



AGENDA
Regular Town Board Meeting (VIRTUAL)
January 19, 2021 - 6:00 PM

HOSTED FROM TOWN HALL (101 Huntersville-Concord Road)

Virtual Meeting Information *This meeting will be held both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC 28078, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. The Board of Commissioners will participate remotely. The public is invited to attend and comment during public comment (1) in person at the Huntersville Recreation Center, 11836 Verhoeff Drive, Huntersville, NC 28078 or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. on January 19, 2021 to speak by telephonic communication. The public may also submit comments by email to the Town Clerk at jpierson@huntersville.org. The Town Clerk may be reached by email to jpierson@huntersville.org or by phone at (704) 766-2202.*

1. **Call to Order**
2. **Invocation - Moment of Silence**
3. **Pledge of Allegiance**
4. **Mayor and Commissioner Reports-Staff Questions**
5. **Public Comments, Requests, or Presentations** - *Speakers are limited to 3 minutes. The Mayor reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers.*
6. **Agenda Changes**
7. **Public Hearings**
8. **Other Business**
 - 8.A. Consider decision on Petition #R20-03 - Huntersville Town Center Mixed-Use, a request by North State Development, LLC to rezone +/- 9.947-acres located south of

Gilead Road (just west of NC 115), north of Greenway Street and east of Hillcrest Drive (Parcel #s 01711616, 017116699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811) from Town Center, Neighborhood Residential and General Residential to Town Center - Conditional District to permit a mixed-use development with 134 apartments, 41 townhomes, 11 detached-homes and 12,000 sq. ft. of non-residential space. (David Peete)

- 8.B. Consider deeming changes to Petition #R20-05 Vermillion Village as substantial or an intensification per Article 11.4.4 of the Zoning Ordinance. (*Sierra Saumenig*)
- 8.C. Consider directing staff to start the text amendment process for an administrative tree mitigation review. (*Brad Priest*)
- 8.D. Consider adopting Resolution Adopting Development and Cooperation Agreement for McDowell Creek Greenway. (*Michael Jaycocks*)
- 8.E. Consider adopting Resolution Adopting Development and Cooperation Agreement for Clarke Creek Greenway. (*Michael Jaycocks*)

9. Consent Agenda

- 9.A. Approve the minutes of the December 21, 2020 Regular Town Board Meeting. (*Janet Pierson*)
- 9.B. Adopt Resolution Authorizing Professional Engineering Services Contract Amendment for the Beatties Ford at Hambright Project. (*Eian Fowler*)

10. Closing Comments

11. Adjourn

**Town of Huntersville
Town Board
January 19, 2021**

To: Town Board

From: David Peete, Principal Planner

Date: January 19, 2021

Subject: Consider decision on Petition #R20-03 - Huntersville Town Center Mixed-Use, a request by North State Development, LLC to rezone +/- 9.947-acres located south of Gilead Road (just west of NC 115), north of Greenway Street and east of Hillcrest Drive (Parcel #s 01711616, 017116699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811) from Town Center, Neighborhood Residential and General Residential to Town Center - Conditional District to permit a mixed-use development with 134 apartments, 41 townhomes, 11 detached-homes and 12,000 sq. ft. of non-residential space.

EXPLAIN REQUEST:

Consider Final Action on Petition #R20-03 - Huntersville Town Center Mixed-Use, a request by North State Development, LLC to rezone +/- 9.947-acres located south of Gilead Road (just west of NC 115), north of Greenway Street and east of Hillcrest Drive (Parcel #s 01711616, 017116699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811) from Town Center, Neighborhood Residential and General Residential to Town Center - Conditional District to permit a mixed-use development with 134 apartments, 41 townhomes, 11 detached-homes and 12,000 sq. ft. of non-residential space. *(David Peete)*

ACTION RECOMMENDED:

Consider Final Action

FINANCIAL IMPLICATIONS:

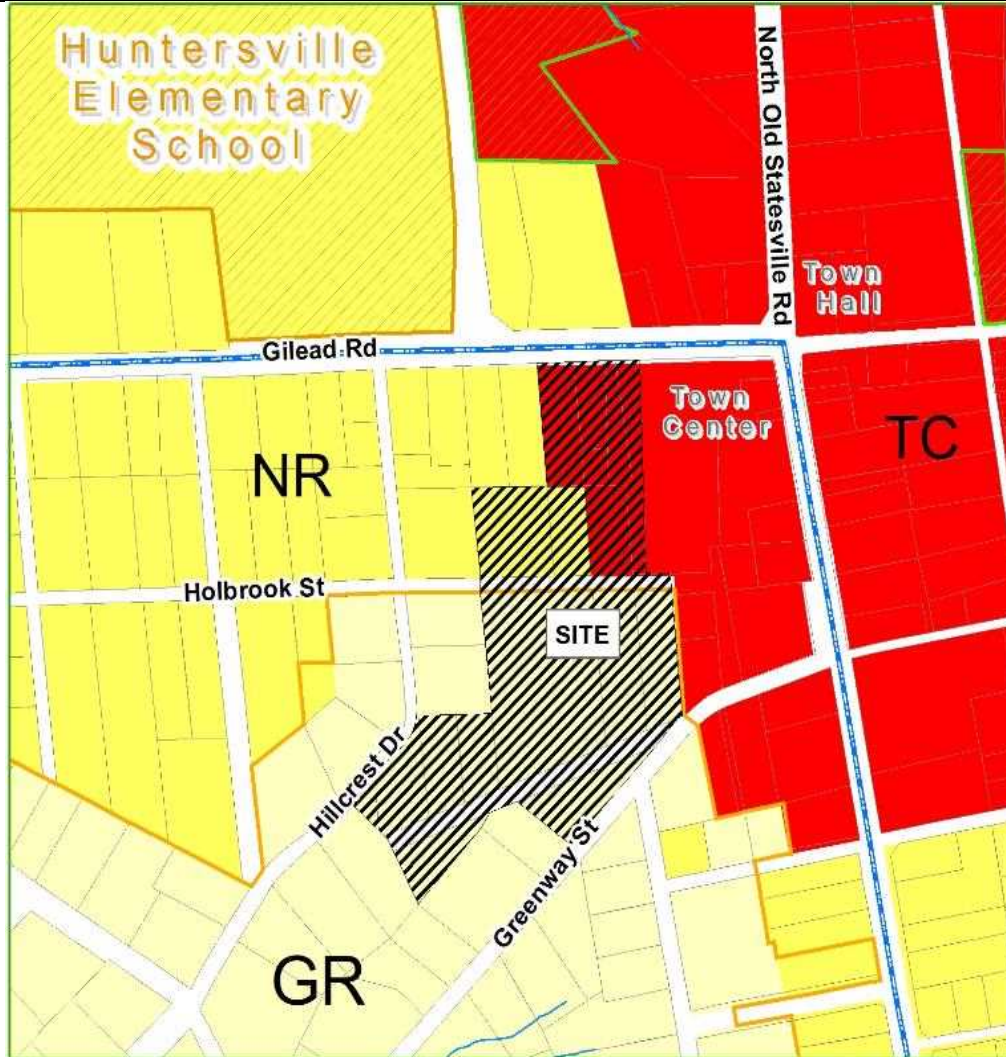
ATTACHMENTS:

1. R20-03 FINAL ACTION Staff Report 01-19-21
2. Attachment A - Rezoning Application
3. Attachment B - Town Center Mixed-Use CD Rezoning Plan - 1-5-21(6th version)
4. Attachment C - Neighborhood Meetings Reports from 8-26-20 and 9-23-20

5. Attachment D - APF Letter of Determination
6. Attachment E - CMS Report (12-3-20)
7. Attachment F - Submittal 3 changes - Susan Irvin memo 10-22-20
8. Attachment G - Development Analysis from Downtown Master Plan
9. Attachment H - Citizen comments
10. Attachment H - Citizen comments 2
11. Attachment I - 3rd Neighborhood Mtg. summary

Petition R20-03
Town Center Mixed-Use Conditional District Rezoning
[UPDATE in red underline]

PART 1: PROJECT SUMMARY



Applicant: NorthState Development, LLC

Property Owner: Town of Huntersville, NorthState HTC, LLC & Gilead Bowman, LLC (see Attachment A).

Property Address: 109 Gilead Road

Project Size: (+/-) 9.947-acres

Parcel Numbers:

01711616, 01711699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811

Current Zoning: General Residential (GR), Neighborhood Residential (NR) & Town Center (TC).

Current Land Use: vacant.

Proposed Zoning: Town Center—Conditional District (TC-CD).

Proposed Land Use:

134 apartments, 41 50 townhomes, 11 7 detached homes & 12,000 sq. ft. non-residential uses (TC permitted uses).

1. Purpose: Petition to rezone 9.947-acres generally located at 109 Gilead Road from General Residential (GR), Neighborhood Residential (NR) and Town Center (TC) Zoning Districts to Town Center – Conditional District (TC-CD) to create a mixed-use development consisting of 134 apartments, 41 50 townhomes, 11 7 detached homes and 12,000 sq. ft. of non-residential (Town Center permitted) uses (see Attachments B). If the CD Rezoning Plan is approved, a corresponding Subdivision Sketch Plan will be reviewed by staff for compliance.

2. Adjoining Zoning and Land Uses.

North: Neighborhood Residential (NR) & Town Center (TC) – Gilead Road, a daycare, two single-family homes & Town of Huntersville-owned buildings (Bob Blythe Building)(across Gilead Road).

South: General Residential (GR) – single-family.

East: Town Center (TC) – Town of Huntersville Town Center (3-story building(DPK) & parking garage), Fire Station #1 & Bellsouth Telecommunication Building.

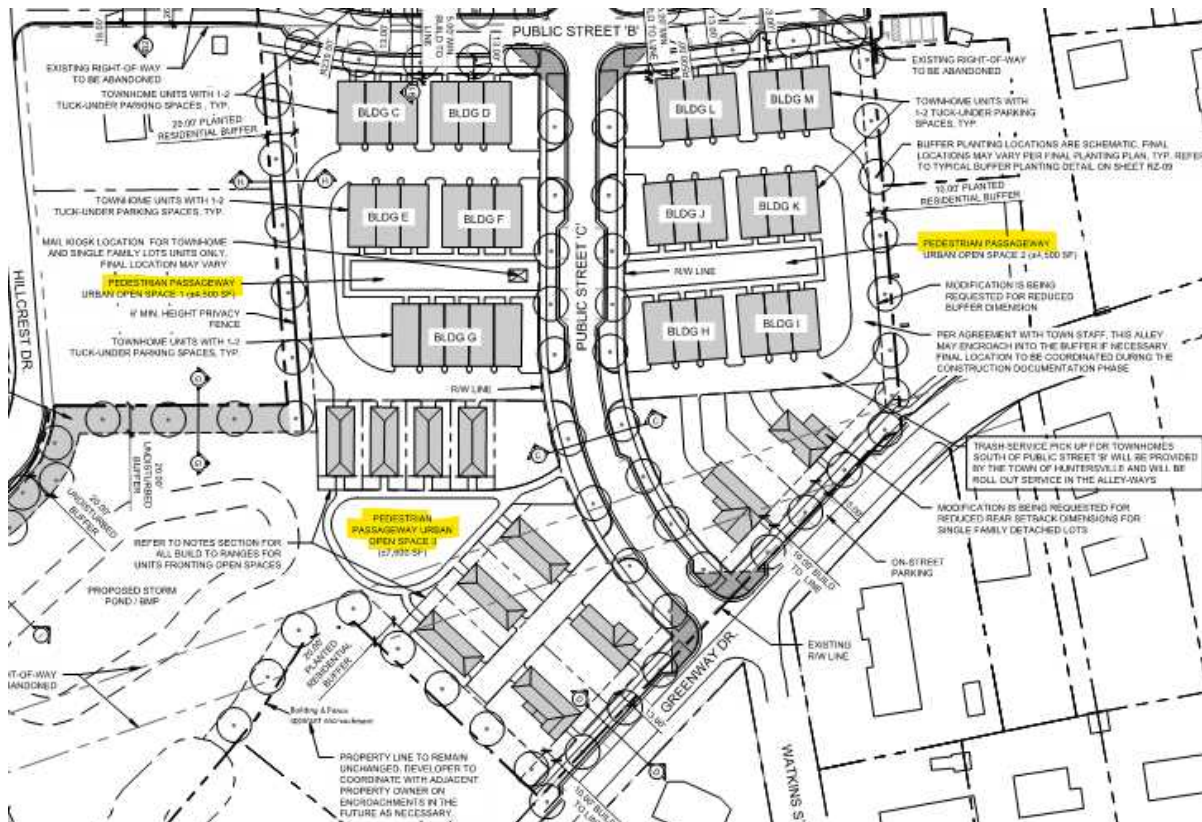
West: General Residential (GR) & Neighborhood Residential (NR) – single-family homes (Greenfield Community).

3. Three (3) neighborhood meetings were held: a virtual meeting on Aug. 26, 2020 and on-site meetings on Sept. 23, 2020 and Oct. 28, 2020. Summaries of all meetings are available in Attachment C & I.
4. Notice of the CD-Rezoning request was provided twice via postcards sent to all property owners within 250 ft. of the project; a legal ad placed in the Charlotte Observer; and posting of public hearing signs on the property in three (3) locations (Gilead Road, Greenway Street & Hillcrest Drive).

PART 2: REZONING/SITE PLAN ISSUES

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

- Proposed Uses: 134 Apartments, 41 50 Townhomes, 11 7 Detached Homes and 12,000 sq. ft. of first floor, non-residential space.
- Three (3) Urban Open Spaces are proposed – all three are “Pedestrian Passageway” spaces (see below).



- Additional right-of-way to be dedicated along Gilead Road, as required by NCDOT and Town. New public streets (and all required right-of-way) are proposed: the street west of 3-story building (DPK) is to be extended south; Holbrook Street is to be extended to the east (from Hillcrest Dr.); and a new “Street C” to be added from the new section of Holbrook Drive to Greenway Street. (see Part 3 for details).

- Minimum Tree Preservation for Specimen Trees in the Town Center zoning district is 30%. The proposed TC-CD Rezoning Plan saves 2% of existing specimen trees, with a proposal to mitigate the rest of the trees per the Zoning Ordinance.
- If the Rezoning Plan is approved, Staff, at the construction document phase, will review the plans for compliance with the Water Quality Ordinance, Erosion Control Ordinance and Stream Buffer Requirements, as found in the Zoning Ordinance.
- The subdivision is to be developed as one (1) phase.

The Conditional District Rezoning Plan has several issues that must be addressed:

- **Five (5)** ~~Seven (7)~~ Ordinance Modifications are proposed (see Sheet RZ-06):
 1. Article 4 Shopfront Building – “A note in the Permitted Height and Uses chart indicates “residential up to 50% of first floor or non-residential only.”
PROPOSED – “Residential uses may constitute more than 50%, but no more than 66% of the first floor area in the portion of Building A located on Gilead Road. The applicant has proposed to provide 12,000 sq. ft. of non-residential space from the approx. 35,497 total sq. ft. of the mixed-use building (approx. 34% of ground-floor square footage).
STAFF COMMENT – The applicant has increased the amount of non-residential space from an initial 6,100 sq. ft. to 12,000 sq. ft. and has excluded the leasing office and other apartment-related uses from this space. Now that a minimum of 34% of the first-floor square footage is to be non-residential in use, Staff can support this modification.
 2. **PROPOSED** – “The reduction in the width from 20 feet to 10 feet of the western residential buffer yard north of Public Street B, as more particularly depicted on the Rezoning Plan. Buffer yards along the western boundary of the site shall serve as parking lot landscaping and screening requirements in those locations.”
STAFF COMMENT: The reduced buffer along the western edge has a 6 ft. fence through the entire edge.
 3. ~~**PROPOSED** – “In accordance with Town Center regulations, on-street parking on all new public streets to be constructed on the Site shall count toward the off-street parking requirements for the multi-family residential and non-residential uses on the Site.”~~
STAFF COMMENT: Article 6 (Off-Street Parking Design Standards) Exemption B already provides for this, therefore this modification is not required and must be removed from the plan. This request was deleted, as recommended by Staff.
 4. **PROPOSED** - “Urban open space typology, as shown, may be refined based on determinations made during the Preliminary Plan design so long as the final typology meets the requirements of the Ordinance.
STAFF COMMENT:. A note on Sheet RZ-06 indicates “All (Urban) open space areas shall incorporate fixtures such as (but not limited to) fountains, benches, landscape materials, sculptures and other decorative elements per the Ordinance requirements”. Staff finds this note acceptable, rather than requiring full design as part of the Rezoning Plan, however, the term “public” must be added to the Urban Open Space note.
 5. ~~**PROPOSED** – “Petitioner shall install a fence in the 20’ buffer south of Holbrook and in the buffer north of public Street B as shown on the Rezoning Plan.”~~
STAFF COMMENT – Buffers are permitted, by Ordinance, to be planted or undisturbed. If they are planted, they may incorporate fences or walls, assuming there is adequate room to do so. The

proposed fences within the buffers listed are permitted and do not require an Ordinance modification. This request must be removed from the plan. This request was deleted, as recommended by Staff.

6. **PROPOSED** – “The maximum height of the mixed-use building shown on the Rezoning Plan is 53’ at the Gilead Road frontage.”

STAFF COMMENT – Permitted height for a Shopfront Building type is 48 ft. The Rezoning Plan labels the mixed-use building as “Apartment Type”, which will not work for this development. Assuming the development uses the Shopfront Building Type, Staff can support the five additional feet in height at this location.

7. **PROPOSED** – “The Build-to line for the single-family lot dimensions may be reduced to 15’.

STAFF COMMENT – Staff can support this modification request.

- ~~A compliant parking plan must be provided.~~ A note has been added to the Plan stating “final parking counts shall meet or exceed the amount required per the Town of Huntersville Ordinance”. (see Sheet RZ-06)

STAFF COMMENT: While the Rezoning Plan must show that all Ordinance-required parking can be provided on site, the number of units versus number of parking spaces shown would dictate that 118 units would be one-bedroom (88%) and 16 units would be two-bedroom (12%). Is this an appropriate unit mix for an apartment building downtown?

- The Town’s storm water review indicates that the size of the proposed BMP can be reduced, thereby altering the impact to the adjoining property owners and providing additional area for larger buffers.

STAFF COMMENT: The BMP must meet all Ordinance requirements. The applicant will continue to review storm water BMP size options and will comply with required regulations, however, the BMP area has been reduced to accommodate a (min.) 20 ft. wide planted buffer along the western project boundary.

- Tree save is shown at 2%. The plan states “applicant will provide mitigation based on final trees to be saved – to be determined”.

STAFF COMMENT: While saving 30% of specimen trees is required by Ordinance, there are provisions in the Ordinance to mitigate trees if they cannot be saved. These include, replanting smaller caliper trees (per Ord. criteria) on site or, if sufficient trees cannot be planted, paying into the Town Tree Fund. As long as the plan follows Ordinance provisions, Staff can support this item.

- ~~Site plan provisions to handle roll-out garbage collection have not been provided.~~ UPDATE: The alleys serving the townhomes are linked together to allow typical trash collection, as in other alley-loaded developments.

STAFF COMMENT: ~~A note has been added to the Rezoning Plan indicating that “trash service will be provided by a private trash collection service” (see Sheet RZ-06). Staff and applicants still in discussion on this issue.~~ This solution is acceptable, as long as the alley-linkage provides adequate turning radii. Staff is reviewing the plan.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

A TIA Determination of Need was completed for the proposed Conditional District Rezoning and based on the land uses and intensities proposed, a TIA Scoping was required. After completion of the TIA scoping process, no intersections were determined to be above the threshold for study that were not already included in a current TIP project. As no intersections were required to be studied, a TIA was not required. The TIA Scoping was updated to reflect the intensity change with regard to non-residential square footage and a TIA was found to be required. A TIA was completed for the proposed Town Center mixed-use development. The TIA, sealed 11/30/2020, has been reviewed and is acceptable as a final version. The TIA identifies one intersection, NC115 at Gilead Road/Huntersville Concord Road that exceeds the ICU percentage criteria

in Article 14 of the Zoning Ordinance. The mitigation identified in the TIA is the addition of a southbound right-turn lane on NC115 with 100 feet of storage.

The identified mitigation improvement satisfies the mitigation criteria standards in Article 14.4 of the Zoning Ordinance. While the addition of a southbound right-turn lane meets the mitigation criteria, construction of the right-turn lane presents construction challenges based on the existing adjacent development site configuration and access. Additionally, the Main Street project (U-5908), with anticipated construction start in 2021, and the NCDOT Gilead widening project (U-5807), with anticipated construction start in 2031, will both likely impact traffic conditions at the intersection.

With the unknown future traffic impacts of the U-5908 and U-5807 projects, staff would not be opposed to the applicant offering funding towards a future improvement project in-lieu of constructing the southbound right-turn lane at this time.

01-12-21 UPDATE - NCDOT has indicated that a right-turn lane with 100 feet of storage on Gilead Road at the site driveway will be required. The Town has asked NCDOT to reconsider this requirement due to the unknown specifics of the NCDOT U-5807 Gilead Road Project (US 21 to NC115), limited capacity benefit, and potential for additional traffic to use the Town Center parking lot to bypass the NC115 at Gilead traffic signal. To date, NCDOT has not responded to the Town's request to reconsider.

PART 4: ADEQUATE PUBLIC FACILITIES (APF)

Under the provisions of the APF Ordinance, all residential development greater than twenty (20) lots are required to receive a "Determination of Adequacy (DOA)" for the following public facilities: fire vehicles, fire facilities, police facilities, police vehicles, and Park and Recreation facilities. The proposed CD Rezoning met the required threshold for submission of an APF application, and the proposed Rezoning Plan (and associated subdivision) is subject to the requirements of the APFO.

A Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Facilities, Police Facilities, Police Vehicles and Parks and Recreation Facilities (see Attachment C). No mitigation is required.

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 DOES SUPPORT this project through the following sections:

- **Policy H-1 & H-9: Development Pattern.** Continue to follow existing residential development pattern as reflected in "Map of Zoning Districts," focusing higher intensity development generally within two miles of the I-77/NC 115 corridor.
Comment: The proposed CD Rezoning Plan is located entirely within the High Intensity Area of the 2030 Community Plan, which is the area the Comprehensive Plan supports considering increases in density.
- **Policy H-3: Mixed-Use Development.** Support and encourage self-sustained developments, where commercial and employment uses are in close proximity to residential uses.
Comment: 12,000 square feet of the first floor of the mixed-use building is proposed to be non-residential and will not be used for apartment-related uses, such as leasing office, gym or clubhouse. The 12,000 sq. ft. represents 34% of the first floor area.
- **Policy H-7: Housing Affordability.** Support appropriate mix of housing for all income levels.

Comment: Proposed rezoning plan provides a mix of housing types that includes apartments, townhomes and detached homes that will add additional variety of housing types, as well as increase the number of apartments and townhomes in the Town Center District.

- **Policy H-10: Redevelopment Areas:** Support redevelopment of older established residential areas, consistent with adopted plans, Zoning Ordinance and Subdivision regulations.
Comment: This project is located along the edge of one of the oldest residential communities in Huntersville and while re-development in this area is supported by the Town's long-range plans, it is also important to transition from the proposed higher density, mixed-use development into the existing fabric of the adjoining neighborhood. Buffer widths, location of housing types, and screening techniques are all methods to effectively transition from this project to the neighboring homes. The housing units fronting along Greenway Street are limited to four (4) detached homes, buffers along the western edge south of Holbrook Street have been increased to 20 feet and a six-foot, opaque fence will be installed within the buffer north of Holbrook Street.
- **Policy T-5: Context-sensitive Design of Streets:** Continue to support "context-sensitive" design of streets and the selection of appropriate street section designs for residential, commercial and industrial developments.
Comment: The internal streets are appropriately sized and create short blocks to encourage pedestrian activity. On-street parking is provided to accommodate guests and visitors, and additional on-street spaces are recommended, where feasible. The proposed streets also provide adequate lane widths, green zones for street trees and sidewalks.
- **Policy T-6: Pedestrian Connections:** Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.
Comment: The proposed site plan provides sidewalks along all public streets. The 2014 Greenway and Bikeway Master Plan does not call for a trail through this property, however, the Town is building a public greenway just north of Gilead Road that the project residents may access.
- **Policy T-8: Street Connectivity:** Promote and require street connectivity in the Town of Huntersville among residential, employment, recreational and institutional uses.
Comment: The proposed development provides one (1) connection to an existing thoroughfare (Gilead Road) and two (2) connections to existing Town streets: one to the western boundary to connect to Hillcrest Street and one to the southern boundary to connect to Greenway Street. Another stub will be provided to the eastern boundary to a Town-owned private drive.
- **Policy CD-2: Commercial Development Pattern:** Promote a mixed-use development pattern that focuses higher intensity development generally within two miles of the I-77/NC-115 core.
Comment: As the project is located in the southeast quadrant of Gilead Road and Old Statesville Road (NC-115), it is completely within the I-77/NC-115 core.
- **Policy CD-3: Commercial Development Principles:** Encourage mixed-use development pattern at key nodes as identified in Small Area Plans, insuring an appropriate mix of residential, commercial and employment uses to maximize land use and transportation efficiencies, while minimizing environmental impacts.
Comment: The downtown area around the future rail station is an identified mixed-use node in the 2030 Community Plan. A significant portion of this project is located within the node and a mix of uses and housing types are proposed for development.
- **Policy CD-5: Infrastructure:** Continue to require that adequate public infrastructure (roads, utilities, etc.) either exist or will be made available to support all new development.
Comment: The proposed development must provide all required improvements to create three (3) connections to existing streets and one (1) stub for future connection. This project will also tie into existing public water and sewer.
- **Policy CD-6: Architecture and Place-Making:** Consistent with Zoning and Subdivision Ordinances (as well as "Town of Huntersville Design Manual") maintain high design standards for development.

Comment: Elevations are shown on Sheet RZ-18 and provides a good indication as to what the mixed-use building will look like. As stated in the Article 3.2.6.d.1 (Town Center District General Requirements), “New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings”. A vehicular drive-thru has been added, mid-block along Street A, to help break the overall length of the building.

- **Policy DT-1: Downtown Development:** Continue to use the Downtown Master Plan, Gilead Road/US -21 Transportation and Land Use Vision Small Area Plan and East Huntersville Area Development Plan to guide future development in downtown.

Comment: The proposed project is generally consistent with the Downtown Master Plan, as referenced below. The pending Gilead Road improvements by NCDOT should refer to the Gilead Road/US-21 Transportation Plan; however, the East Huntersville Area Plan does not address these parcels directly.

