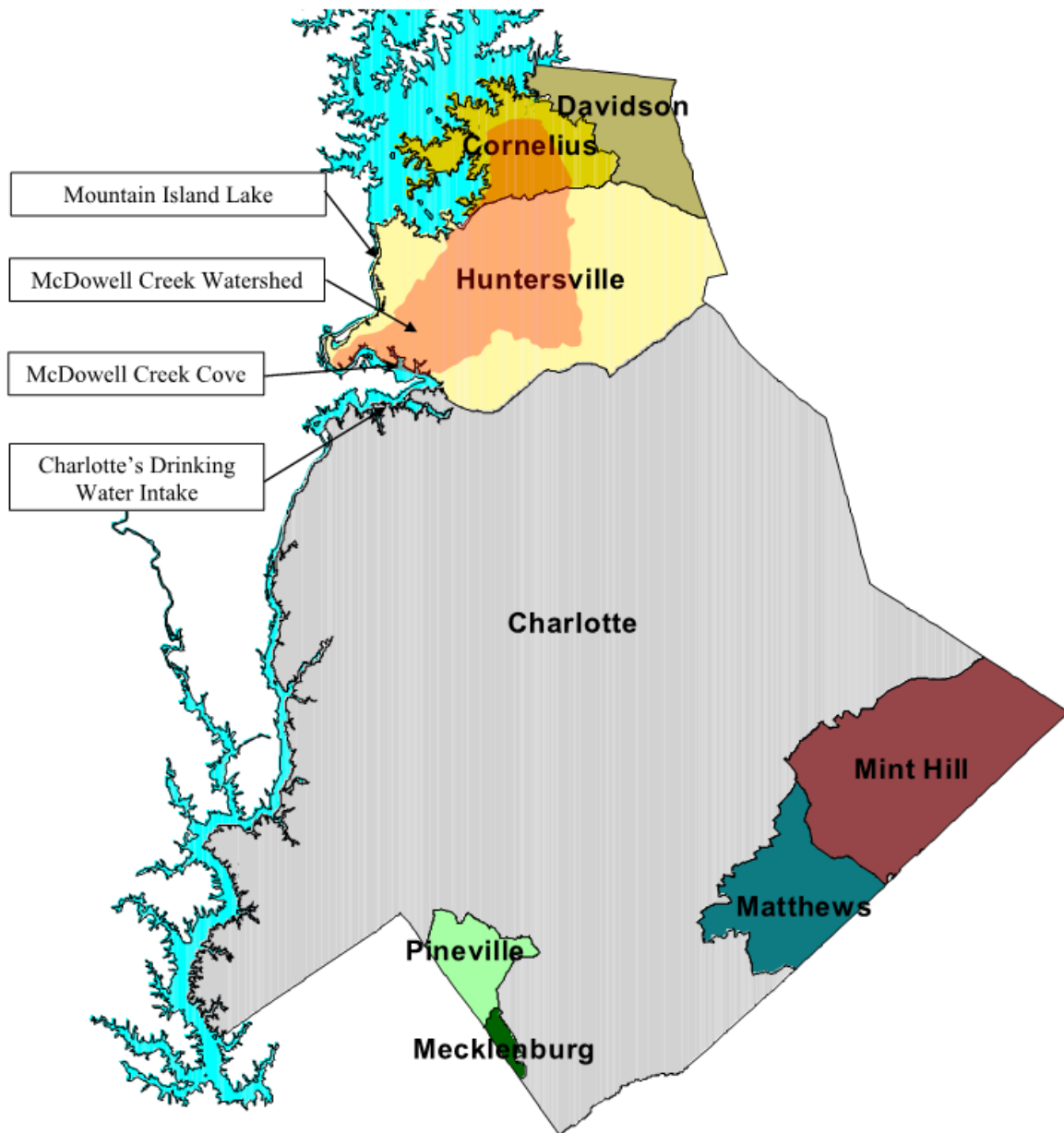
Beginning in 2001, CMSWS worked closely with the Town of Huntersville to develop LID criteria for incorporation into land development activities in the McDowell Creek Watershed. In February 2003, these efforts culminated in the adoption by the Town of an ordinance requiring the use of LID techniques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

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

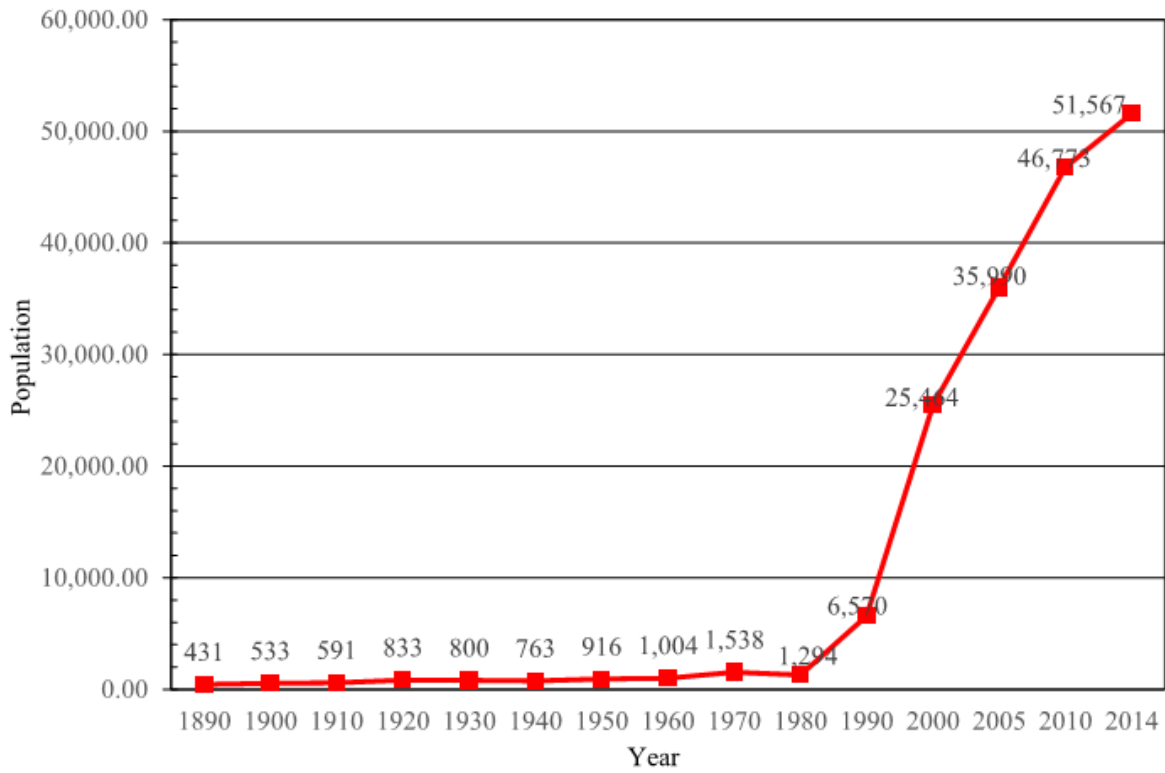
Since the LID Ordinance was adopted in 2003, CMSWS has continued to monitor water quality conditions in McDowell Creek and Cove, including performing continuous automated monitoring for the past 10 years. This automated monitoring data standardized for annual rainfall reveals a reduction in the total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

