



**Planning Board  
Regular Meeting Agenda  
December 19, 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 November 21, 2017 Regular Meeting Minutes

**C. Public Comments**

**D. Action Agenda**

1. **Rezoning:** R17-10 a request by the Town of Huntersville to rezone 2.25 acres from Town Center Conditional District to Town Center on Gilead Rd. (PIN: 01711619, 01711618, 01711643, 01711617, 01711616, 01711615 (a portion of)).
2. **Rezoning Revision:** Petition R17-11, a request by Skybrook, LLC to revise the existing Oaks at Skybrook North Conditional District rezoning plan to remove a note regarding garage placement. The Oaks at Skybrook North is located along Huntersville-Concord Road and west of Poplar Tent Church Road.
3. **Rezoning Revision:** Petition R17-12, a request by Laureldale, LLC to revise the existing Villages at Skybrook North Conditional District rezoning plan to remove notes regarding garage placement and driveway access. The Villages at Skybrook North is located east of Poplar Tent Church Road (south of Hwy 73).
4. **Tree Mitigation:** Request by Southstar Holdings Huntersville, LLC to preserve less than the required amount of specimen tree save at their Bayshore Plaza Shopping Center (14126 S. Old Statesville Road) and to mitigate the shortage per Article 7.4 of the Huntersville Zoning Ordinance.

**E. Other Business**

1. Overview of the Clarke Creek Small Area Plan

**F. Adjourn**

**Town of Huntersville  
PLANNING BOARD  
12/19/2017**

**To:** Planning Board Members  
**From:** Michelle Haines  
**Subject:** Consider Approval of Minutes

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Consider approval of the November 21, 2017 Regular Meeting Minutes

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

	Description	Type
□	Draft Minutes	Backup Material



**Planning Board  
Regular Meeting Minutes  
November 21, 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 October 24, 2017 Regular meeting Minutes.

A Motion to Approve was made by Susan Thomas and seconded by Joe Sailers. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

Absent: Davis

**C. Public Comments**

Item #2: Daniel Austin, 5730 Jim Kidd Road, Huntersville, stated he is against the proposal. The Town has 194 acres that was purchased from his Grandmother, and the tower is within 400 (+/-) feet of his property line, which he has four acres and hopes his nieces will build on. Did does not know why they cannot use another area in that 194 acres instead of right beside his lot. That is his main concern. In researching the health issues, there is still inconclusive evidence to which he will now be able to do more research due to the postponement. The big thing is, the eye soar. It is right by Rural Hill and Steven's Road Nature Trail. He did not think they were using any design to hide the tower. It will be in the open without branches to disguise it. There are high elevations on the rest of the property and the tower can be pushed back to where it will not be on top of everyone. A member asked if he lived on Pruitt Kidd's old property, and Mr. Austin relied, yes. He has four tracts, and the tract in the middle he was going to live on and hopes one of his nieces will build up there. He bought Pruitt's place about two years ago.

Other Business: Jeff Burton, 15555 Huntersville-Concord Road, Huntersville, stated that he has been working with Nate Bowman, who has proposed to develop the piece of the property across the road. He is wanting to stay involved in the conversation introduced tonight. There is 750 acres of conserved land across the street, and he wants to make sure that the integrity of the Rural zoning stays in place the best it can and everybody gets what they need out of the development. We are not obstructionist. "We" represents the Catawba Lands Conservancy as well as other land owners. Just staying involved in the process and Nate has been very good to work with to this point, and its the intention to the integrity of that area continue (Rural). The intention of that zoning is very important to keep. The Conservancy is a special thing, and most people in Huntersville do not know about it. The Audubon Society does studies, and this is a beautiful piece of property. There are rattlesnakes and endangered species that live on that property, and they want to protect the property and the integrity of the zoning.

**D. Action Agenda**

1. **Sketch Plan:** Request submitted by Meritage Homes to develop 236 single family houses on 62 acres zoned Neighborhood Residential, PIN 01706206 and a portion of 01706205 and

01706201.

A Motion to Approve as the application is complete, and the request is in keeping with the spirit and intent of the Town's future land use plans; the Sketch plan is supported by staff subject to the following items: 1) the completed TIA should be excepted and sealed prior to the Town Board meeting; 2) the landscape buffer waiver; 3) the block length waiver; 4) address any minor comments; and 5) the mini-circle adjacent to NC115 on Kings Mountain Parkway to be added to the plan was made by Ron Smith and seconded by Catherine Graffy. The Motion Carried by a vote of 5 Ayes and 1 Nays. Board Members voting Ayes: Graffy, McClelland, Sailors, Smith, Thomas

Nays: Bankirer

Abstain: Miller, Swanick

Absent: Davis

Alison Adams, Senior Planner, gave an update of the Sketch Plan for the Hambright Road subdivision, and entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference. Staff addressed the concerns from the last being as follows: The ditch section on NC115, as recommended by staff, was shown. The ultimate cross section of NC115 is not known, and the applicant has met the request. The on-street parking was added on Road H. Parking on the site was described and the total is 944 spaces on private property, and on-street parking is approximately 165. The number of spaces can change (decrease) during the engineering phase. Staff supports both the buffer and block length waivers, and the mini-circle proposed by the developer. The second mini-circle location was given, which is recommended by staff and will help with traffic and safety. The Traffic Impact Analysis ("TIA") has been revised with minor issues (wording), and the following improvements are recommended: left turn into the subdivision off of Hambright Road, a left turn into the subdivision off of NC115, and a devoted right turn lane coming out of the subdivision. NCDOT will most likely require a right turn lane at the intersection of Hambright and NC115, but is not a requirement of the Town's Ordinance. The entrances from NC115 and Hambright Road were questioned and explained by staff. There is a stacking lane with 100', but no stacking lane on southbound NC115 pursuant to the TIA. The mini-circles were discussed for locations within the site. The Chairman requested staff to recap the recommendations, as he did not feel that the recommendations did not comport with the TIA. The TIA has four proposed changes, and staff suggested three; the difference being US21 and Hambright. Jack Simoneau, Planning Director, commented that the applicant can address the TIA, and no staff members from Engineering are present. The specific recommendation from the TIA for US21 and Hambright is to install an exclusive westbound right turn lane on Hambright with 125' of storage.

Nate Bowman (205 S. Church Street, Huntersville) stated that an extra intersection might have been studied, and his understanding is to have the three intersections installed, and he is not sure what NCDOT wants yet. There may be disconnect between the Town and NCDOT, but will follow the letter of the law of the Town first, and then NCDOT when they choose to interact. We, nor staff, is able to get timely responses from NCDOT on what they want. It was asked if Mr. Bowman recognized that the TIA includes the right turn lane, and Mr. Bowman replied that he is trying to follow what the Town wants first. Staff was requested to locate the three improvements recommended by the Engineering Department, to which she identified; right turn lane out of the subdivision, and a left turn in, and a left over on NC115. There will be another mini-circle on Kings Mountain Parkway. The mini-circle(s) is not part of the TIA.



The members discussed the matter with staff and the applicant. Mr. Bowman was asked about space and location for the recommended mini-circle, to which he noted was just added and his engineers have not had a chance to look at it. There will be a plan from the school that will have a connection, and this site is providing that connection. There will be interaction with the school's engineers for design of the improvements. Sidewalks will be installed, and the school pedestrian use was discussed, including school crossing guards. The neighborhood will interact with the school campuses. The curb and gutter elimination was discussed for clarification, and staff indicated that staff does not know what the ultimate cross section will be on NC115, so instead of installing the curb and gutter now with the possibility of tearing it out later, and more public dollars would be used to tear out, then to have the ditch cross section to work from. The edge of the property changing in the future was questioned, and staff responded that it could if NCDOT wants to take more right of way. Staff is looking at how it might be widened, the railroad, and all variables that cannot be determined yet. The question of when improvements on NC115 was scheduled, and staff responded there is no escrow for future curb and gutter, and that a project is not listed on the approved road improvement projects for TIP (Transportation Improvement Projects). Jack Simoneau noted the \$498,000,000+ worth of road improvements, but widening for NC115 is not listed within the next seven years. The TIP is reviewed every two years, and if a school is built in this location that may change. The members noted that since it is not on the schedule the improvements it may not happen for 20-30 years. The closest project is a Town project for a section of Hambright Road widening. Mr. Simoneau responded to a question about similar situations, and stated that staff would typically ask for a ditch section. If a project was listed staff would take an escrow for the improvement. A concern about right of way dedication was mentioned, and Mr. Simoneau responded that staff has worked with NCDOT and Town engineers to make sure there is enough right of way to accommodate it, but staff is not sure where it will go. Staff will not allow permanent buildings within the right of way so it will be available in the future. A question of the location of a retaining wall was made, and Weston Bowles with WK Dixon Engineering (616 Colonnade Drive, Charlotte) showed the location of the one retaining wall.

There were no other questions, and the Chairman called for a Motion. Discussion after the Motion was made by the members, as follows: The intersection at Hambright and US21, which is highlighted in the TIA, and the commitment to only the three improvements as recommended by staff. The Town has accepted the TIA, and NCDOT may require further improvements. The issues of the white-fly species, and commitment of the developer for the preserved area was mentioned, along with the Urban Open Space with connections to a greenway. The requirement for tree canopy is 10%, and 10% specimen tree. There are three open space areas being provided, and 3.75 units per acre being provided. Mr. Bankirer noted that he would not support the proposal due to finding the TIA deficient. The US21 intersection was not scoped by the Town, but found to be necessary, and his concern with the NC115 and Hambright intersection. The only adjustments made for 236 residents on this intersection are only being made to the entrances to the subdivision itself. Mr. Bankirer expressed his concerns, and that possibly the State would come back with additional adjustments to the major intersections surrounding the area, but yet it is not seen in the TIA. More discussion about this TIA needs to be made. It was further noted that improvements (by other developments) to some of the major intersections are not shown, to which Mr. Bankirer noted his disagreement since the TIA would take into account current and future developments; i.e. the two improvements by the Town on Hambright. Another member noted that the Planning Board continues to approve/recommend items that are not complete. Jack Simoneau noted that all information as required by code has been done, with extensive research by the developer and staff. The TIA meets the Town standards. Staff recommends approval. It was asked of Mr. Simoneau about the procedures for the sealed TIA, and

action by the Town Board. Mr. Simoneau commented that the sealed TIA has been accepted and is ready for the Town Board. Staff cannot give a time period for requirements by NCDOT. Concerns about intersections to be studied were expressed, and Mr. Simoneau responded that he would talk to Stephen Trott. Alison Adams noted that engineering looks at Hambright and NC 115 as a total build out, and there is no reason to scope it since no improvements would be needed. This are many points of ingress and egress for this subdivision to disperse traffic. Staff gave a comparison example of the Ervin Cook proposal with only one point of ingress and egress and the different impacts. There are many variables in the TIA, including walkability, and one cannot compare sites. Members expressed concerns about conclusions being made with the TIA's. Jack Simoneau noted the NC 115 widening, and not knowing when or how it will be designed (i.e. super-street). The new bridge on Hambright was mentioned, and Mr. Simoneau noted the Town's funding in 2021 for improvements on Hambright. There will be a direct Hot Lane access off of the bridge on Hambright, and that intersection will change. Mr. Bankirer noted that the TIA does account for the I-77 exit on Hambright. There was no further discussion. The Chairman called for a vote.

2. **Special Use Permit:** SUP17-04 is an application by Communication Tower Group LLC/Nexsen Pruet for a Special Use Permit at 5824 Jim Kidd Rd (Parcel # 01305102). The purpose of the permit is to allow the installation of a commercial communication tower on the property.

Continued as requested by applicant. The matter was not heard.

3. **Sign District:** S17-01 is a request by the Doug Godly to revise the Bryton Special Sign District for Frankie's Fun Park at 10621 Bryton Corporate Center Dr. Special Purpose-Conditional District (SP-CD).

A Motion to Approve as it is consistent, and reasonable to approve because it encourages and fosters the continued successful of Frankie's Fun Park, and does not create any negative impacts to the property or future properties. was made by Stephen Swanick and seconded by Catherine Graffy. The Motion Carried by a vote of 7 Ayes and 1 Nays. Board Members voting Ayes: Graffy, McClelland, Miller, Sailors, Smith, Swanick, Thomas

Nays: Bankirer

Absent: Davis

Jack Simoneau, Planning Director, presented and entered the Staff Report into the record, a copy of which is attached hereto and incorporated herein by reference. The applicant is asking for approval on three walls. The east elevation faces the road, the north faces the parking lot, and the south is over the mini-golf course. Dimensions were given for the fin design theme. Given the scale of the building, staff recommends approval. It is consistent with the Ordinance and Community Plan.

Members questioned if the fins would be lite, and staff indicated the signs will have lights, but not the fins themselves. The elevation on the north side is different. Staff noted the fin is also a design feature of the sign. Staff explained the sign ordinance and noted the maximums for walls that do not front a street there is a 32 square foot to which the applicant exceeds that amount. If a sign faces the street (east), the sign can be either 10% of the wall space or a maximum of 128 square feet. The primary signage is toward the parking lot, and not toward the street. This is unique and is a huge building (long and tall). Lighting was questioned, and Mr. Simoneau responded there is no issue with lighting. The "Frankie's" part of a sign could

have lighting, but it is not a flashing sign. Mr. Bankirer asked if the sign would be turned off when not in operation, and staff could not answer. Staff showed the elevations again, and the majority of the big sign is on the parking lot side. The south side is zoned TOD (residential and/or offices), and there is a SWIM buffer with a creek and greenway with trees and vegetation. Staff noted that the word Frankie's facing the parking lot has a wall in an area that potentially blocks the sign. There were no further questions, and the Chairman called for a Motion.

Discussion after the Motion was made. Mr. Bankirer asked if Frankie's was requested to turn off the lights on the rides after closing, and staff did not remember. The members noted the lights on the backside of the site near potential residential areas, and mentioned the Walmart lighting (24 hours). It was clarified that for a special sign district the topic was the size of the sign(s), not the lighting, to which the Chairman noted that the ordinance includes, "no disturbance to neighboring property lying outside the proposed district", and noted his concerns about the lighting. There was no other discussion.

## **E. Other Business**

### **1. Overview of the Clarke Creek Small Area Plan 3-day Charrette.**

Alison Adams, Senior Planner, gave an overview of the Clarke Creek Small Area Plan (SAP), the zoning and a node that is being proposed. Staff noted the charrette boundary, including a proposed thoroughfare alignment. Jack Simoneau, Planning Director noted the zoning (Rural-R; and Transitional-TR) that the developer will keep the TR density, with some possible commercial. Alison Adams added that the 1.5 units per acre is TR with 40% open space. There is a village feel with attached housing/nursing home/small commercial to support that neighborhood (the node proposed). Nate Bowman spoke about the three day charrette, transportation, and expressed concerns about building a thoroughfare, and creek crossings. This matter will be back before the Planning Board for another information meeting on December 19th, and a joint public hearing on January 16, 2018, and will be back to the Planning on January 23rd for a recommendation. Staff noted that adjoining property owner letters will be mailed as required, and informational letters with a tentative schedule.

### **2. Approve 2018 Schedule**

A Motion to Approve was made by Susan Thomas and seconded by Joe Sailers. The Motion Carried by a vote of 8 Ayes and 0 Nays. Board Members voting Ayes: Bankirer, Graffy, McClelland, Miller, Sailers, Smith, Swanick, Thomas

Absent: Davis

## **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  
12/19/2017**

**To:** Planning Board Members  
**From:** Brian Richards  
**Subject:** R17-10 Town of Huntersville - Town Center

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**Rezoning:** R17-10 a request by the Town of Huntersville to rezone 2.25 acres from Town Center Conditional District to Town Center on Gilead Rd. (PIN: 01711619, 01711618, 01711643, 01711617, 01711616, 01711615 (a portion of)).

**ACTION RECOMMENDED:**

Conduct a Public Hearing

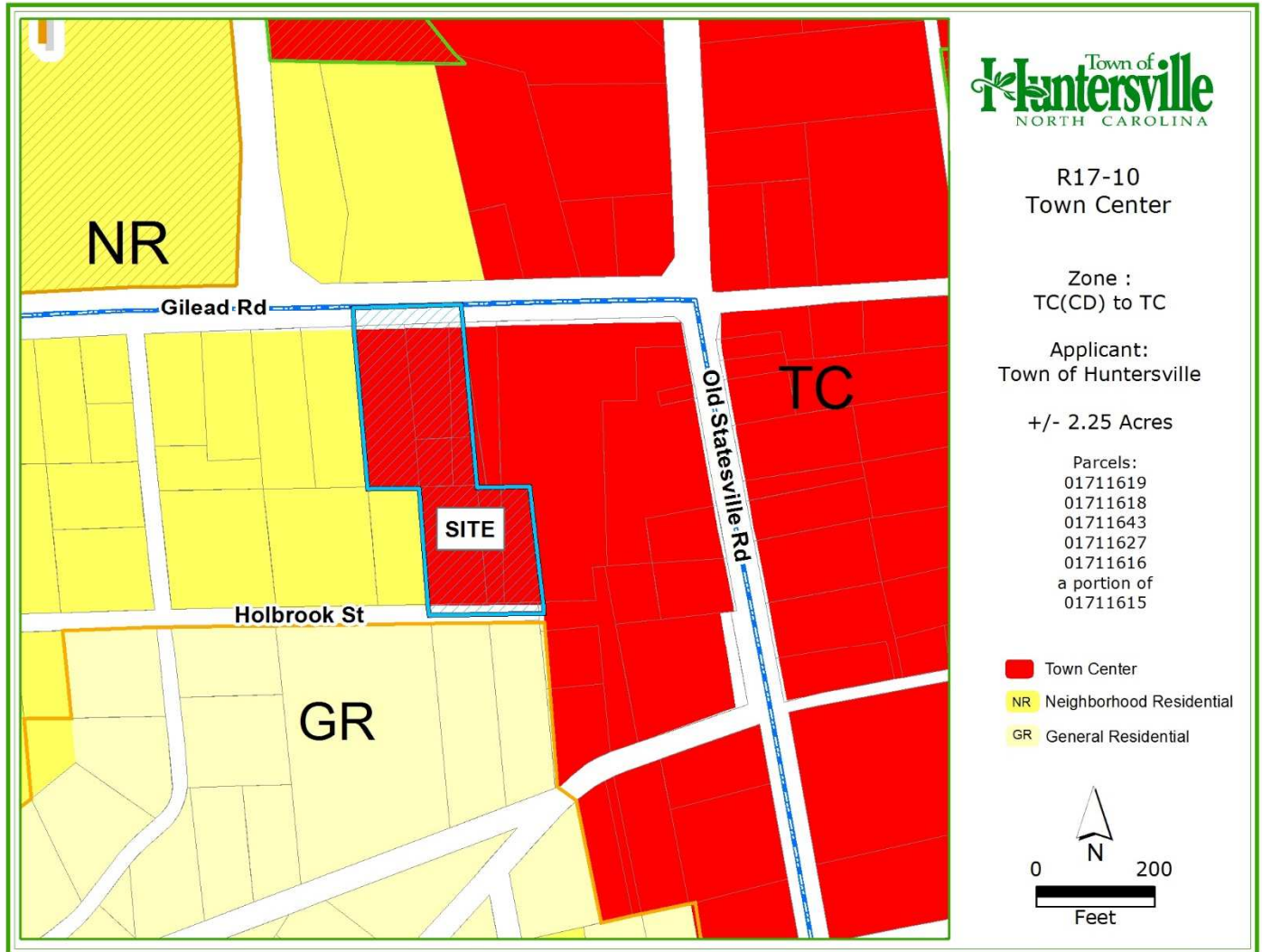
**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

Description	Type
☐ R17-10 PB Staff Report	Staff Report
☐ A - Application	Exhibit
☐ B - TC Zoning District	Exhibit
☐ C - R17-10 Site Plan	Exhibit
☐ D R08-05 & R09-02	Exhibit

## Petition R17-10 Town Center

### PART 1: SUMMARY



1. On June 16, 2008 the Board of Commissioners approved a request by HTCP Development One, LLC. to rezone 2.25 Acres from Neighborhood Residential to Town Center Conditional District (R08-05) with the requirement that the rezoning plan be amended and approved by the Town Board before any development would occur.
2. The R08-05 Rezoning plan excluded the following uses:  
“The following uses shall be prohibited on the properties to be rezoned:
  1. nightclubs, music clubs, bars and similar entertainment facilities, further provided that such prohibition of bars shall not apply to restaurants with a bar located therein;
  2. automobile service and repair uses;
  3. automobile and/or motorcycle sales;
  4. cemeteries;
  5. neighborhood gasoline stations, including major service and repair of motor vehicles;
  6. drive through windows, including those associated with restaurants.”
3. In 2009 the plan was amended (R09-02) to allow for a portion of the Town Center parking deck.