- **Policy DT-2: Architectural Design Standards:** Promote high-quality architectural design standards for new development and redevelopment projects in the downtown.

Comment: The overall proposed architecture for the mixed-use building is appealing and complimentary to the existing Town Center / DPK building located to the east. Elevations for both the Gilead Road and Street A side are provided on Sheet RZ-18. Fine-grain review of the building’s architecture would come at Construction Plan stage. In addition, the first floor, non-residential space has incorporated high-ceilings, to facilitate effective utilization of the ground floor spaces.

- **Policy PF-2: Adequate Public Facilities Ordinance:** Continue use of “Adequate Public Facilities Ordinance” to ensure that demand generated by existing and future growth and development for police, fire and parks & recreation capital facilities can be met by available supply of facilities.

Comment: see Part 4 of this report.

STAFF COMMENT – The Downtown Master Plan Small Area Plan (SAP) DOES SUPPORT this project through the following Implementation Strategies:

- **Extend existing streets into new development.**

Comment: Three (3) new streets are proposed to connect to existing streets near the project: Street A will connect to Gilead Road, a new section of Holbrook Street will connect to Hillcrest Drive and Street C will connect to Greenway Street. In addition, a new street stub will be provided to the private drive located to the east along the AT&T building.

- **Encourage sensitive redevelopment/infill that maintains the urbanism of the Downtown while permitting new/modern architectural styles.**

Comment: The proposed project has located an architecturally modern building along the edge of the project furthest from the adjoining single-family residential and closest to the existing three-story Town Center / DPK building. By locating the most intense use along Gilead Road and providing townhomes in the middle and detached homes along Greenway Street, the project is “stepping down” the intensity as it moves from northeast to southwest to transition from high-density to lower density residential.

- **Require buildings within 800 feet of the intersection of Gilead Road and Old Statesville Road (NC 115) to be a minimum of 2 stories.**

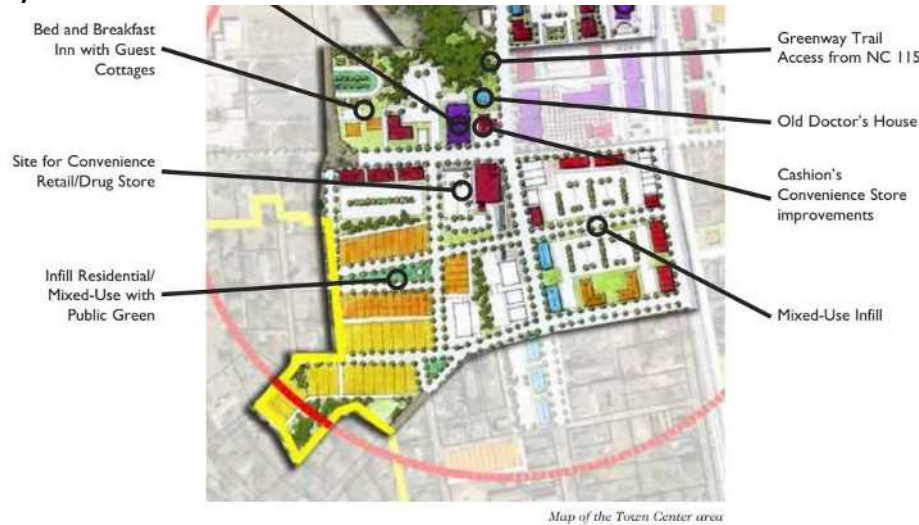
Comment: The proposed mixed-use building along Gilead Road is 350 feet from the intersection of Gilead Road and Old Statesville Road (NC-115) and is proposed to be four stories in height.

- **Permit and encourage infill development consistent with the Master Plan.**

Comment: The Downtown Master Plan “represents the conceptual build-out of the planning area” and in its recommendations, calls for higher density “infill residential/mixed use” in the southwest quadrant of the Gilead Road and Old Statesville Road (NC-115) intersection (see image below). While the Plan calls for townhomes and single-family homes in this quadrant, and not specifically apartments, the

proposed apartments are located furthest away from the adjoining single-family residential. Aside from the apartments, the location of townhomes and detached homes are consistent.

The Town Center – Southwest Quadrant (see Plan pages 34-35 in Attachment F and illustration below):



Further sections of the Downtown Master Plan that refer to the Southwest Quadrant:

- “To the rear of this block, the Plan recommends the tapering of development towards Greenway Drive and Hillcrest Drive. This area is presently vacant with two undeveloped right-of-ways (a portion of Holbrook Street and an extension of Greenway Drive) and twelve individual lots. The Plan shows an opportunity for the development of an urban residential infill neighborhood with a variety of housing types and a public open space.”
Comment: The Downtown Plan’s build-out scenario is generally provided in the proposed plan, with the exception of the mixed-use apartment building.
- “The Plan shows the connection of the two north/south streets with the developed extension of Holbrook Street and the new east/west street crafting a green square surrounded by townhomes. One building of the new townhomes terminates the vista at the end of the Holbrook Street extension.”
Comment: Expanded north/south and east/west street connections are proposed, as well as townhomes fronting on green spaces. The proposed Rezoning Plan is generally consistent with the illustrative Downtown Master Plan.
- “On the north and south sides of the square, townhome buildings enclose the space and create a comfortable outdoor room. In the southern half, the realigned right-of-way off Greenwood (Greenway) Street provides the opportunity for single-family homes and a small open space. This open space includes the preservation of trees behind the existing homes fronting Greenway Street, behind the proposed single-family homes.”
Comment: All of these components are generally provided in the proposed Rezoning Plan.
- “To help foster this pedestrian environment, it is necessary to improve the block structure in the area to give both pedestrians and automobiles more choice for circulation.”
Comment: The proposed Rezoning Plan establishes new, pedestrian-friendly blocks, consisting of local streets with sidewalks throughout.

- **When the Downtown Master Plan was approved in 2005, a market study was performed to evaluate the feasibility of future development.** That Plan included a Development Analysis identifying new development opportunities for the downtown area: In that analysis, 180,950 sq. ft. of retail, 208,400 sq. ft. of office, 79 single-family residential units, 178 attached single-family units and 459 multi-family residential units were identified for build-out of the downtown area (see Attachment G).
Comment: While the Development Analysis estimates were established in 2005 and are for the entire downtown area, the proposed densities and unit counts, with regard to housing type and non-residential square footage, are within the build-out projections provided in the 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 proposed Conditional District Rezoning for the Town Center Mixed-Use Conditional District Rezoning is supported by the 2030 Comprehensive Plan and the Downtown Master Plan, as the property is located within the area eligible for higher intensity. Proposed density is 18.7 ~~19.2~~ units per acre, which is higher than nearby developments, however the stated goals of the referenced Plans are to permit increased density, where appropriate, while ensuring that adequate transitions in land use and densities are provided. The Town Center zoning district, if applied to the entire project, does not have a density limit, and is permitted to have 100% attached units, as the project is within a ¼ mile of the future downtown rail transit station (per Article 3.2.6.d.4.). This, combined with a transition in housing types as the project moves from Gilead Road to Greenway Street, provide transitions from higher to lower intensity.

- 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 not initially required, however the increase in commercial space required a TIA – see Part 3 of this report.
- The APF Ordinance Determination of Adequacy was required and issued – see Part 4 of this report.
- Storm water plan approval, water and sewer plans and refuse disposal and a Willingness-to-serve from Charlotte Water, must all be provided.
- The Conditional District Rezoning site plan was reviewed by Charlotte-Mecklenburg School District (CMS). CMS indicates the proposed Rezoning Plan would add approximately 29 students to the schools in this area and indicate approval of the project “may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above”. (see below & see Attachment E for the full CMS report).
While CMS schools are over-crowded, the proposal is consistent with the 2030 Community Plan call for higher intensity downtown, as well as the Downtown Master Plan redevelopment recommendations.

The advisory report from CMS is updated, as of December 12, 2020, to reflect the revised housing count. The distribution of estimated students DID NOT change, but the overall number of proposed students increased from 27 to 29.

This development may add 29 students to the schools in this area.

The following data is as of 20th Day of the 2019-20 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
HUNTERSVILLE ELEMENTARY	44	37	818	688	119%	16	122%
BAILEY MIDDLE	80.35	57	1673	1187	141%	9	142%
WILLIAM A. HOUGH HIGH	120.0	100	2493	2078	120%	4	120%

The total estimated capital cost of providing the additional school capacity for this new development is \$1,053,000; calculated as follows:

Elementary School: **16** x \$34,000 = \$544,000
Middle School: **9** x \$37,000 = \$333,000
High School: **4** x \$44,000 = \$176,000

RECOMMENDATION

Adequacy of existing school capacity is a significant problem. We are particularly concerned about a case where school utilization exceeds 100% since the proposed development may exacerbate the situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above.

NOTE: The CMS Report above was based on a total housing unit mix of 191 units as of 12-12-20. A CMS report for the new density of 186 has not been provided my CMS.

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

STAFF COMMENT:

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

PART 6: STAFF RECOMMENDATION

Staff could support approval of the Town Center Mixed-Use CD-Rezoning with the following addressed:

- Modification # 1 to provide less than 50% non-residential square footage on the ground floor of the Gilead Road Mixed-Use building can be supported by Staff. 12,000 sq. ft. (34% of first-floor area) has been designated for non-residential and non-apartment use (see Part 2);
- Modification # 2 to allow the 10 ft. buffer north of Holbrook Street to count for parking lot landscaping can be supported by Staff.
- Modification # 3 to allow on-street parking to count for minimum required parking is permitted by Ordinance. ~~This modification is not required – should be removed from plan.~~ This request has been deleted.
- Modification # 4 to provide Urban Open Space plans at Construction Plan stage is supported by Staff and must be provided during the Rezoning Plan review. A note has been provided on Sheet RZ-06 outlining what each Urban Open Space will contain. Staff can support this Modification.
- Modification # 5 to place a fence within external buffers is permitted by Ordinance. ~~This modification is not required – should be removed from plan.~~ This request has been deleted.
- Modification # 6 to permit a maximum height for the mixed-use building of 53 ft. can be supported by Staff.
- Modification # 7 to reduce rear yard setbacks for the seven (7) detached-homes along Greenway Street can be supported by Staff.
- Note 2 on Sheet RZ-15 indicates that “heavy construction equipment will not access the project site through Greenway (Street) unless required because of emergency or a specific improvement, such as sidewalks on Greenway (Street) cannot be constructed unless the equipment has access through Greenway (Street)”. The recommendation from the Planning Board (see Part 8, below) was that both residential streets (Greenway Street & Hillcrest/Holbrook Streets) would not have any type of construction traffic unless directly involving the residential streets themselves. This note does not reflect the recommendation by the Planning Board, but the applicants are agreeable to the intent of the note and will revise the note – to be provided at January 19, 2021 Town Board Meeting.
- Note 12 on Sheet RZ-15 indicates improvements are to be provided along Hillcrest Drive. These improvements are NOT to be made at this time, but rather the applicant will financially secure (via escrow agreement) these improvements, which will be part of a larger Hillcrest Drive upgrade;
- Note 13 on Sheet RZ-15 indicates that modular speed tables are to be added along Greenway Street and the applicant is financially responsible. Staff recommends the note indicate “the applicant will bear the cost of appropriate traffic calming devices, as permitted by the Town”.
- Provide details on how/where roll-out garbage & recycling bins will be handled and located on collection days so as not to impact public streets; Alleys are shown as connected to allow typical trash collection service. Staff can support this plan element.
- All outstanding redline comments must be addressed.

PART 7: PUBLIC HEARING COMMENTS

A Public Hearing was held on Monday, October 05, 2020 and was continued to Monday, November 2, 2020 regular Board meeting. The minutes of the first Public Hearing are available at www.huntersville.org. The November 2, 2020 Public Hearing was continued to December 7, 2020. The Hearing on December 7, 2020 was held and approximately 14 individuals spoke during the hearing regarding numerous issues with the plan. Not all comments were against the project, but the majority were. Issues included concern about density of the project, traffic – both on Gilead Road and Old Statesville Road, perceived inconsistency with adopted plans, area used for storm water and tree save. The minutes of the Hearing will be made available on our Town website soon.

PART 8: PLANNING BOARD RECOMMENDATION

Planning Board discussed the CD Rezoning on October 27, 2020, but since the Public Hearing was held open, they did not make a recommendation. This item will be on the December 15, 2020 Planning Board agenda.

On December 15, 2020, the Planning Board recommended Approval by unanimous vote (8-0). Their motion was as follows: in considering the proposed rezoning petition R20-03; Town Center Mixed-Use Conditional District Rezoning, the Planning Board recommends approval along with modifications 1, 2, 4, 6 & 7 based on the Plan being consistent with the 2030 Huntersville Community Plan specifically: Policy H-1 & H-9: Development Pattern, Policy H-3: Mixed-Use Development, Policy H-7: Housing Affordability, Policy H-10: Redevelopment Areas, Policy T-5: Context-sensitive Design of Streets, Policy T-6: Pedestrian Connections, Policy T-8: Street Connectivity, Policy CD-2: Commercial Development Pattern, Policy CD-3: Commercial Development Principles, Policy CD-5: Infrastructure, Policy CD-6: Architecture and Place-Making, Policy DT-1: Downtown Development, Policy DT-2: Architectural Design Standards

Furthermore, the Downtown Master Plan Small Area Plan supports this project through the following Implementation Strategies: 1) Extend existing streets into new developments. 2) Encourage sensitive redevelopment/infill that maintains the urbanism of the Downtown while permitting new/modern architectural styles. 3) Require buildings within 800 feet of the intersection of Gilead Road and Old Statesville Road (NC 115) to be a minimum of 2 stories. 4) Permit and encourage infill development consistent with the Master Plan.

It is reasonable and in the public interest to approve the Rezoning Plan because many of the elements incorporated into the plan are supported by both the 2030 Huntersville Community Plan and The Downtown Master Plan Small Area Plan. It is a truly mixed-use project that has commercial as well as 3 different residential property types including for-rent apartments, for-sale townhomes as well as for-sale single family homes. The transition from higher intensity commercial and apartments to the existing single-family residential is appropriate. Based upon recent resident surveys associated with the 2040 Community Plan there is overwhelming support for a more vibrant downtown and this project will help the Town achieve this goal.

With the following conditions: 1) The plan that was presented tonight that shows the alleys will be incorporated into the plan that goes before the Town Board, to help alleviate the concern for trash collection; 2) The location of trash collection procedures are identified and approved by staff; 3) Construction traffic will be prohibited on adjoining residential streets, Greenway Street & Hillcrest Ave; 4) Parking will meet all applicable zoning regulations. 5) Applicant will commit to the required TIA payment. 6) Applicant will build the western buffer as soon as possible to help mitigate negative impact on adjoining property owners. 7) And all outstanding redline comments are addressed.

The Planning Board recommends that the applicant work with staff on the current 15% tree save to mitigate, if needed, and/or repurpose those trees into artwork, or the like, for the property.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application.
- B – Proposed CD Rezoning Plan – version 4.
- C - Neighborhood Meeting Reports from Aug. 26 & Sept. 23, 2020.
- D – APF Letter of Determination.
- E – CMS Report (12-3-20).
- F – Plan UPDATES email from Susan Irvin (10/22/20)
- G – Downtown Master Plan Development Analysis.
- H – Citizen comments
- I – Neighborhood Meeting Report from Oct. 28, 2020.

PART 11: CONSISTENCY STATEMENT - R 20-03 Town Center Mixed-Use Conditional District Rezoning

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning application R20-03; Town Center Mixed-Use Conditional District Rezoning, the Planning Staff RECOMMENDS CONDITIONAL APPROVAL FOR the rezoning as it is consistent with Implementation Goals H-1 & H-9, H-3, H-7, H-10, T-5, T-6, T-8, CD-2, CD-3, CD-5, CD-6, DT-1, DT-2 & PF-2 of the 2030 Community Plan, as well as the Implementation Strategies of the Downtown Master Plan. Recommendation of approval is also based on <u>all provisions outlined in Part 6 being addressed, as indicated.</u> <u>With those provisions, it is reasonable and in the public interest to rezone 9.947-acres (as described in Attachment B) from TC, NR & GR to Town Center Mixed-Use Conditional District Rezoning Plan to permit 12,000 SF of commercial space, 134 apartments, 41 townhomes and 11 single-family homes BECAUSE it is consistent with the 2030 Comprehensive Plan & the Downtown Master Plan (as outlined above) and the applicable provisions of the Zoning Ordinance can be adequately addressed, with staff's recommendations in Section 6.</u>	APPROVAL: In considering the proposed rezoning application R20-03; Town Center Mixed-Use Conditional District Rezoning, the Planning Board recommends approval (8-0) along with modifications 1, 2, 4, 6 & 7 based on the Plan being consistent with the 2030 Huntersville Community Plan, specifically Policies H-1 & H-9: Development Pattern, Policy H-3: Mixed-Use Development, Policy H-7: Housing Affordability, Policy H-10: Redevelopment Area, Policy T-5: Context-sensitive Design of Streets, Policy T-6: Pedestrian Connections, Policy T-8: Street Connectivity, Policy CD-2: Commercial Development Pattern, Policy CD-3: Commercial Development Principles, Policy CD-5: Infrastructure, Policy CD-6 Architecture and Place-Making, Policy DT-1: Downtown Development and Policy DT-2: Architectural Design Standards. Furthermore, the Downtown Master Plan supports this project through the following Implementation Strategies: 1) Extend existing streets into new developments, 2) Encourage sensitive redevelopment/infill that maintains the urbanism of Downtown while permitting new/modern architectural styles, 3) Require buildings within 800 feet of the intersection of Gilead Rd. & Old Statesville Rd. (NC 115) to be a minimum of 2 stories, 4) Permit and encourage infill development consistent with the Master Plan. With these provisions, it is reasonable and in the public's interest to approve the Rezoning Plan because many of the elements incorporated into the plan are supported by both the 2030 Huntersville Community Plan and The Downtown Master Plan Small Area Plan. It is a truly mixed-use project that has commercial as well as 3 different residential property types including for rent apartments, for sale townhomes as well as for sale single family homes. The transition from higher intensity commercial and apartments to the existing single family residential is appropriate. Based upon recent resident surveys associated with the 2040 Community Plan there is overwhelming support for a more vibrant downtown and this project will help the town achieve this goal. With the following conditions: 1) The plan that was presented tonight that shows the alleys will be incorporated into the plan that goes before the Town Board, to help alleviate the concern for trash collection; 2) The location of trash collection procedures are identified and approved by staff; 3) Construction traffic will be prohibited on adjoining residential streets, Greenway Street & Hillcrest Ave; 4) Parking will meet all applicable zoning regulations. 5) Applicant will commit to the required TIA payment. 6) Applicant will build the western buffer as soon as possible to help mitigate negative impact on adjoining property owners. 7) And all outstanding redline comments are addressed. The Planning Board recommends that the applicant work with staff on the current 15% tree save to mitigate, if needed, and/or repurpose those trees into artwork, or the like, for the property.	APPROVAL: In considering the proposed rezoning application R20-03; Town Center Mixed-Use Conditional District Rezoning, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u> <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u> DENIAL: In considering the proposed rezoning application R19-18; Huntersville Market Conditional District Rezoning Revision, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



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. In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☒ Conditional Rezoning
- ☐ General Rezoning
- ☐ Master Signage Program
- ☐ Special Use Permit
- ☐ Revision to _____
Original Project # _____
- ☐ Other _____

SUBDIVISION CATEGORIES: Per the
Huntersville Subdivision Ordinance

- ☒ Sketch Plan
- ☐ Preliminary Plan
- ☐ Final Plat (Includes Minor Subdivision)
- ☐ Exempt Subdivision
- ☐ Final Plat Revision
- ☐ Farmhouse Cluster

2. Project Data

Date of Application July 1, 2020

Name of Project Huntersville Town Center Mixed-Use Development Phase # (if subdivision) N/A

Project Address 109 Gilead Road, Huntersville

Parcel Identification Number(s) (PIN) See Exhibit A

Current Zoning District See Exhibit A Proposed District (for rezoning only) TC (CD)

Property Size (acres) 9.947 acres Street Frontage (feet) See Exhibit A

Current Land Use Vacant

Proposed Land Use(s) Non-residential uses, multifamily residential, and single family attached

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

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.
To accommodate development of a mixed-use project on the site that could contain up to 6,200 SF of non-residential uses, up to 140 multi-family dwelling units, and up to 65 single-family attached dwelling units, as more particularly depicted on the Rezoning Plan.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

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. Applicant

Printed Name NorthState Development, LLC

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature [Signature]

Title MEMBER Email sseagle@northstatedevelopment.com

Address of Applicant 18825 W. Catawba Ave., Suite 250, Cornelius, NC 28031

7. Property Owner (if different than applicant)

* Printed Name See attached Property Owner signature pages

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature _____

Title _____ Email _____

Address of Property Owner _____

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

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. 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 APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

7. Development/Design Firm Contact Information

LandDesign	Richard Petersheim	704-333-0325	rpetersheim@landdesign.com
Development Firm	Name of Contact	Phone	Email
BB+M Architecture	Robbie Weast	704-334-1716	rweast@bbm-arch.com
Design Firm	Name of Contact	Phone	Email

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:	https://www.huntersville.org/228/Planning-Department



General Application Owner/Applicant Signature Addendum

Application Information

Date of Application _____ Application Number _____

Name of Project _____ Phase # (if subdivision) _____

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name Town of Huntersville as Owner, not Applicant Phone Number 704-875-6541

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: North Carolina Municipality

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature  Parcel ID(s): 01711616, 01711617, 01711618, 01711619, 01711627, 01711643, 01711699

Title Town Manager Email aroberts@huntersville.org

Address of Property Owner/Applicant 101 Huntersville-Concord Road, Huntersville, NC 28078

* ^ Printed Name _____ Phone Number _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

* ^ Printed Name _____ Phone Number _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

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

^ If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. 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 APPLICATION.



General Application Owner/Applicant Signature Addendum

Application Information

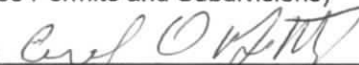
Date of Application _____ Application Number _____

Name of Project _____ Phase # (if subdivision) _____

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name Cecil D. Bradford, III Phone Number 704-576-0513
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Individual

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature  Parcel ID(s): 01711625, 01711626, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639

Title _____ Email bbidee@aol.com

Address of Property Owner/Applicant 14601 Huntersville-Concord Road, Huntersville, NC 28078

* ^ Printed Name _____ Phone Number _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

* ^ Printed Name _____ Phone Number _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

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

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General Application
Owner/Applicant Signature Addendum

Application Information

Date of Application _____ Application Number _____

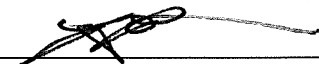
Name of Project _____ Phase # (if subdivision) _____

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name Gilead Bowman LLC c/o Nate Bowman Phone Number 704-875-9704

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature  Parcel ID(s): 01711640, 0711801, 0711811

Title MANAGER Email natebowman15@gmail.com

Address of Property Owner/Applicant 13815 Cinnebar Place, Huntersville, NC 28078

* ^ Printed Name _____ Phone Number _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

* ^ Printed Name _____ Phone Number _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____ Parcel ID(s): _____

Title _____ Email _____

Address of Property Owner/Applicant _____

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^ If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. 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 APPLICATION.