**Attachment 1**

**Map of Area in Mecklenburg County**



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

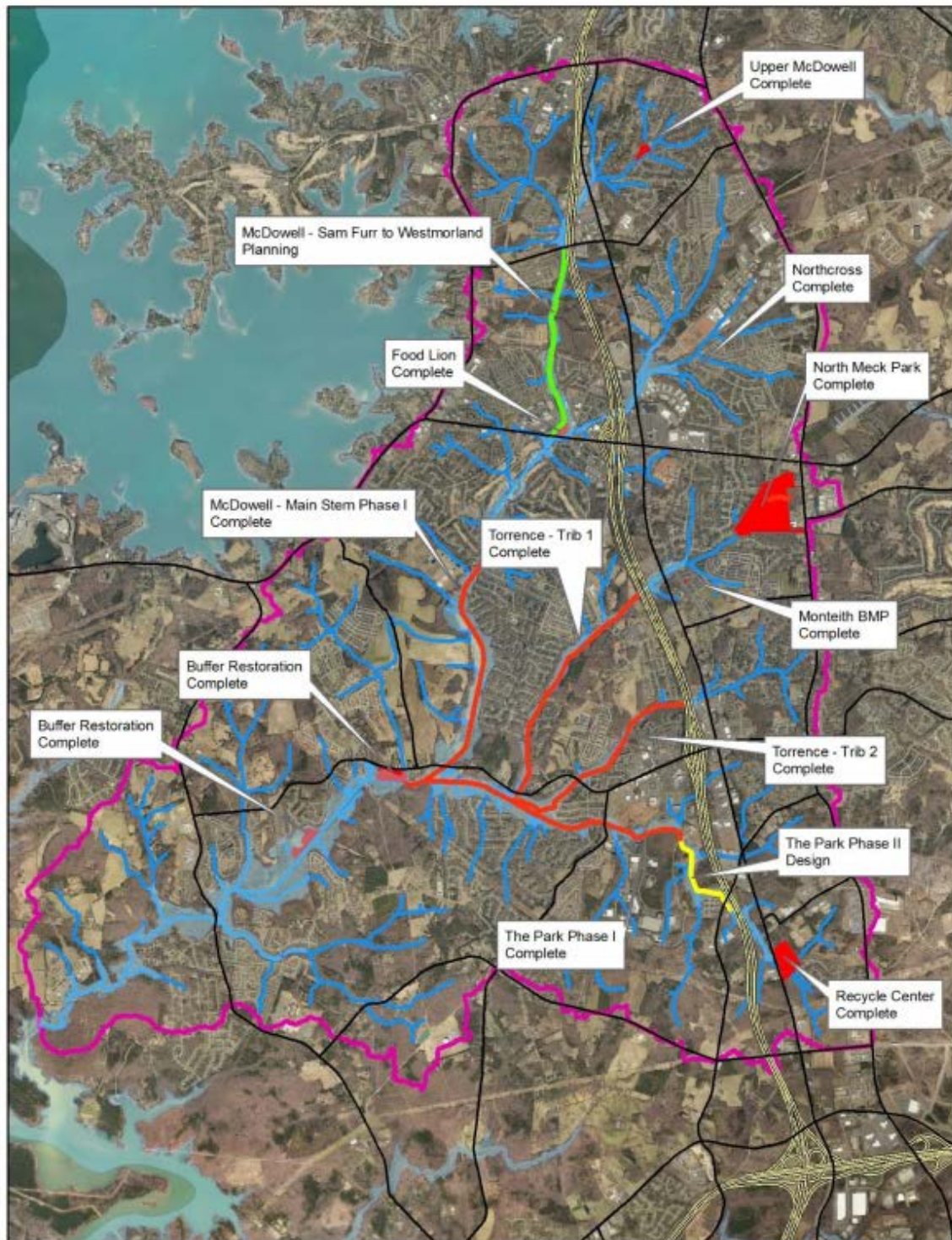


**Annual Growth Rate:**

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



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







## **Proposed Mitigation Sections for Addition to Huntersville's Water Quality Ordinance – June 2017**

### ***Purpose:***

The purpose for the addition of the following mitigation sections to Huntersville's Water Quality Ordinance is to create additional opportunities for development and redevelopment in the Town, particularly in the Town Center, without significantly diminishing the effectiveness of the ordinance at protecting water quality. The mitigation fee amount described below would not be placed in the ordinance but instead would be included in Huntersville's Water Quality Design Manual.

### ***Section 1: Development and Redevelopment Mitigation***

#### ***1.1 Lots Less Than One Acre.***

Development and redevelopment on a lot less than one (1) acre in size are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:

1. The lot has been described by metes and bounds in a recorded deed or shown on a recorded plat prior to July 1, 2007;
2. Development and redevelopment on the lot are not part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules;
3. Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance; and
4. Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Section 1.3 of this ordinance.

#### ***1.2 Redevelopment Projects in the Town Center***

Redevelopment projects in the Town Center as designated by the Planning Director for the Town of Huntersville (see Attachment 1) are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:

1. Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance;
2. Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Section 1.3 of this ordinance; and
3. If there is no net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, and there is no decrease in existing storm water controls, then there is no limit on the amount of disturbed area, or
4. If there is a net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, or there is a decrease in existing storm water controls, then the amount of total disturbed area on the site must be less than one (1) acre.