4. Adjoining Zoning and Land Uses.  
North: *Neighborhood Residential (NR)*: Single Family Home  
South: *General Residential (GR)*: Vacant  
East: *Town Center (TC)*: Huntersville Town Center Building  
West: *Neighborhood Residential (NR)*: Single Family Home
5. Notice for this rezoning petition was sent to adjoin property owners (via letters), a legal ad placed in the Charlotte Observer and posted rezoning signs on the property in one location.

## PART 2: TRANSPORTATION ISSUES

None

## PART 3: REZONING CRITERIA

**Current Zoning:** Town Center Conditional District (TC-CD) allows for the uses allowed in the Town Center district except:

“The following uses shall be prohibited on the properties to be rezoned:

1. nightclubs, music clubs, bars and similar entertainment facilities, further provided that such prohibition of bars shall not apply to restaurants with a bar located therein;
2. automobile service and repair uses;
3. automobile and/or motorcycle sales;
4. cemeteries;
5. neighborhood gasoline stations, including major service and repair of motor vehicles;
6. drive through windows, including those associated with restaurants.”

**Proposed Zoning:** Town Center to allow for all uses in the district. Subsequent subdivision plans will need to go through the standard development processes.

### Future Land Use:

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

STAFF COMMENT – The request to rezone the property from TC (CD) to TC is consistent with the following policies of the **2030 Huntersville Community Plan**:

- **Downtown Development Policy & Action Item: DT-1 Downtown Development.**

Staff comment: The subject parcel is zoned Town Center Conditional District (TC-CD) and is located within the Down Town Area. Removing the Conditional District will encourage development by not requiring potential projects to go through the rezoning process. Therefore the request is consistent with the future land use plan.

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

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

STAFF COMMENT:

The existing land is vacant except for a portion of the Town Center Parking Deck and is zoned Town Center Conditional District. The proposed zoning of Town Center is consistent with adopted area plans and development

surrounding the property (Commercial, Office, and Single Family Homes); therefore the request to rezone the property is consistent with the existing development of adjacent parcels.

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

STAFF COMMENT:

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

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

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

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

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

#### **PART 4: STAFF RECOMMENDATION**

The request to rezone the parcels from Town Center Conditional District to Town Center is consistent with the 2030 Community Plan and the surrounding development; therefore staff recommends approval.

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

Public Hearing was held on December 4, 2017.

#### **PART 6: PLANNING BOARD RECOMMENDATION**

Scheduled for December 19, 2017

#### **PART 7: ATTACHMENTS/ENCLOSURES**

##### Attachments

- A – Rezoning Application
- B – Town Center Zoning Districts
- C - Site Plan
- D – R08-05 & R09-02



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

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R17-10, the Planning staff recommends approval as it is consistent with Downtown Development Policy D-1 of the 2030 Community Plan. The property is also located within the high intensity development area and the proposed density would be consistent with surrounding developments (see Part 3).</p> <p>With those provision, it is reasonable and in the public interest to approve the General Rezoning Plan because the request is consistent with the 2030 Community Plan and is in keeping with the surrounding development.</p>	<p>APPROVAL: In considering the proposed rezoning application R17-10, the Planning Board recommends approval based on the Plan being consistent with <b><u>(insert applicable plan reference)</u></b>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>	<p>APPROVAL: In considering the proposed rezoning application R17-10, the Town Board recommends approval based on the Plan being consistent with <b><u>(insert applicable plan reference)</u></b>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>
	<p>DENIAL: In considering the proposed rezoning application R17-10, the Town Board recommends denial based on the Plan being <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>	<p>DENIAL: In considering the proposed rezoning application R17-10, the Town Board recommends denial based on the Plan being <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></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>**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li><input type="checkbox"/> CHANGE OF USE</li><li><input type="checkbox"/> COMMERCIAL SITE PLAN</li><li><input type="checkbox"/> CONDITIONAL REZONING</li><li><input checked="" type="checkbox"/> GENERAL REZONING</li><li><input type="checkbox"/> MASTER SIGNAGE PROGRAM</li><li><input type="checkbox"/> REVISION to _____</li><li><input type="checkbox"/> SPECIAL USE PERMIT</li></ul> | <p>SUBDIVISION CATEGORIES: <i>Per the Huntersville Subdivision Ordinance</i></p> <ul style="list-style-type: none"><li><input type="checkbox"/> SKETCH PLAN</li><li><input type="checkbox"/> PRELIMINARY PLAN</li><li><input type="checkbox"/> FINAL PLAT (includes minor and exempt plats)</li><li><input type="checkbox"/> FINAL PLAT REVISION</li><li><input type="checkbox"/> FARMHOUSE CLUSTER</li></ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



## 2. Project Data

Date of Application 10/1/2017

Name of Project Town Center - General Rezoning Phase # (if subdivision) \_\_\_\_\_

Location South Side of Gilead Road; West of the Town Center Building (Town Offices & Discovery Place Kids)

Parcel Identification Number(s) (PIN) 01711619, 01711618, 01711643, 01711617, 01711627, 01711616, 01711615 (a portion of)

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

Property Size (acres) +/- 2.25 ac Street Frontage (feet) 185'

Current Land Use Vacant

Proposed Land Use(s) No use proposed

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

## 3. Description of Request

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

*This rezoning is to remove the existing Conditional District (CD) Overlay.*

## 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 Gerry Vincent

Address of Applicant PO Box 664, Huntersville, NC 28070

Email brichards@huntersville.org, 704-766-2218

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

Printed Name Gerry Vincent, Town of Huntersville

Property Owner's Address PO Box 664, Huntersville, NC 28070 Email \_\_\_\_\_

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

N/A

Development Firm	Name of contact	Phone	Email
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N/A

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

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

### 3.2.6 TOWN CENTER DISTRICT (TC)

**Intent:** The Town Center District provides for revitalization, reuse, and infill development in Huntersville's traditional town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Town Center anchors the surrounding residential neighborhoods while also serving the broader community. The district is coded to accommodate the higher overall intensity of development required to support a rail transit station. It is to be expected that the Town Center District will be expanded over time through the zoning change process to an approximate ½ mile radius to meet growth in demand for downtown facilities and services.

*Place: "a piece of the whole environment that has been claimed by feelings"*

*Alan Gussow*

*Placeways: A Theory of the Human Environment (209)*

*"...begin with the place, with a sense of what it is, and then try to imagine a way of being public which would fit the place."*

*Daniel Kemmis*

*Community and the Politics of Place (41)*

#### a) Permitted Uses

##### Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the "civic" building type
- family care home
- government buildings
- hotels
- indoor amusement
- multi-family homes
- nightclubs, music clubs, bars, and similar entertainment facilities
- single family homes

##### Uses permitted with conditions

- automobile and/or motorcycle sales, automobile service and repair, up to 2 acres in size, with a principal building of at least 8,000 square feet, all damaged vehicles and auto parts to be screened opaque (9.25)
- cemeteries, (9.7)
- religious institutions, (9.8)
- essential services 1 and 2, (9.14)
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)

- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

##### Uses permitted with Special Use Permit

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

**b) Permitted Building and Lot Types**

- apartment
- attached house
- civic
- detached house
- mixed use<sup>4</sup> up to 50,000 SF of first floor area; larger buildings may be permitted with a special use permit
- storefront up to 50,000 SF of first floor area; larger buildings may be permitted with a special use permit
- workplace up to 50,000 SF of first floor area; larger buildings may be permitted with a special use permit

**c) Permitted Accessory Uses**

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>5</sup>
- accessory uses permitted in all districts, (8.11)

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<sup>4</sup> The mixed use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

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<sup>5</sup> items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

**d) General Requirements**

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  - Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in GS 160A-381(h) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
- 4) Notwithstanding the limitations of 3), above, in any portion of a major subdivision located within ¼ mile of a designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville.
- 5) New construction favors retail on first floor, office and/or residential on upper floors.
- 6) Every building lot shall have frontage upon a public street or urban open space.
- 7) Minimum Height. Mixed Use, Storefront and Workplace Buildings. New construction shall be a minimum of two stories for buildings fronting on the following roads:
  - Gilead Road- From Sherwood Drive to Old Statesville Road (NC 115)
  - Huntersville-Concord Road- From Old Statesville Road (NC 115) to Main Street
  - Old Statesville Road (NC 115) - From 400 feet north of the intersection of Gilead Road/Huntersville-Concord Road to Greenway Drive
  - Main Street- From Huntersville-Concord Road to Greenway Drive
- 8) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.



# R17-10 Town Center Site Plan

Remove conditions from R08-05. Future Development will be subject to all Town Zoning and Subdivision Ordinances.

SHERWOOD

GILEAD

OLD STATESVILLE

GREENWAY





Conditions Applicable to Rezoning Request by HTCP Development One, LLC  
Rezoning Petition #R 08-05

The Following Uses shall be prohibited on the properties to be rezoned:

1. Nightclubs, music clubs, bars and similar entertainment facilities, further provided that such prohibition of bars shall not apply to restaurants with a bar located therein;
2. Automobile service and repair uses;
3. Automobile and/or motorcycle sales;
4. Cemeteries;
5. Neighborhood gasoline stations, including major service and repair of motor vehicles;
6. Drive through windows, including those associated with restaurants.



Commissioner Jeter said reading the letter, we are talking about a 50' buffer. However, in Mr. Combs' letter he specifically states a 75' buffer, which is different than what you are requesting here.

Mr. Boone said the 50' strip that is within the red area but is hatched, that is from the common property line between the project seeking the rezoning and Combs Concrete. That 50' goes from effectively the centerline of the 100' railroad right-of-way over to the exterior limits of that same railroad right-of-way. The reason there was a mention of the 75', there is an additional 25' that's not right-of-way but is being asked that it be set aside for future railroad right-of-way. If the rezoning went to the centerline of the railroad right-of-way to the limits of the Huntersville Plaza Project, the 80' buffer would then be required on Combs Concrete property, not on Huntersville Plaza. This is to avoid any imposition on the adjoining property.

Mr. Simoneau said the concern is when the players change and somebody wants to rezone that 50' to Highway Commercial, how will they know why the decision was made to stay off of there. The answer would be it is part of the staff analysis and part of the rezoning package. The minutes will also have that information.

**Commissioner McAulay made a motion to approve Petition #R07-10.**  
**Commissioner Jeter seconded motion.**

**Motion carried with four (4) yes votes.**

**Petition R08-05.** Petition #R08-05 is a request by HTCP Development One, LLC to rezone five parcels (totaling 2 acres) from Neighborhood Residential to Town Center – Conditional District, located along the south side of Gilead Road between NC 115 and Hillcrest Drive.

*Refer to Staff Analysis and other related documents attached hereto as Attachment No. 11.*

**Commissioner McAulay made a motion to approve Petition #R08-05. In considering the proposed amendment to the official zoning map to rezone five parcels totaling 2 acres from Neighborhood Residential to Town Center – Conditional District, the Town Board finds that the rezoning revision is consistent with the Town of Huntersville Community Plan and the Downtown Master Plan. We recommend approving Rezoning Petition #R08-05 as presented. It is reasonable and in the public interest to amend the rezoning plan because of the discussions with the developer and the six previously stated conditions that were put on the site; (a) contained six conditions that should be highlighted and (b) the condition that they would agree to come back with the sketch plan and all those for further approval.**

**Commissioner Julian seconded motion.**

R08-05 Rezoning Plan

SHERWOOD

GILEAD

HUNTERSVILLE-CONCORD

CD

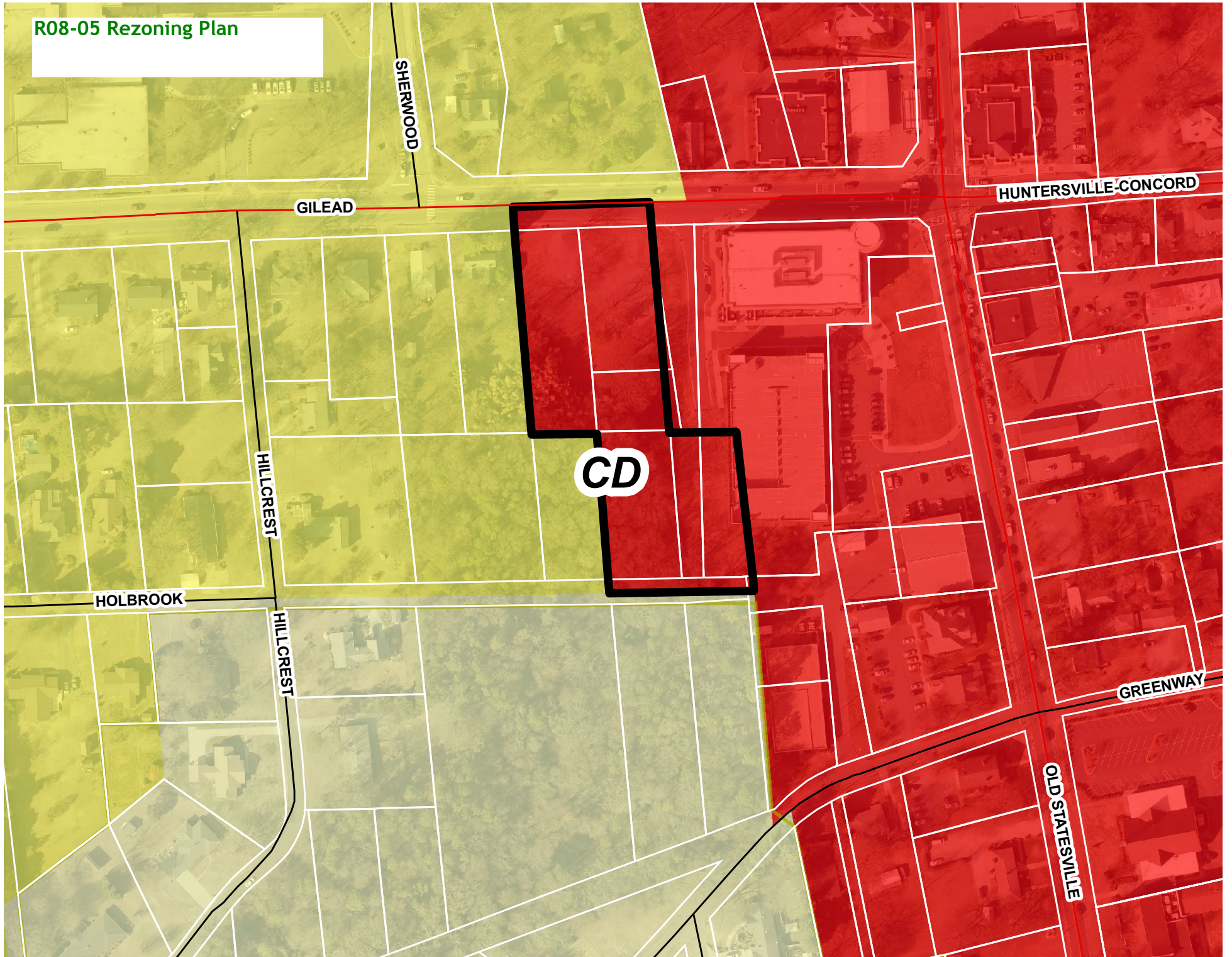
HILLCREST

HOLBROOK

HILLCREST

GREENWAY

OLD STATESVILLE





R09-02 - Revision to allow for parking deck.

Gilead Rd

Huntersville-Concord Rd

Old Statesville Rd

Revision Area

0 50 100 Feet

N

**Town of Huntersville  
PLANNING BOARD  
12/19/2017**

**To:** Planning Board Members  
**From:** David Peete, AICP, Principal Planner  
**Subject:** R17-11 - Oaks at Skybrook North CD Rezoning Revision

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**Rezoning Revision:** Petition R17-11, a request by Skybrook, LLC to revise the existing Oaks at Skybrook North Conditional District rezoning plan to remove a note regarding garage placement. The Oaks at Skybrook North is located along Huntersville-Concord Road and west of Poplar Tent Church Road.

**ACTION RECOMMENDED:**

Consider recommendation on December 19, 2017

**FINANCIAL IMPLICATIONS:**

TBD

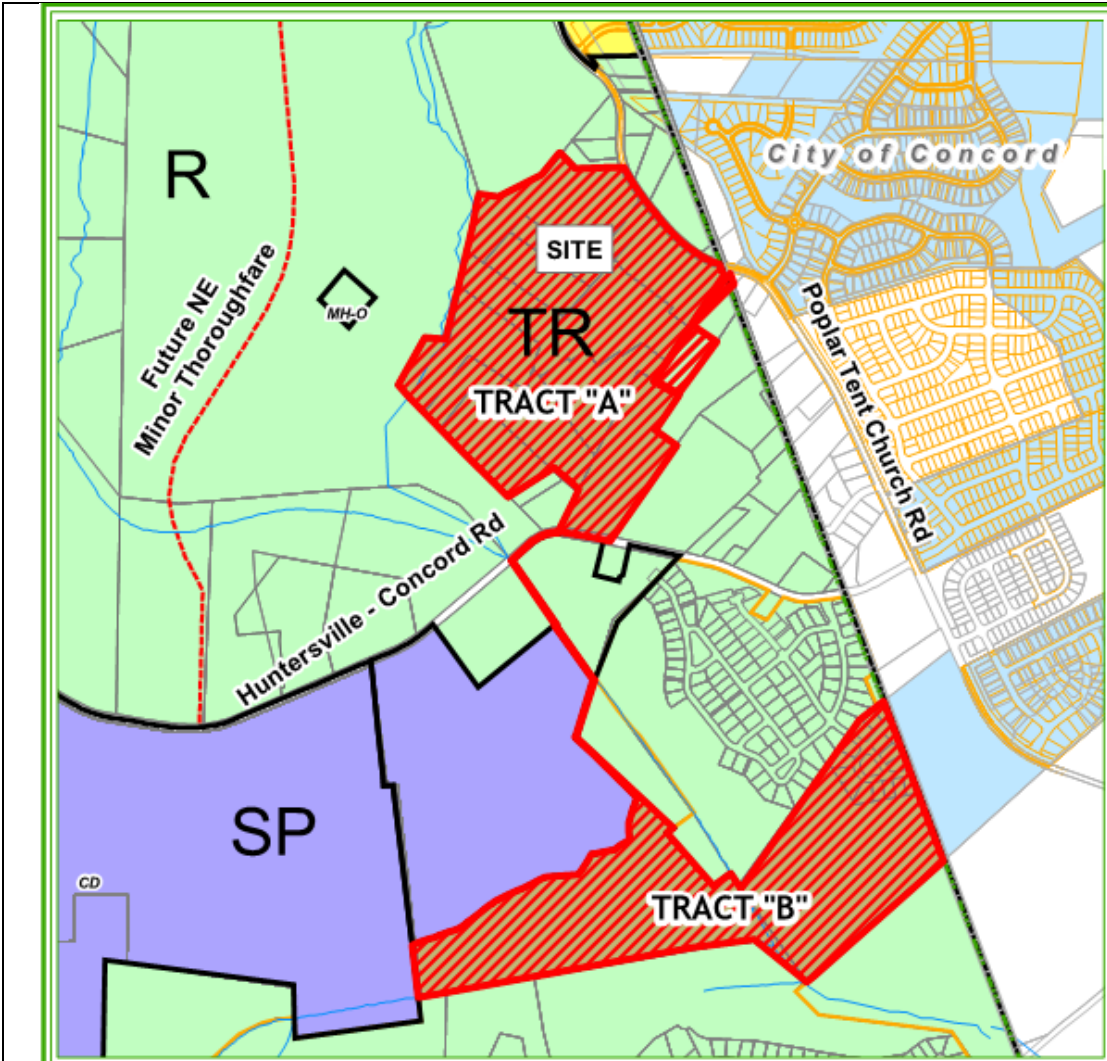
**ATTACHMENTS:**

Description	Type
❑ R17-11 Oaks at Skybrook North CD Rezoning Revision Staff Report (Planning Board)	Cover Memo
❑ Attachment A - CD Rezoning Application	Cover Memo
❑ Attachment B - Revised Rezoning Plan	Cover Memo
❑ Attachment C - Neighborhood Meeting Summary	Cover Memo



**Petition R17-11**  
**Oaks at Skybrook North Conditional District Rezoning Revision**  
**to delete 10' garage recess from Tract B.**

**PART 1: PROJECT SUMMARY**



**Applicant:** Skybrook, LLC

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

**Property Address:** 15645 Poplar Tent Church Road.

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

**Parcel Numbers:**

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

**Current Zoning:** Transitional Residential Conditional District (TR-CD).

**Current Land Use:** vacant & a few homes.

**Proposed Revision:** Delete note requiring a 10 ft. setback for homes within Tract B.

1. Purpose: To amend Note # 3 from Sheet 255-03A of the Rezoning Plan as follows:
- ~~"On lots greater than 60 feet in width, front loading garages shall be recessed at least 10 feet behind the primary plane of the front façade of the structure. Exception for single family detached dwellings with 1400 square feet or less of heated space: single bay front loading garages may be built flush with, but may not project in front of, the primary plane of the front façade of the structure; double bay front loading garages shall be recessed as least 10 feet behind the primary plane of the front façade of the structure."~~

The requested amendment would permit garages to be located anywhere within the buildable envelope of a lot, subject only to the 20 feet setback from the back of public right-of-way.