Exhibit A to Rezoning Application
Additional Project Data

Project Addresses, Parcel IDs and Current Zoning District

Tax Parcel #017-116-16

Address: N/A
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-17

Address: N/A
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-18

Address: 111 GILEAD RD HUNTERSVILLE NC 28078
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-19

Address: 113 GILEAD RD HUNTERSVILLE NC 28078
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-27

Address: 220 HOLBROOK ST HUNTERSVILLE NC 28078
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-43

Address: N/A
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-99

Address: 109 GILEAD RD HUNTERSVILLE NC 28078
Owner: Town of Huntersville
PO Box 664
Huntersville, NC 28070
Zoning: TC (CD)

Tax Parcel #017-116-25

Address: 310 HOLBROOK ST HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: NR

Tax Parcel #017-116-26

Address: 228 HOLBROOK ST HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: NR

Tax Parcel #017-116-32

Address: 102 GREENWAY ST HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-33

Address: 104 GREENWAY ST HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-34

Address: N/A
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-37

Address: N/A
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-38

Address: 205 HILLCREST DR HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-39

Address: 207 HILLCREST DR HUNTERSVILLE NC 28078
Owner: Cecil D. Bradford, III
14610 Huntersville-Concord Road
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-116-40

Address: N/A
Owner: Gilead Bowman LLC
13815 Cinnabar Place
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-118-01

Address: N/A
Owner: Gilead Bowman LLC
13815 Cinnabar Place
Huntersville, NC 28078
Zoning: GR

Tax Parcel #017-118-11

Address: 200 GREENWAY ST HUNTERSVILLE NC 28078
Owner: Gilead Bowman LLC
13815 Cinnabar Place
Huntersville, NC 28078
Zoning: GR

Rezoning Site Street Frontage (approximate)

- +/- 245 feet of frontage on Gilead Road
- +/- 245 feet of frontage on Hillcrest Drive
- +/- 379 feet of frontage on Greenway Street

RE-ZONING / SKETCH PLAN

HUNTERSVILLE TOWN CENTER

MIXED- USE DEVELOPMENT

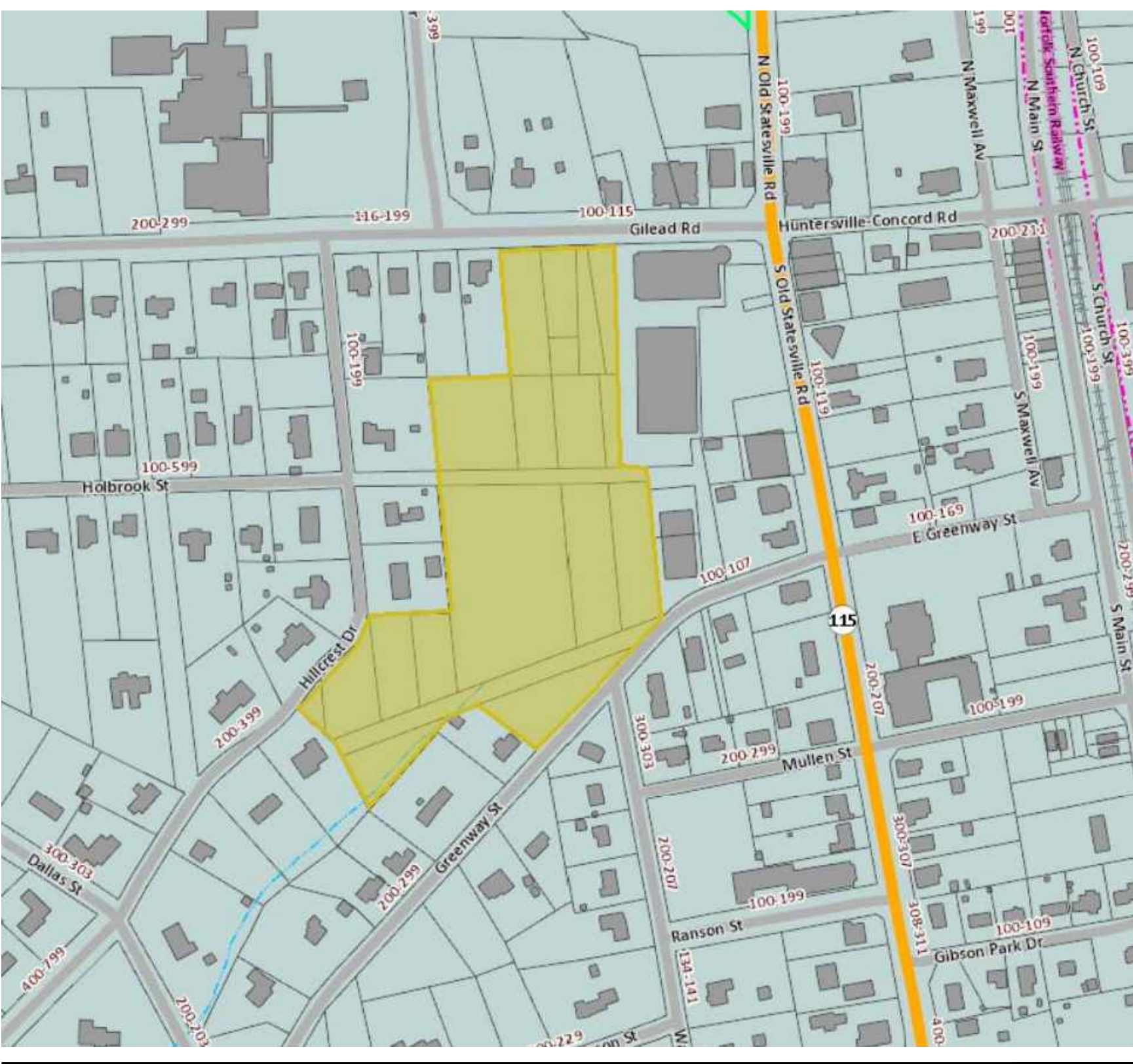
109 GILEAD ROAD, HUNTERSVILLE, NC

DATE: 1/5/2021
EPM# 411298

CHAPTER INDEX

Sheet Number	Sheet Title
RZ-00	Cover Sheet
RZ-01	Sealed Survey, Tree Survey, and Existing Conditions
RZ-02	Tree Preservation and Canopy
RZ-03	Existing Conditions
RZ-04	Existing Topography Slope Analysis
RZ-05	Adjacent Parcel Zoning Districts
RZ-06	Re-Zoning Site Plan
RZ-07	Re-Zoning Sections
RZ-08	Re-Zoning Sections
RZ-09	Re-Zoning Sections
RZ-10	Re-Zoning Sections
RZ-11	Re-Zoning Grading Plan
RZ-12	Re-Zoning Stormwater-Water Quality Plan
RZ-13	Re-Zoning Storm Pond Enlargement
RZ-14	Conceptual Impervious Area Map
RZ-15	Re-Zoning Notes
RZ-16	Re-Zoning Notes
RZ-17	Architectural Elevations
RZ-18	Architectural Elevations

VICINITY MAP



PROJECT TEAM

OWNER/DEVELOPER
NORTH STATE DEVELOPMENT, LLC
18825 W. CATAWBA AVE
SUITE 250
CORNELIUS, NC, 28031
704.997.8255

LANDSCAPE ARCHITECT
LANDDESIGN
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
CONTACT NAME:

CIVIL ENGINEER
LANDDESIGN
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
CONTACT NAME:

ARCHITECT
STUDIO ARCHITECTS
1000 MARIETTA ST. NW
SUITE 244
ATLANTA, GA 30318
678.705.7904

01/05/2021

01/05/2021

PLANS ISSUED FOR
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CONSTRUCTION

1. TIA PLANS CALL FOR A SOUTH-BOUND RIGHT-TURN LANE WITH 100' OF STORAGE ON NC 115 AT GILEAD RD.

CAD SURVEY BASE
INFORMATION IS
FROM MECKLENBURG
COUNTY GIS LIBRARY



TREE PRESERVATION AND CANOPY

HERITAGE TREES:

- NUMBER OF HERITAGE TREES ON-SITE =	0
- NUMBER OF HERITAGE TREES SAVED =	N/A
- PERCENTAGE OF HERITAGE TREES REQUIRED TO SAVE =	0%
- PERCENTAGE OF HERITAGE TREES SAVED =	N/A

TREE CANOPY

- PERCENTAGE OF SITE COVERED BY TREE CANOPY =	±88%
- PERCENTAGE OF TREE CANOPY PRESERVATION REQUIRED =	0%
- PERCENTAGE OF TREE CANOPY SAVED =	±1%

SPECIMEN TREES:

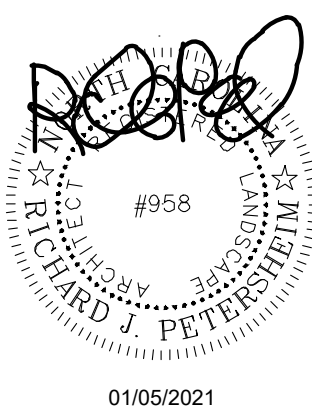
- NUMBER OF SPECIMEN TREES ON-SITE =	45
- NUMBER OF SPECIMEN TREES SAVED =	7
- PERCENTAGE OF SPECIMEN TREES REQUIRED TO SAVE =	30%
- PERCENTAGE OF SPECIMEN TREES SAVED =	15%

*APPLICANT WILL PROVIDE TREE MITIGATION BASED ON FINAL NUMBER OF TREES TO BE SAVED. FINAL NUMBER OF TREES TO BE SAVED SHALL BE DETERMINED BY THE ENGINEERING PLANS DURING THE PRELIMINARY REVIEW PROCESS.

Tree Label	DBH & Type	Tree Save
T1	27" Hackberry	X
T2	37" Green Ash	X
T3	15" Mimosa	X
T4	50" Willow Oak	X
T5	39" Willow Oak	X
T6	25" Hackberry	Save
T7	29" Willow Oak	Save
T8	25" Willow Oak	X
T9	25" Willow Oak	X
T10	25" Willow Oak	X
T11	27" Willow Oak	X
T12	25" Willow Oak	X
T13	26" Willow Oak	X
T14	29" Willow Oak	X
T15	35" Willow Oak	X
T16	40" Willow Oak	Save
T17	32" Willow Oak	X
T18	28" Willow Oak	X
T19	28" Willow Oak	X
T20	27" Willow Oak	X
T21	25" Willow Oak	X
T22	25" Pine	Save
T23	26" Willow Oak	X
T24	25" Willow Oak	X
T25	25" Willow Oak	X
T26	27" Slippery Elm	X
T27	27" Slippery Elm	X
T28	29" Willow Oak	X
T29	27" Willow Oak	X
T29	32" Willow Oak	X
T30	28" Willow Oak	X
T31	28" Maple	X
T32	36" Willow Oak	X
T33	28" Pine	X
T34	24" Poplar	X
T35	36" Willow Oak	X
T36	28" Willow Oak	X
T37	36" Willow Oak	X
T38	30" Water Oak	Save
T39	32" Willow Oak	Save
T40	36" Willow Oak	Save
T41	36" Willow Oak	X
T42	24" Slippery Elm	X
T43	33" Willow Oak	X
T44	33" Willow Oak	X
T45	27" Willow Oak	X

KEY MAP

SEAL



PLANS ISSUED FOR
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CONSTRUCTION

PROJECT

HUNTERSVILLE
TOWN CENTER

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

VERT: 1" = 60'
HORZ: 1" = 60'

SHEET TITLE

TREE PRESERVATION AND
CANOPY

SHEET NUMBER

RZ-02

SURVEY BASE INFORMATION IS FROM MECKLENBURG COUNTY GIS LIBRARY

GILEAD RD.

HILLCREST DR.

HOLBROOK ST.

STREET R.O.W. TO BE RE-ALIGNED

STREET R.O.W. TO BE ABANDONED

GREENWAY DR.

WATKINS ST.

OLD STATESVILLE RD.

EXISTING DISCOVERY PLACE KIDS

EXISTING PARKING DECK

TRIBUTARY LOCATION AS DETERMINED BY US ARMY CORPS OF ENGINEERS IN NOTIFICATION OF JURISDICTIONAL DETERMINATION, ACTION ID: SAW-2020-010706

1. PARCEL ID: 01710808
OWNER: PHILLIP MORGAN /
COLLEEN MORGAN
2. PARCEL ID: 01710803
OWNER: EVELYN M BURGESS
3. PARCEL ID: 01710811
OWNER: WAYNE H BALLARD /
CAROL D BALLARD
4. PARCEL ID: 01710804
OWNER: WAYNE H BALLARD /
CAROL D BALLARD
5. PARCEL ID: 01710807
OWNER: MANUSUKHAL KOTHADIA /
VILAS KOTHADIA
6. PARCEL ID: 01710812
OWNER: JMPPH PROPERTIES LLC
7. PARCEL ID: 01710806
OWNER: JOSE NOEL CELIS
8. PARCEL ID: 01711623
OWNER: ANN P BERRIER
9. PARCEL ID: 01711622
OWNER: JAMES H MOON /
PAMELA P MOON

10. PARCEL ID: 01711630
OWNER: DERRICK RORRER
11. PARCEL ID: 01711624
OWNER: JORGE PENARANDA /
SANDRA P TEJADA
12. PARCEL ID: 01711625
OWNER: BRADFORD D III CECIL
13. PARCEL ID: 01711621
OWNER: LAKESIDE PREPARATORY LLC
14. PARCEL ID: 01711620
OWNER: CAROL A PRESLEY
15. PARCEL ID: 01711619
OWNER: TOWN OF HUNTERSVILLE
16. PARCEL ID: 01711626
OWNER: CECIL D III BRADFORD

17. PARCEL ID: 01711627
OWNER: TOWN OF HUNTERSVILLE
18. PARCEL ID: 01711643
OWNER: TOWN OF HUNTERSVILLE
19. PARCEL ID: 01711618
OWNER: TOWN OF HUNTERSVILLE
20. PARCEL ID: 01711617
OWNER: TOWN OF HUNTERSVILLE
21. PARCEL ID: 01711699
OWNER: TOWN OF HUNTERSVILLE
22. PARCEL ID: 01711616
OWNER: TOWN OF HUNTERSVILLE
23. PARCEL ID: 01711615
OWNER: TOWN OF HUNTERSVILLE

24. PARCEL ID: 01711601
OWNER: TOWN OF HUNTERSVILLE
25. PARCEL ID: 01711611
OWNER: TOWN OF HUNTERSVILLE
26. PARCEL ID: 01711606
OWNER: TOWN OF HUNTERSVILLE
27. PARCEL ID: 01711605
OWNER: TOWN OF HUNTERSVILLE
28. PARCEL ID: 01711601
OWNER: SWANSTONE PARTNERS LLC
29. PARCEL ID: 01711603
OWNER: TOWN OF HUNTERSVILLE
30. PARCEL ID: 01711647
OWNER: TOWN OF HUNTERSVILLE
31. PARCEL ID: 01711631

OWNER: SOUTH HAVEN CELL TELEPHONE
 & TELEGRAPH CO.

32. PARCEL ID: 01711642
 OWNER: BELLSOUTH
 TELECOMMUNICATION INC.

33. PARCEL ID: 01711632
 OWNER: CECIL D III BRADFORD

34. PARCEL ID: 01711633
 OWNER: CECIL D III BRADFORD

35. PARCEL ID: 01711634
 OWNER: CECIL D III BRADFORD

36. PARCEL ID: 01711635
 OWNER: ROBERT NEIL TUTTLE

37. PARCEL ID: 01711636
 OWNER: CANDICE A KLEIN / JOSH KLEIN

38. PARCEL ID: 01710208
OWNER: COLLEEN REDMOND

39. PARCEL ID: 01710208
OWNER: KATHERINE DAVIS DICKINSON

40. PARCEL ID: 01710201
OWNER: GARY MICHAEL TOMPKINS

41. PARCEL ID: 01710207
OWNER: W EDWARD HAIGLER

42. PARCEL ID: 01710202
OWNER: MATTHEW R TOMPKINS

43. PARCEL ID: 01710205
OWNER: CHURCH TRUSTEES OF
HUNTERSVILLE METHODIST

44. PARCEL ID: 01711813
OWNER: KATHRYN K DOUGHTY /
OLIVER G H PETERS

45. PARCEL ID: 01711816
OWNER: ALEXIS B FLETEMIER /
JAMES L FLETEMIER
46. PARCEL ID: 01711640
OWNER: GILEAD BOWMAN LLC
47. PARCEL ID: 01711639
OWNER: CECIL D III BRADFORD
48. PARCEL ID: 01711638
OWNER: CECIL D III BRADFORD
49. PARCEL ID: 01711637
OWNER: CECIL D III BRADFORD
50. PARCEL ID: 01711801
OWNER: GILEAD BOWMAN LLC
51. PARCEL ID: 01711807
OWNER: BRIAN EPPLEY /

53. PARCEL ID: 01711811
OWNER: GILEAD BOWMAN LLC
54. PARCEL ID: 01711905
OWNER: JOSEPH C PUGH /
LOVELACE B PUGH
55. PARCEL ID: 01711906
OWNER: LARRY BREVARD BLYTHE
56. PARCEL ID: 01711904
OWNER: ERNIE J LEE / ROBERTA S LEE
57. PARCEL ID: 01711402
OWNER: THE GATHERING CENTER LLC
/ BEVERLY SMITH MINISTRIES
58. PARCEL ID: 01711504
OWNER: ERNIE J LEE / ROBERTA S LEE
59. PARCEL ID: 01711505
OWNER: HOLDINGS OAK
60. PARCEL ID: 01711503
OWNER: ERNIE J LEE / ROBERTA S LEE
61. PARCEL ID: 01711502
OWNER: VICTOR M RORER
62. PARCEL ID: 01711501
OWNER: TERRY F MCKNIGHT / DEBORAH
P MCKNIGHT
63. PARCEL ID: 01711510
OWNER: COOPER BELL, LLC
64. PARCEL ID: 01711513
OWNER: ANGEL O PONCE / LIVING
TRUST ANGEL O PONCE REVOCABLE

65. PARCEL ID: 01711506
OWNER: ARAJO INVESTMNETS LLC
66. PARCEL ID: 01711507
OWNER: TERRY E DEWESE /
REBECCA A DEWESE
67. PARCEL ID: 01711405
OWNER: PHYLIS LYNCH UNDERHILL
68. PARCEL ID: 01711404
OWNER: CHARLES H WELLS /
REBECCA DICKINSON WELLS
69. PARCEL ID: 01904402
OWNER: DOROTHY B FLORENTINE /
TRUST DOROTHY B FLORENTINE FAMILY
LEGACY
70. PARCEL ID: 01904401
OWNER: DOROTHY B CANADAY

71. PARCEL ID: 01904304
OWNER: CHURCH HUNTERSVILLE
PRESBYTERIAN
72. PARCEL ID: 01904303
OWNER: CHURCH HUNTERSVILLE
PRESBYTERIAN
73. PARCEL ID: 01904220
OWNER: JAMES RITCHIE DAVIS /
JENNIFFER DAVIS
74. PARCEL ID: 01904211
OWNER: RENE W SMALL
75. PARCEL ID: 01904213
OWNER: SIDNEY V JR BOONE /
TAMLA M BOONE
76. PARCEL ID: 01904210
OWNER: LEMUEL J GARDNER /

BRENDA J GARDNER

77. PARCEL ID: 01904209
OWNER: LEMUEL J GARDNER /
BRENDA J GARDNER

78. PARCEL ID: 01904214
OWNER: JACKIE CURRANT / GINA
MICHELLE STEWART

79. PARCEL ID: 01904215
OWNER: LAYTON P HOLSINGER /
JAN W HOLSINGER

80. PARCEL ID: 01904208
OWNER: LAYTON P HOLSINGER /
JAN W HOLSINGER

81. PARCEL ID: 01904222
OWNER: LAYTON P HOLSINGER /
JAN W HOLSINGER

82. PARCEL ID: 01904206
OWNER: TOWN OF HUNTERSVILLE

83. PARCEL ID: 01904216
OWNER: CHARLES S GUIGNARD

84. PARCEL ID: 01904217
OWNER: CHARLES S GUIGNARD

85. PARCEL ID: 01904205
OWNER: CHARLES S GUIGNARD

86. PARCEL ID: 01904204
OWNER: CHARLES S GUIGNARD

87. PARCEL ID: 01904203
OWNER: CHARLES S GUIGNARD

88. PARCEL ID: 01904201
OWNER: CHARLES S GUIGNARD

89. PARCEL ID: 01904218

OWNER: CHARLES S GUIGNARD

90. PARCEL ID: 01904219
OWNER: CYNDIE PROPERTIES LLLP

91. PARCEL ID: 01903117
OWNER: AMANI S TADROSS /
RAFIK M HANNA

92. PARCEL ID: 01903116
OWNER: TOWN OF HUNTERSVILLE

93. PARCEL ID: 01903115
OWNER: TOWN OF HUNTERSVILLE

94. PARCEL ID: 01712212
OWNER: CASHION PROPERTIES LLC

95. PARCEL ID: 01712211
OWNER: TOWN OF HUNTERSVILLE

96. PARCEL ID: 01712210

OWNER: TOWN OF HUNTERSVILLE

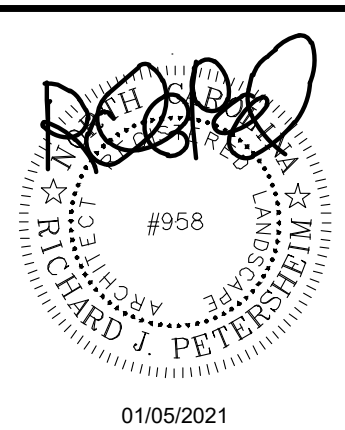
97. PARCEL ID: 01712245
OWNER: TOWN OF HUNTERSVILLE

98. PARCEL ID: 01712208
OWNER: MARTHA M RAWDON / FRANCES
M GARNER / LARRY W GARNER

99. PARCEL ID: 01712207
OWNER: GERALD L INGALLS /
RACHEL H INGALLS

100. PARCEL ID: 01712113
OWNER: MECKLENBURG BOARD OF
EDUCATION CHARLOTTE

SEAL



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**HUNTERSVILLE
TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC
109 GILEAD ROAD
HUNTERVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE NORTH



HORZ: 1" = 60'



0 30 60 120

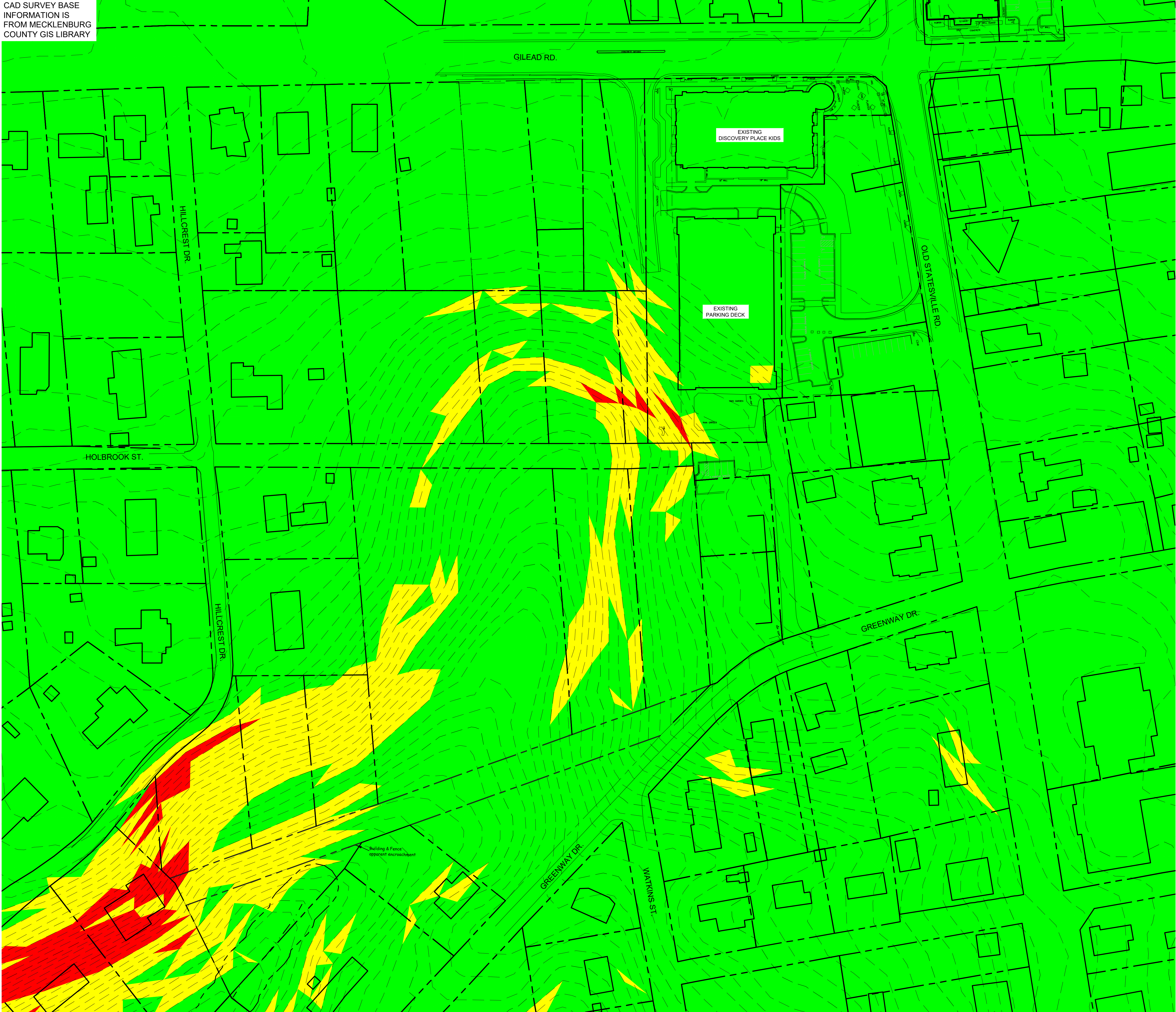
SHEET TITLE

EXISTING CONDITIONS

SHEET NUMBER

RZ-03

CAD SURVEY BASE
INFORMATION IS
FROM MECKLENBURG
COUNTY GIS LIBRARY



Slope Analysis Legend			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	Green
2	10.00%	15.00%	Yellow
3	15.00%	25.00%	Red
4	25.00%	33.01%	Dark Red

LandDesign.

223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDESIGN.COM
NC ENG. FIRM LICENSE # C-9558

KEY MAP

SEAL



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PROJECT

HUNTERSVILLE TOWN CENTER

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

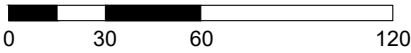
REVISION / ISSUANCE

NO.	DESCRIPTION	DATE

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

VERT:
HORZ: 1" = 60'



SHEET TITLE

EXISTING TOPOGRAPHY
SLOPE ANALYSIS

SHEET NUMBER

RZ-04

The map displays a proposed development site with various colored zones and existing structures. Key features include:

- Streets:** Hillcrest Dr., Holbrook St., Greenway Dr., and Watkins St.
- Existing Structures:** EXISTING DISCOVERY PLACE KIDS, EXISTING PARKING DECK.
- Encroachment:** Building & Fence apparent encroachment.

GENERAL RESIDENTIAL (GR)

NEIGHBORHOOD RESIDENTIAL (NR)

TOWN CENTER (TC)

PROJECT

NORTH STATE DEVELOPMENT, LLC

LANDDESIGN PROJ.# 1018017

[illegible]

SCALE

SHEET TITLE

SHEET NUMBER

RZ-05



RZ-06



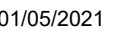
RZ-07





KEY MAP

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PROJECT

HUNTERSVILLE TOWN CENTER

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE NORTH

VERT: 100
HORZ: AS NOTED

SHEET TITLE

RE-ZONING SECTIONS

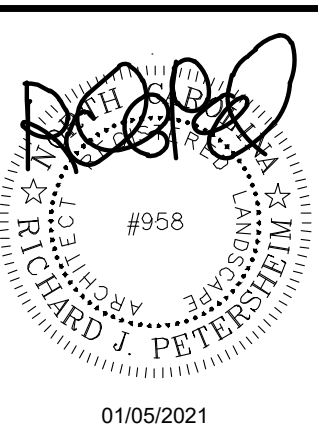
SHEET NUMBER

RZ-09


$$3/16'' = 1'-0''$$

KEY MAP

SEAL



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CONSTRUCTION

PROJECT

**HUNTERSVILLE
TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC

09 GILEAD ROAD
MUNTERSVILLE, NC

LANDDESIGN PROJ.#

018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE NORTH

REPORT: AS NOTED

SHEET TITLE

RE-ZONING SECTIONS

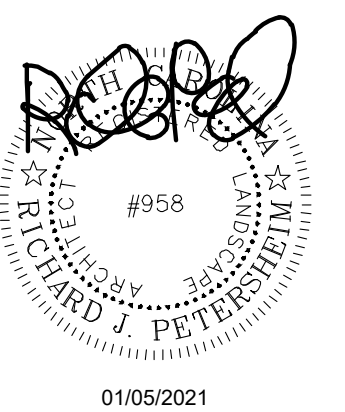
SHEET NUMBER

RZ-10

*** FINAL GRADING TO BE ADJUSTED TO MINIMIZE IMPACTS ON FINAL SPECIMEN TREES IDENTIFIED TO BE SAVED TO THE EXTENT POSSIBLE. FINAL GRADING AND TREE SAVE NUMBERS TO BE DETERMINED DURING THE CONSTRUCTION DOCUMENTATION PHASE. REFER TO SHEET RZ-02 FOR ADDITIONAL TREE SAVE INFORMATION.