### ***1.3 Development and Redevelopment Mitigation Criteria***

One (1) of the following three (3) criteria must be fulfilled to satisfy the mitigation requirement for development and redevelopment projects described in Sections 1.1 and 1.2:

1. Storm Water Quality Treatment requirements met on site as described in Section 8.17.12(b)(3), (4) and (5) of this ordinance with LID or Conventional BMPs allowed;
2. Storm Water Volume and Peak Control requirements met on site as described in Section 8.17.12(b)(6) and (7) of this ordinance; or
3. The Town is paid a mitigation fee according to rates set forth in the Huntersville Water Quality Design Manual for the untreated post-project built-upon-area. This fee shall be used to cover the cost for installation by the Town or its designee of a mitigation project(s) capable of achieving a net mass removal of pollutants greater than or equal to the pollutant removal that would have been achieved by BMPs installed at the development site in full compliance with ordinance requirements. The mitigation project(s) must be located in the same named lake or stream watershed that is receiving storm water discharge from the development site, including Lake Norman, Mountain Island Lake, McDowell Creek, Gar Creek, Ramah Creek, and Clarke Creek. An exception can be made if the Storm Water Administrator determines there are no viable mitigation projects in that watershed. (Note: The mitigation fee will be prorated at \$60,000 per acre for all projects except single-family residential that will be prorated at \$45,000 per acre for the untreated post-project built-upon-area.)

#### Discussion:

During the June 1, 2017 meeting, a desire was expressed for a mitigation option applicable to redevelopment sites in the Town Center that result in an increase in built-upon area. The minimum State requirement is that all such development comply with post-construction ordinance requirements if they disturb an acre or more. Since the Town must satisfy minimum State requirements, the acreage limit was added to #4 in Section 1.2 above.

#### Example:

Location: 101 Huntersville-Concord Road (Huntersville Town Hall) at 0.403 acres.

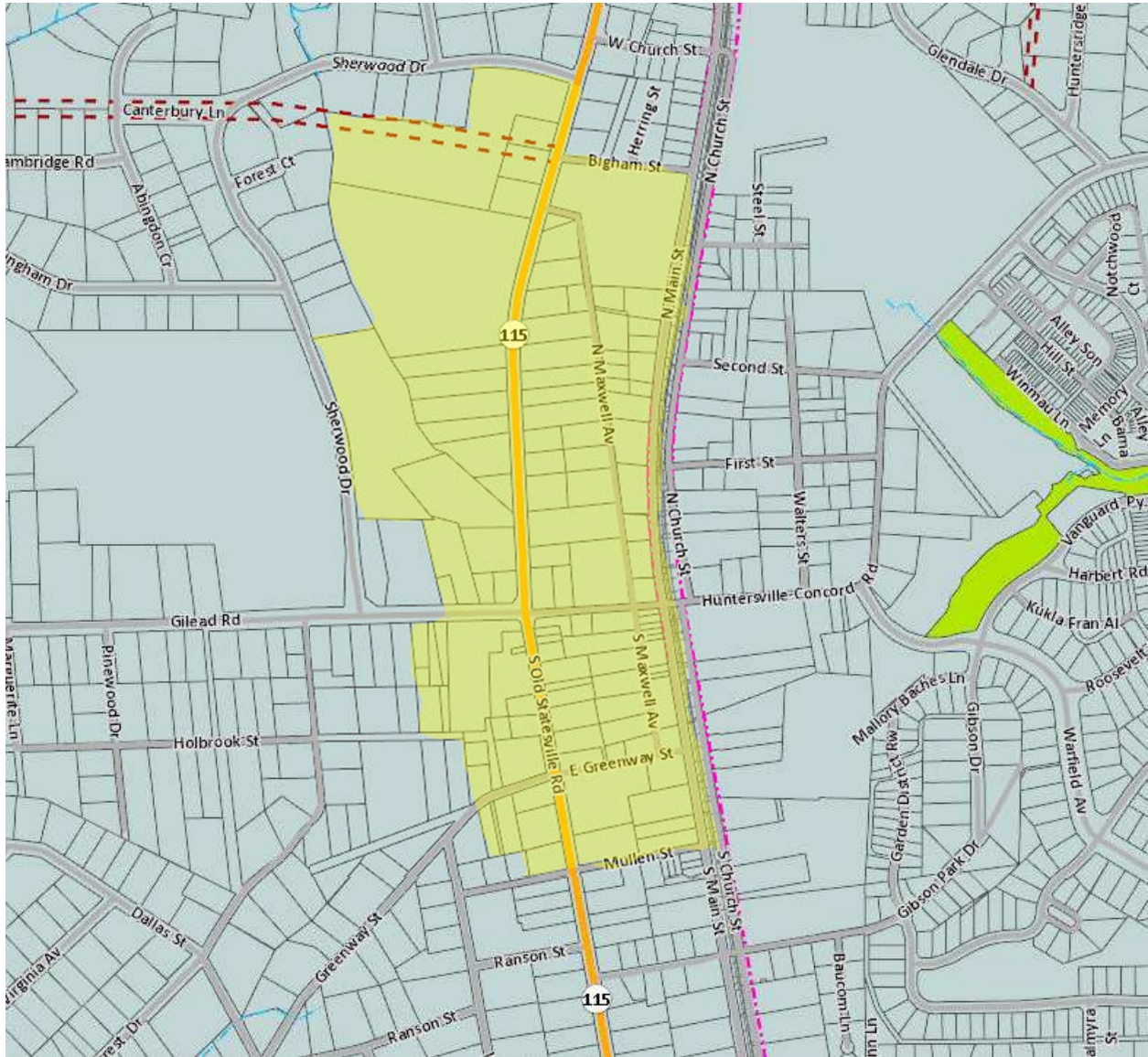
Ordinance Requirements: Sections 1.1, 1.2 and 1.3 could apply.

#### Options for Compliance:

1. Since lot is less than 1 acre, an increase in BUA would be allowed under Option 1. Since this is in the Town Center, under Option 2 lot lines could be changed and lots combined provided less than 1 acre is disturbed. The requirements in Section 1.2 must be satisfied.
2. If the site were redevelopment for a commercial use with greater than 20,000 of impervious area, then detention would be required based on Huntersville's Subdivision Ordinance as part of the approved drainage plan. By meeting this detention requirement, the mitigation criteria would be satisfied and no additional controls would be required on site and no mitigation fee would be paid.