2. **NOTE: the Oaks at Skybrook North proposed amendment only applies to “Tract B” of the Sketch Plan, as the remainder of the development (Tract A) does not have this requirement.**
3. A Subdivision Sketch Plan for this project was also approved with the last Rezoning Plan and will be updated to reflect any amendments that may occur.
4. Adjoining Zoning and Land Uses.  
*North: Rural (R) – large-lot single-family & vacant.*  
*South: Rural (R) – single-family (Parkside at Skybrook Subdivision) & agri-business (Metrolina Greenhouses).*  
*East: Rural (R) – mostly vacant & a few large-lot single-family homes (along Cabarrus County line).*  
*West: Rural (R) – regional tourist attraction (Renaissance Festival) & vacant.*
5. A neighborhood meeting was held on Thursday, November 16, 2017. The complete meeting summary is provided in Attachment C.
6. Notice for this rezoning petition was given via letters sent to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property in three (3) locations.

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

When Oaks at Skybrook North was most recently amended (8-21-17), the requirement to recess garages 10 feet was removed for Tract A – consistent with recent Zoning Ordinance amendments. However, the same requirement for Tract B was not amended and this revision request will give the same develop options for the entire development. The previously-approved Conditional District Rezoning Plan is compliant with the Zoning Ordinance and Subdivision Regulations and was approved, as such, by the Town Board with some conditions.

## **PART 3: TRANSPORTATION ISSUES**

N/A

## **PART 4: ADEQUATE PUBLIC FACILITIES (APF)**

N/A

## **PART 5: REZONING CRITERIA**

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

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

- **Policy H-8: Development in the Transitional and Rural Areas.** Maintain the development standards in the Transitional and Rural zones and consider adjustments if warranted by changes in the housing market.

Comment: The proposed amendment is in keeping with both the current Town of Huntersville Zoning Ordinance provisions, as well as the notes that apply to Tract A of the development.

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

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

STAFF COMMENT:

The proposed Conditional District Rezoning amendment for the Oaks at Skybrook North subdivision is supported by the 2030 Comprehensive Plan, as the vast majority of requirements are not changing, only the provision requiring garages to be setback 10 feet behind the front plane of the homes.

- 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: N/A

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

STAFF COMMENT: N/A

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

The proposed amendment to the Oaks at Skybrook North Conditional District Rezoning Plan is supported by staff.

#### **PART 7: PUBLIC HEARING COMMENTS**

A Public Hearing was held on Monday, December 04, 2017. No comments were received.

#### **PART 8: PLANNING BOARD RECOMMENDATION**

Planning Board scheduled to review on Tuesday, December 19, 2017.

#### **PART 9: ATTACHMENTS/ENCLOSURES**

##### Attachments

A – Rezoning Application

B – Proposed CD Rezoning Plan (with revision)

C - Neighborhood Meeting Report from November 16, 2017.

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

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed Conditional District Rezoning application R17-11; Oaks at Skybrook North Subdivision Conditional District Revision, the Planning staff RECOMMENDS APPROVAL, AS PROPOSED, as the revision is consistent with Implementation Goal H-8 of the 2030 Community Plan.</p> <p><u>It is reasonable and in the public interest to approve the Conditional District Rezoning Plan Revision BECAUSE it is consistent with the 2030 Comprehensive Plan (as outlined above) and the applicable provisions of the Zoning Ordinance can be adequately addressed.</u></p>	<p>APPROVAL: In considering the proposed rezoning application R17-11; Oaks at Skybrook North Subdivision Conditional District Revision, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u></p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>	<p>APPROVAL: In considering the proposed rezoning application R17-11; Oaks at Skybrook North Subdivision Conditional District Revision, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u></p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>
<p>DENIAL:</p>	<p>DENIAL: In considering the proposed rezoning application R17-11; Oaks at Skybrook North Subdivision Conditional District Revision, the Planning Board recommends denial based on <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p><u>It is not reasonable and not in the public interest to amend the approved Rezoning Plan because... (Explain)</u></p>	<p>DENIAL: In considering the proposed rezoning application R17-11; Oaks at Skybrook North Subdivision Conditional District Revision, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>





# General Application

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

## 1. Application Type

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

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

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

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

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

## 2. Project Data

Date of Application November 1, 2017

Name of Project Skybrook North Phase # (if subdivision) N/A

Location Poplar Tent Road & Huntersville-Concord Road

Parcel Identification Number(s) (PIN) 011-102-01,13, 011-103-01,03,04,07,09,10,11,13,16,17,18,19, 021-081-01,04,06, 021-083-27,30-38,40

Current Zoning District TR - CD Proposed District (for rezonings only) TR - CD (Revision)

Property Size (acres) 175.05 Street Frontage (feet) \_\_\_\_\_

Current Land Use Single Family Residential

Proposed Land Use(s) Single Family Residential

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.

Updating/Revising some conditional district rezoning notes that were provided on the previously approved R#16-07 CD Rezoning Plan.

## 4. Site Plan Submittals

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

## 5. Outside Agency Information

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

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

## 6. Signatures

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

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

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

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

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

### If Applying for a General Rezoning:

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

### If Applying for a Conditional Rezoning:

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

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

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

### If Applying for a Subdivision:

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

John T. Coley IV

## Contact Information

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

Phone: 704-875-7000  
Fax: 704-992-5528  
Physical Address: 105 Gilead Road, Third Floor  
Website: <http://www.townofhuntersville.org>



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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 George H. Jordan III

Address of Applicant

P.O. Box 4422 Cary, N.C. 27519

Email

George@GHIJordan.com

Manager of  
Jordan Real  
Estate Holdings  
LLC.

Property Owner's Signature (if different than applicant)

Printed Name

Property Owner's Address

Email

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

Development Firm	Name of contact	Phone	Email
Design Firm	Name of contact	Phone	Email

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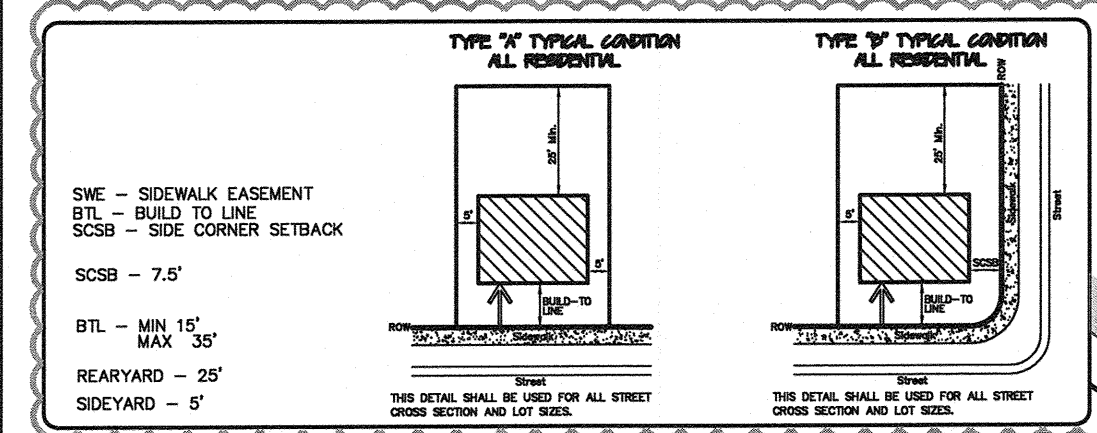
Phone: 704-875-7000  
Fax: 704-992-5528  
Physical Address: 105 Gilead Road, Third Floor  
Website: <http://www.huntersville.org/Departments/Planning.aspx>



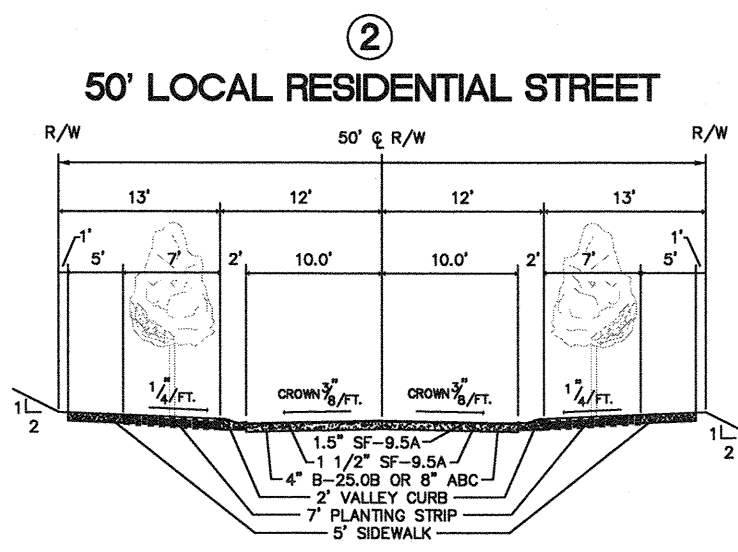
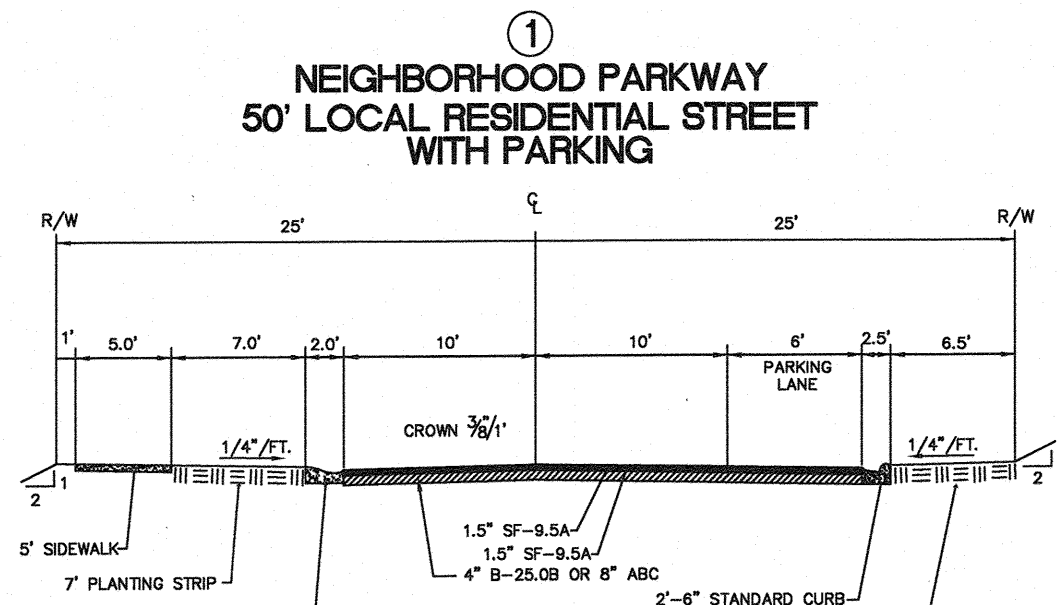
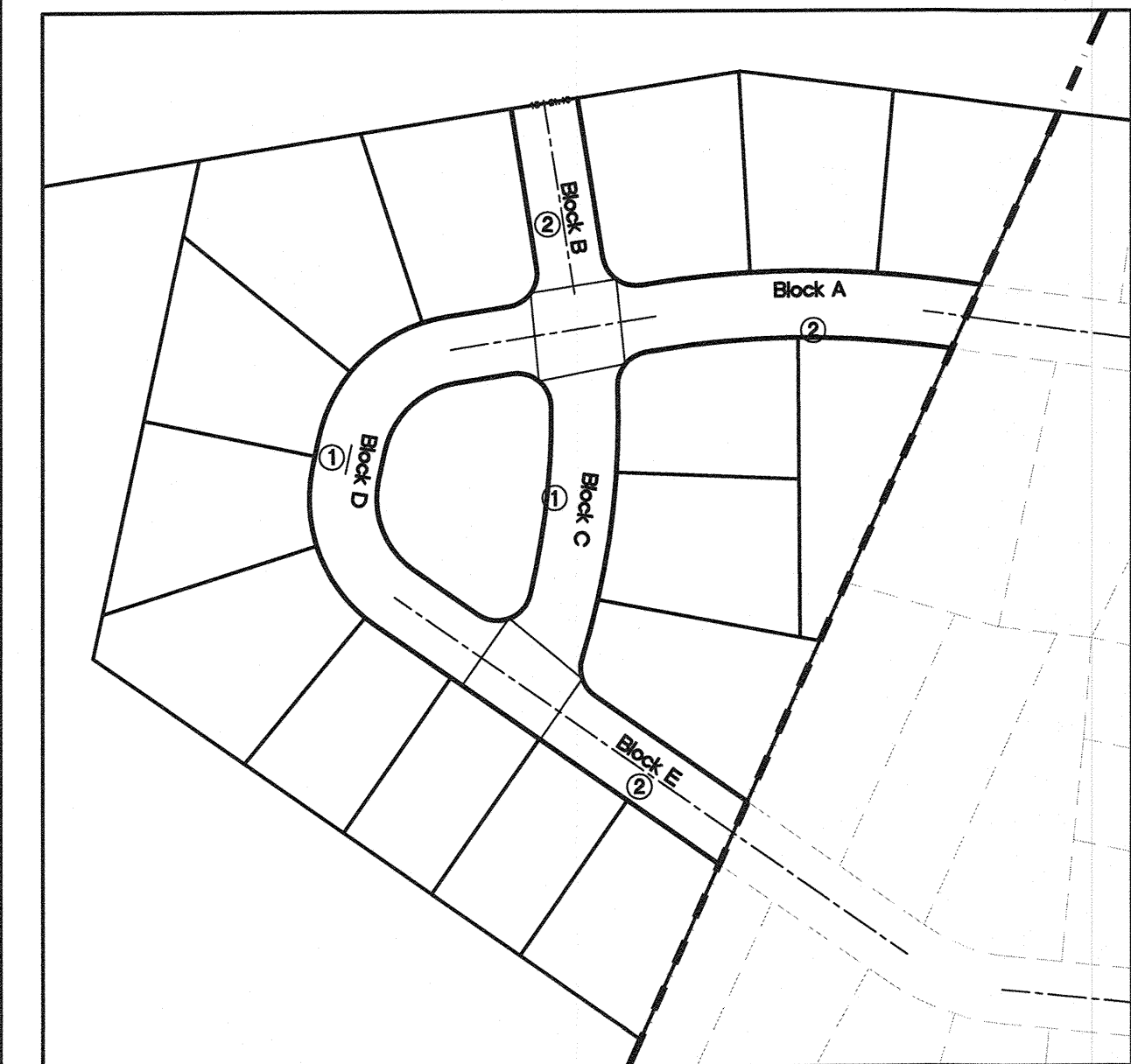
PROPERTY TO BE REZONED				
TAX ID	DEED	OWNER	ADDRESS	ACREAGE
001-081-01	2502-086	SKYBROOK, LLC	879-C PARKWAY ROAD CHARLOTTE, NC 28203	57.34