KEY MAP

SEAL



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CONSTRUCTION

PROJECT

**HUNTERSVILLE
TOWN CENTER**

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

VERT:
HORZ: 1" = 60'

SHEET TITLE

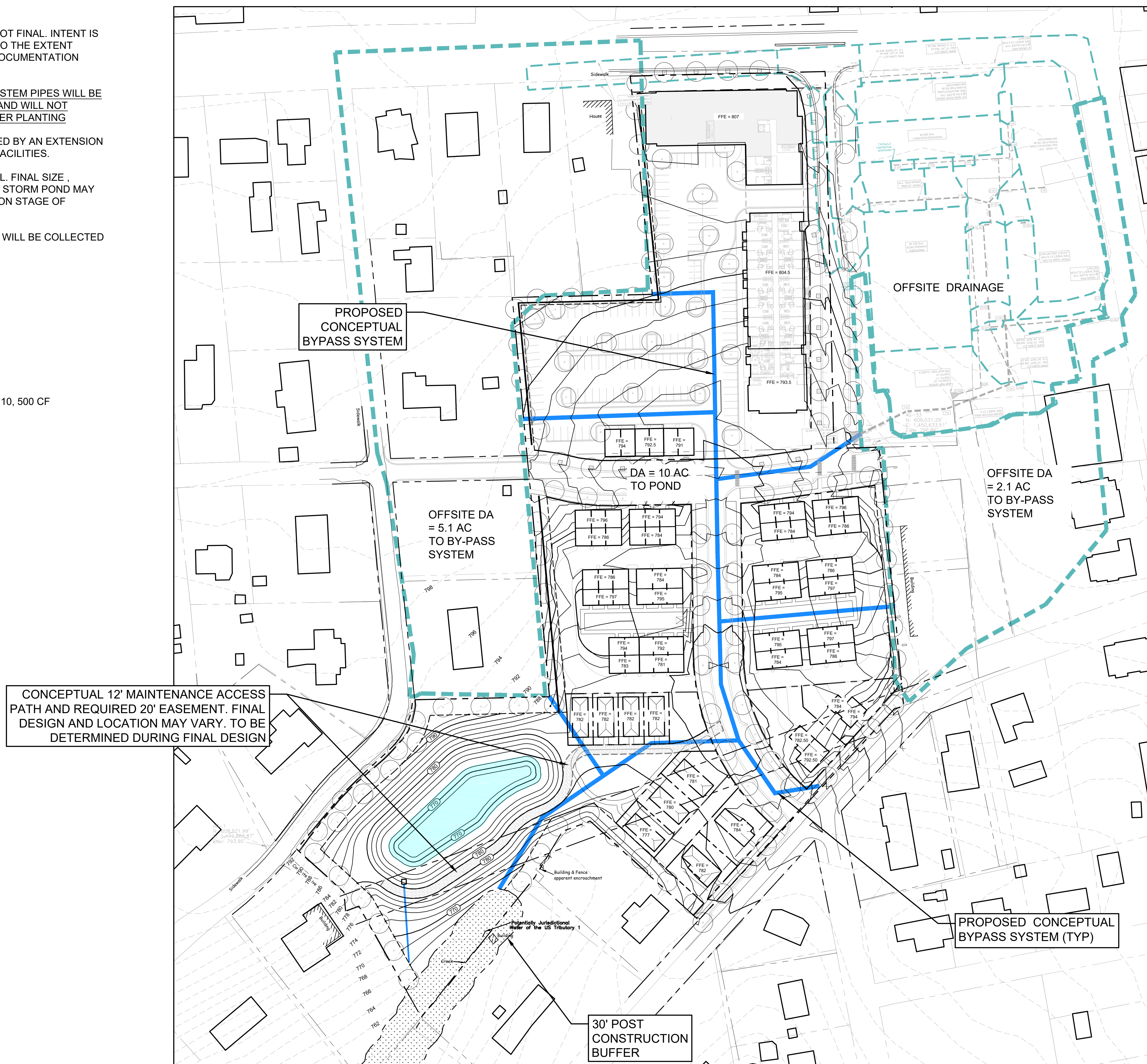
RE-ZONING GRADING PLAN

SHEET NUMBER

RZ-11

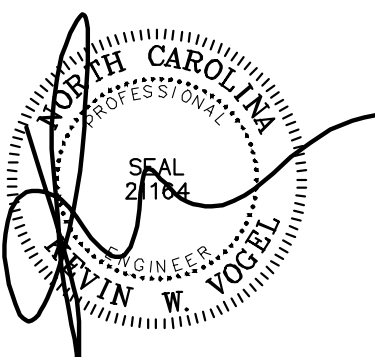
1. STORM POND SIZE AND SHAPE ARE NOT FINAL. INTENT IS TO REDUCE THE SIZE OF THE POND TO THE EXTENT POSSIBLE DURING CONSTRUCTION DOCUMENTATION PHASE.
2. ALL FUTURE STORM AND BY-PASS SYSTEM PIPES WILL BE LOCATED OUTSIDE OF ALL BUFFERS AND WILL NOT CONFLICT WITH ANY REQUIRED BUFFER PLANTING
3. WATER AND SEWER WILL BE PROVIDED BY AN EXTENSION OF THE CHARLOTTE WATER PUBLIC FACILITIES.
4. STORM POND DESIGN IS CONCEPTUAL. FINAL SIZE , SHAPE, AND CALCULATIONS FOR THE STORM POND MAY CHANGE DURING FINAL CONSTRUCTION STAGE OF DESIGN.
5. ALL RUNOFF FROM PROPOSED B.U.A. WILL BE COLLECTED AND TREATED.

- TOP OF DAM = 780.5
- BOTTOM OF POND = 768
- PERMANENT POOL ELEVATION = 773
- E.S. = 779
- TOTAL STORAGE VOLUME PROVIDED = 110, 500 CF



KEY MAP

SEAL



01/05/2021

PLANS ISSUED FOR
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NOT ISSUED FOR
CONSTRUCTION

PROJECT

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

CONF

SCALE

SCALE NORTH

VERT:
HORIZ: 1" = 60'



0 30 60 120

SHEET TITLE

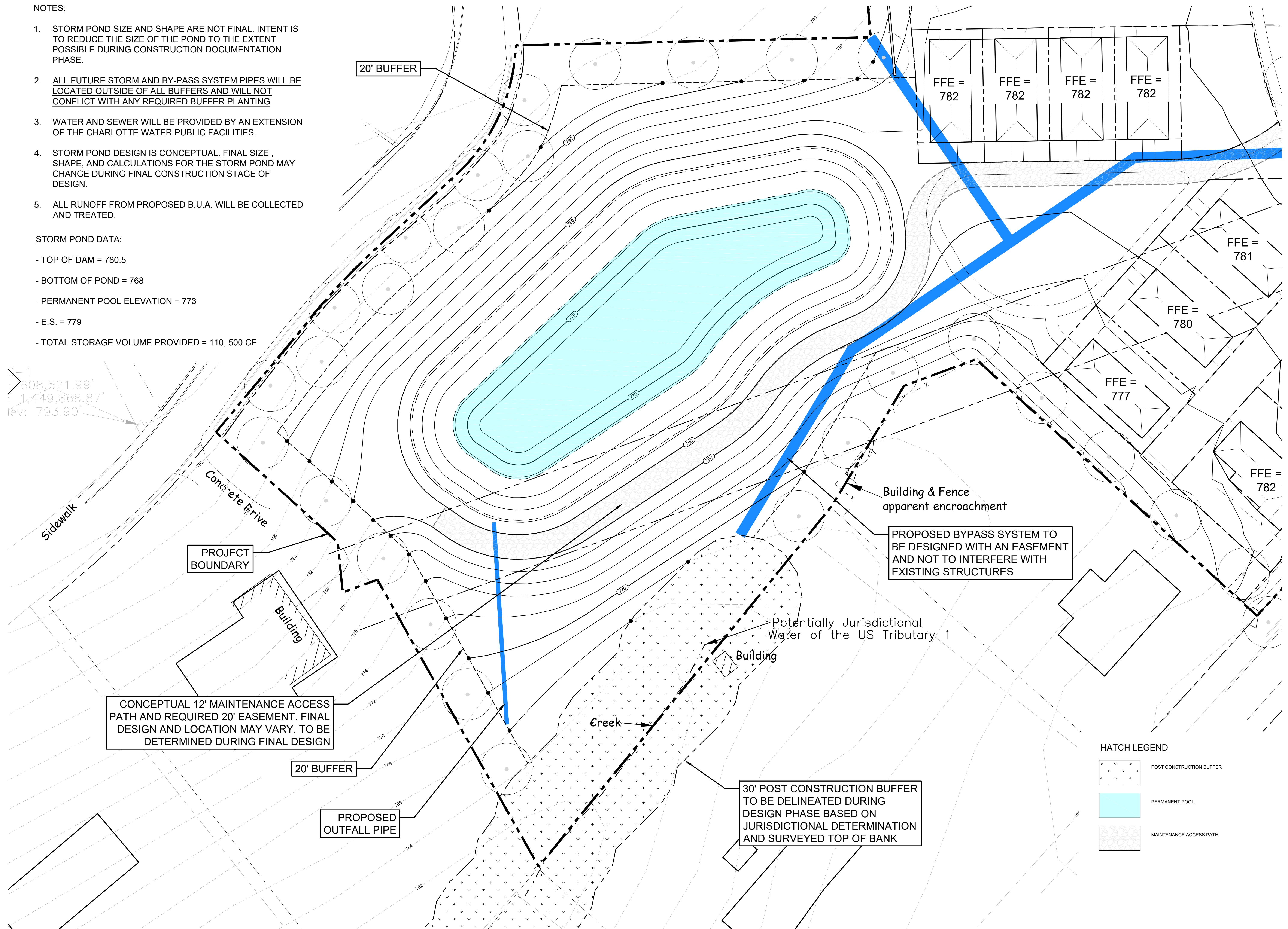
RE-ZONING
STORMWATER-WATER
QUALITY PLAN

SHEET NUMBER

RZ-12

1. STORM POND SIZE AND SHAPE ARE NOT FINAL. INTENT IS TO REDUCE THE SIZE OF THE POND TO THE EXTENT POSSIBLE DURING CONSTRUCTION DOCUMENTATION PHASE.
2. ALL FUTURE STORM AND BY-PASS SYSTEM PIPES WILL BE LOCATED OUTSIDE OF ALL BUFFERS AND WILL NOT CONFLICT WITH ANY REQUIRED BUFFER PLANTING
3. WATER AND SEWER WILL BE PROVIDED BY AN EXTENSION OF THE CHARLOTTE WATER PUBLIC FACILITIES.
4. STORM POND DESIGN IS CONCEPTUAL. FINAL SIZE , SHAPE, AND CALCULATIONS FOR THE STORM POND MAY CHANGE DURING FINAL CONSTRUCTION STAGE OF DESIGN.
5. ALL RUNOFF FROM PROPOSED B.U.A. WILL BE COLLECTED AND TREATED.

- TOP OF DAM = 780.5
- BOTTOM OF POND = 768
- PERMANENT POOL ELEVATION = 773
- E.S. = 779
- TOTAL STORAGE VOLUME PROVIDED = 110, 500 CF



KEY MAP

SEAL



01/05/2021

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TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE NORTH

VERT: 
HORZ: 1" = 20'

SHEET TITLE:

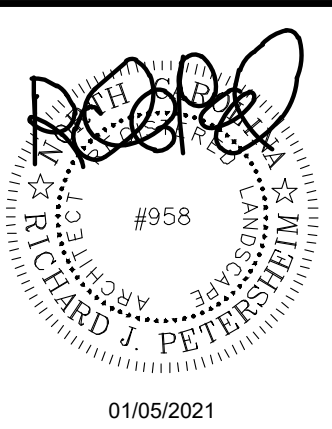
RE-ZONING STORM POND
ENLARGEMENT

SHEET NUMBER _____

RZ-13

KEY MAP

SEAL



PLANS ISSUED FOR
RE-ZONING PURPOSES ONLY.
NOT ISSUED FOR
CONSTRUCTION

PROJECT

HUNTERSVILLE TOWN CENTER

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

VERT: 1" = 60'
HORZ: 1" = 60'



SHEET TITLE

CONCEPTUAL IMPERVIOUS
AREA MAP

SHEET NUMBER

RZ-14

SITE IMPERVIOUS %

TOTAL SITE AREA =

±433,291 SF (9.95 AC)

TOTAL SITE IMPERVIOUS (ON THIS PLAN) =

±243,099 SF (±5.58 AC)

TOTAL PERCENT IMPERVIOUS (ON THIS PLAN) =

±56%

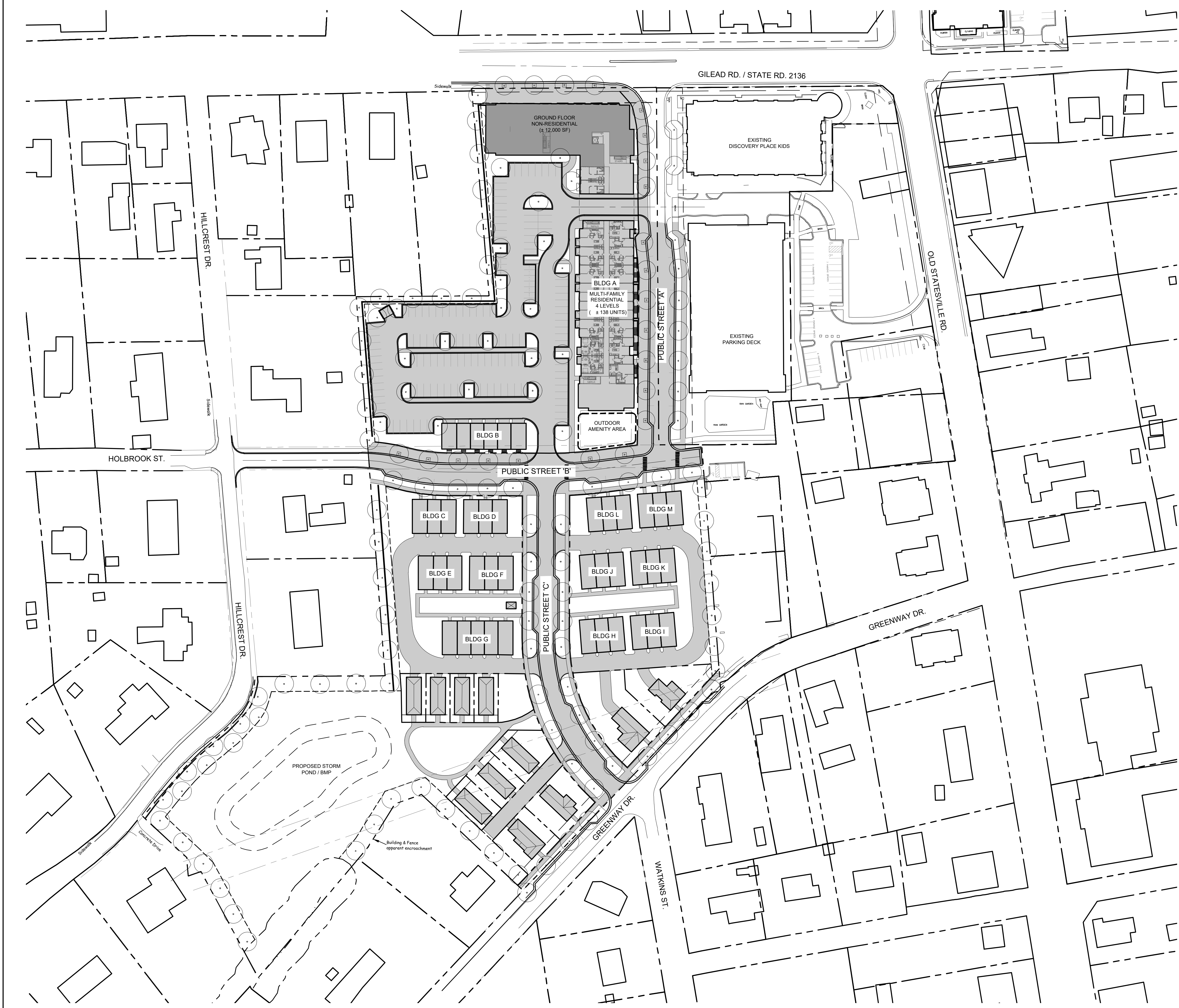
(FINAL AMOUNT WILL VARY DEPENDING
ON FINAL DESIGN. PERCENTAGE NOT TO
EXCEED 70% MAX. PER ORDINANCE.)

PERCENTAGE OF OF IMPERVIOUS ALLOWED =

70% MAX
(HIGH DENSITY OPTION, MOUNTAIN
ISLAND LAKE WATERSHED PROTECTED
AREA 2 (PA-2))

LEGEND

IMPERVIOUS AREA



DEVELOPMENT STANDARDS**General Provisions**

- These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by NorthState Development, LLC (the "Petitioner") for an approximately 9.947 acre site located between Gilead Road and Greenway Street, east of Hillcrest Drive, in Huntersville, North Carolina, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel Nos. 01711616, 01711617, 01711618, 01711619, 01711627, 01711643, 01711699, 01711625, 01711626, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, and 01711811.
- Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the Town of Huntersville Zoning Ordinance in place on July 1, 2020, the date of the filing of the application for approval of the Rezoning Plan with the Town of Huntersville (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the Town Center ("TC") zoning district shall govern all development taking place on the Site.
- The configuration, placement and size of the building, parking areas, streets, driveways, common areas and storm ponds depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, may be altered or modified during design development and construction document phases so long as such modifications are compatible with the approximate layout and location of lots and improvements shown on the Rezoning Plan. Townhomes north of Public Street B may be relocated to the area south of Public Street B and townhomes south of Public Street B may be relocated to the area north of Public Street B so long as parking requirements are met and the total number of single-family detached and townhomes does not exceed 52. The exact alignments of the internal drives and internal public streets have not been determined and are subject to final design and engineering plans, and minor modifications or alterations of these alignments may take place during design development and construction phases. The development of the Site as generally depicted on the Rezoning Plan may be phased. Any proposed phasing must align with required infrastructure and stormwater improvements; provided, however, each phase or sequence of improvements in the Site will meet all Ordinance requirements. Utilities, infrastructure and grading shall be delivered to each individual phase as each is developed.
- The parcels of land that comprise the Site may be recombined or further subdivided provided that any such recombination or subdivision meets the requirements of the Ordinance. Single-family attached (townhome) lots are subdivided lots and association property and common areas may be subdivided without rezoning. In addition, condominiumization or reduction in the number of parcels may occur in accordance with the regulations of the Ordinance.

- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of the Ordinance; provided, however, in the event any portion of the Site is conveyed to a third party, Petitioner may request an amendment to the Rezoning Plan without the written consent of any other owner of all or any portion of the Site unless such amendment constitutes a change in the building or use of the portion of the Site owned by such owner, provided Petitioner provides for such amendment right in the recorded private restrictive covenants that govern the Site. All requirements in connection with the amendment will be calculated on the Site as a whole in the same manner such requirements were calculated at the time of the initial approval. This note shall be shown on the final plat when recorded.

- Approval of this conditional rezoning shall constitute establishment of vested rights in the landowner (and its successors or assigns) for a period of five years pursuant to N.C. Gen. Stat. § 160A-385.1.

Permitted Uses

The Site may be devoted to the following uses that are permitted by right or permitted with conditions under the Ordinance in the Town Center zoning district, and to any incidental and accessory uses associated therewith that are allowed in the Town Center zoning district:

- Commercial uses, restaurants and entertainment facilities permitted in the Town Center zoning district, and, provided the required conditions are met pursuant to 3.2.6 a), temporary mobile food sales, outdoor sales and markets and parks.
- Multi-family homes, not to exceed 134 such dwelling units, as more particularly depicted on the Rezoning Plan.
- Single-family attached houses (townhomes), not to exceed 41 such dwelling units, as more particularly depicted on the Rezoning Plan.
- Single-family detached houses, not to exceed 11 such dwelling units, as more particularly depicted on the Rezoning Plan; provided, however, single-family detached homes may replace one or more townhomes provided the total unit count for single-family detached homes and townhomes does not exceed 52 and trip generation as a result of such change is at or below the total trip generation for the development as utilized in the traffic impact study.

Transportation/Access/Parking

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of each vehicular access point are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Town of Huntersville and/or the North Carolina Department of Transportation.

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- Heavy construction equipment will not access the project site through Greenway unless required because of an emergency, or because a specific improvement, such as sidewalks on Greenway, cannot be constructed unless the equipment has access through Greenway.
- Off-street vehicular parking will meet the minimum standards established under the Ordinance, subject to the Modifications to Standards identified below.
- Petitioner shall dedicate and convey to the Town of Huntersville that portion of the Site located immediately adjacent to the proposed realigned public street that is identified on the Rezoning Plan as "Public Street "B", as required to provide right-of-way measuring, where feasible, to one foot behind the back of sidewalk, as more particularly depicted on the Rezoning Plan; provided, however, that the Town of Huntersville shall first have abandoned the existing right-of-way on the Site reserved for the future extension of Public Street "B". Off-site construction and all streetscape requirements for Public Street "B" shall be subject to the Modifications to Standards identified below.
- Petitioner shall dedicate and convey to the Town of Huntersville that portion of the Site located immediately adjacent to the proposed public street to be constructed on the Site that is identified on the Rezoning Plan as "Public Street "A", as required to provide right-of-way measuring, where feasible, to one foot behind the back of sidewalk, as more particularly depicted on the Rezoning Plan. Petitioner shall be responsible for and bear the cost of construction of Public Street "A", which shall include but not be limited to installation of on-street parking, curb and gutter, planting strip, street trees, utilities, and sidewalk.
- Petitioner shall dedicate and convey to the Town of Huntersville that portion of the Site located immediately adjacent to the proposed public street to be constructed on the Site that is identified on the Rezoning Plan as "Public Street C," as required to provide right-of-way measuring, where feasible, to one foot behind the back of sidewalk, as more particularly depicted on the Rezoning Plan.
- The Town of Huntersville shall abandon existing right-of-way in the area more particularly depicted on the Rezoning Plan.
- Streetscape improvements shall be installed along all road frontages in accordance with the requirements of the Ordinance, subject to the Modifications to Standards identified below.
- The alignments of the internal drives and parking areas to be located on the Site are subject to any minor modifications or alterations required during the design development and construction permitting processes.
- Petitioner, shall, at its own expense, construct all transportation and streetscape improvements for all portions of the new Public Street "B" beginning at the western boundary of the Site and intersecting Hillcrest Drive (the "Off-Site Holbrook St."). The streetscape requirements for that portion of the new Public Street "B" to be constructed on the Site shall be the same as those constructed by the Town of Huntersville for the Off-Site Holbrook St.

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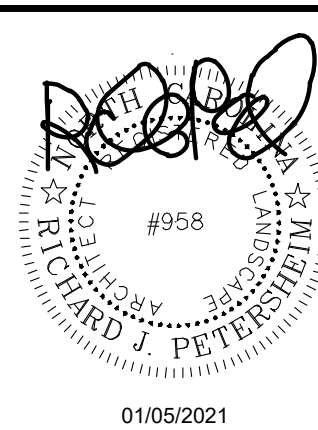
3

STORMWATER/WATER QUALITY:

- During design development, other BMP/Detention storage options will be explored upland in the drainage area to reduce the size of the pond as shown in this plan.
- This site is located in the Mountain Island Lake Watershed Protected Area 2 (PA2), which requires a maximum of 70% impervious area for High Density. High density option is chosen for this site, and the % impervious calculated for this site is less than 70% impervious and therefore the High Density Option is selected for this project.

KEY MAP

SEAL



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CONSTRUCTION

PROJECT

**HUNTERSVILLE
TOWN CENTER**

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NCLANDDESIGN PROJ.#
1018017**REVISION / ISSUANCE**

NO.	DESCRIPTION	DATE

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE NORTH

VERT:
HORZ: AS NOTED

SHEET TITLE

RE-ZONING NOTES

SHEET NUMBER

RZ-15

- Petitioner shall be responsible for and bear the cost of construction of the extension of Public Street "A" as shown on the Rezoning Plan, which shall include installation of on-street parking, curb and gutter, planting strip, street trees, utilities, and sidewalk.
- Petitioner's improvements along Hillcrest shall include curb and gutter and sidewalk on the east side and a 20' undisturbed buffer east of the sidewalk; provided, however, modification of the sidewalk design to a rolled curb shall be made if permitted by the Town.
- Petitioner shall be responsible for and bear the cost of adding modular speed tables to Greenway Street as permitted by the Town.
- The location of the future pedestrian connection as shown on the plan shall be determined by town staff and the Petitioner.
- The Transportation Improvement to be completed for this project as shown on the Traffic Impact Analysis (TIA) is a southbound right turn lane on Highway 115. Prior to the issuance of a Certificate of Occupancy for the multiuse building on the property, Petitioner shall pay into an escrow account, to be maintained by the Town of Huntersville, the sum of no more than \$99,322.40 which represents the cost to construct the southbound right turn lane on Highway 115.

Landscaping and Screening

Development of the Site shall comply with the landscaping and screening requirements of the Ordinance; provided, however, the buffer yards along the western boundary of the Site shall serve as parking lot landscaping and screening requirements in those locations.

Buffer Yard

- As more particularly depicted on the Rezoning Plan, the Site shall include 10-foot wide buffer yards along all western property lines of the Site north of Public Street "B" and 20-foot wide buffer yards along the western property lines of the Site south of Public Street "B". The width of the buffer yard has been reduced from 20 feet to 10 feet north of Public Street "B" as described below under Modifications to Standards.
- Development of the 20' wide buffer along the western property lines of the site south of public street B will be prioritized subject to final utility, infrastructure, and grading design.
- The BMP (detention pond) will have, at minimum, a 20' wide undisturbed buffer on the north, west and south boundaries as shown on the plan and, if needed, will be supplemented by additional planting to achieve opaque screening as determined by town planning staff.

Lighting

Lighting installed on the Site shall comply with Article 8.26 of the Ordinance unless otherwise specifically approved herein.

Signs

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All signs installed on the Site shall comply with the requirements of the Ordinance.

Water and Sewer

The Site shall be served with public water and sewer.