3. If the site were redevelopment for a noncommercial use and detention were not required, then mitigation could be fulfilled by one (1) of the following three (3) options:
- Meet the Storm Water Quality Treatment requirements of the ordinance by installing a Conventional BMP;
  - Meet the Storm Water Volume and Peak Control requirements of the ordinance;  
or
  - Pay a mitigation fee to the Town. If the site were redeveloped to 80% built-upon area, the mitigation fee would be calculated as follows:  $0.8 \times 0.403 = 0.3224 \times \$60,000 = \$19,334$ .

**ATTACHMENT 1**  
**Huntersville's Town Center (TC) Zoning District (highlighted in yellow below)**  
**(±93 acres)**



**Town of Huntersville  
PLANNING BOARD  
9/26/2017**

**To:** Planning Board Members  
**From:** Jack Simoneau  
**Subject:** Update on Area Plans and Transportation Plans

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Discuss update of East Huntersville Small Area Plan, Clarke Creek Small Area Plan, NCDOT Transportation Improvement Plan, and various transportation studies.

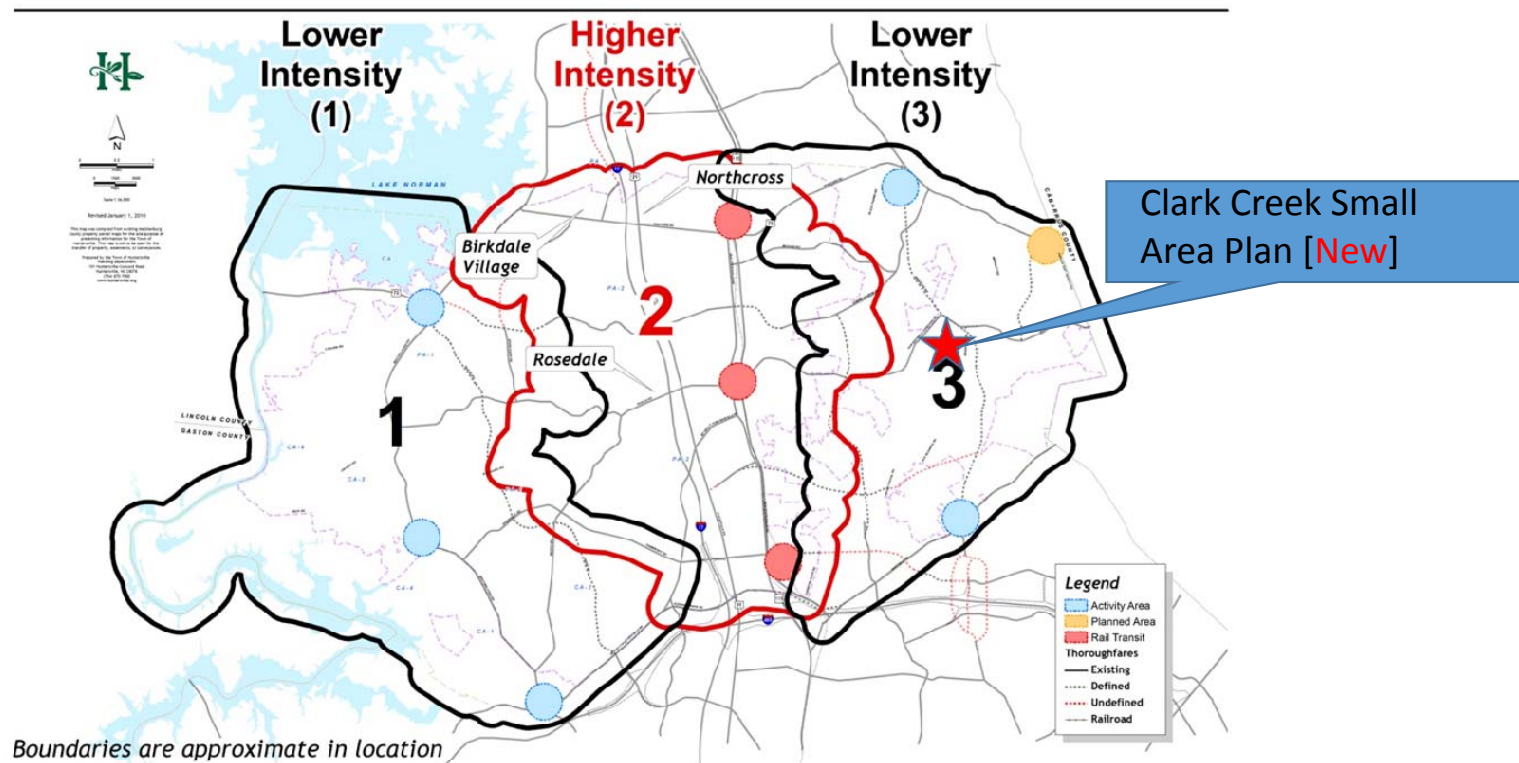
**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

	<b>Description</b>	<b>Type</b>
□	Long Range Land Use & Transportation Update	Cover Memo