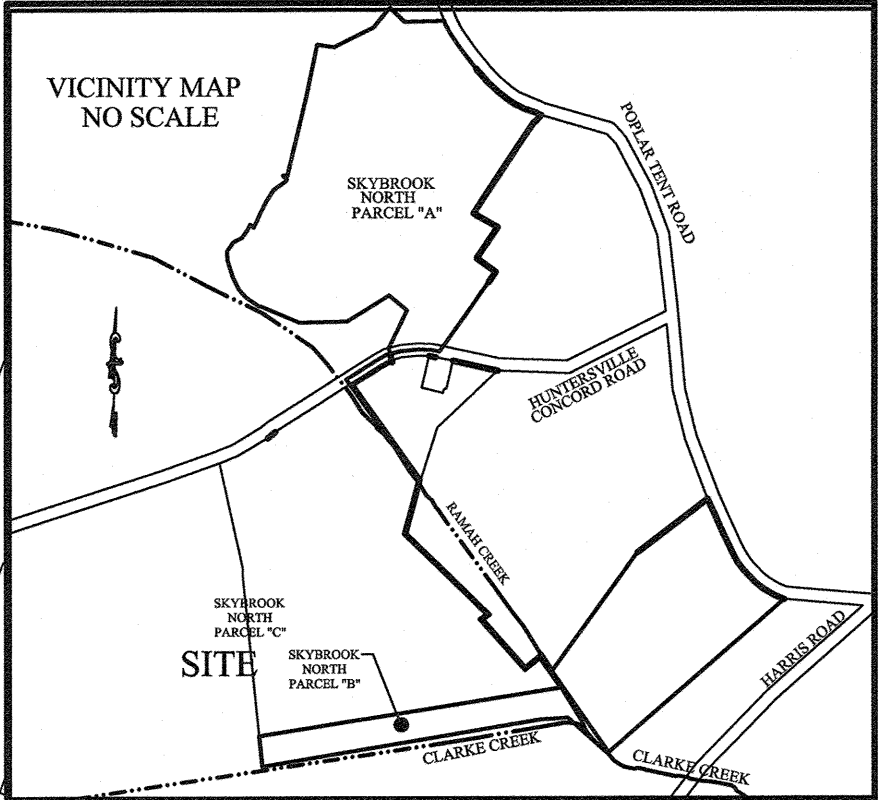
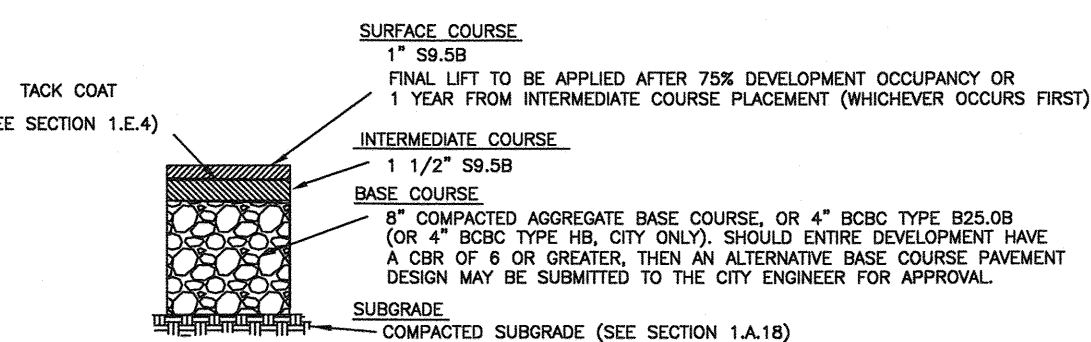
ADJOINING PROPERTIES				
TAX ID	DEED	OWNER	ADDRESS	ACREAGE
4671-84-2733	2830-255	DWAYNE NELSON HENSLEY AND MAMIE HEGLAR	8100 HAYES ROAD HUNTERSVILLE, NC 28078	25.41
001-081-01	4808-645	DWAYNE NELSON HENSLEY AND MAMIE HEGLAR	8100 HAYES ROAD HUNTERSVILLE, NC 28078	25.41
001-081-01	2284-086	SKYBROOK GOLD CLUB, LLC AND THE BFG GOLF GROUP, LLC	1816 EL CAMINO REAL, SUITE 100 SAN DIEGO, CA 92101	44.88
001-081-06	25472-182	METROLINA GREENHOUSES, INC.	16400 HUNTERSVILLE-CONCORD ROAD HUNTERSVILLE, NC 28078	538.24
001-081-06	24679-94	PARKSIDE AT SKYBROOK NORTH COMMUNITY ASSOC., INC.	879-C PARKWAY ROAD CHARLOTTE, NC 28203	28.888
001-081-17	22897-434	CORA BATTIES AND HERBERT BATTIES	16035 GRASSY CREEK DR. HUNTERSVILLE, NC 28078	0.482
001-081-18	22891-032	KENACHT HICKOK AND PATRICIA E. HICKSON	16035 GRASSY CREEK DR. HUNTERSVILLE, NC 28078	0.382
001-081-18	24009-000	PAUL J. CAPALDI AND TERRY A. CAPALDI	16035 GRASSY CREEK DR. HUNTERSVILLE, NC 28078	0.382
001-081-14	22897-782	DONNA M. GILMORE	16035 GRASSY CREEK DR. HUNTERSVILLE, NC 28078	0.382
001-081-18	22897-437	DENNIS R. RAMANAN AND SUMANA RAMANAN	8028 SKYBARK DRIVE HUNTERSVILLE, NC 28078	0.479
001-081-18	22897-437	H. EDWIN GEESEY AND MICHELLE R. GEESEY	8028 SKYBARK DRIVE HUNTERSVILLE, NC 28078	0.483
001-081-18	25407-258	KAREN A. FORTNEY	8028 SKYBARK DRIVE HUNTERSVILLE, NC 28078	0.346
001-081-18	22899-001	ELISABETH HANSEN AND ROSELYNE SCHE	8028 SKYBARK DRIVE HUNTERSVILLE, NC 28078	0.38
001-081-18	22897-437	BRYAN REDDING AND JANA REDDING	8028 SKYBARK DRIVE HUNTERSVILLE, NC 28078	0.408
001-081-18	25438-295	ROBERT A. DIORO AND DENA R. DIORO	8028 SKYBARK DRIVE HUNTERSVILLE, NC 28078	0.471
001-081-07	22893-440	JERILYN A. CORRETTI	8028 SKYBARK DRIVE HUNTERSVILLE, NC 28078	0.507
4671-75-187	188-285	LARRY E. STINSON AND MIRA STINSON	8100 POPLAR TERT ROAD HUNTERSVILLE, NC 28078	0.57



- NOTES:
- Access (Ingress/Egress) locations and design shown on this sketch plan are subject to achieving vertical and horizontal sight distance(s), turn lane improvements (including right-of-way) and interaction with adjacent and opposing access points. Modifications to plan may result.
  - Build-to-line: A line extending through a lot, which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation must be erected, intended to create an even building facade line on a street. A build-to-range is established for each residential lot type.
  - For lots wider than 60 feet, driveways shall be no more than 20 feet wide as measured along the public street right-of-way for a detached house and two-unit attached house type. For three or more unit attached house types, driveway width shall not occupy more than 50% of the public street front of a lot as measured along the public street right-of-way. Driveways shall extend at least twenty (20) feet from a public right-of-way and public sidewalk easement to prevent on-site residential parking from encroaching into the public right-of-way or easement for a public sidewalk.
  - Large maturing street trees will be planted 40' on center within the required planting strip along both sides of all streets with the exception of rural parkways where existing trees can satisfy the street tree requirement. Small maturing street trees are to be used where overhead power lines exist.
  - All signage will be reviewed and permitted with preliminary plans.
  - Sewer and water services will be provided by Charlotte-Mecklenburg Utility.
  - Sight triangles will be 35'x35' or 15'x250' at every street intersection.
  - All applicable federal, state, and local environmental permits and approvals will be obtained by developer.
  - Street lighting plan shall be prepared by the power company in compliance with the Town of Huntersville Standards.
  - All open space to be dedicated to the HOA and remain as open space in perpetuity.
  - All lots will have roll out trash service and mail service to the street.
  - No mechanical, electrical, ect. units may encroach into any setbacks.
  - Lots with 15,001sf - 20,000sf require 2 front yard trees and 2 rear yard trees (Article 7.7.3) Lots greater than 20,000sf require 3 front yard trees and 3 rear yard trees (Article 7.7.3)
  - The property is subject to any easement and/or right-of-way of record.
  - Property is being rezoned to TR-CD to match adjacent Skybrook Village Development.
  - All development and construction shall comply with all zoning and subdivision standards of the Town of Huntersville, Mecklenburg County and NCDOT, as applicable.
  - Building Elevations will be provided with the Preliminary Plan Submittal.
  - No mass grading will take place. Existing trees within the lots may be saved in addition to the tree save areas shown.
  - This development within both counties will be constructed as one phase and will commence upon receipt of all approvals.
  - Common Open Space areas will be dedicated to the Homeowners Association.
  - Any construction or use within the area delineated by floodway fringe district boundary line and floodway district encroachment line is subject to all restrictions imposed by floodway regulations.
  - The property shall comply with Mecklenburg County Bicycle and Greenway Master Plan.
  - Lots subject to flooding shall not be established in subdivisions except as provided in Section 7.280.
  - If adjacent to a thoroughfare, direct access from lots to a thoroughfare is prohibited.



#### • PAVEMENT DETAIL



NOW OR FORMERLY  
LARRY E. STINSON  
DEED: 1868-258  
TAX ID: 4671-73-1211  
ZONED - R

NOW OR FORMERLY  
SKYBROOK VILLAGE  
SKYBROOK LLC  
DEED: 1868-258  
ZONED - OPS (VESTED)

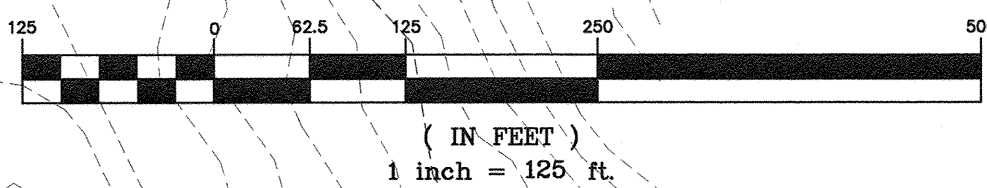
30' EASEMENT RESERVED  
FOR MECKLENBURG COUNTY  
GREENWAY TRAIL

NOW OR FORMERLY  
METROLINA GREENHOUSES  
DEED: 25472-182  
TAX ID: #021-081-06  
ZONED - TR(CD)

NOW OR FORMERLY  
SKYBROOK, LLC  
DEED: 7039-115  
TAX ID: #4671-72-3595  
ZONED - CU-RV

NOW OR FORMERLY  
PARK ROAD SHOPPING  
CENTER, INC.  
DEED: 782-421  
TAX ID: #4671-94-5080  
ZONED - LDR

GRAPHIC SCALE



PARCEL "B" TRACT 1 DEVELOPMENT SUMMARY:  
TAX PARCELS: 021-081-01, 021-081-06, 021-081-04, 021-081-14  
LOCATION: SOUTH OF HUNTERSVILLE-CONCORD ROAD  
PRINCIPLE USE: RESIDENTIAL-SINGLE FAMILY/UNDEVELOPED TREE PRESERVATION  
TOTAL SITE ACREAGE: 37.24 ACRES  
EXISTING ZONING: TR-CD  
PROPOSED ZONING: TR-CD

LOT CALCULATIONS:  
PROPOSED NUMBER OF LOTS:  
PARCEL B - 16  
AVERAGE LOT SIZE: 12,750 SF  
MINIMUM LOT SIZE: 85'x150'  
AVERAGE LOT WIDTH: 87.5'  
MINIMUM LOT WIDTH: 85'

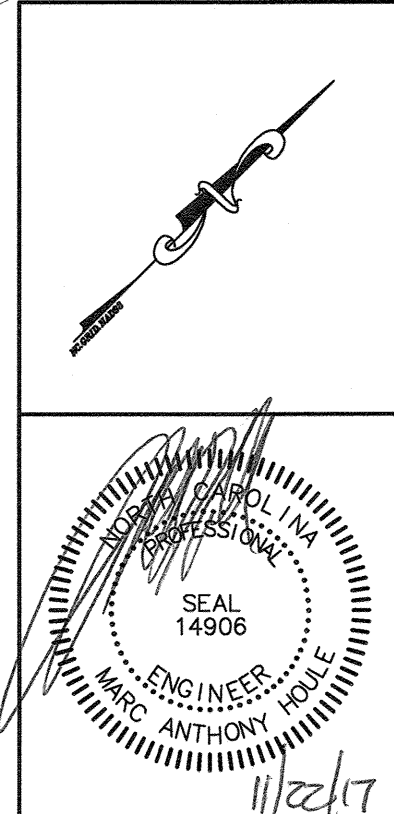
PARCEL "B" TRACT 1 OPEN SPACE CALCULATIONS:  
URBAN OPEN SPACE: 0.42 AC (SQUARE)  
OPEN SPACE: 29.99 AC (HUNTERSVILLE)  
TOTAL OPEN SPACE: 30.41 AC

PARCEL "B" TRACT 1 IMPERVIOUS AREA CALCULATIONS:  
SITE AREA: 37.24 AC  
IMPERVIOUS AREAS:  
SIDEWALK: 6,219 SQ.FT (0.14 AC)  
PAVEMENT: 36,136 SQ.FT (0.83 AC)  
LOTS: 16 LOTS @ 5,000 SQ. FT./LOT - 80,000 SQ. FT (1.84 AC)  
GREENWAY TRAIL: 0.7 AC (LOCATED WITHIN SANITARY SEWER R/W)  
TOTAL IMPERVIOUS AREAS: 3.51 AC

PARCEL "B" TRACT 1 TREE PRESERVATION SUMMARY  
% OF SITE COVERED BY TREE CANOPY - 94.76% (35.28 AC)  
% OF TREE CANOPY ACTUALLY SAVED - 69.13% (24.39 AC)

PARCEL "B" SPECIMEN TREES  
63 ON SITE  
27 SAVED

1	11/21/17	REVISED LOT A TYPICAL CONDITION DIAGRAM, REVISED NOTE 3	BY
ND.	DATE	REVISION	PROJECT NO.
SHEET TITLE			SCALE
REZONING PLAN PARCEL "B" TRACT 1			1"=125'
PROJECT			DATE
SKYBROOK NORTH			7/26/10
TOWN OF HUNTERSVILLE, MECK. CO., N.C.			DRAWN BY
FOR: SKYBROOK, LLC			YWH
			CHECKED BY
			MAH
			DRAWING NO.
			5 OF 5

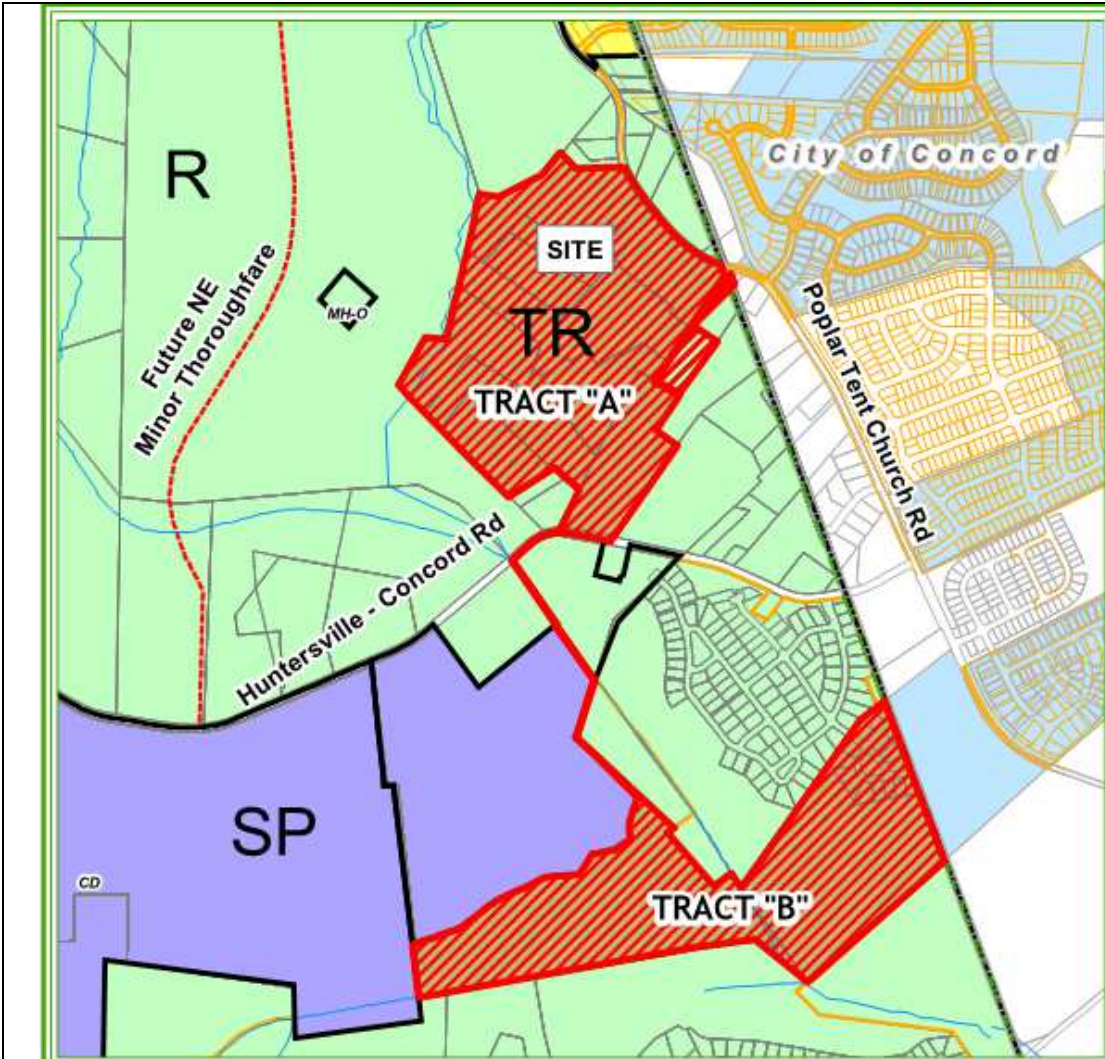


**LLC**  
**Planning • Surveying • Engineering**  
700 Windsor Oak Court  
Charlotte, North Carolina 28279  
704.566.1990  
P.O. Box 1198  
Pineville, North Carolina, 28134  
704.566.0500/(fax)



**Petition R17-11**  
**Oaks at Skybrook North Conditional District Rezoning Revision**  
**to delete 10' garage recess from Tract B.**

**PART 1: PROJECT SUMMARY**



**Applicant:** Skybrook, LLC

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

**Property Address:** 15645 Poplar Tent Church Road.

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

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

**Current Zoning:** Transitional Residential Conditional District (TR-CD).

**Current Land Use:** vacant & a few homes.

**Proposed Revision:** Delete note requiring a 10 ft. setback for homes within Tract B.

1. Purpose: To amend Note # 3 from Sheet 255-03A of the Rezoning Plan as follows:  
"On lots greater than 60 feet in width, front loading garages shall be recessed at least 10 feet behind the primary plane of the front façade of the structure. Exception for single family detached dwellings with 1400 square feet or less of heated space: single bay front loading garages may be built flush with, but may not project in front of, the primary plane of the front façade of the structure; double bay front loading garages shall be recessed as least 10 feet behind the primary plane of the front façade of the structure."

The requested amendment would permit garages to be located anywhere within the buildable envelope of a lot, subject only to the 20 feet setback from the back of public right-of-way.

2. **NOTE: the Oaks at Skybrook North proposed amendment only applies to “Tract B” of the Sketch Plan, as the remainder of the development (Tract A) does not have this requirement.**
3. A Subdivision Sketch Plan for this project was also approved with the last Rezoning Plan and will be updated to reflect any amendments that may occur.
4. Adjoining Zoning and Land Uses.  
North: Rural (R) – large-lot single-family & vacant.  
South: Rural (R) – single-family (Parkside at Skybrook Subdivision) & agri-business (Metrolina Greenhouses).  
East: Rural (R) – mostly vacant & a few large-lot single-family homes (along Cabarrus County line).  
West: Rural (R) – regional tourist attraction (Renaissance Festival) & vacant.
5. A neighborhood meeting was held on Thursday, November 16, 2017. The complete meeting summary is provided in Attachment C.
6. Notice for this rezoning petition was given via letters sent to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property in three (3) locations.

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

The previously-approved Conditional District Rezoning Plan is compliant with the Zoning Ordinance and Subdivision Regulations and was approved by the Town Board with some conditions.

## **PART 3: TRANSPORTATION ISSUES**

N/A

## **PART 4: ADEQUATE PUBLIC FACILITIES (APF)**

N/A

## **PART 5: REZONING CRITERIA**

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

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

- **Policy H-8: Development in the Transitional and Rural Areas.** Maintain the development standards in the Transitional and Rural zones and consider adjustments if warranted by changes in the housing market.  
Comment: The proposed amendment is in keeping with both the current Town of Huntersville Zoning Ordinance provisions, as well as the notes that apply to Tract A of the development.

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

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

STAFF COMMENT:

The proposed Conditional District Rezoning amendment for the Oaks at Skybrook North subdivision is supported by the 2030 Comprehensive Plan, as the vast majority of requirements are not changing, only the provision requiring garages to be setback 10 feet behind the front plane of the homes.

- 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: N/A

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

STAFF COMMENT: N/A

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

The proposed amendment to the Oaks at Skybrook North Conditional District Rezoning Plan is supported by staff.

#### **PART 7: PUBLIC HEARING COMMENTS**

Public Hearing scheduled to be held on Monday, December 04, 2017.

#### **PART 8: PLANNING BOARD RECOMMENDATION**

Planning Board scheduled to review on Tuesday, December 19, 2017.

#### **PART 9: ATTACHMENTS/ENCLOSURES**

##### Attachments

A – Rezoning Application

B – Proposed CD Rezoning Plan

C - Neighborhood Meeting Report from November 16, 2017.