Requested Modifications to Standards

Pursuant to Section 11.4.7(k) of the Ordinance, the standards of the Ordinance are modified to permit the following:

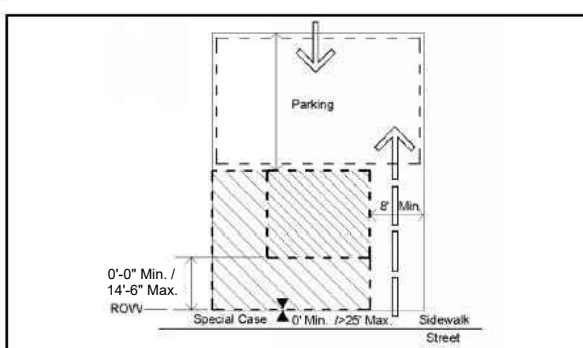
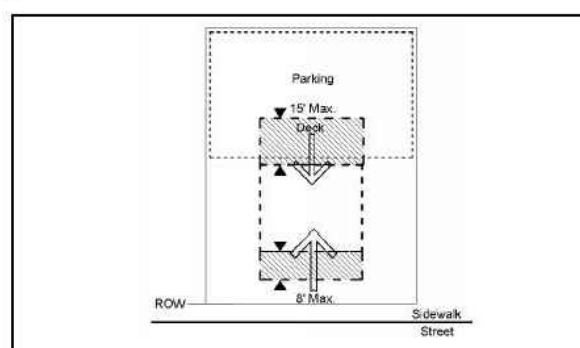
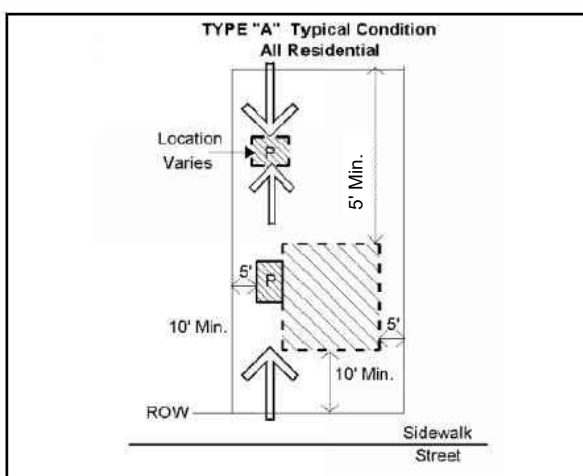
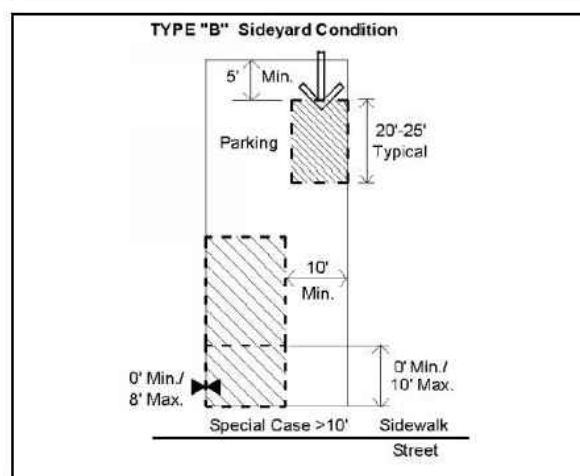
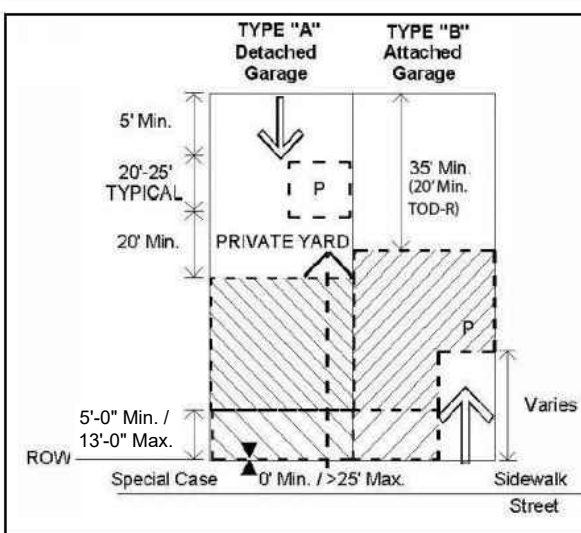
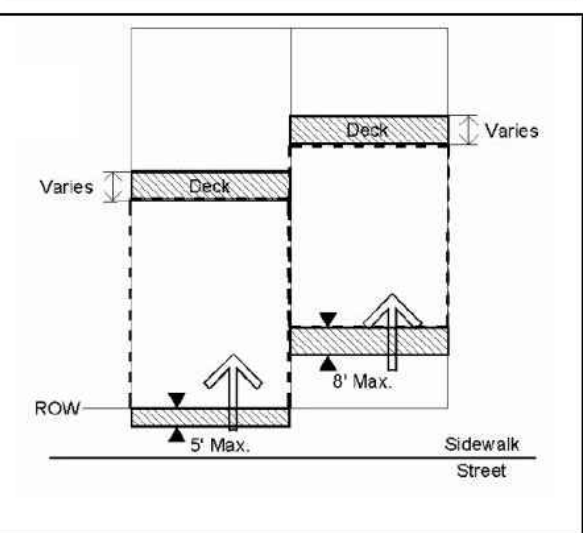
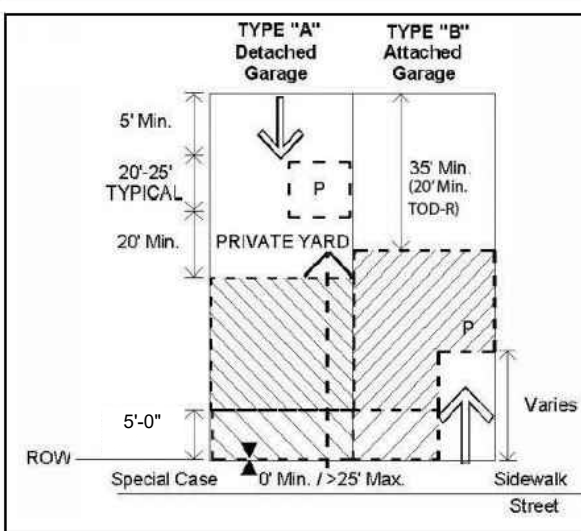
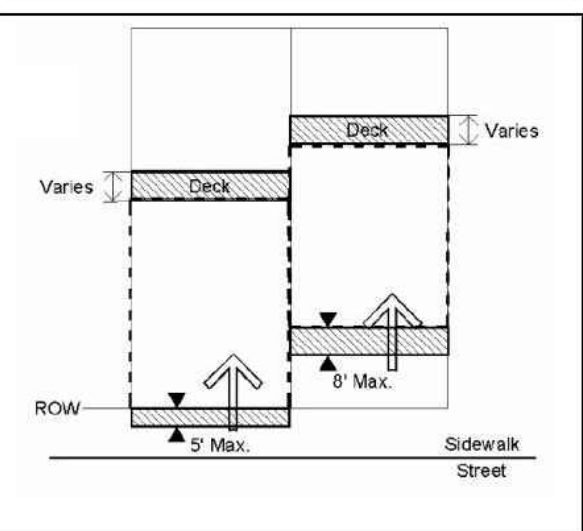
- Residential uses may constitute more than 50%, but no more than 66%, of the first floor area in the portion of Building A located on Gilead Road. Residential uses do not include elevators, elevator area, stairwells and the pedestrian pass-through within the portion of the building fronting Gilead as noted on the Plan.
- The reduction in the width from 20 feet to 10 feet of the western residential buffer yard north of Public Street "B", as more particularly depicted on the Rezoning Plan. Buffer yards along the western boundary of the Site shall serve as parking lot landscaping and screening requirements in those locations.
- Urban open space typology, as shown, may be refined based on determinations made during the preliminary plan design so long as the final typology meets the requirements of the Ordinance.
- The maximum height of the mixed-use building shown on the Rezoning Plan is 53' at the Gilead Road frontage.
- For the single-family lots, the rear setback line may be reduced to 5'.

Binding Effect of the Rezoning Documents and Definitions

- If this Rezoning Application is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

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Lot Type / Apartment Building**Building Placement/Parking/Vehicle Access****Encroachment/Pedestrian Access****Lot Types / Detached House****Building Placement/Parking/Vehicle Access****Building Placement/Parking/Vehicle Access****Lot Type / Attached House (Facing Public Street R/W)****Building Placement/Parking/Vehicle Access****Encroachment/Pedestrian Access****Lot Type / Attached House (Facing Urban Open Space)****Building Placement/Parking/Vehicle Access****Encroachment/Pedestrian Access****RESIDENTIAL LOT TREE REQUIREMENT:**

All lots shall satisfy the ordinance requirements for residential lot trees based on the following ratios:

Lot Size

Less than 10, 000 sq./ft.
10,000 –15,000 sq./ft.
15,001 – 20,000 sq./ft.
More than 20,000 sq./ft.

Required Number of Canopy Trees

1 Front yard, 1 Rear Yard
1 Front yard, 2 Rear Yard
2 Front yard, 2 Rear Yard
3 Front yard, 3 Rear Yard

RZ-16



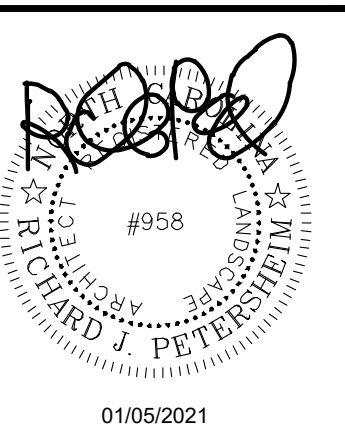
An architectural rendering of a modern, multi-story mixed-use building. The building features a combination of red brick and light-colored vertical wood siding. The ground floor is designed for retail or commercial use, with large glass windows and doors. Upper floors are residential, featuring numerous windows and private balconies with dark metal railings. The building is situated on a street corner, with a wide sidewalk and a paved road. In the foreground, several people are depicted: two pedestrians walking, a person riding a bicycle, and a few cars parked or driving. The scene is set against a bright blue sky with scattered white clouds. The overall style is a detailed architectural sketch with a focus on realistic human scale and urban context.

NOTE:

THESE ELEVATIONS / IMAGES ARE SCHEMATIC IN NATURE ONLY AND ARE PROVIDED TO SHOW INTENT OF DESIGN. FINAL BUILDING MATERIALS AND ELEVATIONS WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS AND SHALL MEET THE REQUIREMENTS OF THE ORDINANCE

KEY MAP

SEAL



PLANS ISSUED FOR
RE-ZONING PURPOSES ONLY.
NOT ISSUED FOR
CONSTRUCTION

PROJECT

NORTH STATE DEVELOPMENT, LLC

109 GILEAD ROAD
HUNTERSVILLE, NC

LANDDESIGN PROJ.# 1018017

REVISION / ISSUANCE

[illegible]

DESIGNED BY:
DRAWN BY:
CHECKED BY:

VERT:
HORZ: AS NOTED

SHEET TITLE

ARCHITECTURAL
ELEVATIONS

SHEET NUMBER

RZ-17



RZ-18

Huntersville Town Center Mixed-Use

Neighborhood Meeting Report

FIRST NEIGHBORHOOD MEETING – 8.26.20

Summary of Main Topics & Questions

- **Development Process**
 - This Neighborhood Meeting Report will be submitted to the Town and be made available to attendees.
 - This is a conceptual plan that is under review at the Town right now; there is still room for revisions and changes.
- **Traffic and Transportation**
 - What improvements will this development provide to help traffic?
 - Besides improvements to HWY 115 and Gilead Rd., are there any planned improvements to the smaller neighborhood roads?
 - Can you provide traffic information on impacts to neighborhood streets?
 - Greenway and Hillcrest streets are already narrow and allowing this project to connect to these streets would burden those streets even more.
 - The Town Ordinance and plans require connections to these roads
 - The Greenfield Park neighborhood is already being used as a cut through to traffic in downtown Huntersville.
 - Cars, school buses, and trucks all speed through the neighborhood already, and nothing has been done to stop this.
- **Housing Types**
 - Neighbors do not want transient families and people moving into the homes because they may not have a stake in the community.
 - Neighbors do not want Section 8 or affordable housing.
 - Single-family homes are desired on the back of the property to provide a better transition to the townhome and multi-family portion of the project in the front.
 - What are the price ranges for the townhomes?
- **Mixed-Use Commercial Element**
 - Neighbors would like to see more retail/commercial options such as restaurants and boutique shops on Gilead, but don't want any more residential.
 - What is the square footage of the retail element?
- **Stormwater**
 - Flooding is already an issue in the neighborhood and this project will add to the problem. What guidelines is the project using to protect against this?
 - How will the development mitigate the stormwater runoff?
 - Concerned that Dallas St. specifically and others could be flooded.
- **Property Values**
 - How will this project impact the future property values of adjoining property owners?

SECOND NEIGHBORHOOD MEETING – 9.23.20

Summary of Main Topics & Questions

- Traffic
 - What improvements will be done to the smaller/narrower streets in the Greenfield Park Neighborhood?
 - How will cars driving westbound on Gilead Rd. access the project? One way cars driving westbound on Gilead Rd. can access the project is to turn left onto Hillcrest then left onto the Holbrook extension, which will be built by the developer.
 - What other connections will be made to the property?
 - What will the typical cross section of Gilead Rd. look like once the improvements to Gilead Rd. are completed?
 - Are the improvements to Main St. one-way? No, it is a two-way road.
- Building Details (Apartments, Townhomes, etc.)
 - What is the height of the apartment building on Gilead Rd. compared to that of the Discovery Place Kids. It is approximately the same.
 - Are those the final designs for the townhomes? The townhome design is not finalized and there is still time for planning and modifications.
 - Building design will keep with the overall aesthetic of the downtown area.
- Town Center Zoning
 - Are apartments allowed in the current zoning? Yes, apartments are allowed. This property has been zoned Town Center (TC) for many years.
 - The contemplated vision for this area includes a mixed-use walkable development.
- Neighborhood Notes
 - The surrounding neighborhood is an old neighborhood and some of the people have lived there their entire lives.
 - Historically, there has been some opposition to apartments in the area.
 - The neighbors are not against growth, they just want sensible development with some amenities that the neighbors can enjoy.
 - Neighbors would like to be involved in a more collaborative process.

Appendix I

First Neighborhood Meeting

Attendees

- Rick Ranson – 215 Greenway Dr.
- Jim Puckett – 216 Greenway Dr. – jhpuckett@bellsouth.net (may be misspelled missing a “t”)
- Robert and Elaine Kerns – 301 Hillcrest Dr.
- Jeff and Amee Hager – 203 Greenway Dr.
- Robert and Amber Kovacs – 207 Greenway Dr.
- Mike Wilborn – 303 Greenway Dr.
- Oliver Peters and Kathryn Doughty – 211 Hillcrest Dr. – Kathryn.k.doughty@gmail.com
- Pat Hymes – 100 Hillcrest Dr.
- Kathy Jones – 104 Walters St. – kathrynmariejones@bellsouth.net
- Pam Ussery – 126 Holbrook St.
- Marie Hicks – 400 Greenway St.
- Janet Pierson – 104 Dallas St.
- Tim and Zach Kendra-Dill – 300 Mt. Holly-Huntersville Rd.
- Roberta and Ernie Lee – 302 Watloms St. – bertandernieleee@bellsouth.net
- Thresa and Mike Howard – 104 Mullen St.
- John Calhoun
- Stephen Swanick
- Kevin Belk – 117 Gilead Rd.
- Josh and Candice Klein – 203 Hillcrest Dr. – topsub@gmail.com
- Gary and Sheree Tompkins – 115 Holbrook St.
- Matt Tompkins – 204 Hillcrest Dr.
- Erik Hopkins and Ashley Adams – 302 Hillcrest Dr. – eshopkin@gmail.com
- Lee and Amy Hallman (representative for Pam Moon) – 119 Gilead Rd.
- Taylor Brock and Eddie Hutto – 127 Holbrook St.
- Brittany and Taylor Fox – 119 Holbrook St. (represented by Taylor Brock and Eddie Hutto)
- Tammy Eppley – 208 Greenway Dr.
- Myrna Mowrey – 108 Virginia Ave. – myrna@homechords.com
- Username: kritzinger – 103 Hillcrest Dr.

Developer Presentation

- Susan Irvin – Irvin Law Group
- Shane Seagle – North State Development
- David Watson – Land Design

Questions

- Jim Fletemier
 - How are the results reported to the Town of Huntersville?

- Is there any way to get the meeting reported verbatim?
 - How will these questions and reports be reported/filed?
 - **You can send a chat message with your email in order to receive updates.**
- Stephen Swanick, Planning Board
 - Is this conceptual or is this what will be reviewed by planning board for approval?
 - How many revisions?
 - Are there any more relevant plans or changes?
 - **This is a conceptual plan of the plan that is under review at the Town right now.**
 - **There was an original plan that they revised based on Town comments, the main one being to include commercial on the entire Gilead Rd. frontage**
 - Is there room to make any more changes?
 - **Would love to make changes and work with the Town**
- Jeff Hager
 - Is there a signed contract of any type? Public record?
 - **This is public record but they can figure this out**
 - Where do we get a copy of the study of the watershed? Water flows to 1.3 million people, want to make sure the water quality is maintained.
 - **Town of Huntersville adopted a water quality ordinance before any other Towns around here and all developments are required to comply with water quality and quantity. Every project must retain its water and is responsible for the project's water quality.**
 - Traffic Study? Traffic on the main streets? Are any upgrades included in the traffic?
 - **State and Town projects funded to improve the area of the project**
 - **If an area of improvement is being done by the Town and State then the developer would not need to improve those**
 - Where can I get the water quality plan?
 - **Town of Huntersville will have this**
 - **Huntersville Post Construction Ordinance includes this information about water quality and quantity objectives that must be met**
 - Is the water study flawed? Can it be tweaked?
 - **It is in the conceptual stage; there will be more detailed plans during the engineering phase of the project**
 - We need further conjunction for the study. When will any future meetings be held?
 - **The preliminary study is filed with the plan**
 - **The Town Engineer has this**
 - He asked people that were out doing surveys and they didn't give him any answers.
- Amber Kovacs
 - Traffic on the small/narrow streets
 - Streets are already narrow (Greenway and Hillcrest),
 - **Town Ordinance and plans require connection to existing streets and the improvements to 115, Main Street, and Gilead Rd. are intended to be more attractive to those people rather than the smaller narrower roads.**
 - Back entrance into the neighborhood, this will increase traffic. The people living in the development will have to use those streets for entrance.

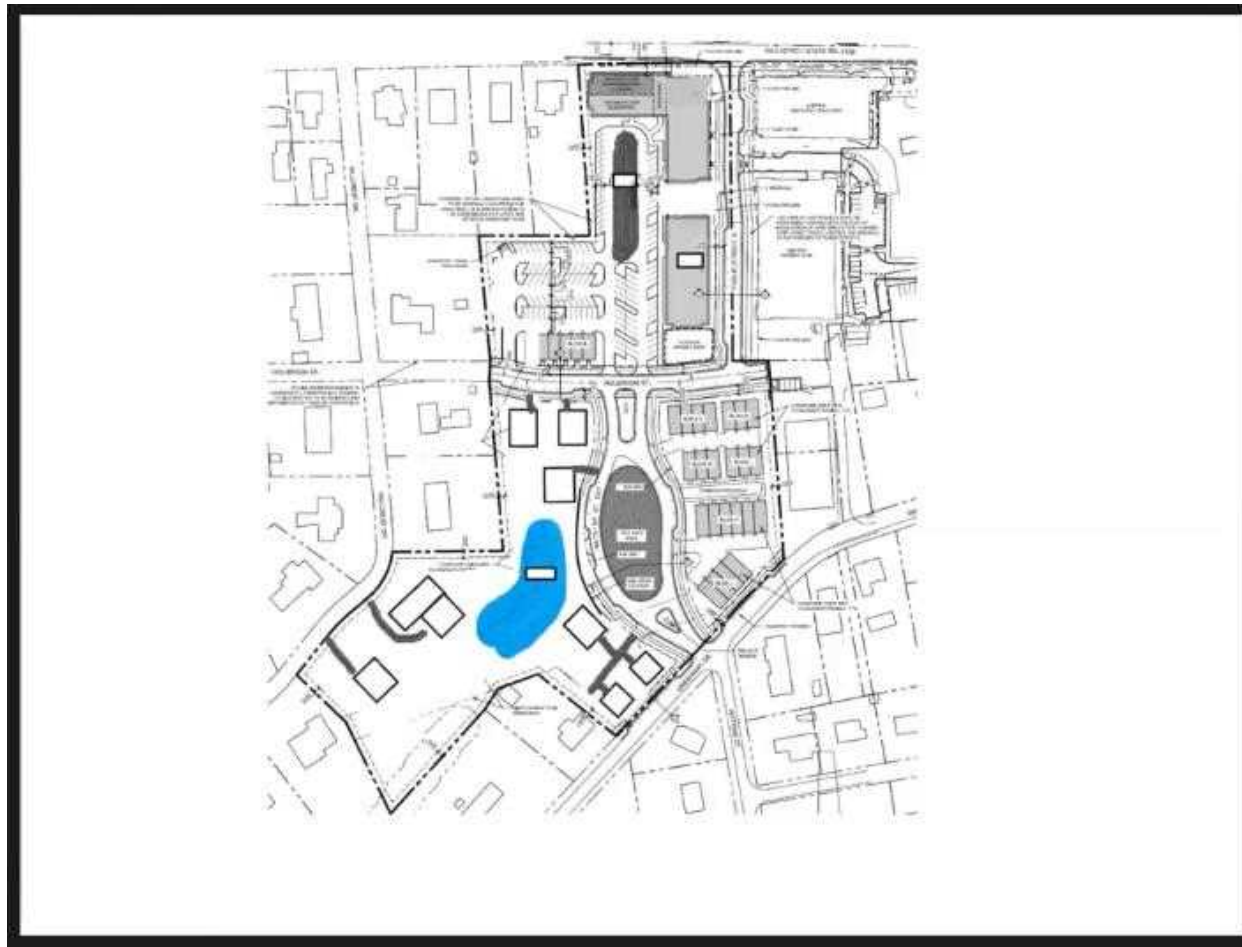
- **The Town Ordinance and plans require these connections to these streets and the developer**
 - *My concern here is not about the Town, its about my street. They moved from Florida and built a house here for the way it is now. They purposely avoided Vermillion and moved here because it is a community.
 - **This infill development has already been planned by the Town really since 2005 and one of the main things they require is connection to existing streets.**
 - Doesn't sound like the Town has the best interest for the people, they are looking at numbers.
 - Are these developers or the Town going to be buying any more land? Will additional right of way be purchased? Houses that are for sale, is there any chance that these developers will buy up those lands and increase the development. There was a house purchased recently, was that the developer?
 - **No, there are no such plans**
- Candice and Josh Klein
 - Plan/rendering says 3 stories but then the buildings on the street are 4 story. Where will these be located and what is the height of the property?
 - **Townhomes are in the southern portion of the site, taller townhomes are in the center, and the 2-story townhomes are intended to be along the boundary of the project**
 - Distance of the buildings on the back of the property? They live at 203 Hillcrest and are concerned with this and the density and proximity of the townhomes?
 - **Please send some contact information so we can get in touch with them and discuss**
- Oliver Peters
 - Has the Town already sold the parcel of land to the developer?
 - **This is a question for the Town to see where the negotiations are, believe that the Town still owns some of the property.**
 - If Town has already sold a portion of this land to the developer and the developer in turn needs some rezoning is there a conflict of interest for the Town? What are the legalities?
 - **Not sure about the legalities.**
- John Calhoun
 - Is the traffic along with the construction of whatever is built, do people realize that Greenfield is going to get kicked out of access in the 21 area?
 - Traffic cut through will add the extra traffic to get to Wendy's and back? Along with construction along Statesville and Gilead. I can get there and back in 5 minutes but with this traffic it will take 30 minutes to get to Wendy's and back.
 - Question about hospitals and healthcare and what the height of buildings relates to.
- Mike Wilborne
 - Lives on Greenway
 - Traffic – if there are developments on 115 etc. it keeps encroaching on the original Huntersville, is there a traffic study?

- **This project did not do a specific study because of all of the other road improvements that are going in from the Town and State. There is a requirement in the Ordinance that says if there are roadway improvements funded by the Town or State those improvements are considered complete for traffic purposes.**
 - Small town roads that have not changed much. This is a kid and family-oriented area and the old and established neighborhood is being encroached on.
 - What is the impact on the small neighborhoods? Traffic? Etc.? Today these areas are quiet and have limited traffic so what impact will there be on these neighborhood roads?
 - If there must be access, and Town requires it, what about extending Holbrook out into 115? Limit access to Greenway Dr. Can we keep this a quaint neighborhood?
 - **There is a plan to extend Holbrook out onto 115, we can ask this question, but the Town will most likely require connection.**
 - Is the developer willing to work with the community to preserve it instead of creating more traffic?
 - **Shane – we will commit to working with the Town & NCDOT etc. to work this thing out.**
- Alexis Fletemier
 - Are you an attorney with the Town or North State?
 - **Zoning attorney representing the applicant**
 - In water studies and retention pond, did you look at a wetlands or rain garden or wet pond? Something that can increase the value and increase the passive recreation for the development and the surrounding neighborhoods.
 - **David Watson – have looked into many stormwater retention methods, looked into reducing the size of the pond. Also taking input from the Town and residents. Have a note in the latest plans to look at those options as they get further into designs.**
 - Mentioned that the developer would be taking suggestions from the community, this is her suggestion? Add value to the neighborhood, eventually something will happen with the parcels. There is the potential to add value to the community, add recreation, and create something that is pleasing to the eye.
- Robert and Elaine Kerns
 - Lived in the neighborhood 60 years
 - Similar concerns to Amber and Mike
 - Concerned about the Greenfield park neighborhood – doesn't think the improvements to Gilead and 15 will do very much to mitigate the impact of the development
 - Concerned with the increased cut through traffic
 - Streets are very narrow, 1 sidewalk, it is a walkable bikeable neighborhood. Would this change with the development?
 - Could be a Dilworth or an Elizabeth type neighborhood eventually?
 - Water runoff and loss of tree canopy along with other ecological effects
 - What is the upside of this project to the single-family owner in the area?