# Long-Range Land Use Planning Efforts

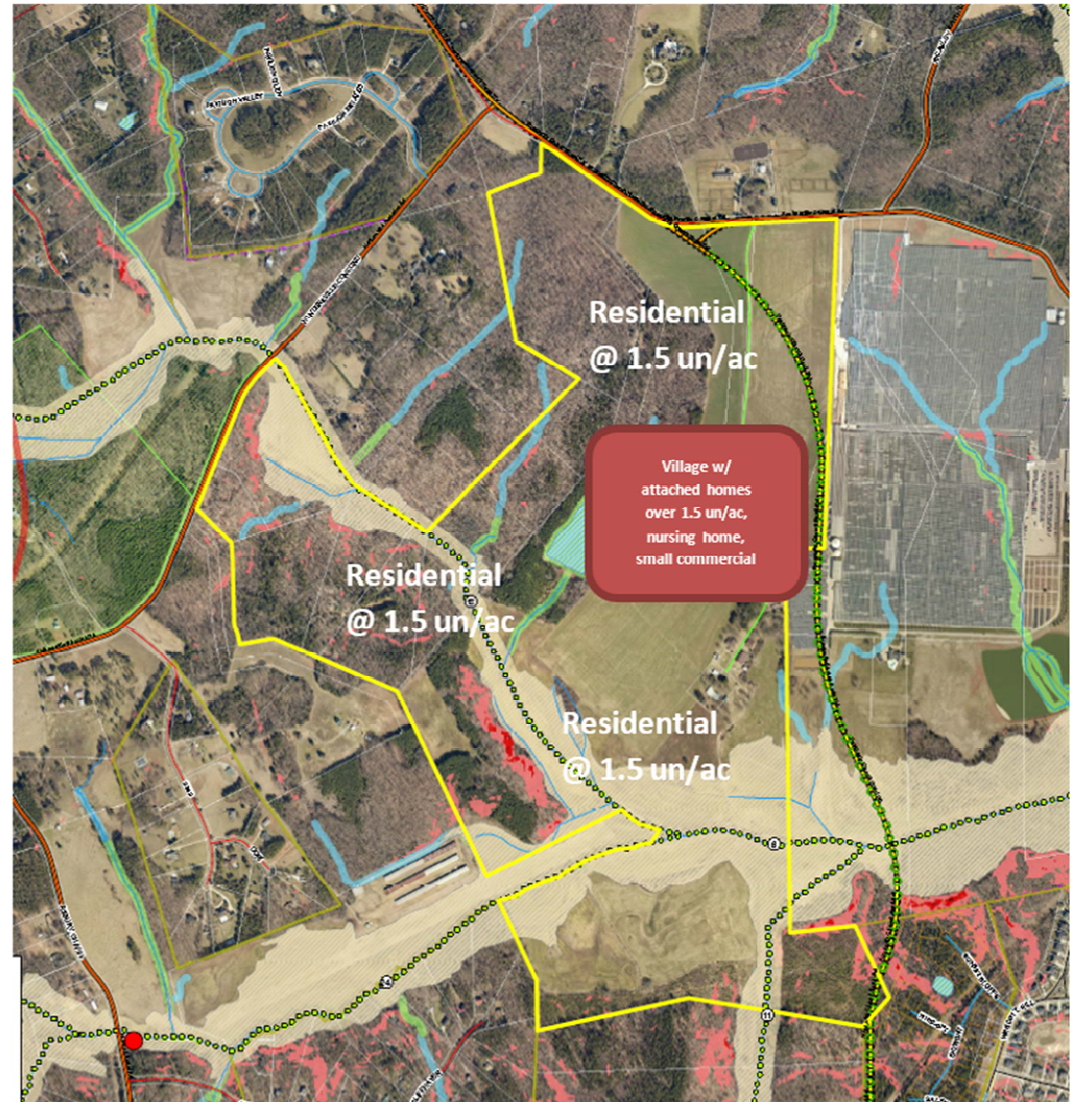
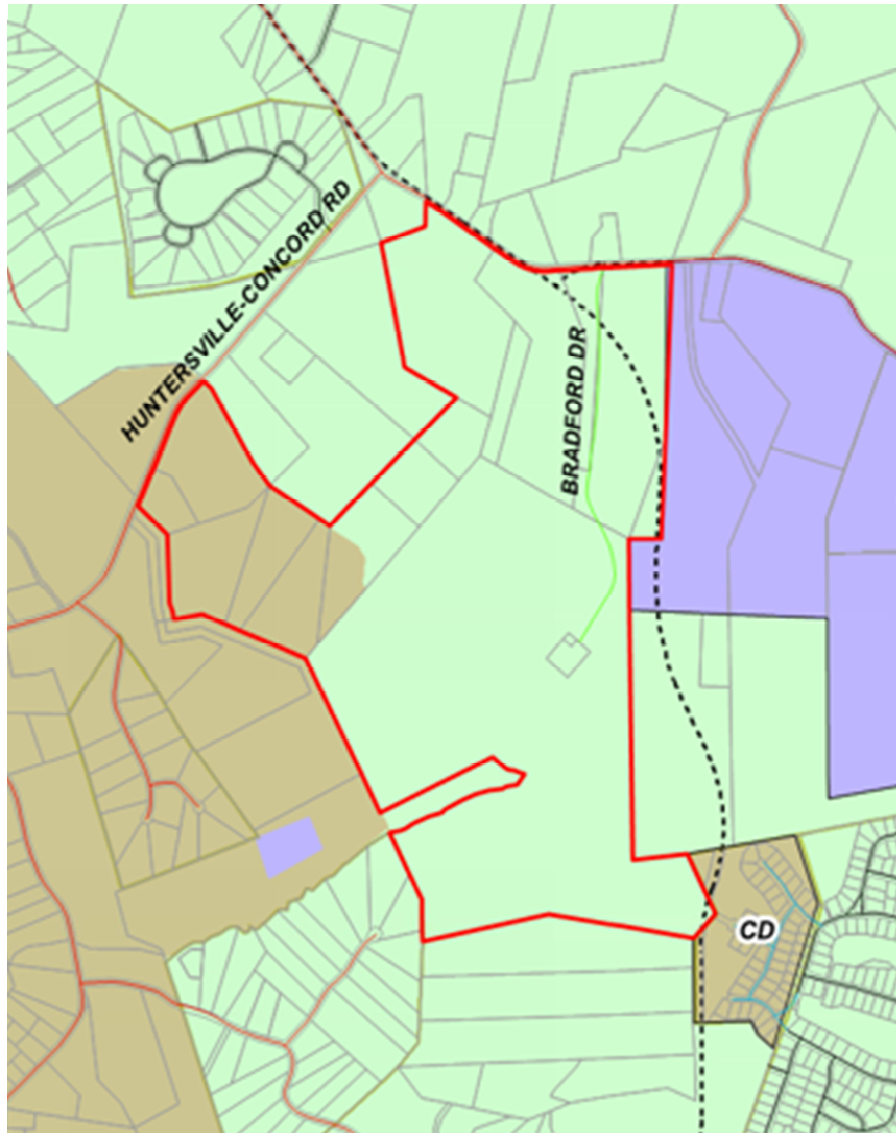


• Rezoning of future nodes. Consistent with the land development pattern outlined above, it is essential that future nodes should not be rezoned for mixed-use purposes unless:

## Huntersville 2030 Community Plan

1. A small area plan is prepared first allowing ample public input.
2. Development is truly of a mixed-use nature with commercial, residential, office and perhaps civic uses and not solely for commercial development.
3. The node is small in size with commercial serving local needs. Commercial floor area should generally not exceed 40,000 sq. ft. as there are numerous areas in close proximity to serve more regional shopping needs (i.e. 70,000 sq. ft. plus shopping areas).
4. Rezoning should not occur until the infrastructure is available to support the mixed use. It is not intended for rezoning to be speculative, but instead occur to serve an existing need.