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

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R17-11; Oaks at Skybrook North Subdivision Conditional District Revision, the Planning staff RECOMMENDS APPROVAL as it is consistent with Implementation Goals E-1, E-2, E-3, T-5, T-7, T-8, CD-5 and PF-2 of the 2030 Community Plan.</p> <p><u>It is reasonable and in the public interest to approve the Conditional District Rezoning Plan Revision BECAUSE it is consistent with the 2030 Comprehensive Plan (as outlined above) and the applicable provisions of the Zoning Ordinance can be adequately addressed.</u></p>	<p>APPROVAL: In considering the proposed rezoning application R17-11; Oaks at Skybrook North Subdivision Conditional District Revision, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u></p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>	<p>APPROVAL: In considering the proposed rezoning application R17-11; Oaks at Skybrook North Subdivision Conditional District Revision, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u></p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>
<p>DENIAL:</p>	<p>DENIAL: In considering the proposed rezoning application R17-11; Oaks at Skybrook North Subdivision Conditional District Revision, the Planning Board recommends denial based on <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p><u>It is not reasonable and not in the public interest to amend the approved Rezoning Plan because... (Explain)</u></p>	<p>DENIAL: In considering the proposed rezoning application R17-11; Oaks at Skybrook North Subdivision Conditional District Revision, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>



**Town of Huntersville**  
**PLANNING BOARD**  
**12/19/2017**

**To:** Planning Board Members  
**From:** David Peete, AICP, Principal Planner  
**Subject:** R17-12 - Villages at Skybrook North CD Rezoning Revision

---

**Rezoning Revision:** Petition R17-12, a request by Laureldale, LLC to revise the existing Villages at Skybrook North Conditional District rezoning plan to remove notes regarding garage placement and driveway access. The Villages at Skybrook North is located east of Poplar Tent Church Road (south of Hwy 73).

**ACTION RECOMMENDED:**

Consider Recommendation on December 19, 2017

**FINANCIAL IMPLICATIONS:**

TBD

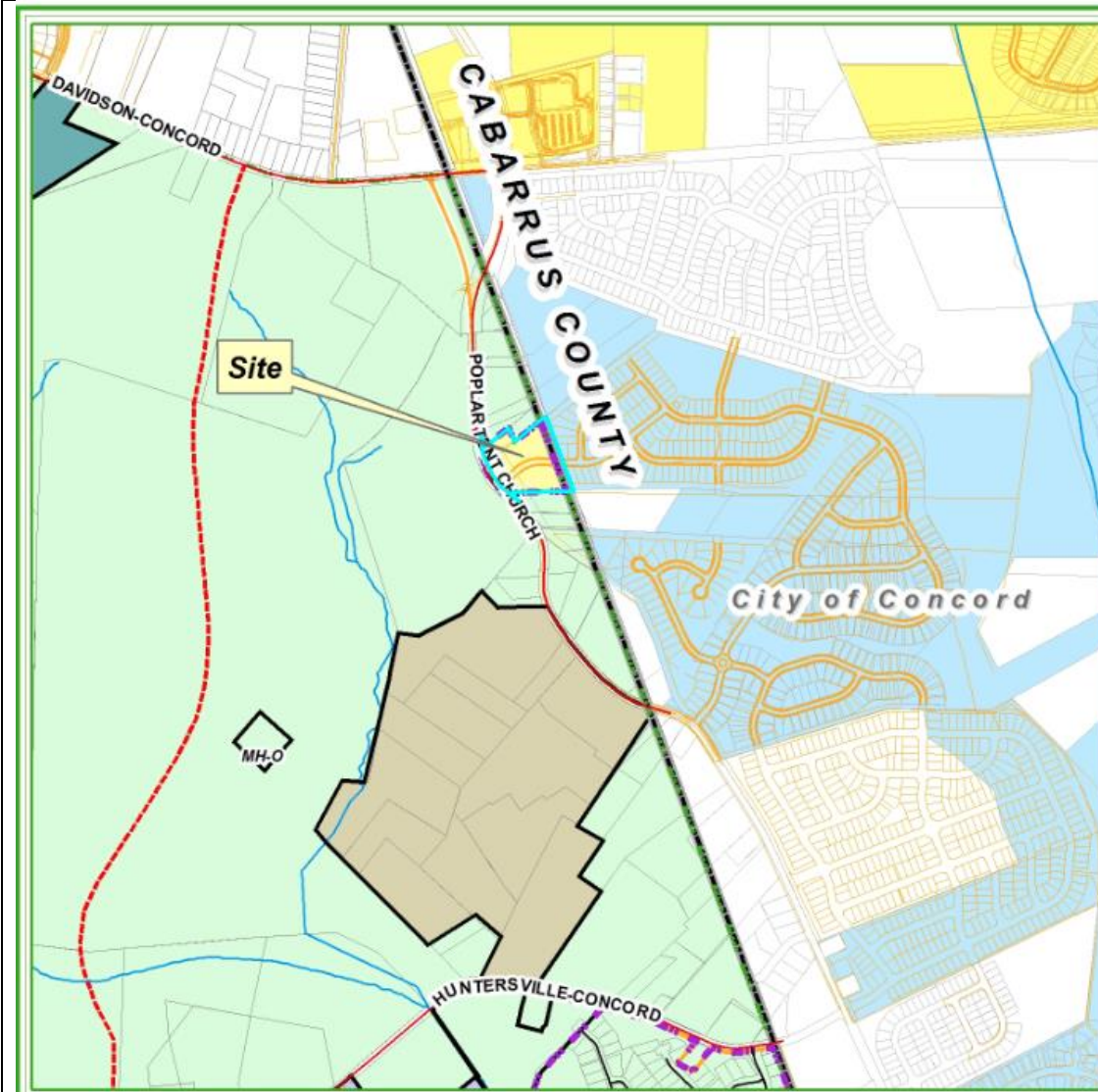
**ATTACHMENTS:**

Description	Type
❑ R17-12 Villages at Skybrook North Staff Report (Planning Board	Cover Memo
❑ Attachment A - CD Rezoning Application	Cover Memo
❑ Attachment B - Revised Rezoning Plan	Cover Memo
❑ Attachment C - Neighborhood Meeting Summary	Cover Memo

## Petition R17-12

**Villages at Skybrook North Conditional District Rezoning Revision to delete 10' garage recess requirement and to allow additional driveway access along Trailside Road.**

### PART 1: PROJECT SUMMARY



**Applicant:** Laureldale, LLC  
**Property Owner:** Laureldale, LLC.  
**Property Address:** N/A.  
**Project Size:** (+/-) 5.90-acres  
**Parcel Numbers:**  
011-103-09.  
**Current Zoning:**  
Neighborhood Residential Conditional District (NR-CD).  
**Current Land Use:** vacant.  
**Proposed Revision:** Delete note requiring a 10 ft. setback for homes within Tract B.

1. Purpose:

- a. To amend Bullet-Note # 7 from Sheet 220-25 of the Rezoning Plan as follows:  
"On lots greater than 60 feet in width, front loading garages shall be recessed at least 10 feet behind the primary plane of the front façade of the structure. Exception for single family detached dwellings with 1400 square feet or less of heated space: single bay front loading garages may be built flush with, but may not project in front of, the primary plane of the front façade of the structure; ~~double bay front~~

~~loading garages shall be recessed as least 10 feet behind the primary plane of the front façade of the structure.~~ The depth of the driveway, measured between the garage and the sidewalk needs to be at least 20 feet.

The requested amendment would permit garages to be located anywhere within the buildable envelope of a lot, subject only to the 20 feet setback from the back of public right-of-way.

- b. To amend the note in the lower left of Sheet 220-25 of the Rezoning Plan as follows:

~~"Lots 1, 2, 13 & 14 will not have direct access to Trailside Road. These lots will utilize a shared 15' access easement."~~

2. A Subdivision Sketch Plan for this project was also approved with the last Rezoning Plan and will be updated to reflect any amendments that may occur.
3. Adjoining Zoning and Land Uses.  
North: Rural (R) - vacant.  
South: Rural (R) - single-family residential.  
East: City of Concord: Residential – Medium Density (RM-2) – vacant (zoned for single-family residential).  
West: Rural (R) – vacant.
4. A neighborhood meeting was held on Thursday, November 16, 2017. The complete meeting summary is provided in Attachment C.
5. Notice for this rezoning petition was given via letters sent to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property in one (1) location.

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

The previously-approved Conditional District Rezoning Plan is compliant with the Zoning Ordinance and Subdivision Regulations, and was approved by the Town Board with some conditions. However, since that approval, the 10 feet recess for requirement for garages has been removed from the Zoning Ordinance. This revision will be in keeping with the current ordinance.

## **PART 3: TRANSPORTATION ISSUES**

Town Engineering has reviewed the proposed removal of access restriction to lots 1, 2, 13, and 14 to Trailside Drive and does not agree that this restriction be removed at this time.

Poplar Tent Road is classified as a major thoroughfare and when the development was discussed in 2011 and 2012 with the Town and NCDOT staff, Trailside Drive was identified as a location for potential future signalization if/when warrants were met. Poplar Tent Road (between NC 73 and Derita Road (in Cabarrus County) is listed in NCDOT's 2018-2027 State Transportation Improvement Program (STIP) Developmental Program as project U-6029 for right-of-way and utility relocation in fiscal year 2023 (which is subject to reprioritization in the subsequent version of the STIP). NCDOT is however starting the environmental evaluation process to determine the selected alternative for the road alignment and facility type.

During the sketch plan process for this 14 lot subdivision, the developer agreed to the restriction on the approved plan. This was also part of a discussion of reduction in access to Poplar Tent Road by the overall subdivision which is primarily within Cabarrus County and/or City of Concord.

As the environmental study for Poplar Tent Road has not yet been completed (anticipated in 2018 or 2019) which would indicate the future road alignment and facility type (superstreet, traditional or other), it is Town Engineering's recommendation to preserve the access restriction at this time. Upon the completion of NCDOT's Environmental Document for Poplar Tent Road, Town Engineering would be open to reconsider such a request.

NCDOT staff have also provided input on this request. NCDOT staff do not support removal of the driveway restriction at this time due to the unknowns associated with the STIP project and future potential development on the west side of Poplar Tent Road.

<b>PART 4: ADEQUATE PUBLIC FACILITIES (APF)</b>
-------------------------------------------------

N/A

<b>PART 5: REZONING CRITERIA</b>
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**Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.**

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

- **Policy H-8: Development in the Transitional and Rural Area.** Maintain the development standards in the Transitional and Rural zones and consider adjustments if warranted by changes in the housing market.  
Comment: The proposed amendment is in keeping with both the current Town of Huntersville Zoning Ordinance provisions, as well as the notes that apply to Tract A of the development.

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

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

STAFF COMMENT:

The proposed Conditional District Rezoning for the Villages at Skybrook North subdivision is supported by the 2030 Comprehensive Plan, as the zoning district is not changing, only the provision of the CD rezoning plan.

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

STAFF COMMENT:

- A Transportation Impact Analysis was originally required in 2006, but NOT for this revision – see Part 3 of this report.

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

STAFF COMMENT: N/A

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

12-4-17 UPDATE: The proposed amendment to the Villages at Skybrook North Conditional District Rezoning Plan to remove the note requiring a 10' recess for garages is SUPPORTED by staff. However, the proposed amendment to remove the note prohibiting individual driveways for Lots 1, 2, 13, & 14 is NOT SUPPORTED by staff for the reasons outlined in Part 3 of this report (above).

#### **PART 7: PUBLIC HEARING COMMENTS**

A Public Hearing was held on Monday, December 04, 2017. No public comments were received. A Town Board Commissioner asked about the orientation of the lots on the Cabarrus/Concord side of the County line. The Applicant (Scott Moore) indicated the homes on the "other side of the (County) line" would be oriented the same as the Huntersville lots.

#### **PART 8: PLANNING BOARD RECOMMENDATION**

Planning Board scheduled to review on Tuesday, December 19, 2017.

#### **PART 9: ATTACHMENTS/ENCLOSURES**

##### Attachments

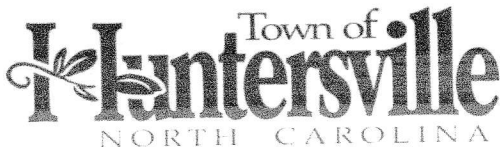
- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C - Neighborhood Meeting Report from November 16, 2017.

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

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed Conditional District Rezoning application R17-12; Villages at Skybrook North Subdivision Conditional District Rezoning Revision, the Planning staff RECOMMENDS APPROVAL to delete the note regarding a 10' setback for garages (from the front façade), as it is consistent with Implementation Goals H-8 of the 2030 Community Plan. HOWEVER, staff does NOT recommend approval of removing the note prohibiting driveway access to Trailside Road for Lots 1, 2, 13 &amp; 14 for the reasons outline in Part 3 of this report.</p> <p><u>It is reasonable and in the public interest to approve the Conditional District Rezoning Plan Revision to remove the 10' setback for garages, BECAUSE it is consistent with the 2030 Comprehensive Plan (as outlined above) and the applicable provisions of the Zoning Ordinance can be adequately addressed. HOWEVER, the driveway access note deletion request cannot supported for the reasons outlined in Part 3 of this report.</u></p>	<p>APPROVAL: In considering the proposed rezoning application R17-12; Villages at Skybrook North Subdivision Conditional District, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>	<p>APPROVAL: In considering the proposed rezoning application R17-12; Villages at Skybrook North Subdivision Conditional District, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>
<p>DENIAL:</p>	<p>DENIAL: In considering the proposed rezoning application R17-12; Villages at Skybrook North Subdivision Conditional District, the Planning Board recommends denial based on <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and not in the public interest to amend the approved Rezoning Plan because... (Explain)</u></p>	<p>DENIAL: In considering the proposed rezoning application R17-12; Villages at Skybrook North Subdivision Conditional District, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>







# General Application

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

## 1. Application Type

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

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

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

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

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

## 2. Project Data

Date of Application November 1, 2017

Name of Project The Villages at Skybrook North Phase # (if subdivision) 4

Location Poplar Tent Road Huntersville, NC

Parcel Identification Number(s) (PIN) 01130109

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

Property Size (acres) 5.90 Street Frontage (feet) 575 +/-

Current Land Use Single Family Residential

Proposed Land Use(s) Single Family Residential

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.

Updating/Revising some conditional district rezoning notes that were provided on the previously approved R#11-05 CD Rezoning Plan.

## 4. Site Plan Submittals

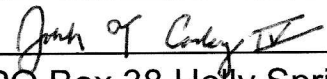
Consult the particular type of *Review Process* for the application type selected above. These can be found at <http://www.huntersville.org/Departments/Planning/PermitsProcess.aspx>.

## 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 John T. Coley IV  
Address of Applicant PO Box 38 Holly Springs, NC 27540  
Email coley@bpropnc.com

Property Owner's Signature (if different than applicant) \_\_\_\_\_  
Printed Name John T. Coley IV  
Property Owner's Address PO Box 38 Holly Springs, NC 27540 Email coley@bpropnc.com

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

Laureldale, LLC	Brian Pace	7043651208	bpace@pacedevelop.com
Development Firm	Name of contact	Phone	Email
Yarbrough-Williams & Houle, Inc.	Marc Houle	704556-1990	march@y-wh.com
Design Firm	Name of contact	Phone	Email

### If Applying for a General Rezoning:

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

### If Applying for a Conditional Rezoning:

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

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

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

### If Applying for a Subdivision:

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



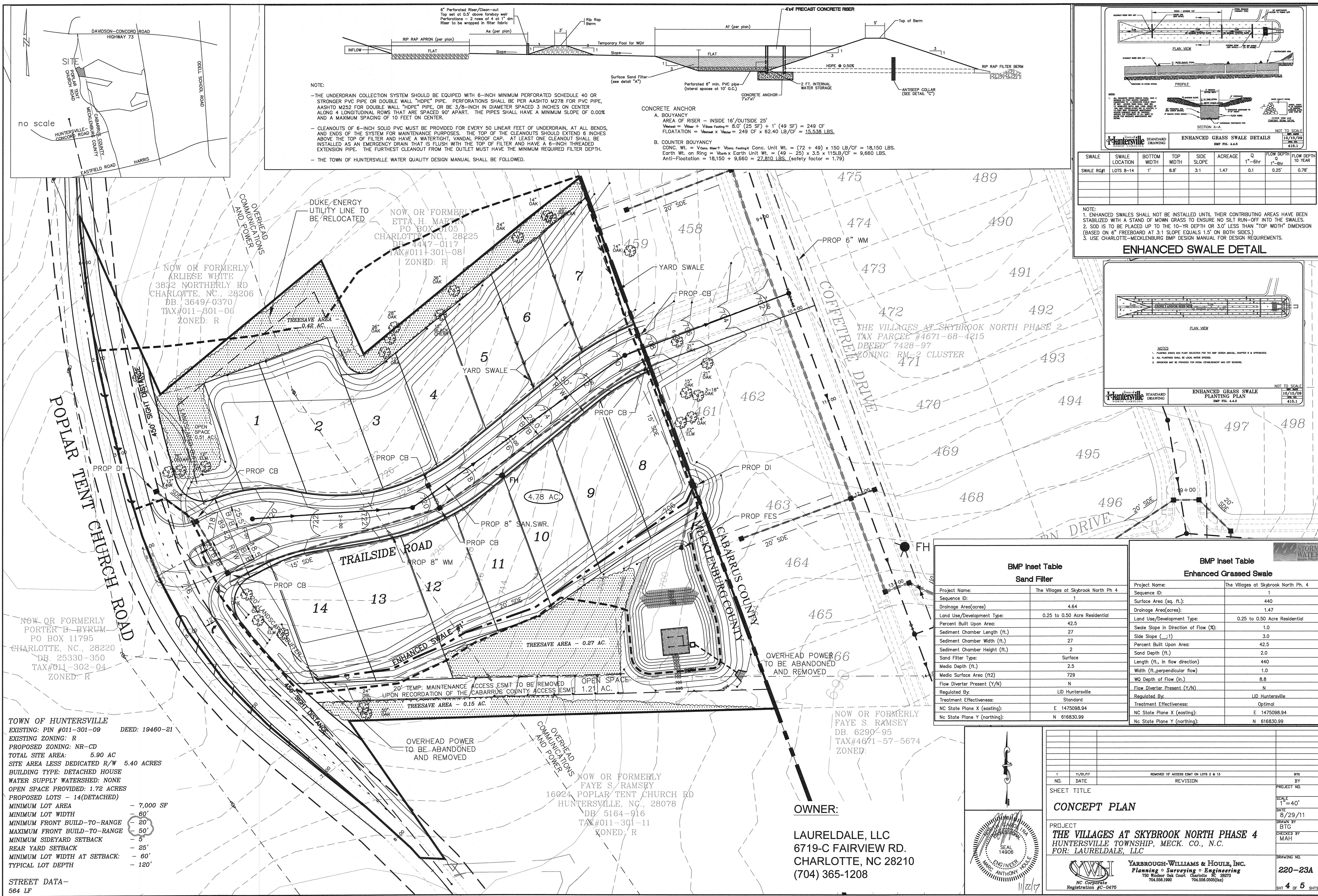
## Contact Information

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







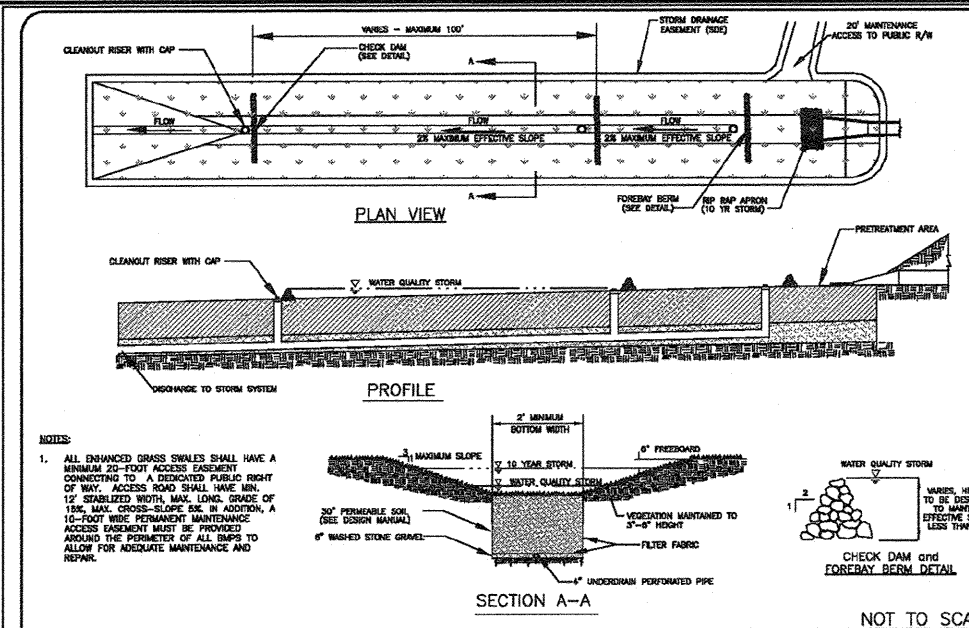


NOTE:

- THE UNDERDRAIN COLLECTION SYSTEM SHOULD BE EQUIPPED WITH 6-INCH MINIMUM PERFORATED SCHEDULE 40 OR STRONGER PVC PIPE OR DOUBLE WALL "HOPE" PIPE. PERFORATIONS SHALL BE PER AASHTO M278 FOR PVC PIPE, AASHTO M252 FOR DOUBLE WALL "HOPE" PIPE, OR 3/8-INCH IN DIAMETER SPACED 3 INCHES ON CENTER ALONG 4 LONGITUDINAL ROWS THAT ARE SPACED 90° APART. THE PIPES SHALL HAVE A MINIMUM SLOPE OF 0.00% AND A MAXIMUM SPACING OF 10 FEET ON CENTER.
- CLEANOUTS OF 6-INCH SOLID PVC MUST BE PROVIDED FOR EVERY 50 LINEAR FEET OF UNDERDRAIN, AT ALL BENDS, AND ENDS OF THE SYSTEM FOR MAINTENANCE PURPOSES. THE TOP OF THE CLEANOUTS SHOULD EXTEND 6 INCHES ABOVE THE TOP OF FILTER AND HAVE A WATER-TIGHT, VANDAL PROOF CAP. AT LEAST ONE CLEANOUT SHALL BE INSTALLED AS AN EMERGENCY DRAIN THAT IS FLUSH WITH THE TOP OF FILTER AND HAVE A 6-INCH THREADED EXTENSION PIPE. THE FURTHEST CLEANOUT FROM THE OUTLET MUST HAVE THE MINIMUM REQUIRED FILTER DEPTH.
- THE TOWN OF HUNTERSVILLE WATER QUALITY DESIGN MANUAL SHALL BE FOLLOWED.