- Elaine Kerns – school kids walk through the neighborhood to the bus stop, concerned about them walking to school, they already get run off the road when two cars drive by
- Mostly concerned with the part of the project that is on Greenway.
- This project would make the community less bikeable and less walkable
 - **We will look into these issues.**
- Erik Hopkins
 - Understands it will move through in some capacity, Town will be able to bring in money and revitalize the area for more businesses etc. This is good for the community to bring in more money and get more activation.
 - Biggest concern is the population density as this development adds all these units
 - Do we have the numbers on the current population density before and after for Greenfield Park?
 - Is there any way to lower the number of townhomes so they don't back up directly to the properties?
 - Wants to keep the small-town feel, make a conscious decision to change some of the townhomes so they don't encroach as much, limit the traffic.
- Rick Ranson
 - Land was in the family, he has lived here forever
 - Entrance from Watkins runs right over the creek and there are springs that are being run over for the development, there is another spring under one of the buildings
 - From Huntersville Elem. To 115 to Mt. Holly-Huntersville to 21 is well over 1 square mile that feeds into 1 creek, creek converges at Puckett and Kerns property
 - Dallas Street can become under water, floods regularly, who will pay for these services?
 - Tax revenue, beautification?
 - Do not want apartments because they are for *transients*, people don't care about the Town because they do not have a stake in the community. These people will decrease the quality of life for the community, condominiums would be better.
 - He has talked to well over 100 people in the community and they are hearing about a bait and switch, there is a small amount of retail space. Is the leasing office part of the retail element?
 - Some of this feels like Wal-Mart, bad aesthetic?
 - How many retail spaces, the entire first floor of the building on Gilead.
 - Commercial/retail looked stingy
 - Main concern – concerned that Dallas St. will get washed away, similar to Ranson Rd., don't want this to happen. What is the developer doing to mitigate this process, and what are the specifications that they must meet?
 - **All water created by this project will be retained on site per the Ordinance.**
 - **David Watson – all this information is in the Stormwater Post Construction Ordinance. Main objective is to have the stormwater runoff to be less than or equal to the pre-developed discharge, in addition to this treating the water quality. There is rainfall data in the area as well to look at the rainfall for the site that is used for designing stormwater systems.**
 - Will any other water be coming onto the site from another site?
 - Water may be cleaner now but what are the requirements for stormwater?

- **Property on Gilead Rd. is in the Town Center zoning district and apartments and retail element of the property can already be built.**
- **Developer is not sure what the types of retail will be but the first floor on Gilead is not just a leasing office.**
- **Because the property is already allowed in Town Center the Town Ordinance has requirements for tree canopy and tree save, there is also a Stormwater Ordinance to be dealt with on-site.**
- **Retail space would be the entire 1st floor of the building on Gilead Rd. and the pedestrian access from the street will be the 1st building.**
- **We need the square footage of the retail element of the project.**
- Jeff Hager
 - He knows Shane, is there any way that the concept can be changed so that the townhomes on the back side that exit on the Greenway, is there any way this can be changed, and still make a profit?
 - He knows that Shane is looking out for Huntersville and not trying to take advantage of the Town.
 - Is there any way to get rid of the townhomes and make a multi-family, single family residence? Can you put 20-30 homes on the property and still recoup losses.
 - **Shane is his hometown, he looked at the Town's approved community plans to see what developments the Town wanted to revitalize downtown. The Town's plans reflect this type of mixed-use development.**
 - The 6 board members and the Mayor and everyone else in the Town is not speaking for the people that he knows of in the Greenfield community, this is not in their best interest. More traffic is not beneficial.
 - Amber Kovacs
 - She spent \$100k more to live in this community, this could take
 - How does this work with the school? She is an employee of CMS, how will this impact the school numbers – *transient* population. How does this project take that into account?
 - **The apartment element is already zoned for apartments.**
 - Town members don't live in this area, these people live here because they like the quiet community feel, don't want the explosion of traffic
 - Speeding on Greenway is an issue right now, nothing has been done about it. School buses and FedEx trucks speed down the road
 - Says the residential element will not help the community at all
 - Lights "blowing into" the home of Ernie Lee for every car that exits the property, and he has grandkids
 - This does not provide safety
- Roxanne Broadway
 - Wondering who the apartments will be appealing to? Concerned about section 8 housing moving into the suburbs, this would be disturbing. She is concerned with stuff she has seen on TV about Section 8 housing moving into the suburbs.
 - Is this affordable housing?
 - **No there are no plans for affordable housing.**

- Her husband – everybody in the neighborhood wants to say is that NO we don't want this (this is the Hill, the original neighborhood that started Huntersville), everybody should know the history of the Hill and why the neighbors like it, if Huntersville wanted to do some improvement and development they should put the neighborhood sign back up at Dallas, would like everyone to know the history of the Hill? What is the Hill? Have common sense, water will run down the hill?
- There are already problems getting out on Dallas
- Single-family homes on this hill are worth plenty
- Spent too much money to buy the property and now they are overcompensating, Mr. Seagle is negligent of this and Mr. Seagle did not grow up on the Hill.
- None of these properties want any of this, retention pond, parking lot, no one wants a 3rd story apartment looking into their windows
- While the developer continues to work on their plan, we will continue to work on our plan for compensation for devalue of our property.
- Taylor Brock
 - Looking at the renderings and maps the Holbrook Extension? Is this planned out? Neighbors have a ROW from Gilead to Hilcrest Dr. has this been considered using in this?
 - With more traffic on Holbrook will this affect the property as far as widening the street.
- James Fletemier
 - Says Susan Irvin is a very high-priced high-horsed attorney representing developers
 - Last thing he wants to do is spend \$100k to fight this
 - If this gets developed, he would be in the swamp lands? And he would apparently lose \$100k in value.
 - He wants to be 100% clear that there is not a member of this neighborhood who is in favor of the plan in its current resemblance or any resemblance.
 - The property with high density property is already zoned for this, the southwest quadrant could be developed as high or medium density single-family homes
 - Only reason to have rezoning is for planned over development
 - There are other ways to develop this property that would be profitable. There is room to partner with local and regional developers to make a single-family development, that would not shove this down their throats, he feels like he is being bent over his fence whether it is polite or not
 - Mr. Fletemier shares his screen to show a sketch he made of a potential development – says that his plan can meet all the requirements without a rezoning



- Oliver Peters
 - He has the concerns of many
 - Main concern – what are the average values for the houses/apartments etc. how will this impact the current house property in the area? Is there any data to look into this?
 - **Shane thinks the prices for the units will be high compared to the area**
 - Can they provide the neighbors with a range of pricing? Major concern
 - How will this affect the property values moving forward?
 - **Believes the development will have a positive impact on the surrounding property values**
 - How could the developer address these concerns? If they are confident that this will raise prices how can they reach an agreement to make sure this happens?
 - **Open to discussing options/agreements**

ADDITIONAL QUESTIONS/COMMENTS FROM THE CHAT

- James Fletemier – How will the results of this meeting be reported to the Town?
- Oliver Peters – How much of the development is dedicated to mixed-use? Retail space?
- Stephen Swanick – Is this plan still subject to input/change, or is this what is being submitted for approval?

- April (No last name) – My concerns are for the environmental impact and traffic in the Hillcrest/Greenway/Gilead Rd. areas.
- Oliver Peters – Has or will there be an environmental assessment or impact study?
- Janet Pierson – Is a traffic analysis required?
- James Fletemier – Can you please speak to flooding concerns with creating roughly 4.9 acres of impervious space?
- Kathy Jones – How will homeowners on Greenway, Dallas, Hillcrest, Holbrook Streets be impacted by the possible road widening to accommodate increased traffic?
- Lee Hallman – Intersection of Gilead and Highway 115 is a dead intersection according to NCDOT, nothing can be done to add lanes etc. All the road improvements are just to catch up with the problems, adding 200+ families will crush traffic
- Kevin Belk – I note the parking area is proposed backed up to our property. What is being done or required as screening between the properties? Anything more than shrubs?
- Kathy Jones – Can David Peete address the right of way subject. Will homeowners be affected by road widening of Greenway, Hillcrest, Holbrook, etc. Can anyone address the road widening?
- Stephen Swanick – since the proposed BMP is so different from the other uses on Hillcrest, can you describe what enhanced buffering is being used?
- Candice/Josh Klein – What are the price targets of these townhomes?
- Jack Simoneau – The Town has not sold the land to the developer at this time. There is a contract to purchase only.
- James Fletemier – Is that contract contingent on the rezoning; and how do we get a copy? (FOI)
 - Jack says the Planning Department will get a copy of that from the Manager's office and make it available to whoever wants one. The records are public and you can contact David Peete at 704-766-2216.
- Jim Puckett – With traffic dumping onto Greenway from back of the project there needs to be a projection of percentage increase on Greenway, I suspect the Town and NCDOT road improvements had no reflection of a development dumping onto residential especially since they were developed prior to this project coming to fruition.
- Erik Hopkins – Could you let us know what the current population density of Greenfield Park is and what the approximate population density will be after the development? What will be the average price of the townhomes?
- Tammy Eppley – When Discovery Place Kids was built we were told they would redirect the water runoff, our back yard floods anytime it rains, this will only make it worse and we are up creek from Mr. Ranson. This project will add possibly 600 more cars on our small quiet roads.
- Kritzinger – Huntersville needs a downtown not another neighborhood. Huntersville needs restaurants and businesses.
- David Peete – The first draft of the plan only looks to widen Greenway Drive along the project frontage. Any future widening will not be decided until a traffic analysis is finished.

Appendix II

Second Neighborhood Meeting

Attendees:

- David Peete – 105 Gilead Rd. – dpeete@huntersville.org
- Brian Richards – 105 Gilead Rd. – brichards@huntersville.org
- Kevin Belk – 8936 Parkcrest St. – kbelk13@yahoo.com
- Frances M. Garner – 7417 Foxchase Dr., Trinity, NC 27370
- Martha M. Rawdon – 189 Scalybark Trail, Concord, NC 28027
- Joanne Miller – 13980 Asbury Chapel Rd. – jmiller.etj@aol.com
- Jack Simoneau – 105 Gilead Rd. – jsimoneau@huntersville.org
- John H. Calhoun, Jr. – 402 Hillcrest Dr. – trainmanjc@yahoo.com
- Jeff Hager – 203 Greenway Dr. – jhager18@live.com
- Janet Pierson – 104 Dallas St. – chloesnini@yahoo.com
- Dan Boone – 317 Southland Rd. – danboonenc@aol.com
- Amy Hallman – 119 Gilead Rd. – amytyler@roadrunner.com
- Tammy G. Eppley – 208 Greenway Dr. – teppley@bellsouth.net
- B. Eppley – 208 Greenway Dr. – b.eppley@palfingen.com
- Amber Kovacs – 207 Greenway St. – alhauk@gmail.com
- Katie Dickinson – 101 Holbrook St. – mommiekat@aol.com
- Rick Ranson
- Sierra Saumenig – 8618 New Oak Ln. – ssaumenig@huntersville.org
- Jorge Penaranda – 103 Hillcrest Dr. – homesclt@gmail.com
- William Latta – 20009 Verlaide
- Austin Eppley – 208 Greenway Dr. – Austin.15@me.com
- Michala Turner – 105 Dogwood Terrace – mltcrazy4horses@gmail.com
- Deborah McKnight – 103 Greenway Dr. – dpmcknight87@yahoo.com
- Terry McKnight – 103 Greenway Dr. – dpmcknight87@yahoo.com
- Charles – 14538 Holly Springs Dr.
- Abraham Van Wingarden – 15726 Huntersville-Concord Rd. – abe@metrolinagreenhouses.com
- Cynthia Van Wingerde – 16400 Huntersville-Concord Rd. – cindivanw@outlook.com
- Joseph Pierson – 104 Dallas St.

Developer Presentation:

- Same presentation as the first Neighborhood Meeting
 - Susan Irvin, Irvin Law Group
 - Shane Seagle, North State Development, LLC
 - Land Design Team
- The development team was present to ask questions regarding the project to all neighbors in attendance.
- Project site plans were displayed on boards for people to take a closer look at the project.



September 24, 2020

North State Development Group
18825 W. Catawba Ave, Suite 250
Cornelius, NC 28031

Re: Adequate Public Facilities (APF) Application – Town Center Mixed Use (File #2020-08)

To Whom It May Concern:

The Town has completed its review of the above referenced APF Application and deemed it to be complete, per Article 13.6.3 of the Zoning Ordinance. Based upon your request for an allocation of capital facilities for the above-referenced development proposal, consisting of up to 12,040 sf of Commercial, 140 Multi-Family Units, 61 Townhomes. I am issuing a "Determination of Adequacy (DOA)" for the following public facilities:

- Fire Vehicles
- Fire Facilities
- Police Facilities
- Police Vehicles
- Parks & Recreation Facilities

Please be advised that this DOA is valid for one (1) year, or until September 24, 2021, by which date this development proposal must have achieved vesting, per Section 2.2 of the Zoning Ordinance.

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

Sincerely,

A handwritten signature in black ink that reads "Brian Richards".

Brian Richards
Assistant Planning Director

Cc: Jack Simoneau, AICP, Planning Director
Anthony Roberts, Town Manager
Angela Beeker, Town Attorney
David Peete AICP, Principal Planner



Planning Services

4421 Stuart Andrew Blvd.

Charlotte, NC 28217

Phone: 980-343-6246

Email: planning@cms.k12.nc.us

Town of Huntersville: 2020-12-03 Huntersville Town Center - Revised

IMPACT OF THE PROPOSED DEVELOPMENT

Proposed Housing Units: Up to 191 total dwelling units (134 multi-family units, 50 townhome units, and seven single family dwelling units) under Town Center - Conditional district (TC-DC) zoning

CMS Planning Area: North

Average Student Yield per Unit: 0.1225 (multi-family) = 16

0.1812 (townhomes) = 9

0.5118 (single family) = 4

This development may add 29 students to the schools in this area.

The following data is as of 20th Day of the 2019-20 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/ Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
HUNTERSVILLE ELEMENTARY	44	37	818	688	119%	16	122%
BAILEY MIDDLE	80.35	57	1673	1187	141%	9	142%
WILLIAM A. HOUGH HIGH	120.0	100	2493	2078	120%	4	120%

The total estimated capital cost of providing the additional school capacity for this new development is \$1,053,000; calculated as follows:

Elementary School: **16**x \$34,000 = \$544,000

Middle School: **9**x \$37,000 = \$333,000

High School: **4**x \$44,000 = \$176,000

RECOMMENDATION

Adequacy of existing school capacity is a significant problem. We are particularly concerned about a case where school utilization exceeds 100% since the proposed development may exacerbate the situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above.

Below is a list of major changes that have been made to the Huntersville Downtown Mixed-Use Rezoning Plan in the third submittal:

1. Added a fence to the 10' buffer on the western boundary of the property north of Holbrook and extending to the daycare property.
2. Increased the size of the southern buffer on the western boundary of the property from 10' to 20'.
3. Added a fence to the 20' buffer on the western boundary of the property south of Holbrook.
4. Removed the townhomes along Greenway St. and replaced with seven detached single-family homes.
5. Reduced townhome count from 64 to 53.
6. Modified the mixed-use building footprint to include a vehicular pass through that is two stories high.
7. Increased height of first floor non-residential to 19' on Gilead Road, with a building height of 53'.
8. Increased the non-residential space on Gilead road to 12,000 sf, removing multi-family accessory uses from that area.
9. Included street access to ground floor units on Public Street A.
10. Revised the parking lot layout and parking counts.
11. Reduced the size of the BMP pond.
12. Moved the mail kiosk in order to avoid conflicts with any potential future pond access path / easement.
13. Modified sidewalk and planting strip on the western side of Public Street A to include a 7' wide sidewalk.
14. Added on-street parking and a planting strip to the eastern side of Public Street A.
15. All improvements to Public Street A paid by developer.
16. Holbrook St. extension from property to Hillcrest Dr. paid by developer.
17. Added new curb and gutter / sidewalk with 20' buffer east of sidewalk along Hillcrest Dr. and along the pond frontage.
18. Added / revised a number of notes on the plans to address various comments from Town Staff, including:
 - a. Added / clarified the information regarding trash pickup
 - b. Added / clarified the information regarding the buffers
 - c. Added/clarified the information regarding open space
 - d. Updated the development data table to reflect the plan updates and to add additional information requested by the Town
 - e. Added in additional sections to illustrate the various buffer conditions
 - f. Updated the bypass pipe system so as not to conflict with any buffers



SUSAN IRVIN | ATTORNEY

office: 19726 ZION AVENUE, CORNELIUS, NC 28031

mailing: P.O. BOX 2376, DAVIDSON, NC 28036

p: 704.896.0820 **f:** 704.896.0875 **e:** susan@irvinlawgroup.com

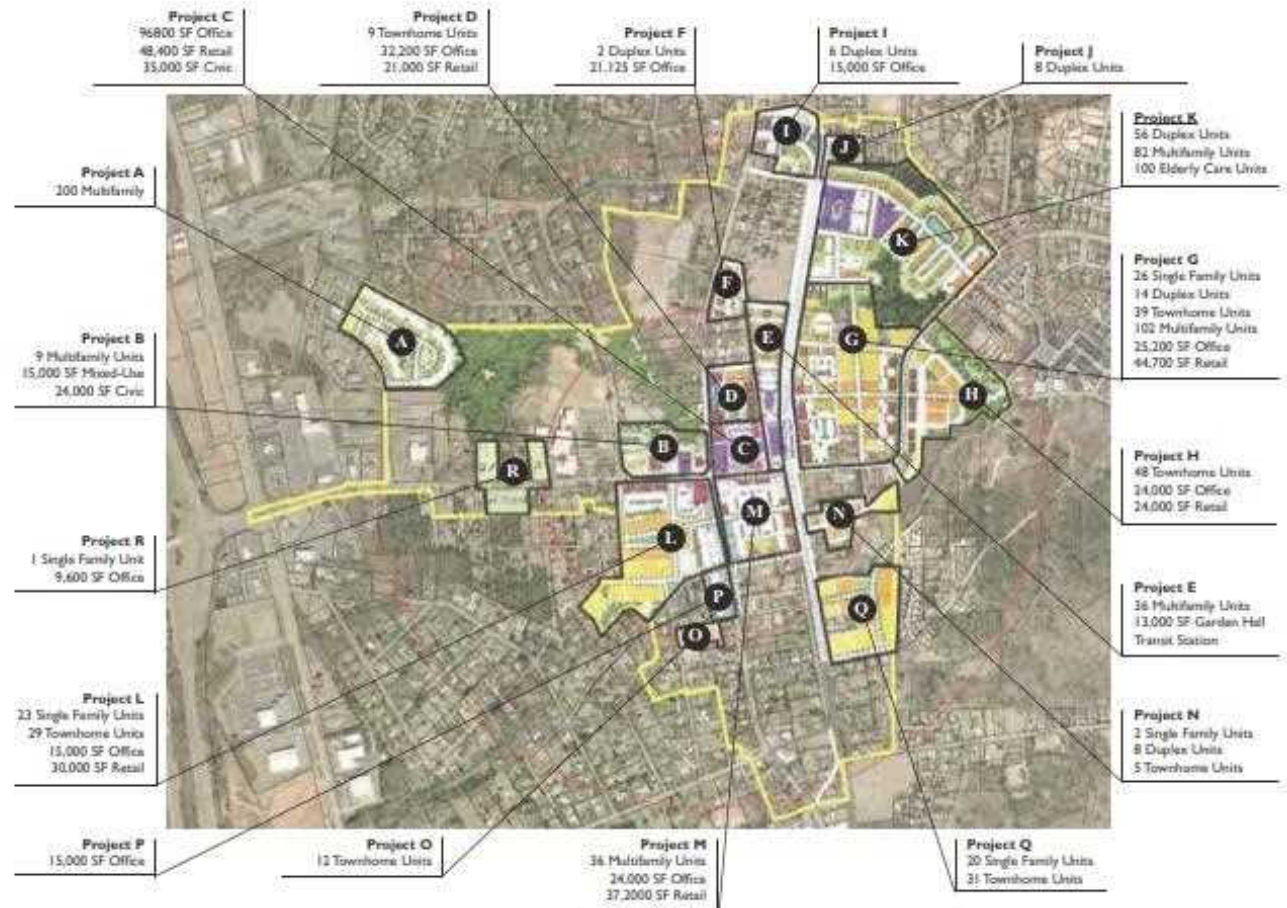
cell: 704.724.6763 <http://www.irvinlawgroup.com/>

Development Analysis

Downtown Plan New Development Totals

At build-out, the Downtown Huntersville Plan proposes the following new development opportunities for the study area:

- 180,950 square feet of Retail
- 208,400 square feet of Office
- 82,000 square feet of Civic / Institutional
- 100 Elderly Care Units
- 79 Single Family Residential Units
- 178 Attached Single Family Residential Units
- 459 Multi-family Residential Units
- Bed & Breakfast Inn Expansion
- 27,600 square foot Civic Plaza



Attachment H

Citizen Comments

(received as of the Town Board agenda
packet deadline – 9/29/20)

David Peete

From: Marie Hicks <mhicks7528@yahoo.com>
Sent: Monday, August 3, 2020 4:31 PM
To: David Peete
Subject: R20-03 Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a resident of the Greenfield Park neighborhood and I am writing to you regarding the proposed Rezoning R20-03. This Mixed Use Plan will have a negative impact on our home values, safe neighborhood, traffic, and erosion issues. This is one of the oldest and established areas of Huntersville and if multi housing units are brought in, the added traffic and people will impact our current ability to enjoy walks on the streets and the safety of a small neighborhood. General Erosion and creek erosion has been an ongoing issue and we definitely don't need any more buildings to add to this, as well as reducing the wildlife that is running out of green space in our town.

Regards,

Marie Hicks

Sent from my iPhone

David Peete

From: C Mahoney <carriemahoney@gmail.com>
Sent: Tuesday, August 4, 2020 9:41 AM
To: David Peete
Subject: Town center plans

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I live in Greenfield Park and would like to stay updated on future meetings regarding the rezoning. I'm not against it, but don't think there should be any parking on Greenway.

Thank you
Carrie

David Peete

From: Amber Hauk <alhauk@gmail.com>
Sent: Friday, September 18, 2020 9:39 PM
To: David Peete
Subject: Opposition

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear David Peete,

I'm live at Greenway St. and am writing to express my opposition to the proposed Rezoning R20-03 Huntersville Town Center Mixed Use. The proposed facility is will form a nuisance of noise, light, traffic, and environmental issues that will not only devalue my property, but severely degrade my quality of life in the neighborhood.

I support the effort of the citizens of Greenfield Park in their efforts to maintain the character of our community. I firmly ask that you deny the proposed rezoning.

Sincerely,

Amber Kovacs

David Peete

From: Jones, Kathy <Kathy_Jones@PremierInc.com>
Sent: Sunday, September 20, 2020 4:12 PM
To: Board Members
Cc: John Aneralla; Jack Simoneau; Anthony Roberts; David Peete; Jennifer Davis; Stephen Swanick; Janet Pierson
Subject: North State Development Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

I would like to express my concern regarding the North State Development Project. Based on the town's vision for the downtown area, this project significantly restricts and basically prohibits that vision from being accomplished. Below are a few bullet points, but by all means there are plenty other reasons this project isn't a good move. I'm just trying to keep it short to hold your attention.

- Without this project Gilead, 115, Greenway and all streets in the Greenfield Park neighborhood are already at, or close to capacity. If built, travel through that area will be nearly impossible and make life miserable for the Greenfield community, not to mention the safety issues it will create. Cut through traffic has already negatively impacted this neighborhood where parents and children routinely walk on streets that aren't wide enough for two cars to pass without one going off the side of the road. I personally won't take my grandson to the neighborhood park (where I played as a child) because I'm afraid if he were to get into the road he'd get run over before I could grab him. The park is already dangerous for younger children and really should be surrounded by a fence. What about when the children go back to school? Will they still be able to walk to the bus stop and be safe? Probably not.
- This project is touted as creating retail/commercial that will bring people to a walkable, unique, bustling downtown, but it doesn't offer anything for people to look at, much less visit. The apartment leasing office and apartment gym amenity don't count as a destination. By using this land for apartments and apartment related services, you significantly decrease the space you have to actually have those shops, restaurants and places that will achieve your goal of a vibrant downtown. The people in those apartments can only eat at Slice House or have lunch at Café 100 so many times before they're over it. Currently, those are our only 2 options for dining downtown. Wouldn't recruiting more businesses in the food service industry be a better choice than apartments?
- There has ALWAYS been problems with flooding in the Greenfield area. Always. This project will intensify the issue and cause devastating problems for homeowners property.
- From what I've been told, this developer does a lot of college housing projects. What's the range of the rent? What will be the quality of these buildings? Will they become easily run down due to inexpensive building materials? How will they age? Will they be allowed to become dilapidated without consequences like other properties in downtown?
- Based on the design of the parking lot, will people opt to park in the Discovery Kids parking deck instead of driving down and around to get to their parking area? Will this increase crime? Who wants to be in a dark parking deck at night. Perfect breeding ground for crime. I guess we'll need those auxiliary police officers to handle it.

- During the community meeting the attorney for the developer said that the Main St and 21 road projects will alleviate some of the traffic, thereby the neighborhood would be able to accommodate the increase in traffic from this project. Yeah, ok. Tell me another one. She really should've rethought that before she said it. Utterly ridiculous. Don't even get me started on the Holbrooks Rd extension. Crazy. Hillcrest? Oh, yeah. Narrow, curvy, perfect for accidents.
- The citizens in Greenfield Park and surrounding communities do not want this type of project in downtown. People move here for the small hometown atmosphere. Not the Birkdale experience. We want the quaint, walkable, unique downtown with cute shops, restaurants, murals/art, etc. This area would be an awesome spot for a combination of these types of shops and greenspace where people can come sit, socialize and have a sense of being part of a community. Grab a bite to eat and hang out with friends and family or just sit and read a book. Other towns have managed to achieve this (Davidson, Mt Holly, Kannapolis, Mooresville.) Why can't we? Don't let dollar signs cloud your judgment and lead you to make poor design decisions.

Remember, bad design only takes one irresponsible vote to go forward, but the results last a lifetime. The citizens of Huntersville shouldn't have to suffer for that irresponsibility. Just take a minute and ask yourself, would you want this type of development dumping into your older, established neighborhood where some families have lived for several generations?

Thank you for listening.

Kathy Jones
704-575-1414

David Peete

From: Amy Hallman <atmhallman@gmail.com>
Sent: Sunday, September 20, 2020 5:51 PM
To: David Peete; Jennifer Davis; Stephen Swanick
Subject: No to North State plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir or Madam,

I am writing to make you aware I'm asking the Town Board to vote no to extend the North State contract.

If you feel inclined to say they are moving forward in good faith, please consider that the downtown population is also moving in good faith to ask you to not rezone the Greenfield Park neighborhood nor to sell the parcels necessary to complete such an unnecessary project.

I get that "we" want development, but I'd rather wait a little longer and get development that reflects the current population's idea of development—not more apartments and townhouses, especially not within the downtown area. Congestion alone at our schools, in our roads, and at the total of three restaurants (two open part time) does not support such construction. And if you cannot encourage the downtown commercial property owner(s) to make any modifications to his/her current properties already, this construction boom will not help.