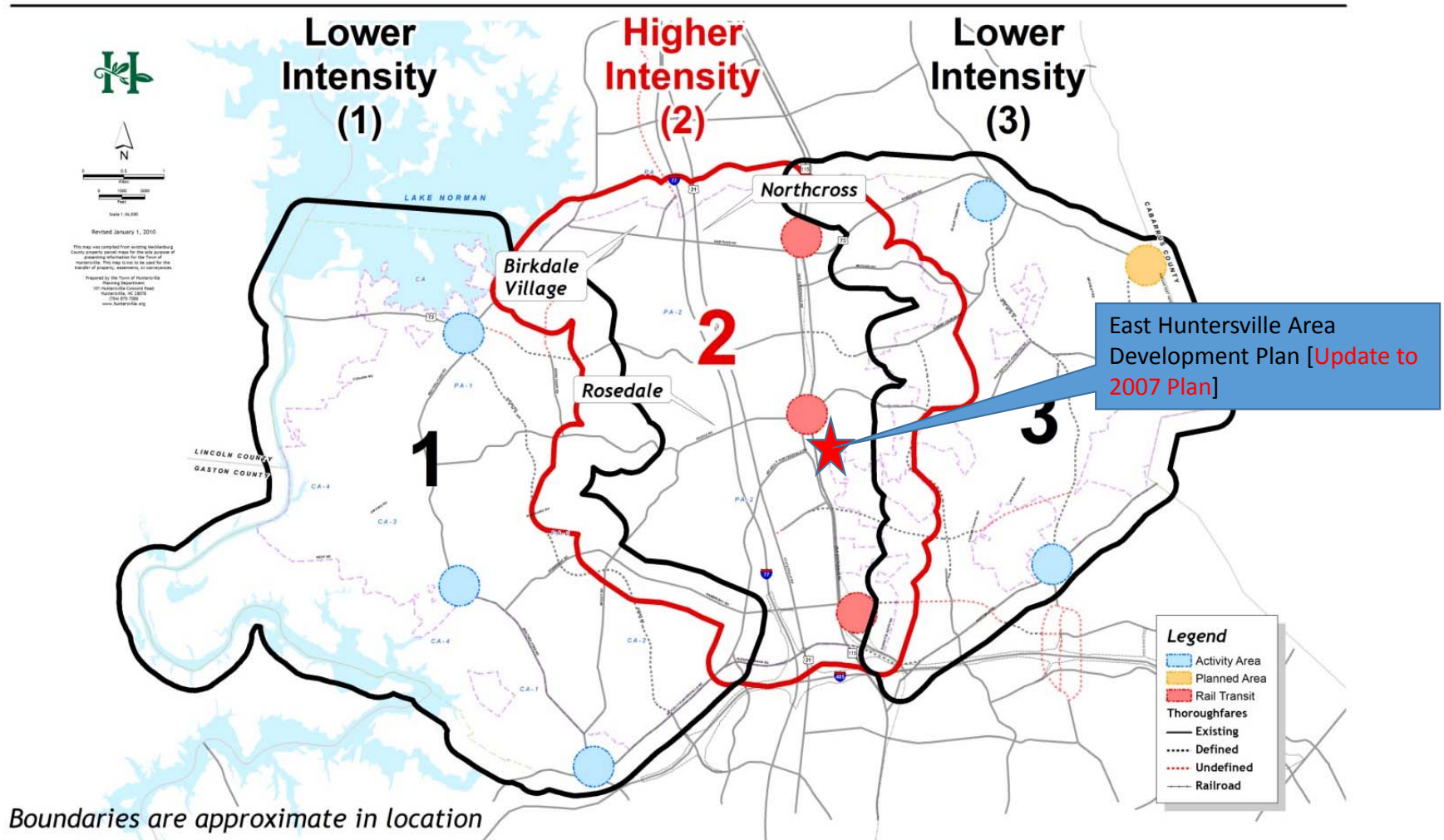






## Clark Creek Small Area Plan – Key Information

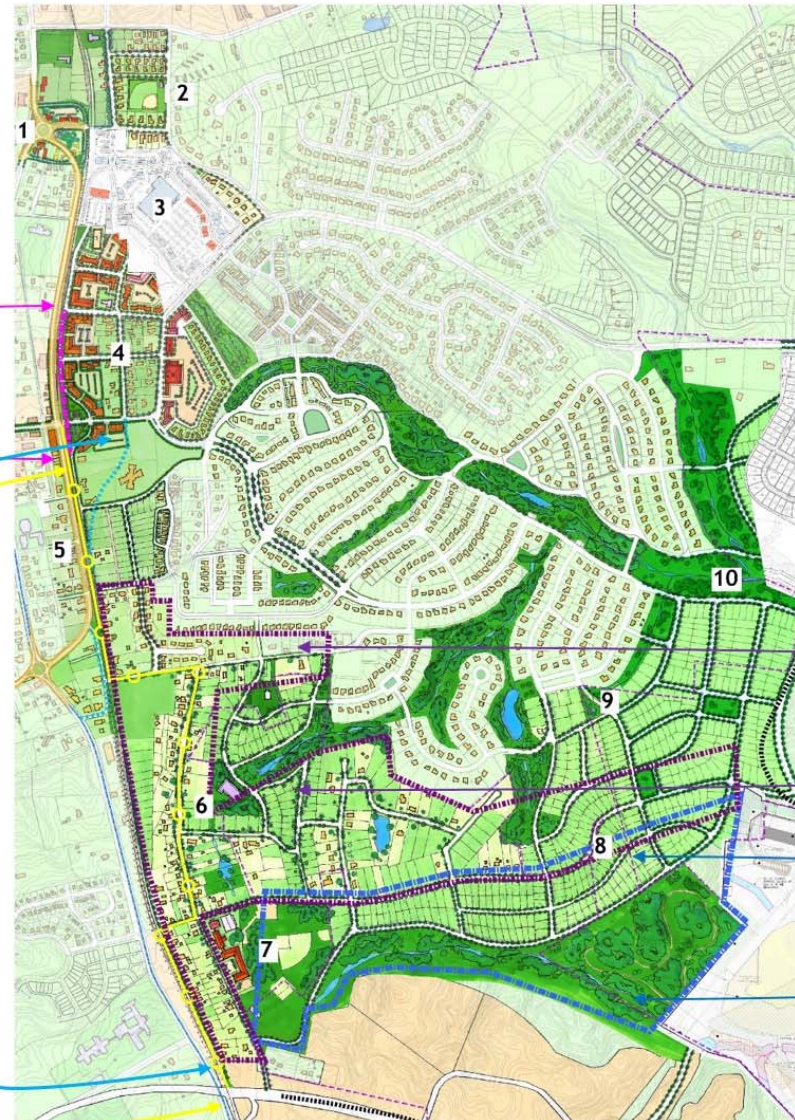
- Led by Bowman Development Group in Conjunction with Town of Huntersville
- Subject property owned by Bradford Family – 475 Acres
- Engage Community and Key Stakeholders through a 3 day “Charrette” process
  - October 17, 18 and 19 (Oct 20<sup>th</sup> if needed)
  - All Day event @ Town Center
- Planning Board (Town Board and other Key Stakeholders) Involvement
  - Specific Input time each day for Planning Board members
- Key Issues to be addressed:
  - Potential Land Use changes in the area
  - Prosperity Church Rd (North-South Pkwy) alignment
  - Creek Crossing and Bridge Design
  - Timing of infrastructure investments
- Communication to Property Owners and Interested Parties;
  - Advertisement of Study on the Lake Norman Citizen
  - Direct Mailing to Area Property owners, HoAs (0.5 miles radius) – by October 2, 2017
  - Signs posted on 4 corners of subject property