CONCRETE ANCHOR

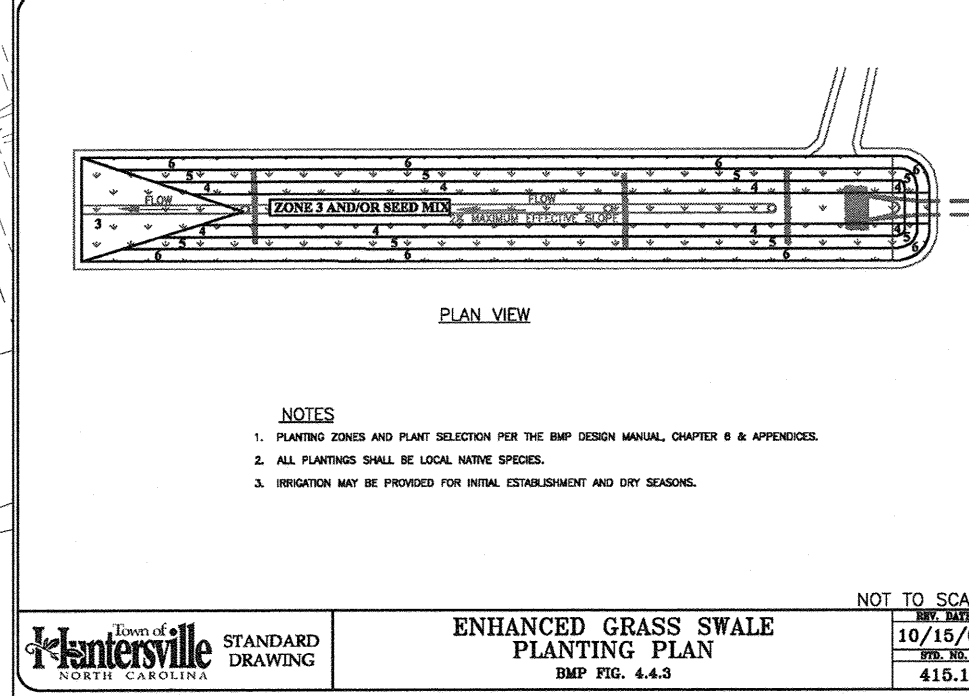
- A. BOUYANCY  
AREA OF RISER - INSIDE 16'/OUTSIDE 25'  
VOLUME = Volume + Volume Facing = 8.0' (25 SF) + 1' (49 SF) = 249 CF  
FLOATION = Volume x Weight = 249 CF x 62.4 LB/CF = 15,538 LBS.
- B. COUNTER BOUYANCY  
CONC. Wt. = Volume Riser + Volume Facing x Conc. Unit Wt. = (72 + 49) x 150 LB/CF = 18,150 LBS.  
Earth Wt. on Ring = Volume x Earth Unit Wt. = (49 - 25) x 3.5 x 115 LB/CF = 9,660 LBS.  
Anti-Floation = 18,150 + 9,660 = 27,810 LBS. (safety factor = 1.79)



SWALE	SWALE LOCATION	BOTTOM WIDTH	TOP WIDTH	SIDE SLOPE	ACREAGE	Q 1"-6hr	FLOW DEPTH 1"-6hr	FLOW DEPTH 10 YEAR
SWALE RG#1	LOTS 8-14	1'	8.8'	3:1	1.47	0.1	0.25'	0.78'

- NOTE:
1. ENHANCED SWALES SHALL NOT BE INSTALLED UNTIL THEIR CONTRIBUTING AREAS HAVE BEEN STABILIZED WITH A STAND OF MOWN GRASS TO ENSURE NO SILT RUN-OFF INTO THE SWALES.
  2. SOO IS TO BE PLACED UP TO THE 10-YR DEPTH OR 3.0' LESS THAN "TOP WIDTH" DIMENSION (BASED ON 6" FREEBOARD AT 3:1 SLOPE EQUALS 1.5' ON BOTH SIDES.)
  3. USE CHARLOTTE-MECKLENBURG BMP DESIGN MANUAL FOR DESIGN REQUIREMENTS.

ENHANCED SWALE DETAIL



BMP Inset Table	
Sand Filter	
Project Name:	The Villages at Skybrook North Ph 4
Sequence ID:	1
Drainage Area (acres):	4.64
Land Use/Development Type:	0.25 to 0.50 Acre Residential
Percent Built Upon Area:	42.5
Sediment Chamber Length (ft.):	27
Sediment Chamber Width (ft.):	27
Sediment Chamber Height (ft.):	2
Sand Filter Type:	Surface
Media Depth (ft.):	2.5
Media Surface Area (ft2):	729
Flow Diverter Present (Y/N):	N
Regulated By:	LID Huntersville
Treatment Effectiveness:	Standard
NC State Plane X (easting):	E 1475098.94
NC State Plane Y (northing):	N 616830.99

BMP Inset Table	
Enhanced Grassed Swale	
Project Name:	The Villages at Skybrook North Ph. 4
Sequence ID:	1
Surface Area (sq. ft.):	440
Drainage Area (acres):	1.47
Land Use/Development Type:	0.25 to 0.50 Acre Residential
Swale Slope in Direction of Flow (%):	1.0
Side Slope (L:1):	3.0
Percent Built Upon Area:	42.5
Swale Depth (ft.):	2.0
Length (ft., in flow direction):	440
Width (ft., perpendicular flow):	1.0
WQ Depth of Flow (in.):	8.8
Flow Diverter Present (Y/N):	N
Regulated By:	LID Huntersville
Treatment Effectiveness:	Optimal
NC State Plane X (easting):	E 1475098.94
NC State Plane Y (northing):	N 616830.99

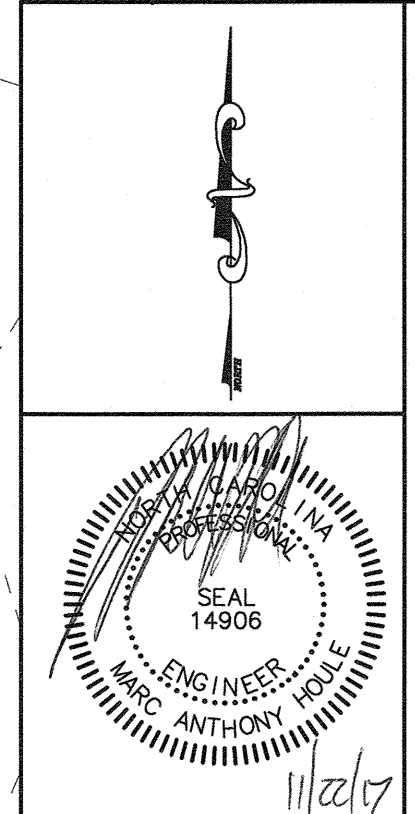
TOWN OF HUNTERSVILLE  
EXISTING: PIN #011-301-09 DEED: 19460-21  
EXISTING ZONING: R  
PROPOSED ZONING: NR-CD  
TOTAL SITE AREA: 5.90 AC  
SITE AREA LESS DEDICATED R/W 5.40 ACRES  
BUILDING TYPE: DETACHED HOUSE  
WATER SUPPLY WATERSHED: NONE  
OPEN SPACE PROVIDED: 1.72 ACRES  
PROPOSED LOTS - 14 (DETACHED)  
MINIMUM LOT AREA - 7,000 SF  
MINIMUM LOT WIDTH - 60'  
MINIMUM FRONT BUILD-TO-RANGE - 20'  
MAXIMUM FRONT BUILD-TO-RANGE - 50'  
MINIMUM SIDEYARD SETBACK - 5'  
REAR YARD SETBACK - 25'  
MINIMUM LOT WIDTH AT SETBACK - 60'  
TYPICAL LOT DEPTH - 120'

STREET DATA -  
564 LF

NOW OR FORMERLY  
FAYE S. RAMSEY  
16024 POPLAR TENT CHURCH RD  
HUNTERSVILLE, NC. 28078  
DB. 5164-916  
TAX#011-301-11  
ZONED: R

OWNER:

LAURELDALE, LLC  
6719-C FAIRVIEW RD.  
CHARLOTTE, NC 28210  
(704) 365-1208



REVISION		BY	DATE
NO.	DATE		
1	11/21/17	BTG	
SHEET TITLE			
CONCEPT PLAN			
PROJECT			
THE VILLAGES AT SKYBROOK NORTH PHASE 4			
HUNTERSVILLE TOWNSHIP, MECK. CO., N.C.			
FOR: LAURELDALE, LLC			
DRAWING NO.			
220-23A			
SHT 4 OF 5			





November 17, 2017

To: Janet Pierson, Town of Huntersville

From: Scott Moore, Skybrook Project Manager

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

**RE: Community Meeting Minutes for Rezoning Case R#17-12  
(Villages at Skybrook North Phase 4)**

*The R#17-12 community meeting was held at Huntersville Town Hall on Thursday, November 16, 2017 and was opened at 6:08 PM.*

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

In attendance, representing the Town of Huntersville:  
David Peete, Principal Planner

In attendance, representing the Town of Huntersville Planning Board:  
Mr. Hal Bankirer

Representing the Adjacent Property Owners and/or Homeowners Associations:  
Ms. Valerie Neal- Adjacent Owner  
No HOA Representatives were in attendance.

Summary of items discussed at the meeting:

- Overview of the history of the plan including an update on the development process. All of the lots have been graded and the final plat is currently being reviewed for approval.
- Scott Moore stated that the purpose of this amendment is to (1) remove the 10' recess requirement on front load garages for single family homes (which was previously required by the town's ordinance at the time of the 2014 rezoning). Scott pointed out that the town has since revised the ordinance removing this requirement and this amendment will remove the note bringing it into compliance with the current ordinance; (2) the applicant is evaluating the removal of a note that limits direct driveway access for Lots 1, 2, 13, 14 on Trailside Road near the community's entrance. If it is permissible by the applicable review agents, the applicant will remove the note as a part of this request.
- David Peete provided an overview of the next steps and stated that the town will send out a notice to all adjacent property owners making them aware of the upcoming public hearing.
- No additional feedback or recommendations was provided by the planning board or adjacent property owner(s).

*The meeting was adjourned at 6:30 PM.*

All neighborhood meeting notifications, materials, and minutes along with all items described in Article 11.4.3 (d) were delivered to the Huntersville Town Clerk's office on November 21, 2017.



November 2, 2017

Re: Rezoning Case R#17-12 Villages at Skybrook North- Note Revisions  
5.90 Acres on Poplar Tent Road in Huntersville, NC. (Parcel ID# 011-301-09)

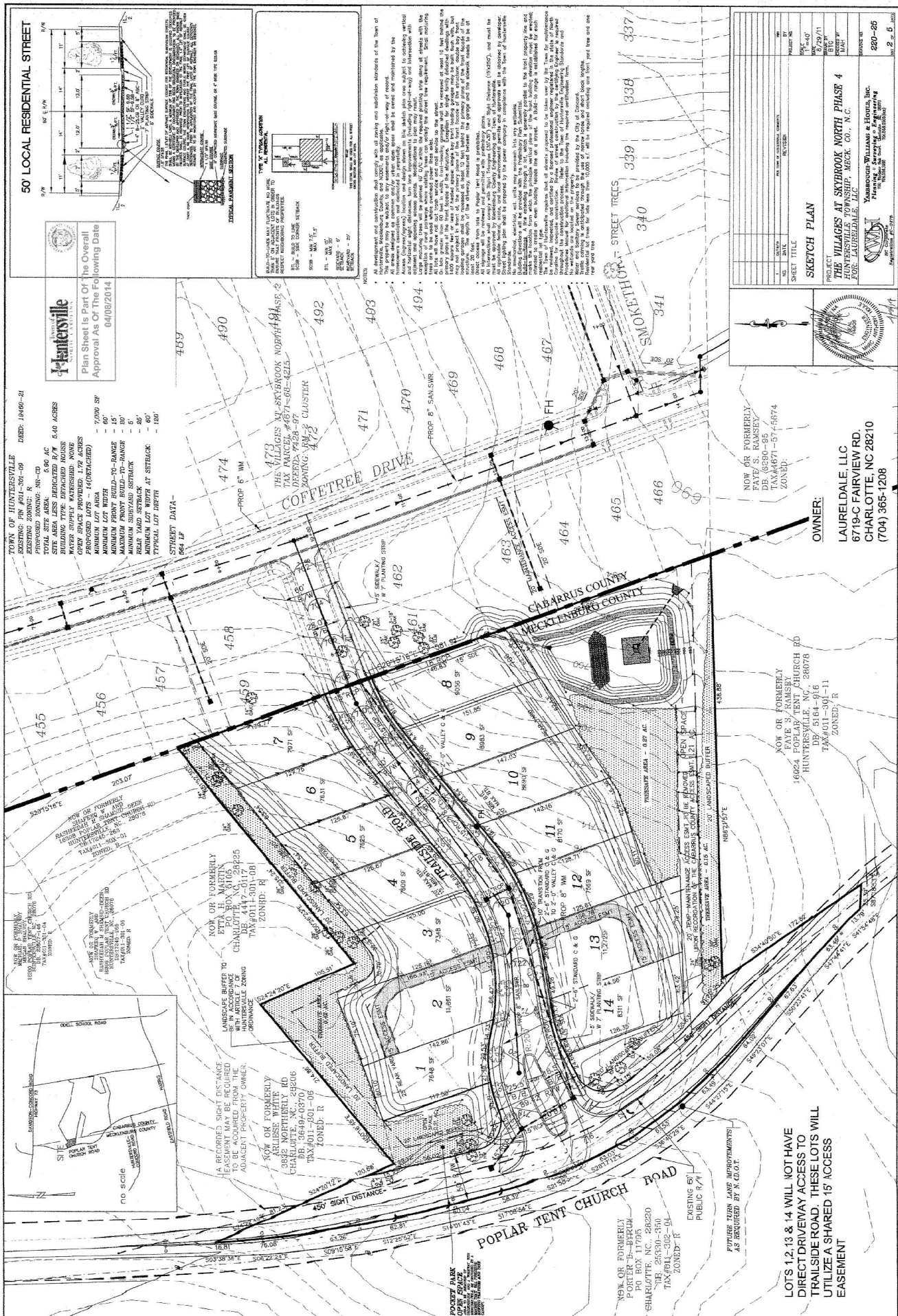
Dear Property Owner,

On behalf of the applicants, we would like to invite you to attend a Neighborhood Meeting scheduled for November 16, 2017 at 6:00 PM at the Huntersville Town Hall (101 Huntersville-Concord Road) in Huntersville, NC to review revisions to the approved rezoning and subdivision sketch plans on the above-referenced property. These plans are currently being reviewed by the Town of Huntersville Planning staff to revise previously approved conditional notes regarding (1) the removal of a 10' recess requirement on front load garages for single family homes (currently not required by the zoning ordinance) and (2) providing direct driveway access for four single family lots on Trailside Road near the community's entrance. I have attached a site plan of the proposal on the back of this letter for your review.

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

Sincerely,

Scott Moore  
Project Manager  
Skybrook Subdivision





JOEY DONNELL  
1549 POPLAR TENT RD  
HUNTERSVILLE, NC 28078

MICHAEL & MEGAN SHALVOY  
16200 POPLAR TENT CHURCH RD  
HUNTERSVILLE, NC 28078

KENNETH & VALERIE NEAL  
908 MARTHAS VIEW DRIVE  
HUNTERSVILLE, NC 28078

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

WAVERLYN RAMSEY REID  
16024 POPLAR TENT CHURCH RD  
HUNTERSVILLE, NC 28078

BARNIE RAMSEY &  
ERICA RAMSEY GASSAWAY  
16024 POPLAR TENT RD  
HUNTERSVILLE, NC 28078

FAYE SHERRILL RAMSEY  
16024 POPLAR TENT CHURCH RD  
HUNTERSVILLE, NC 28078

ARLIESE WHITE  
3832 NORTHERLY RD  
CHARLOTTE, NC 28206

ETTA HOLLEY MARTIN  
PO BOX 5105  
CHARLOTTE, NC 28225

PARKSIDE AT SKYBROOK  
NORTH HOA  
1201 STALLINGS ROAD  
MATTHEWS, NC 28104

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

TOWN OF HUNTERSVILLE  
ATTN: DAVID PEETE  
PO BOX 664  
HUNTERSVILLE, NC 28070

Mayor John Aneralla  
15705 Framingham Lane  
Huntersville, NC 28078

Commissioner Dan Boone  
317 Southland Road  
Huntersville, NC 28078

Commissioner Melinda Bales  
15426 Ranson Road  
Huntersville, NC 28078

Commissioner Mark Gibbons  
13818 Bramborough Road  
Huntersville, NC 28078

Commissioner Danny Phillips  
14720 Brown Mill Road  
Huntersville, NC 28078

Commissioner Rob Kidwell  
7603 Rolling Meadows Ln  
Huntersville, NC 28078

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

Jennifer Davis  
7530 McIlwaine Road  
Huntersville, NC 28078

Hal Bankirer  
17206 Linksvie Lane  
Huntersville, NC 28078

Catherine Graffy  
15120 Pavilion Loop Drive  
Huntersville, NC 28078

John McClelland  
219 Nottingham Drive  
Huntersville, NC 28078

JoAnne Miller  
13900 Asbury Chapel Road  
Huntersville, NC 28078

Joe Sailors  
9332 Westminster Drive  
Huntersville, NC 28078

Stephen Swanick  
203 Mt. Holly-Huntersville Road  
Huntersville, NC 28078

Ron Smith  
15902 Gathering Oaks  
Huntersville, NC 28078

Susan Thomas  
10215 Lasaro Way  
Huntersville, NC 28078

TOWN OF HUNTERSVILLE  
ATTN: JANET PIERSON  
PO BOX 664  
HUNTERSVILLE, NC 28070

TOWN OF HUNTERSVILLE  
ATTN: GERRY VINCENT  
PO BOX 664  
HUNTERSVILLE, NC 28070

R# 17-12 VSN Text Amendment 1 Rev.  
Neighborhood Meeting Mailing List

Mailed USPS November 2, 2017

**Town of Huntersville  
PLANNING BOARD  
12/19/2017**

**To:** Planning Board Members  
**From:** Brad Priest, Senior Planner  
**Subject:** Tree Mitigation - Bayshore Plaza

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**Tree Mitigation:** Request by Southstar Holdings Huntersville, LLC to preserve less than the required amount of specimen tree save at their Bayshore Plaza Shopping Center (14126 S. Old Statesville Road) and to mitigate the shortage per Article 7.4 of the Huntersville Zoning Ordinance.