PLEASE take a pause.

Thank you,

Amy Hallman

David Peete

From: melissab@customsights.com
Sent: Monday, September 21, 2020 7:50 AM
To: John Aneralla; Board Members
Subject: Please do not allow apartments to replace premium retail space in downtown Huntersville

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please do not allow apartments to replace premium retail space in downtown Huntersville

David Peete

From: Elise Demeter <elisedemeter@gmail.com>
Sent: Monday, September 21, 2020 1:47 PM
To: David Peete; Stephen Swanick; Jennifer Davis
Subject: R20-03 Huntersville Town Center Mixed Use - concerned about proposed rezoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear David Peete, Stephen Swanick, and Jennifer Davis,

I am writing to express my concerns about the proposed rezoning + development plans by NorthState Development in downtown Huntersville (R20-03 Huntersville Town Center Mixed Use).

1. I am specifically concerned that the proposed development will add seriously to the traffic congestion in the area. I am concerned there is not a traffic impact study or a plan to widen roads that would remediate the traffic in this area at peak times.
2. I am concerned about the potential added pressures on our local schools. Our schools are struggling to keep up with enrollment as it is.
3. There is a large parking lot proposed for the residents of the multifamily housing units. The parking lot is a waste of valuable space. I am also concerned that it could negatively impact water runoff in the area.

I ask that you strongly urge NorthState to lessen their housing and parking lot allocations in favor of greater retail and green space allocations. I would also like to see NorthState conduct a proper, thorough traffic study.

The right mix of housing, retail, and green space is critical to making a vibrant downtown. I have sincerely appreciated Huntersville's vision for long-term development and vision. Town planning is important. I ask that you consider if the current rezoning and development proposals are truly in line with our vision for what downtown Huntersville should be in the years to come.

Sincerely,

Elise Demeter
Resident of Huntersville, NC
elisedemeter@gmail.com

David Peete

From: Rachel Haungs <racheljhaungs@gmail.com>
Sent: Monday, September 21, 2020 2:42 PM
To: John Aneralla; Board Members; David Peete; Stephen Swanick; Jennifer Davis
Subject: Commentary to be included as official record re: Rezoning of R20-03 Huntersville Town Center Mixed Use

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and commissioners, and other town staff,

I live in Shepherd's Vineyard on Glenora Dr. As you may recall, I am a native to Huntersville of 30 years. I am writing to express my extreme opposition to the proposed Rezoning R20-03 Huntersville Town Center Mixed Use. The proposed facility will form a nuisance of noise, light, **traffic**, and environmental issues that will not only devalue my property, but severely degrade my quality of life in the surrounding neighborhoods.

I support the citizens of Greenfield Park in their efforts to maintain the character of our community. I do not believe the proposed rezoning is aligned with the long-term vision of Huntersville, nor does it foster development that creates a vibrant and desirable downtown, let alone prioritize quality of life, green spaces, environmental safety, or boosting economic development.

Downtown Huntersville deserves to be developed with STABILITY and preserving green space in mind over corporate profits. With so little remaining of our small town charm, it is imperative that all of this be considered when determining the future of the few areas of green space left in our area. The addition of several hundred additional residents will have major impact and burden placed on our inadequate transportation infrastructure (ie: Gilead Rd // Old Statesville Rd at 7AM or 6PM every single weekday), schools, and storm water systems (expanding development in critical flood area with estimated 3MIL+ annual gallons of runoff into local creeks that feed our drinking water system).

Additionally, the approval of this rezoning and completion of this project virtually eliminates the ability to develop downtown Huntersville into a vibrant and desirable location by extinguishing opportunity for retail/commercial property development that is thriving in other neighboring communities like Cornelius and Davidson.

Four years ago, the Vermillion Village project (Anchor Mill) on Church St, just 3 or 4 blocks away from this site, was originally billed as town center. It was going to consist of a grocer, retail/commercial and 400 townhomes/apartments. Those plans have changed (no grocer will sign on) and the new plans (from what we've heard through the grapevine) are no retail/commercial, just 500 townhomes/apartments. **An increase of 100 townhomes/apartments.**

The Vermillion Front project on Huntersville-Concord Rd, just 3 blocks from this site has been approved and work has begun. **It's going to add another 99 townhomes/apartments to this area.**

We have other property in the Walters/First/Second St neighborhood, 3 blocks from the NS project, **where the Vermillion developer and a current commissioner have plans to built more townhomes/apartments. So these North State apartments aren't needed.** Much to our dismay, they'll be plenty of townhomes/apartments within walking distance of downtown without *taking precious land in the middle of town and basically throwing it away and creating problems.*

If you look at the 2040 plan, everything on the east side of the railroad is projected to be high-density townhome/apartment type buildings. **Just how many townhomes/apartments does Huntersville need?**

Given the explosive development of residential neighborhoods in our area with a lack of transportation infrastructure and retail network, where do you anticipate these new residents to shop and spend their time? The answer is pretty simple... they will take their money to our neighboring towns. When this plan so blatantly follows the voices raised in recent surveys for the 2040 plan, I feel the answer to this rezoning request is crystal cleared. If this is allowed, however, it will further enforce the existing notion that **no consideration for what the citizens want or suggest is ever taken into account when these decisions are made.**

I firmly ask that you deny the proposed rezoning.

Sincerely,
Rachel Johnson Haungs

David Peete

From: Jones, Kathy <Kathy_Jones@PremierInc.com>
Sent: Monday, September 21, 2020 3:41 PM
To: David Peete; Board Members
Cc: John Aneralla; Jack Simoneau; Anthony Roberts; Jennifer Davis; Stephen Swanick; Janet Pierson
Subject: RE: North State Development Project

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Mr. Peete,

Something I just thought of that should be taken into account when the town is considering this project. Four years ago, Vermillion Village project (Anchor Mill) on Church St, just 3 or 4 blocks away from this site, was originally billed as "town center." It was going to consist of a grocer, retail/commercial and 400 townhomes/apartments. Those plans have changed (no grocer will sign on) and the new plans (from what we've heard through the grapevine) are no retail/commercial, just 500 townhomes/apartments. An increase of 100 townhomes/apartments over the original plan.

The Vermillion Front project on Huntersville-Concord Rd, just 3 blocks from the North State site has been approved and work has begun. It's going to add another 99 townhomes/apartments to this area.

We have additional properties in the Walters/First/Second St neighborhood, 3 blocks from the North State project, where the Vermillion developer and a current commissioner have plans to build more townhomes/apartments. So these North State apartments aren't needed. Much to our dismay, they'll be plenty of townhomes/apartments within walking distance of downtown without taking precious land in the middle of town and basically throwing it away and creating more problems than anything good.

If you look at the 2040 plan, everything on the east side of the railroad is projected to be high-density townhome/apartment type buildings. Just how many townhomes/apartments does Huntersville need? It seems no consideration for what the citizens want or suggest is ever taken into account when these decisions are made.

Kathy Jones
704-575-1414

From: David Peete <dpeete@huntersville.org>
Sent: Monday, September 21, 2020 11:13 AM
To: Jones, Kathy <Kathy_Jones@PremierInc.com>; Board Members <BoardMembers@huntersville.org>
Cc: John Aneralla <janeralla@huntersville.org>; Jack Simoneau <jsimoneau@huntersville.org>; Anthony Roberts <aroberts@huntersville.org>; Jennifer Davis <jenniferdavis078@gmail.com>; Stephen Swanick <stephen.swanick@gmail.com>; Janet Pierson <jpierson@huntersville.org>
Subject: RE: North State Development Project

Mrs. Jones,

Thank you for your input regarding the proposed development.

Your comments have been added to the project file and will be shared with the Town Board & Planning Board at the Public Hearing.

Thank you for your participation in the process!

David F. Peete, AICP

Principal Planner
Town of Huntersville
105 Gilead Road
PO Box 664
Huntersville, NC 28078
Phone: 704.766.2216
Fax: 704.992.5528
Email: dpeete@huntersville.org
Website: www.huntersville.org

Connect with Town of Huntersville!  

Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may be disclosed to third parties.

From: Jones, Kathy <Kathy_Jones@PremierInc.com>

Sent: Sunday, September 20, 2020 4:12 PM

To: Board Members <BoardMembers@huntersville.org>

Cc: John Aneralla <janeralla@huntersville.org>; Jack Simoneau <jsimoneau@huntersville.org>; Anthony Roberts <aroberts@huntersville.org>; David Peete <dpeete@huntersville.org>; Jennifer Davis <jenniferdavis078@gmail.com>; Stephen Swanick <stephen.swanick@gmail.com>; Janet Pierson <jpierson@huntersville.org>

Subject: North State Development Project

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All,

I would like to express my concern regarding the North State Development Project. Based on the town's vision for the downtown area, this project significantly restricts and basically prohibits that vision from being accomplished. Below are a few bullet points, but by all means there are plenty other reasons this project isn't a good move. I'm just trying to keep it short to hold your attention.

- Without this project Gilead, 115, Greenway and all streets in the Greenfield Park neighborhood are already at, or close to capacity. If built, travel through that area will be nearly impossible and make life miserable for the Greenfield community, not to mention the safety issues it will create. Cut through traffic has already negatively impacted this neighborhood where parents and children routinely walk on streets that aren't wide enough for two cars to pass without one going off the side of the road. I personally won't take my grandson to the neighborhood park (where I played as a child) because I'm afraid if he were to get into the road he'd get run over before I could grab him. The park is already dangerous for younger children and really should be surrounded by a fence. What about when the children go back to school? Will they still be able to walk to the bus stop and be safe? Probably not.
- This project is touted as creating retail/commercial that will bring people to a walkable, unique, bustling downtown, but it doesn't offer anything for people to look at, much less visit. The apartment leasing office and apartment gym amenity don't count as a destination. By using this land for apartments and apartment related services, you significantly decrease the space you have to actually have those shops, restaurants and places that will achieve your goal of a vibrant downtown. The people in those apartments can only eat at Slice House or have lunch at Café 100 so many times before they're over it. Currently, those are our only 2 options for dining downtown. Wouldn't recruiting more businesses in the food service industry be a better choice than apartments?

- There has ALWAYS been problems with flooding in the Greenfield area. Always. This project will intensify the issue and cause devastating problems for homeowners property.
- From what I've been told, this developer does a lot of college housing projects. What's the range of the rent? What will be the quality of these buildings? Will they become easily run down due to inexpensive building materials? How will they age? Will they be allowed to become dilapidated without consequences like other properties in downtown?
- Based on the design of the parking lot, will people opt to park in the Discovery Kids parking deck instead of driving down and around to get to their parking area? Will this increase crime? Who wants to be in a dark parking deck at night. Perfect breeding ground for crime. I guess we'll need those auxiliary police officers to handle it.
- During the community meeting the attorney for the developer said that the Main St and 21 road projects will alleviate some of the traffic, thereby the neighborhood would be able to accommodate the increase in traffic from this project. Yeah, ok. Tell me another one. She really should've rethought that before she said it. Utterly ridiculous. Don't even get me started on the Holbrooks Rd extension. Crazy. Hillcrest? Oh, yeah. Narrow, curvy, perfect for accidents.
- The citizens in Greenfield Park and surrounding communities do not want this type of project in downtown. People move here for the small hometown atmosphere. Not the Birkdale experience. We want the quaint, walkable, unique downtown with cute shops, restaurants, murals/art, etc. This area would be an awesome spot for a combination of these types of shops and greenspace where people can come sit, socialize and have a sense of being part of a community. Grab a bite to eat and hang out with friends and family or just sit and read a book. Other towns have managed to achieve this (Davidson, Mt Holly, Kannapolis, Mooresville.) Why can't we? Don't let dollar signs cloud your judgment and lead you to make poor design decisions.

Remember, bad design only takes one irresponsible vote to go forward, but the results last a lifetime. The citizens of Huntersville shouldn't have to suffer for that irresponsibility. Just take a minute and ask yourself, would you want this type of development dumping into your older, established neighborhood where some families have lived for several generations?

Thank you for listening.

Kathy Jones
704-575-1414

David Peete

From: Iaiela Dumitrescu <biola1994@yahoo.com>
Sent: Monday, September 21, 2020 3:45 PM
To: David Peete
Subject: North State Capital Development

As new neighbor and owner in Vermillion, the news that there is a development planned for downtown Huntersville does sit very well with me and my family.

Therefore, I recommend that you take a good look at those the requests sent by the citizens affected and make sure that we keep the downtown area looking as such without the extra residences and traffic that will congest the area. We need more walking friendly businesses and commercial development instead of more cars to make traffic unbearable.

Thanks for taking the time to give this your attention.

Iaiela Dumitrescu
BS Business Admin.

David Peete

From: Marian Dumitrescu <mdu1987@yahoo.com>
Sent: Wednesday, September 23, 2020 12:57 PM
To: David Peete
Subject: Re: Please Sign the petition

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. David Peete,

As new neighbor and owner in Vermillion, the news that there is a development planned for downtown Huntersville doesn't sit very well with me and my family. Therefore, I recommend that you take a good look at the requests sent by the citizens affected and make sure that we keep the downtown area looking as such without the extra residences and traffic that will congest the area. We need more walking friendly businesses and commercial development instead of more cars to make traffic unbearable.

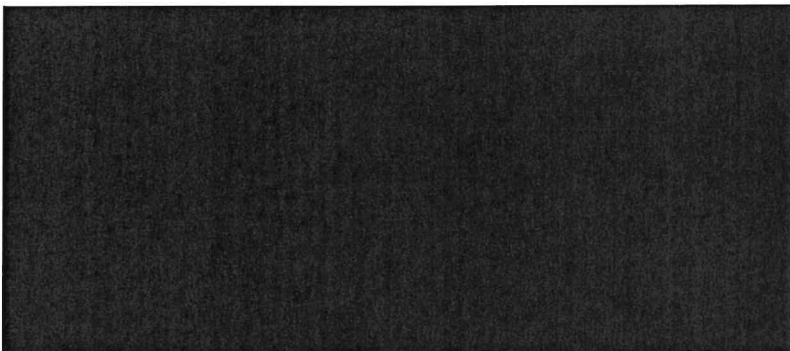
Thanks for taking the time to give this your attention.

Regards,
Marian Dumitrescu
704-778-2026

On Mon, Sep 21, 2020 at 12:40 PM, Iaiela Dumitrescu
<biola1994@yahoo.com> wrote:

This is to stop a developer from adding over 200 homes in the heart of Huntersville by Discovery Place,

[Sign the Petition](#)



Sign the Petition

Save Downtown Huntersville

David Peete

From: rsbdirect@bellsouth.net
Sent: Friday, September 25, 2020 8:57 AM
To: David Peete
Subject: NO! to Apts. in Downtown Huntersville

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Mr. Peete.

I am against rezoning downtown Huntersville to "Town Center Mixed Use."

We don't need the congestion that will occur from the addition of 140 apartments, 61 town homes, and all of the ugliness (260 parking spaces) that will accompany them.

Let's turn downtown Huntersville into something charming and intimate, such as what you have in Davidson. Let's attract small businesses and restaurants and create a really beautiful town.

Thank you.

Regards,

Robert Blumenthal
8828 Oakham St.
Huntersville, NC 28078

10/1/2020

Town Planners and Commissioners

RE: Proposed Conditional Rezoning application 20-03 , Town Center

Dear Sir(s) and Madam(s)

My name is Jim Fletemier;

My wife and I are Huntersville residents, as well as longtime residents of North Mecklenburg County, and live at 209 Hillcrest Drive, one of the properties adjacent to and directly affected by this proposed conditional rezoning.

Professionally, I am the Assistant Director in charge of Curriculum and Educational Technology for Canopy Real Estate Institute, a subsidiary of the Canopy Realtor© Association and Canopy MLS. I'm one of less than 60 people Nationwide to hold both DREI and CDEI certifications, which are Internationally recognized professional certifications that allow me to teach real estate, and to train instructors, in over 30 states. I'm also a longstanding member of ARELLO (The International Association of Real Estate Licensing Law Officials).

By education, I'm an Applied Industrial Engineering Technologist with a minor in Supply Chain and Logistics design. Although I'm a licensed Broker in Charge in North Carolina, as part of my employment agreement, I don't currently actively practice Real Estate; as that would create a potential conflict of interest if I were to serve as an expert witness in real property litigation, or become directly involved in professional ethics investigations within the Real Estate industry. My wife has been a Commercial Property Manager for one of the most respected and successful commercial development and Property Management companies in the Carolinas for over 18 years, is the former President of the Charlotte region of BOMA International (Business Owners and Managers Association) , and is currently the Director of Facilities for a large International company.

I tell you all of that just to say that our opinions and views are backed by significant expertise and experience related to this proposed rezoning. Between the two of us, we're very fortunate and blessed to fully understand many of the components of this proposed project.

Like most residents; we're both very supportive, and excited, about the creation of a vibrant and successful "downtown" Huntersville.

And like most residents, we both implore you to vote "NO" on the proposed conditional rezoning.

The proposed rezoning and associated sketch plans not only don't provide for, or take initial steps for, a vibrant, walkable, successful downtown core; this rezoning makes reaching that goal significantly more difficult. The developer believes, and would like for you to believe, that this plan is the "only workable alternative." That's just not true. It's the best plan for the developer, simply because Northstate Builds high density multifamily housing. It's their 'bread and butter', their true core competency, so it's the thing that they want to do. It's as simple as that.

The request for rezoning, and the associated sketch plan, should be denied for the following primary reasons:

The proposed rezoning constitutes illegal "spot zoning" and opens the Town of Huntersville to liability at the State Level.

I'm very confident that should this request for rezoning be approved, legal action will be brought against the Town of Huntersville at the State level, that seeks to prove this as Illegal spot zoning. When that case is eventually won, it could literally become the next "textbook case" of spot zoning. I say that without hyperbole, since I could very well be a primary author of the next textbook.

This proposed plan injures the property values and quality of life of all the adjacent homes currently zoned single family residential, and places a retention pond well inside an established neighborhood in order to allow for the runoff from additional multifamily attached housing. This is being proposed at a time when significant residential input (61% of respondents from the last town survey) prioritized single family homes on large lots; which is the current makeup of the area of proposed rezoning. There are several attached multi family housing projects already underway within 5 miles of the proposed site, and supply for detached single family homes in the North Mecklenburg/ Lake Norman region is at an all time low. Additionally, the developer was given two alternate proposed plans that would NOT require rezoning of 8 of the parcels in question, and better meet the needs of the town as a whole. BOTH OF THOSE ALTERNATIVE PLANS ARE ATTACHED.

The proposed rezoning is in opposition to the Town's vision, and intentionally misinterprets the town plan (both current and proposed long term Master plans.)

The master plan and "vision" for Huntersville includes a vibrant, walkable downtown, centralized retail and restaurant space, and protected mature tree canopy, and a "destination" feel to the downtown area. However, the proposed rezoning would eliminate the largest section of mature trees in existence within the downtown or surrounding area, and focus primarily on creating an area for people to *leave from, rather than arrive to*. There is a finite amount of space available within the downtown core area that's already zoned Town Center, and the proposed plan dedicates the majority of that space to high density residential. This would kill the tree canopy, increase traffic, increase the noise level, and provide very little "destination" impetus for residents or visitors.

The logic being used to justify this plan is flawed.

While it's true to some extent that "you have the population to get the big retail and development" ; that's a gross oversimplification, makes a great sound bite for the developer, and ignores the actual demographic, economic, and logistical factors along the Gilead Rd Corridor.

The downtown Huntersville area is a unique economic challenge, and applying blanket statements makes dangerous assumptions about the current, and future, state of retail and residential living in the area. There are currently 3 large grocery spaces along Gilead Rd, on the West Side of I77, and two more on the East side. One of those 5 grocery stores is currently closed and empty due to poor sales.

According to current population demographics and the models most often used by national grocery chains like Kroger (owns Harris Teeter), and the National Grocers Association, the 4 to 6 square block area of downtown Huntersville would have to increase it's population by an estimated 8,000-12,000 residents before a "Town Center location" would be seriously considered by a National Chain, as an additional location over and above those already in existence. Well before that happened, though, that increase in population would implode the town infrastructure, completely overwhelming schools, first responders, water, sewer, and town services. In short, that just isn't going to happen.

Therefore, the only path to develop a vibrant downtown MUST BE to create a "destination" location; that focuses the available square footage primarily on retail and restaurants/ dining, provides plenty of parking, and allows for walkability. That can all be done under the existing zoning, while preserving the currently zoned lots for the highly sought-after single family detached residential space it was designed for.

Right now, because of current COVID and political unrest, it is one of the worst times in history to consider building speculative retail or Commercial, and the developer well knows this. Their plan, therefor, involves such a small portion of retail that its success or failure has little bearing on their financial goals.

"Scaling back" the retail due to lack of concerns for support of that retail, as the developer has stated on many occasions, is flawed at best. It's a long-standing tenant of *basic* retail development that "retail drives retail, which drives restaurants. " In other words, the retail portion needs to be large enough, well done enough, and located properly to have people come there.. not leave from there to go somewhere else.

It's also true that once people get in their cars to dine or shop, whether they drive ½ mile or 5 miles plays virtually no part in their location choice. Right now, because the proposed plan will make Huntersville so much less walkable, those 500+ additional residents will be FAR more likely to get in their cars (further causing traffic problems). Once in their cars, there is nothing keeping them in Huntersville to spend their dollars.

Also, during a meeting with Northstate Development that my wife and I had fairly early in the process, their "required" rental rates that they stated, based on the cost of acquisition and development that they had, put their commercial space at 25-30% higher than already available empty retail space along Gilead Rd, and over twice the cost of the older retail locations on the Southwest corner of Gilead and Old Statesville.

What the proposed plan will effectively create is a very small, unoccupied or unsuccessful retail pocket, surrounded by high density housing, in an already high traffic area, and economically seal the fate of

what could have been a vibrant downtown experience, while simultaneously injuring the surrounding properties, for the benefit of North state Development, at the cost of our Town.

A far better approach would be to delay the development of those core parcels at least 2 years until the economy and retail market realign and stabilize themselves with the parcels already zoned Town Center, and develop the parcels currently zoned for Neighborhood Residential in a way that both has very high demand and would protect the interests of the residents- as single family detached dwellings on larger lots.

Let's get creative

The absolute best location for attached multifamily housing, with ground floor retail, that would maintain and create continuity within the new downtown "park" and mill area, is the current location of the Town Hall. Conversely, the best usage for the properties under consideration with this plan may very well be a new town hall, with Town Park and wooded trail way, adjacent to the existing and underutilized parking deck; if a truly creative and positive approach was the goal. See attached.

Thank you for your time

Jim and Alexis Fletemier

10/2/2020

Town of Huntersville Town Council, Planning Board, and Legal staff;

In regards to the proposed conditional rezoning R20-03

I'd like to respectfully ask that Councilman Hines recuse himself from the vote on this item, that he be excused from any public or private meetings in regards to this proposed rezoning, and that he abstains from any commentary or offering of opinion to other Councilmembers or Planning Board members in regards to this proposed rezoning outside of public forums available to all residents.

I'd also like to respectfully request that any input Councilman Hines has provided to other councilmembers in regards to this plan, dating from the property being sold to Northstate Development, be eliminated from consideration.

It appears that Councilman Hines was one of the listing Brokers that marketed several of the parcels involved; and utilized the attitude of the Town of Huntersville as being receptive to rezoning of these parcels, in the marketing materials to procure the sale of these parcels.

Excerpts from the advertising and marketing materials, authored by Invest Properties, a Firm with Councilman Hines as a principle:

"The property is ideally situated for high density residential, whether apartments, townhomes, or a mixed use. Huntersville staff is willing to review all potential plans and excited about the development."

- The property is zoned TC-CD and GR. Huntersville Staff has indicated support in rezoning the property to higher density residential.
- Site plan supports 100 apartment units and 20 townhome units with structured parking. There is also some possible interest in joint/shared parking with the Town of Huntersville with their parking deck.

Councilman Hines may have a conflict of interest in regards to the upcoming vote; and may be highly disincentivized to vote on the basis of the best interests of the town residents. *Should this rezoning application be denied, the purchasing party may have some legal or financial recourse against Mr. Hines' advertising strategy, and the advertising would indicate potential motivations for a manipulation of that vote, in order to legitimize the statements made in marketing of the properties.*

It also *appears*, but may not be the case, that initial application renderings of the site plan along Gilead and Old Statesville Roads are the identical drawings used in the marketing materials of the property to procure the sale to Northstate Development.

I'm confident that Councilman Hines, a well-respected member of our community and a freshman Councilman, may be consciously unaware of this conflict of interest between his personal business dealings and serving as a representative of the town's residents. I'm also confident that, having brought that conflict to light, the steps outlined above can be easily taken to eliminate any concerns over apparent improprieties.

Additionally, I have grave government functionality and ethical concerns, if Huntersville staff did in fact "indicate support for rezoning" prior to any application for rezoning having been filed. I would like to clearly understand which Huntersville staff positions would be in a position of decision making to offer that support; as it's my understanding that conditional rezoning decisions are to be made by the elected Town Council only after careful consideration of public input and a review by the planning board, not predetermined by staff members prior to any application being filed or public knowledge of a proposed redevelopment. I hope that you can clarify my concerns and misunderstanding for me, to avoid any escalation of concerns over ethical violations having taken place.

I look forward to your prompt response, and also ask that this be included as a part of the public comments in regards to rezoning application 20-03, Town Center.

Thank you.

Jim Hetemier

David Peete

From: Jeff Boyer <jlboyer@bellsouth.net>
Sent: Saturday, October 3, 2020 11:12 AM
To: mbales@Huntersville.org; Dan Boone; Brian Hines; Nick Walsh; Stacy Phillips; Lance Munger; John Aneralla; Stephen Swanick; David Peete
Subject: North State Development Rezoning-Yes Please!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have been a Huntersville resident since 1987 and have seen a great deal of transformation in that time. As such I want to express support for the North State project and related rezoning. The voices of residents opposing this project are stuck in the past, and hopefully will not stifle this project and others to come which will take the town into the future. We are quite fortunate to be attracting investment into the area, and a favorable view by the town on projects such as this is imperative to such investments continuing going forward.

David Peete

From: Ross Howard <wrhoward21@gmail.com>
Sent: Sunday, October 4, 2020 4:31 PM
To: David Peete
Cc: Board Members
Subject: Zoning Change R20-03

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, David.

Good Evening, sir. I wanted to send you a quick email documenting my opposition to the proposed rezoning in downtown Huntersville. As a resident of Huntersville and HPD Officer I believe a large apartment building would be an incredible detriment to the downtown area in the near term and long term. I am all for positive development to enrich the downtown area but this is not the direction it should go.