## 2007 East Huntersville Area Development Plan Recommendations

### KEY DIRECTIVES OF THE AREA DEVELOPMENT PLAN

- 1 Build the north roundabout on Old Statesville Road as a gateway public space with adjoining residential and commercial development
- 2 Improvements to Abernathy Park including infill housing
- 3 A new Transit Oriented Development on the Anchor Mill Site
- 4 Redevelopment and conservation in the Magla Mills neighborhood
- 5 Street and landscape improvements to Church Street and infill housing along the rail corridor
- 6 Street improvements and infill housing in Pottstown
- 7 Reuse of the historic Torrence-Lytle School buildings
- 8 Extend utilities to open up new neighborhood development along Holbrooks Road
- 9 New street connections to improve town-wide access in East Huntersville
- 10 New open space connections for trails and recreation



Explore the possibility of "Woonerf" (shared vehicle/pedestrian street)

Identify Church Street Alignment through the corridor and side streets connectivity

Identify alignment for Charlotte to Mooresville Rail Trail (Red Line Trail)

Assess and Identify Infrastructure Needs (sidewalks, drainage etc.)

Reevaluate land use recommendations

## **East Huntersville Area Development Plan [Update]– Key Information**

- Led by Urban Land Institute (ULI) in conjunction with Town of Huntersville & Lake Norman EDC
- East Huntersville Small Area Plan Completed in 2007, Update focuses on:
  - Infrastructure and land use recommendations to prepare the area for future growth, specifically the area north and south of Holbrooks road.
  - Church street alignment and side street connectivity between Huntersville-Concord Rd and Verhoeff Dr.
  - Identify alignment for the Charlotte to Mooresville Rail Trail (Red Line Trail).
  - Explore the possibility of “Woonerf” (shared vehicle/pedestrian street) on a section of existing Church street, north and south of Huntersville-Concord Rd
- Engage Community and Key Stakeholders through a 2-day ULI Technical Assistance Program (TAP)
  - Potential Study Date – First Week of November 2017
  - One and half day event
    - Meeting with Stakeholders and focus group meeting
    - Planning Board (Town Board and other Key Stakeholders) Involvement
- Communication to Property Owners and Interested Parties;
  - Town staff to identify key stakeholders to participate for the TAP study
  - Include Champions from the neighborhoods

# Long-Range Transportation Planning Efforts



# **Adopted NCTIP 2018-27 Town CIP 2018-22 Huntersville Area Projects**

- Existing Freeway
- Proposed Freeway
- Existing Major Thoroughfare
- Proposed Major Thoroughfare
- Existing Minor Thoroughfare
- Proposed Minor Thoroughfare
- Proposed Collector
- Local Thoroughfare