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

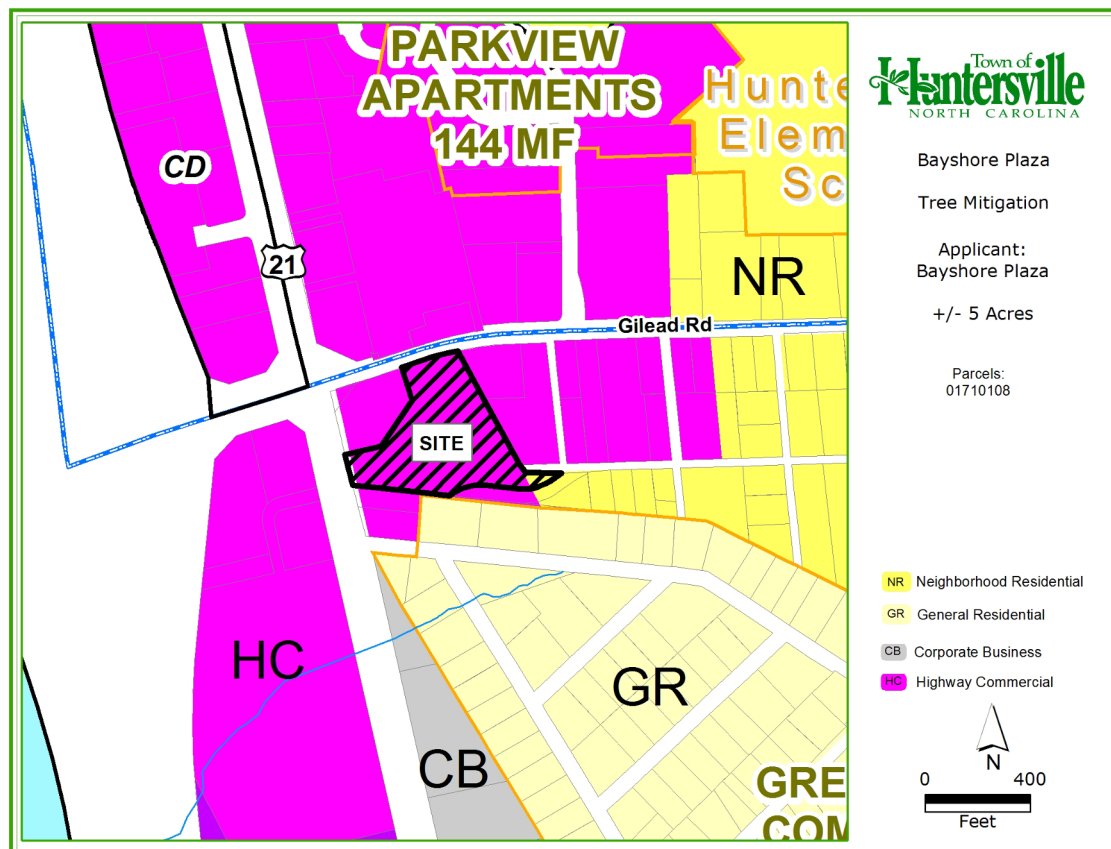
Description	Type
▢ Staff Report	Staff Report
▢ Tree Mitigation Plan - Landscape Plan	Exhibit
▢ Application	Backup Material

**Bayshore Plaza - Redevelopment  
Tree Save Mitigation Request  
12/19/17**

**Project Description**

Request by Bayshore Plaza Shopping Center to preserve less than the required amount of specimen tree save at 14126 S. Old Statesville Road (Parcel ID 01710108 and 01710128) and to mitigate the shortage per Article 7.4 of the Huntersville Zoning Ordinance.

**Location**



**Site Plan Description**

The proposed site plan depicts the following information:

- 1) Zoning – Highway Commercial
- 2) Project size – 5.33 acre
- 3) Required Specimen Tree Save – 30% of Existing Specimen Trees = 2 existing trees x .30 = **1 tree**.
  - a) Proposed Specimen Tree Save – None.

- 4) Proposed Land Use: Redevelopment of the southernmost building into a 21,007 sqft grocery store.

<b>Items Relevant to the Mitigation Request</b>
-------------------------------------------------

- Article 7.4.2 (f) of the Huntersville Zoning Ordinance requires that developments in the Highway Commercial (HC) zoning district preserve 30% of the specimen trees located on the property.
- The Bayshore Plaza shopping center has existed since the early 1970s. There is very little wooded area remaining on the property. However the remaining area that is wooded is proposed to be developed to increase the parking accommodation for a future grocery store redevelopment.
  - Please note that there are several existing specimen trees along the southern boundary of the property that will be dedicated to the Town of Huntersville for the construction of Holbrook Road extension. Since these trees will be removed for future road construction, these trees are not counted for tree save calculations. They are not counted as trees required to be saved by the applicant, nor are they counted as trees saved by the applicant.
- Since the applicant is proposing to preserve less than the required amount of tree save, mitigation is required. Article 7.4 F 2 states:

“Where circumstances prevent locating the required tree plantings or preservation standards on site and approval by the Planning Board is granted, the developer may mitigate protected tree canopy removal by planting new trees on the site whose canopy equals that of the canopy to be removed (new tree canopy credits are described above). If site conditions are not conducive for healthy tree replacement plant on site, the developer may contribute to a Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community. A combination of planting and contribution in lieu of planting is acceptable. The amount of contribution is based on the total cost of the required mitigation trees plus that of their installation.

For Specimen Tree Mitigation, the developer may mitigate the removal of protected trees by planting new trees on the site whose total caliper (DBH) equals 30% of the total caliper of trees (DBH) to be removed above the ordinance requirement. If site conditions are not conducive for healthy tree planting on site, the developer may contribute to a Tree Fund/Bank as described above. Newly planted street trees and parking lot trees do not count toward the mitigation calculation. Trees planted to satisfy buffer requirements however may.”

- Therefore as described above, the applicants are proposing to mitigate the required tree save by planting additional trees above the ordinance requirement on the site. The mitigation is outlined below:
  - **Canopy Tree Save**: Canopy Tree Save is not required in commercial zoning districts.
  - **Specimen Tree Save**: 1 tree required to be saved. None proposed to be saved therefore 1 tree to be mitigated. 1 trees x 24 caliper inches of the tree = 24 caliper inches. 24 inches x .30 (30% of the caliper is to be mitigated as described above) = 7.2 caliper inches to be mitigated. 7.2 calipers / standard 2 inch caliper newly planted tree = 3.6 or **4 trees to be mitigated.**
- The attached landscape plan shows the location of the proposed mitigation trees at the southeastern most corner of the property. 4 Willow Oaks are proposed to be planted.

<b>Staff Recommendation</b>
-----------------------------

Staff recommends approval of the mitigation as outlined in Article 7.4.2 F.







LANDSCAPE PLANTING:

The landscape contractor shall familiarize himself with the site conditions and verify them to his satisfaction. The landscape contractor shall accept the site conditions and do the work specified without additional compensation for possible variation from grades and conditions shown.

Prior to construction the landscape contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during construction. Should the landscape contractor cause damage to any utilities, he shall make necessary repairs as quickly as practicable without additional compensation.

All plant material sizes and measurements, including trunk, head and spread sizes, container and rootball sizes, quality and condition shall conform to the standards set forth in the current issue of "American Standards for Nursery Stock" (ANSI Z60.1).

All plant material are subject to the approval by the owner, and may be inspected at the place of growth or at site before planting.

The landscape contractor shall be responsible for maintaining, in full, all landscape planting work (including watering, spraying for insects and diseases, mulching, mowing, fertilizing, cultivating, edging and weeding) during installation and until acceptance by the owner.

The landscape contractor shall completely guarantee all landscape planting work and materials for a period of one (1) full year from the date the work has been approved by the owner as installed. All plant material not in a healthy growing condition shall be removed immediately and replaced as soon as practicable with like kind at no charge to the owner. All plantings needing replacement will be guaranteed from time of replacement if after final acceptance.

The landscape contractor shall be responsible for obtaining soil samples from top soil and native or fill soils at the site and submitting them to an approved soil testing laboratory, and obtain analyses and recommendations for amending these soils and fertilization of specified plant material.

All planting areas, shrub beds and trees shall be mulched with a minimum compacted depth of four (4) inches of mulch as specified. Prior to mulching apply a pre-emergent herbicide (approved by the owner) as recommended by the manufacturer, to prevent recurring weed and grass growth.

All disturbed areas of the site shall be either grassed or planted immediately after grading in order to prevent soil erosion. A permanent vegetation cover shall be provided throughout all unpaved areas of the site, adjacent disturbed areas and right-of-way (R.O.W.). All work within any R.O.W. shall conform to standards and specifications of local and/or state jurisdictions.

GRASSING:

All disturbed areas shall receive 4" minimum of topsoil (compacted) and grassed with sod as indicated as lawn areas on the plan.

Sodded areas shall be grassed with 'Tift 419' Hybrid Bermuda sod. Sod shall be laid with close, tight fitting joints, which shall be laid in rows parallel to the contour lines. All sodded areas shall be rolled to achieve a smooth, uniform lawn and top dressed with sand.

All slopes equal to or greater than 2:1 shall be covered with jute mesh, staked, and may be hydroseeded for proper stabilization.

Fertilization and soil amendments for all grassed areas shall be as per laboratory analysis. Hydroseeding may be substituted for mechanical seeding by mixing seed, fertilizer and pulverized mulch in water, using equipment specifically designed for hydroseed application. Mix until uniformly blended into homogeneous slurry suitable for hydraulic application. Apply uniformly at a rate as required to obtain specified seeding rate.

SHRUBS AND TREES:

All trees located in grassed areas shall be planted as per detail and mulched with at least A four (4) foot diameter ring of shredded hardwood mulch.

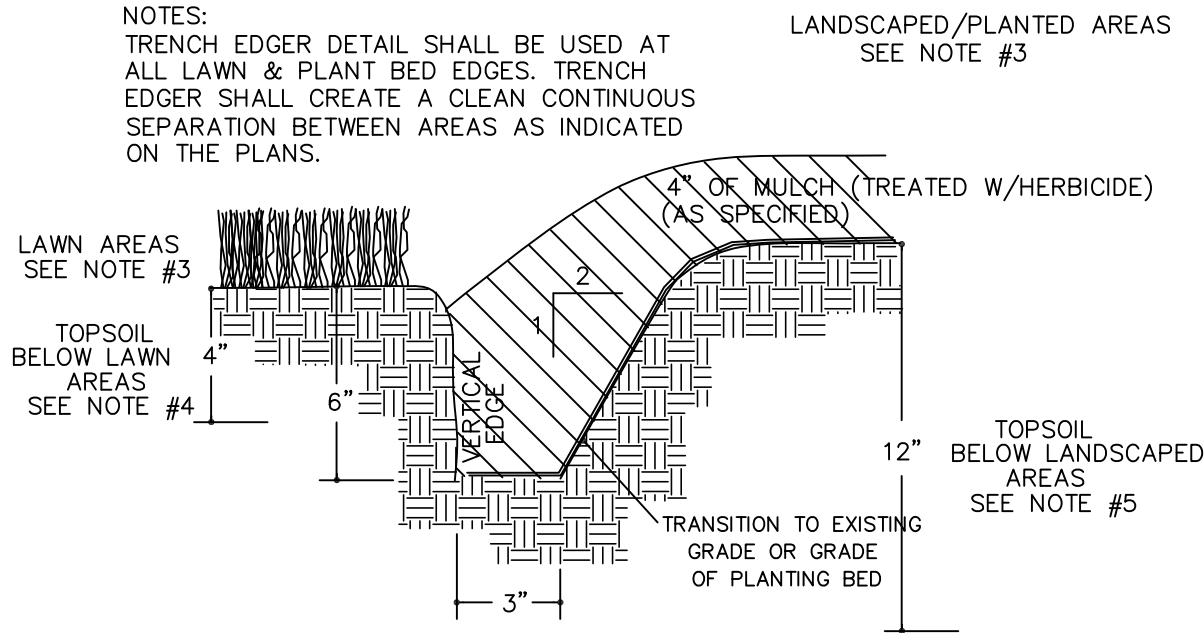
Shrub beds shall be mounded with topsoil 6" - 12" in height. Shrub beds shall be mulched with shredded hardwood.

Shredded hardwood mulch shall be treated with herbicide before installation.

Trees & shrubs shall be planted no closer than four (4) feet from back-of-curb.

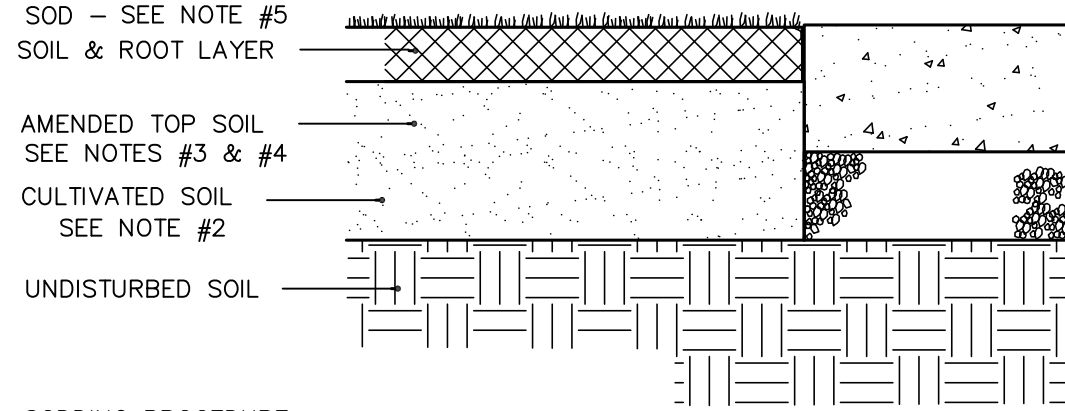
ALDI Landscape Notes:

1. Landscaping and trees shall be located in a manner that does not obstruct sight lines of the pylon or building signs.
2. Minimum topsoil depth in lawn areas shall be four (4) inches.
3. Minimum topsoil depth in landscaped areas shall be twelve (12) inches.
4. Slope protection shall be provided in seeded areas with slopes greater than three (3) feet horizontal to one (1) foot vertical (i.e. 3H:1V).



SOD/SEED/PLANTING/MULCH DETAIL

NOT TO SCALE

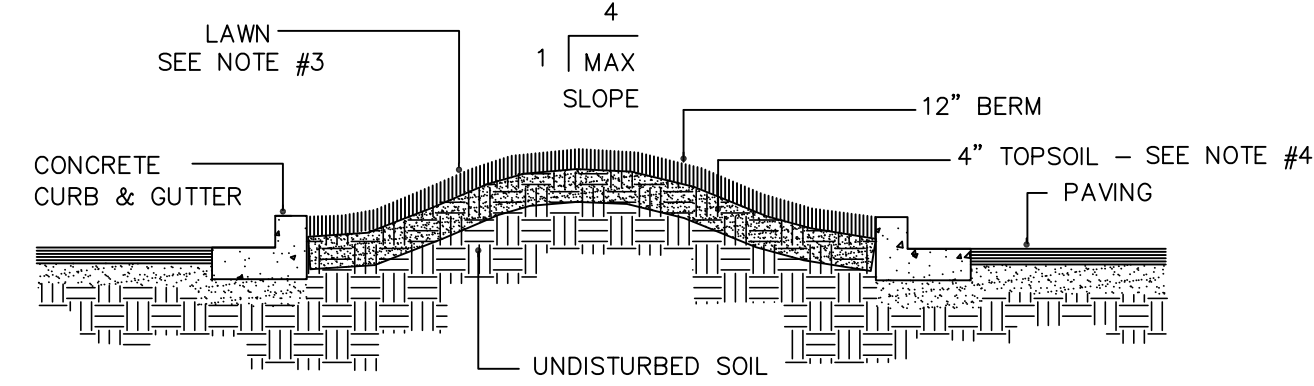


SODDING PROCEDURE:

1. THE GENERAL CONTRACTOR WILL PROVIDE GRADES TO .2 OF A FOOT OF PROPOSED GRADES.
2. SPREAD 4" OF TOPSOIL. CULTIVATE ENTIRE AREA TO 4-6" DEPTH AND HAND RAKE TO ACHIEVE SMOOTH SURFACE.
3. APPLY LIME AND FERTILIZER TO TOPSOIL (AS PER SPECIFICATIONS) AND SPREAD OVER CULTIVATED SOIL AREA. HAND RAKE TO SMOOTH FINISHED GRADE.
4. THOROUGHLY WATER AREA TO BE SODDED PRIOR TO INSTALLATION.
5. LAY SOD, ROLL AND WATER THOROUGHLY.

SOD INSTALLATION DETAIL

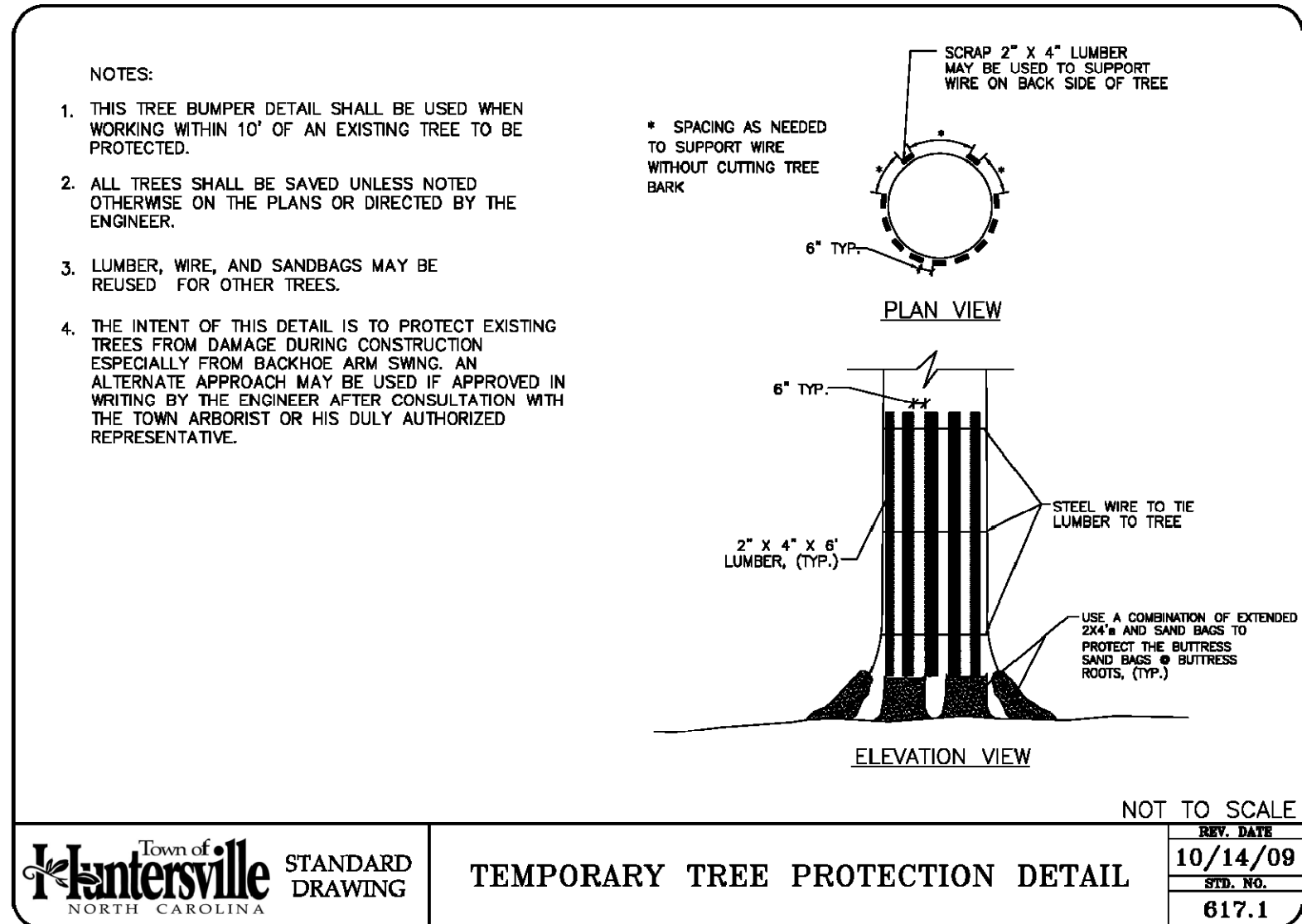
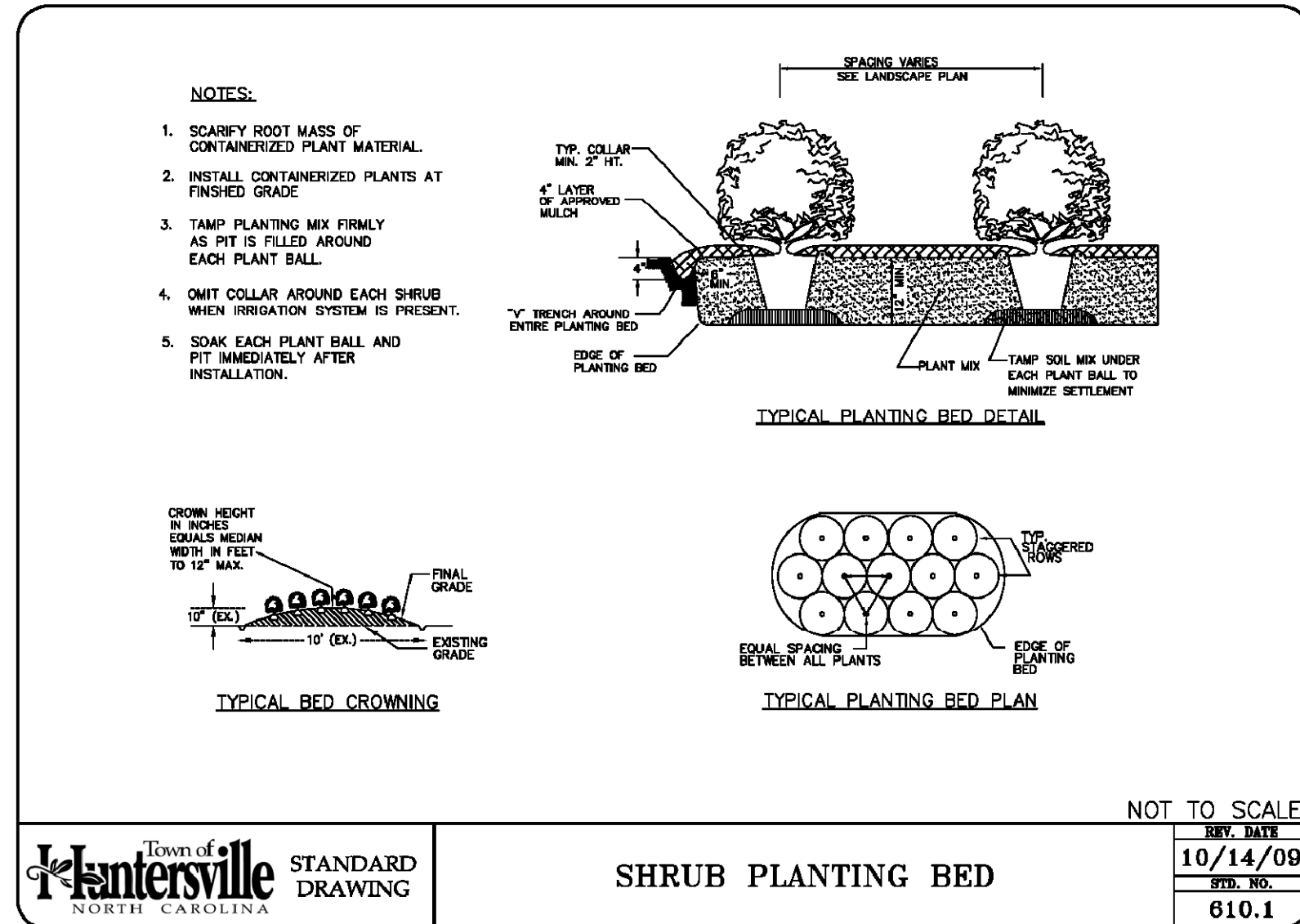
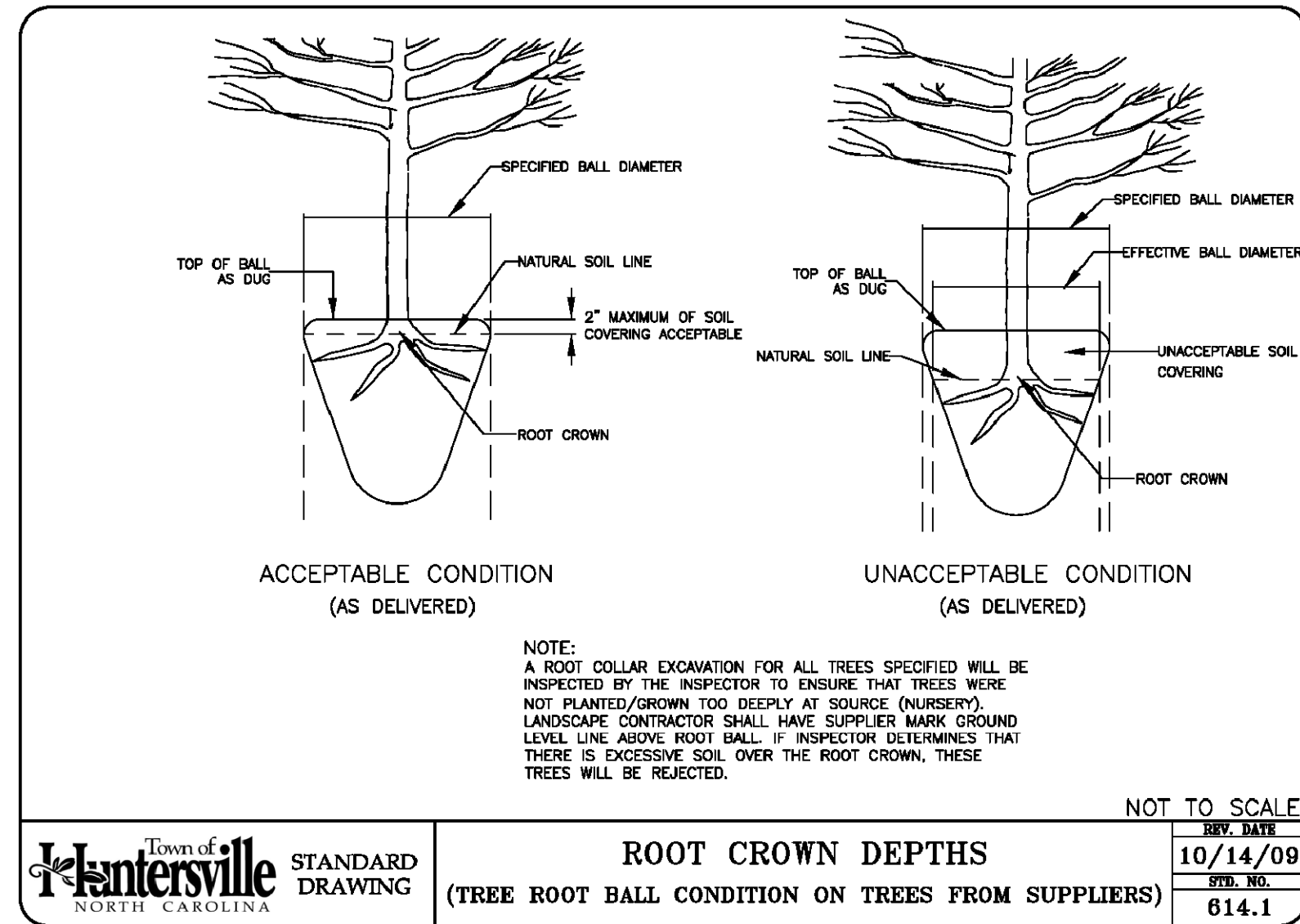
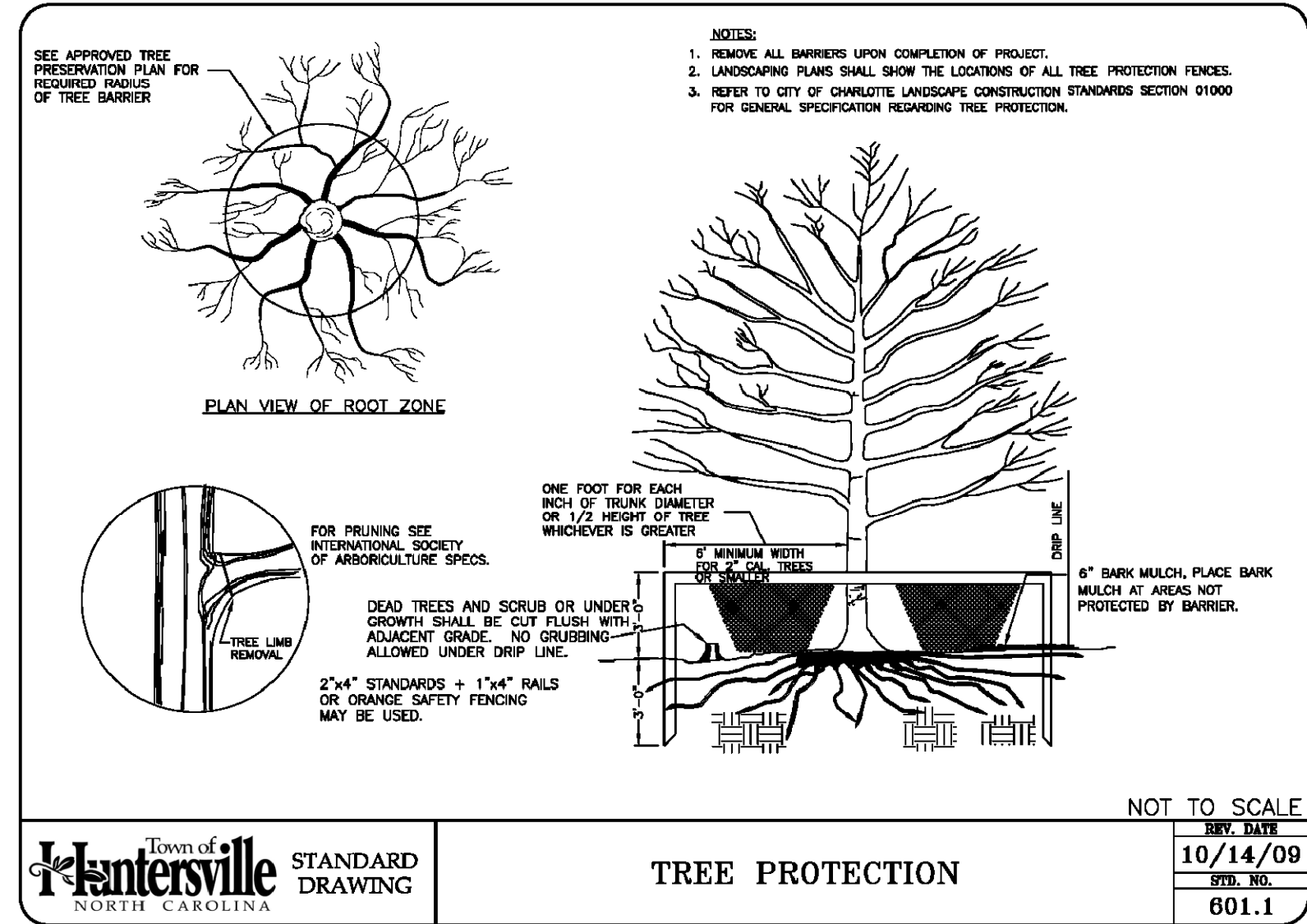
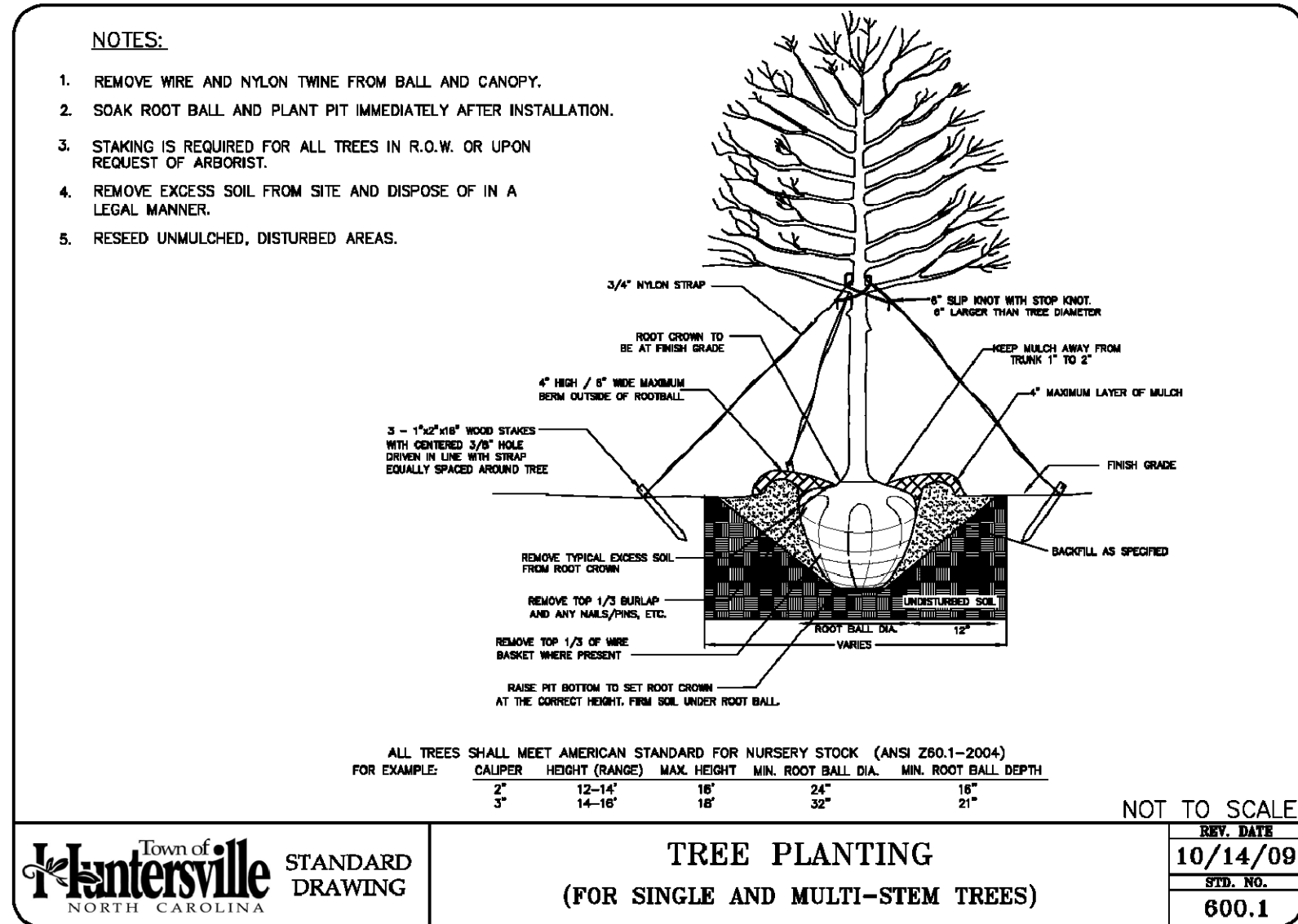
NOT TO SCALE



PARKING ISLAND DETAIL


NOT TO SCALE

REVISIONS			
NO.	BY	DESCRIPTION	DATE



LANDSCAPE NOTES & DETAILS

DAVID ALBRIGHT & ASSOCIATES, INC.  
PLANNERS & LANDSCAPE ARCHITECTS  
78 LAGRANGE STREET  
NEWNAN, GEORGIA 30263  
TEL: (404) 862-0390 E-MAIL: DAVID@ALBRIGHTATL.COM

**ALDI, Inc.**  
1985 Old Union Church Road  
Salisbury, NC 28146  
(704) 642-0023 tel  
(704) 642-0078 fax

Huntersville,  
North Carolina



# 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

☒ **Tree-Save Mitigation**

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 December 11, 2017

Name of Project Bayshore Plaza Aldi

Phase # (if subdivision) \_\_\_\_\_

Location 14126 S. Statesville Rd.

Parcel Identification Number(s) (PIN) # 017-101-08 & # 017-101-28

Current Zoning District HC - Highway Commercial

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

Property Size (acres) 5.3355 ac.

Street Frontage (feet) 220.55' Gilead - 121.76' Statesville

Current Land Use Commercial - Shopping Center

Proposed Land Use(s) Commercial - Shopping Center

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.

Approval of Landscape Plan for Tree Save Mitigation

## 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 Todd Bonnett - Director of Real Estate

Address of Applicant 1985 Old Union Church Rd. Salisbury, NC 28146

Email Todd.Bonnett@aldi.us

Property Owner's Signature (if different than applicant) 

Printed Name Scott Bortz

Property Owner's Address 101 S. Kings Dr., Ste. 200 Charlotte, NC 28204 Email sbortz@tribek.com

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

Southstar Holdings-Huntersville, LLC	Scott Bortz	704-714-2860	sbortz@tribek.com
Development Firm	Name of contact	Phone	Email
Haines, Gipson & Assoc., Inc.	Jeff Strickland	404-202-0431	jeffs@hainesgipson.com
Design Firm	Name of contact	Phone	Email

### If Applying for a General Rezoning:

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

### If Applying for a Conditional Rezoning:

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

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

### If Applying for a Subdivision:

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

## Contact Information

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

**Town of Huntersville  
PLANNING BOARD  
12/19/2017**

**To:** Planning Board Members  
**From:** Alison Adams (Senior Planner)  
**Subject:** Clarke Creek Small Area Plan Charrette

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Overview of the Clarke Creek Small Area Plan

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**