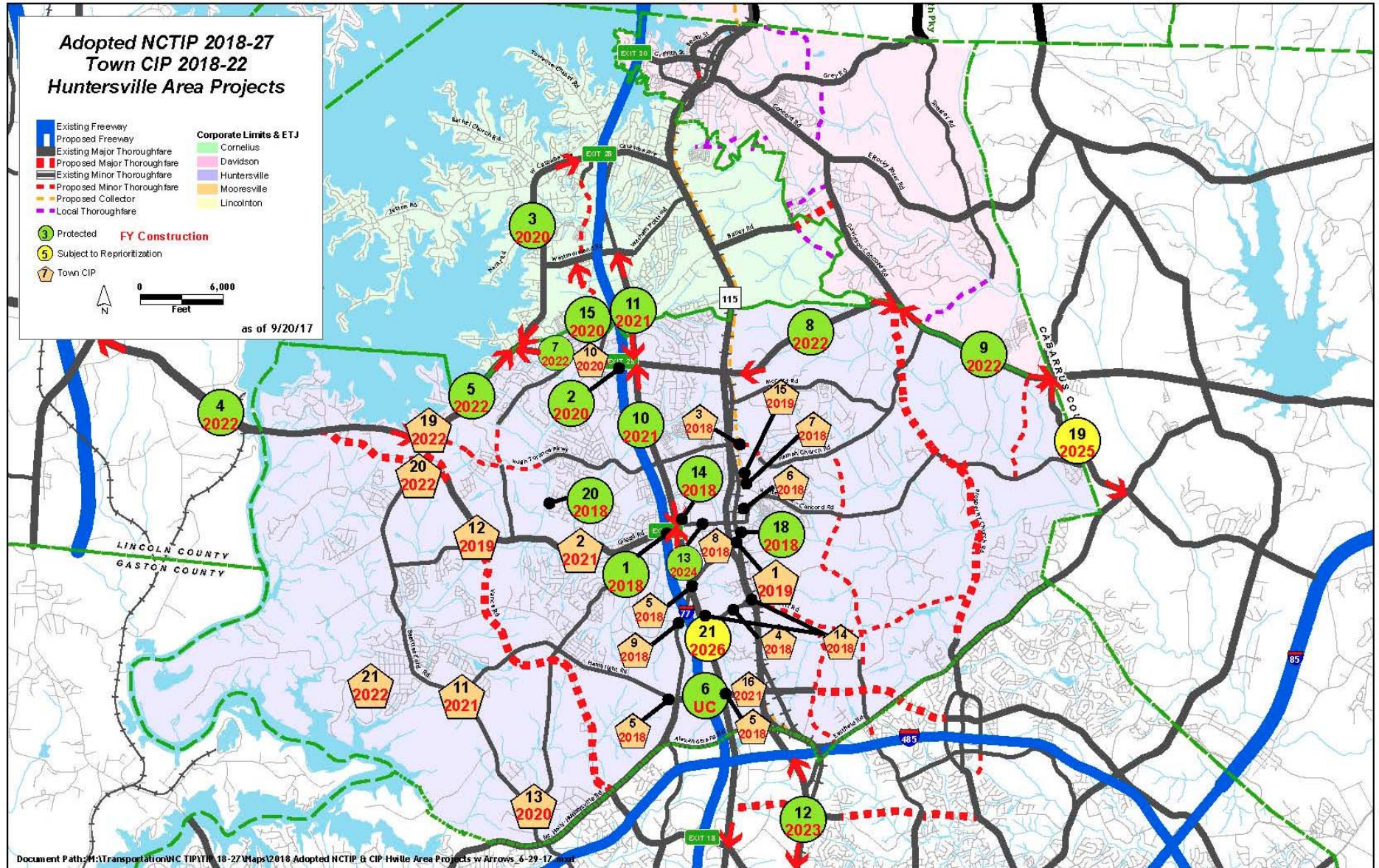
## **Corporate Limits & ETJ**

- Cornelius
- Davidson
- Huntersville
- Mooresville
- Lincolnton

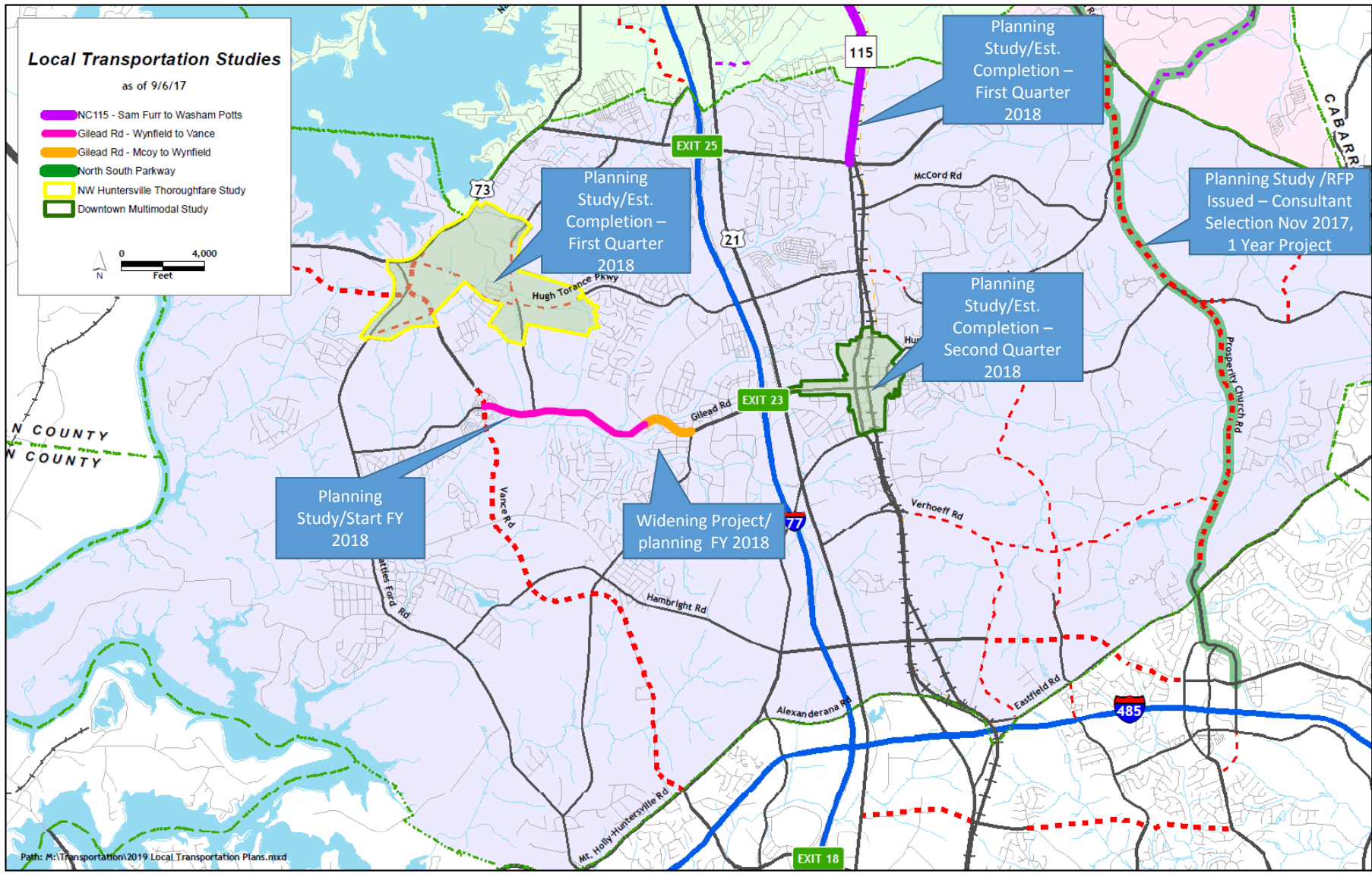
- Protected
- Subject to Reprioritization
- Town CIP

0 6,000  
Feet

as of 9/20/17









**Town of Huntersville  
PLANNING BOARD  
9/26/2017**

**To:** Planning Board Members  
**From:** Chairman Bankirer  
**Subject:** Discussion of TIA Reporting Format

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Discussion of TIA reporting format

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**