I know your time is valuable and I thank you for your consideration.

Respectfully,

Ross Howard
(828) 244-3599

David Peete

From: Janet Pierson <chloesnini@yahoo.com>
Sent: Sunday, October 4, 2020 9:45 PM
To: Board Members
Cc: David Peete; Janet Pierson
Subject: Petition R20-03

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please note that I am sending this email as a taxpaying resident that lives at 104 Dallas Street. It is being sent on my personal time, from my personal email address and my personal iPhone.

I am writing this email to oppose Petition #R20-03 for the reasons outlined below:

1. I feel the proposed plan includes too much residential. I would like to see more retail/restaurants/offices.
2. The proposed plan does not fit in with the existing Greenfield Park neighborhood. Single family residential ranch-type houses with larger lots would be in keeping with the character of Greenfield Park. I would prefer no apartments....Huntersville has enough apartments.
3. Concern with traffic. My understanding is a TIA was not required. What I understood at the community meeting is the developer does not think the development will affect the neighborhood roads. I have lived in the neighborhood all of my life (except for 3 years when I first got married, but even then I was in the neighborhood about every day), and it will increase the traffic. People will find they can cut through the neighborhood roads. Our roads are narrow and cannot handle that kind of traffic. If the plan is approved, I would suggest there be no entry/exit at Greenway. They would still have several entry/exit points for connectivity.
4. I did sign the online petition opposing this project. I asked about signing the paper petition representatives from the neighborhood were circulating, but was told since I signed the online, I didn't need to sign the paper one. I didn't quite agree with that, but wasn't going to argue, so I just want to confirm I support their petition.
5. There will be representatives from the neighborhood speaking at the hearing Monday night. I have not heard all of what they plan to present, but heard some proposed concerns a few weeks ago that they were going to bring up. I agree with their concerns related to water run off, safety, traffic, etc. However, I do not agree with any personal attacks against any commissioners.

Thank you for your time.

Janet Pierson
104 Dallas Street

[Sent from Yahoo Mail for iPhone](#)

David Peete

From: Janet Pierson
Sent: Monday, October 5, 2020 9:58 AM
To: Board Members
Cc: David Peete
Subject: FW: Opposing the rezoning of downtown property

From: E J <ellamarjo23@gmail.com>
Sent: Monday, October 05, 2020 9:45 AM
To: Janet Pierson <jpierson@huntersville.org>
Subject: Opposing the rezoning of downtown property

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Huntersville board:

I would like to object to the rezoning of the land adjacent to Discovery Place. This land needs to be used to help develop Huntersville's downtown into a walkable area with retail, restaurants, etc- not multifamily housing. I'm also very concerned about the connection of Brian Hines to the property and the conflict of interest that arises with him having sold the property and voting on the rezoning. He should recuse himself from this vote.

Please consider the immense opposition as people are learning the developer's true intentions which go against everything we would like to see in Huntersville.

Thank you for your consideration.

Why are apartments included in the Town Center Plan?

The Downtown 2030 Community Plan states that Downtown will be a thriving, mixed-use town center with a variety of housing types (single family, townhomes, live work, and apartments). Including apartments will help diversify the downtown economy and also help encourage more businesses to open downtown by increasing demand for eating and drinking establishments, personal services, retail shopping, etc. The current concept calls for a downtown with people living, working and playing within walking distance

Why development now?

To be proactive with development. Several developers have expressed interest in doing a mixed-use project in the downtown area. Instead of letting them develop whatever zoning permits, the Town wants to be proactive and let the community drive, shape and form what the downtown will look like in 10-20 years.

To stimulate economic growth. The Town wants to diversify its public investment throughout the Town while providing additional options for housing, retail and entertainment in the downtown area. This investment in downtown is critical to continued growth and vitality of Huntersville.

To encourage downtown renewal. Downtown is the heart of any community. The Town wants to reinvest in and renew downtown by making it an active destination. Activity will create opportunities for existing businesses while attracting new businesses as well.

To create an identity for Huntersville. The Town wants to develop an identity for our downtown by encouraging a walkable, "village" type environment. A revitalized downtown will create a sense of place and renewed pride in Huntersville.

Will apartments decrease my property value?

Concerns that the presence of apartments will lower the value of single-family houses have driven many people to oppose new apartment developments. The property is currently zoned to allow apartments. Unlike apartments of old, current apartment choices can provide luxury lifestyles for young professionals, empty nesters and others. The Town is working with the developer to alleviate this concern by requiring buffers, planting strips, street and sidewalk improvements, adequate parking opportunities, and insisting upon a high-quality design. This project will lead to a renewed interest in the downtown area which may, in fact, increase property values of the surrounding homes.

Will the apartments attract transients?

Multifamily rental housing has long been an important part of the collection of housing choices for families and individuals. High quality apartments will attract new residents to town, many of whom either prefer apartment living or rent before buying in the community. In addition, rental housing has been crucial to provide homes for our nation's teachers, firefighters, police officers, health care workers, and public employees.

What is the commercial component of the Plan?

12, 000 square feet of the ground floor space of the building that fronts Gilead Road will be used for commercial space. This space will be designed for commercial, retail and restaurants or other active

commercial use and will include a pedestrian pass-through from Gilead Road and a stairwell area. The club house and administrative offices for the apartments are not included in the 12,000 square feet.

What is the impact on local schools?

According to the projections provided by CMS, the impact will be minimal. Huntersville Elementary School will increase by approximately 16 students, Bailey Middle School by 8 students, and William A. Hough High School by 3 students.

How will the development mitigate stormwater run-off?

The Greenfield neighborhood was developed without stormwater regulations in effect. Now, all development must follow regulations that protect watersheds & control stormwater. Stormwater controls will be put in place to meet or exceed applicable laws:

Soil Erosion and Sedimentation Control ordinances require builders and developers to implement structural Best Management Practices (BMPs) like perimeter sediment fence, construction entrances, and sediment basins to control sedimentation and protect surface water quality.

Post-Construction Stormwater Control ordinances ensure that new developments are designed to minimize impacts to surface water quality and that structural Best Management Practices (also called stormwater control measures) are built and then maintained after development is complete.

Surface Water Improvement & Management (SWIM) ordinances require vegetated buffers along streams to protect the natural functions of the stream system. Additional buffer requirements are found in Post-Construction Stormwater Control ordinances and Water Supply Watershed ordinances.

Watershed Supply Watersheds ordinances regulate the development and land use density in certain watersheds to protect the water quality of lakes that supply drinking water.

Floodplain regulations limit development within the floodplain, minimize public and private losses due to flood conditions, and control the alteration of natural floodplains.

Stormwater Pollution Control ordinances prohibits illicit connections and discharges to the storm drainage system and outlines the steps for responding to violations and enforcement actions.

What are the general details of the apartment building? (Height, Number of apartments, final design?)

The total building height at the Gilead Road frontage is 52.5', approximately the same height as the Discovery Place for Kids building. The number of units will not exceed 134. A rendering of the mixed use (commercial/apartment) building has been presented at each public meeting and can be found at <https://www.huntersville.org/DocumentCenter/View/6244/R20-03-Planning-Board-Staff-Report-10-27-20---w-Attachments-for-WEBSITE> (Page 41)

The final design must meet the standards set forth in Article 4 of the Zoning Ordinance, including ARCHITECTURAL STANDARDS PRINCIPLES.

Will there be more opportunities for neighbors to collaborate with the developer?

There have been a pre-development ~~meeting, 3~~meeting, 3 community meetings, 2 meetings with Greenpark HOA and Save Downtown Huntersville representatives and their attorney, a planning board meeting, and a public hearing. Based on feedback from these public meetings and the recent Greenpark HOA and Save Downtown Huntersville meetings, the developer has agreed to substantial revisions to the original plan. The revisions include:

1. Removed 17 Townhomes south of Holbrook. The project started at 61 Townhomes south of Holbrook, and it is now at 44 Townhomes south of Holbrook and 7 Single-Family Detached Homes.
2. Larger lots along Greenway.
3. Larger setbacks for homes along Greenway.
4. Fewer Houses on Greenway. The project started with townhome buildings along Greenway and was modified to 7 single-family homes on Greenway. The most recent revisions reduced the 7 single-family homes on Greenway to 4 single-family homes on Greenway.
5. Southernmost TH building. Converting one of the southernmost townhome buildings on the west side of Street C to 3 single-family homes.
6. Second TH Building. Reduced unit count in second TH from 5 to 4 and moved it to the east to provide more open space.
7. Buffers. If possible, in the design phase, the 20' undisturbed buffer adjacent to the stormwater detention pond along Hillcrest Dr. will be increased.

Another public hearing is scheduled for December 7.

Will crime increase in the vicinity of these apartments?

From August 28, 2020, to October 25, 2020, there were 9 aggravated assaults in Huntersville. Only 1 of 9 aggravated assaults occurred in an apartment complex.

Should we be concerned about traffic impacts?

Intersections and roads which will be affected by future growth, including the growth that comes with the Town Center Plan, will be improved (funded) either through Huntersville's CIP or the State's STIP program. These major improvements include widening of Gilead Road, Main Street realignment and improvements, Holbrook Road Extension and various other intersection improvements. The developer will also pay for construction of new streets and road improvements within the project that will facilitate traffic flow.

Will there be cars on Greenway?

Per the Institute of Transportation Engineers Trip Generation Manual, 10th ed., based on the most recent revisions to the plan, only 3% of the trips generated by the residential units will result in a right turn onto Greenway.

**Town of Huntersville
Town Board
January 19, 2021**

To: Town Board

From: Sierra Saumenig, Senior Planner

Date: January 19, 2021

Subject: Consider deeming changes to Petition #R20-05 Vermillion Village as substantial or an intensification per Article 11.4.4 of the Zoning Ordinance. Changes to the rezoning request include increasing non-residential square footage from 22,000 sq. ft. to 73,000 sq. ft. and reducing the amount of townhome units from 61 units to 47 units. (*Sierra Saumenig*)

EXPLAIN REQUEST:

Consider deeming changes to Petition #R20-05 Vermillion Village as substantial or an intensification per Article 11.4.4 of the Zoning Ordinance. Changes to the rezoning request include increasing non-residential square footage from 22,000 sq. ft. to 73,000 sq. ft. and reducing the amount of Townhome units from 61 units to 47 units. (*Sierra Saumenig*)

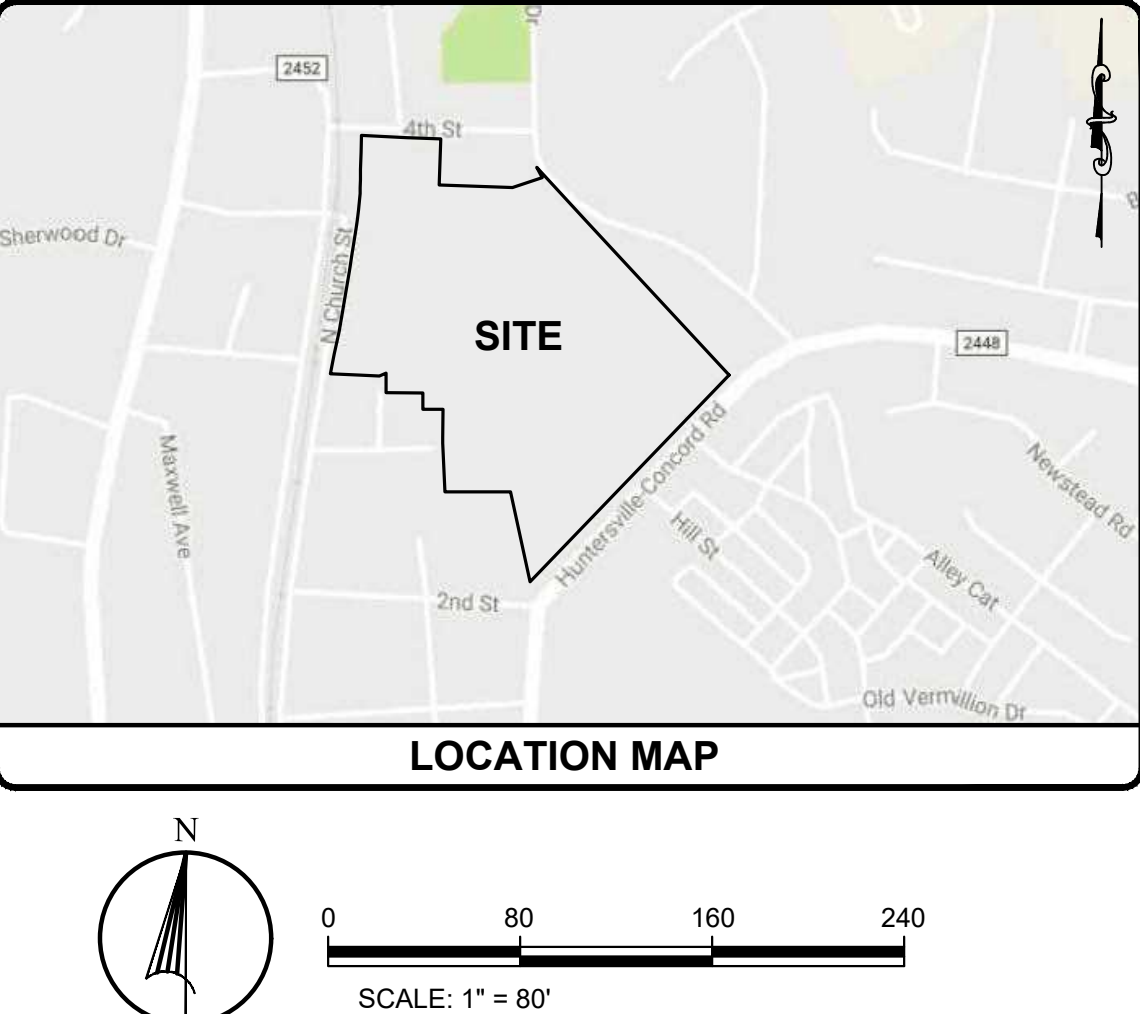
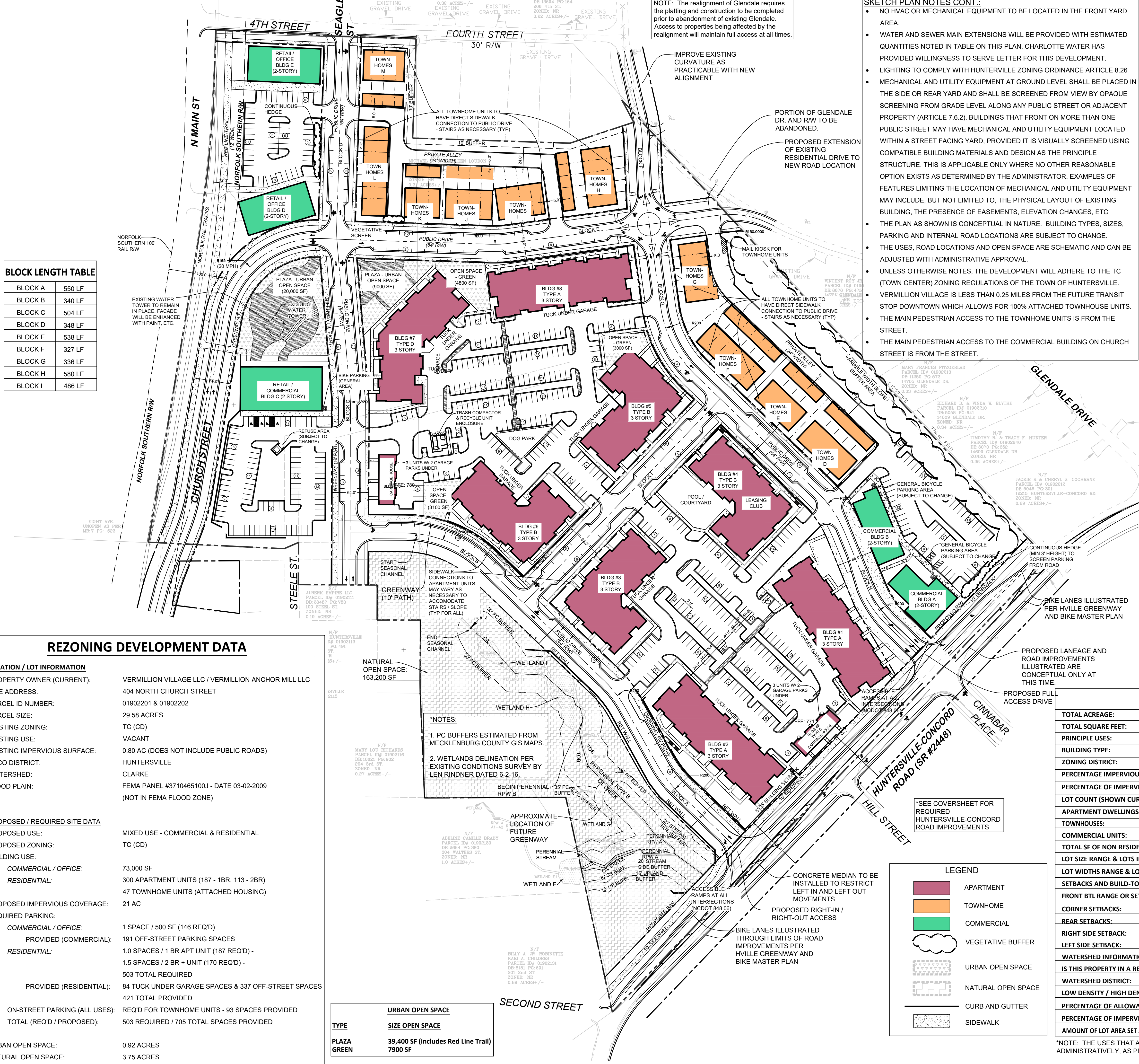
ACTION RECOMMENDED:

Consider deeming changes to Petition #R20-05 Vermillion Village as substantial or an intensification per Article 11.4.4 of the Zoning Ordinance. Changes to the rezoning request include increasing non-residential square footage from 22,000 sq. ft. to 73,000 sq. ft. and reducing the amount of Townhome units from 61 units to 47 units. (*Sierra Saumenig*)

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. V Village Sketch Update 1-6-21
2. Article 11.4.4 Withdrawal or Amendment of Petition



SKETCH PLAN NOTES:

- ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
- THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY ON RECORD.
- ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.
- ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING) RIGHT-OF-WAY AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MAY RESULT.
- LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS WITH THE EXCEPTION OF RURAL PARKWAYS WHERE EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENT. SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
- MAIL DELIVERY FOR APARTMENTS SHALL OCCUR INSIDE BUILDINGS & GARBAGE PICKUP WITH BE PRIVATE AT COMPACTOR / RECYCLING ENCLOSURE ILLUSTRATED ON PLAN. A MAIL KIOSK WILL BE PROVIDED FOR THE TOWNHOMES AT A CENTRALIZED LOCATION. TOWNHOME TRASH PICKUP WILL BE THROUGH THE TOWN.
- PER ARTICLE 8.16.1 & 2 - Alleys are provided for Townhouse lots that are 50' wide and less with onsite parking.
- DIRECT ACCESS FROM LOTS TO A THOROUGHFARE IS PROHIBITED.
- ALL ALLEYS SHALL BE OPEN FROM GENERAL USAGE BY THE GENERAL PUBLIC BUT SHALL NOT BE ACCEPTED BY THE PUBLIC FOR MAINTENANCE. MAINTENANCE SHALL BE THE RESPONSIBILITY OF DEVELOPER/ASSOCIATIONS OF HOMEOWNERS
- 0.5 ACRES (OR AS NECESSARY) TO BE DEDICATED TO THE TOWN OF HUNTERSVILLE FOR THE PURPOSES OF ESTABLISHING AND MAINTAINING GREENWAY CONNECTIONS WITHIN THE TOWN AND COUNTY PLANS.
- THE TOWN OF HUNTERSVILLE BUILD TO LINE IS 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, EXCLUSIVE OF PORCHES, BAY WINDOWS AND SIMILAR APPURTENANCES, MUST BE ERRECTED; INTENDED TO CREATE AN EVEN BUILDING FAÇADE LINE ON A STREET. THE BUILD-TO LINE IS ESTABLISHED ON THE RECORD PLAT (FINAL PLAT).

SITE PLAN DATA TABLE	
TOTAL ACREAGE:	29.58 ACRES
TOTAL SQUARE FEET:	1,338,320 SF
PRINCIPLE USES:	RESIDENTIAL AND LIMITED COMMERCIAL
BUILDING TYPE:	APARTMENTS, TOWNHOMES & COMMERCIAL
ZONING DISTRICT:	TC-CD
PERCENTAGE IMPERVIOUS ALLOWED:	N/A - NOT IN A RESTRICTIVE WATERSHED
PERCENTAGE OF IMPERVIOUS SHOWN	60% (17.75 ACRES - NOT INCLUDING EXISTING PUBLIC ROADS)
LOT COUNT (SHOWN CURRENTLY)	52 PROPOSED CURRENTLY
APARTMENT DWELLINGS	300
TOWNHOUSES:	47
COMMERCIAL UNITS:	5
TOTAL SF OF NON RESIDENTIAL:	73,000
LOT SIZE RANGE & LOTS IN EACH (TOWNHOMES):	1080SF - 5000 SF 47 LOTS
LOT WIDTHS RANGE & LOTS IN EACH (TOWNHOMES):	20' - 72' 47 LOTS
SETBACKS AND BUILD-TO LINES	
FRONT BTL RANGE OR SETBACK:	5' - 25' FOR RESIDENTIAL / 0-15' FOR COMMERCIAL
CORNER SETBACKS:	5' - 25' FOR RESIDENTIAL / 0-15' FOR COMMERCIAL
REAR SETBACKS:	0
RIGHT SIDE SETBACK:	0
LEFT SIDE SETBACK:	0
WATERSHED INFORMATION	
IS THIS PROPERTY IN A REGULATED DISTRICT?	NO
WATERSHED DISTRICT:	CLARKE
LOW DENSITY / HIGH DENSITY:	HIGH DENSITY
PERCENTAGE OF ALLOWABLE IMPERVIOUS AREA:	N/A
PERCENTAGE OF IMPERVIOUS AREA SHOWN ON PLANS:	60%
AMOUNT OF LOT AREA SET ASIDE FOR FUTURE IMPERVIOUS:	N/A

COMMENT

REVISIONS

ISSUED

CSS, INC.
NORTH CAROLINA
COA #C-3123

CSS

Civil Engineers

(864) 856-5200
WWW.CSS-ET
402 East First Avenue
Easley, South Car

SKETCH PLAN
404 NORTH CHURCH STREET
VERMILION VILLAGE

Date: 1-6-2021

Drawn: GDH

Checked: ---

SP-1.1

Sheet

.4 Withdrawal or Amendment of Petition

a) A petition filed according to this section may be withdrawn by the petitioner at any time up to adoption of a resolution by the Town Board scheduling the date of the public hearing on the petition.

b) If the petitioner wishes to withdraw the petition after adoption of a resolution scheduling the public hearing, the petitioner may file a request to withdraw with the Town Clerk. On the date scheduled for the hearing, the Town Board may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.

c) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the Planning Director no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Board, Town Board, and other interested parties may be presented at the hearing and considered by the Planning Board and Town Board during their deliberations.

d) If the Town Board deems any amendment to be a substantial change to the petition, it shall defer action on the petition for 30 days to allow interested parties the opportunity to comment on the amendment to the petition.

e) If the Town Board deems any amendment to be an intensification of the petition, it shall call a new public hearing as required by North Carolina General Statutes.

**Town of Huntersville
Town Board
January 19, 2021**

To: Town Board

From: Brad Priest, Principal Planner

Date: January 19, 2021

Subject: Consider directing staff to start the text amendment process for an administrative tree mitigation review. *(Brad Priest)*

EXPLAIN REQUEST:

On October 19, 2020 the Town Board approved TA20-01 amending the tree mitigation requirements in the zoning ordinance. At that meeting the Board requested that the Huntersville Ordinance Advisory Board (HOAB) discuss the mitigation process and whether or not it could be reviewed administratively by staff rather than the Planning Board. On November 5th, 2020 the HOAB met and recommended that the mitigation process be amended to a staff review. The HOAB has requested the Town Board consider directing staff to initiate a text amendment application for the proposed change. HOAB minutes are attached for reference.

ACTION RECOMMENDED:

Consider directing staff to start the text amendment process for an administrative tree mitigation review.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. November Minutes



**Huntersville Ordinances Advisory
Board Minutes
November 5, 2020
3:30 p.m. – 5:00 p.m.
Location: VIRTUAL MEETING**

- NOTICE VIRTUAL MEETING -

Virtual Meeting Information - Members of the public may view the meeting on Facebook Live at <https://www.facebook.com/HuntersvilleNCTownGovernment>. If you would like to speak at the upcoming meeting during public comment, please send your name and email address to Tracy Barron at tbarron@huntersville.org to be added to the speaker's list. The Town will use your email address to send you an email invitation from Ring Central. This will allow you to call in and/or access the meeting to deliver your comments (the 3-minute time limit still applies). For members of the public who don't have internet access, there will be seats in the lobby for no more than 10 people to adhere to current social distancing guidance from Mecklenburg County and the CDC. Space will be available on a first come-first served basis. In addition, the Town will receive written comments for the public comment below by email to Tracy Barron at tbarron@huntersville.org.

A. Call to Order

Voting Members in Attendance: Chairman Dan Boone, Jay Henson, Matt Jones, Tim Taylor, Brandy Skelly, Frank Gammon, Scott Moore and Thomas Finlay

Nonvoting Members in Attendance: J. Simoneau, E. Sloop and T. Barron

Absent Members: Commissioner Stacy Phillips

B. Adoption of September 3rd meeting's Minutes (Attachment 1)

S. Moore made a Motion to Approve the September 3, 2020 Minutes. B. Skelly seconded. The motion passed unanimously (8-0).

C. Comments from Audience (3 minutes per person allocation)

D. Other Business

1. Discussion of administrative tree mitigation process and Planning Board oversight. (Attachment 2)

B. Priest, Principal Planner stated that text amendment TA 20-01 on tree mitigation was approved by the Town Board on October 19, 2020. At that time there was a request for the Ordinance Advisory Board to review the tree mitigation review process for consideration of making this decision administrative only given the updated text amendments. Currently Article 7.4.2.F, footnote 2 states, "and approval by the Planning Board is granted" making a two-part approval process for mitigation. Staff stated that the Ordinance also states that any plan which meets the mitigation criteria must be approved.

D. Boone referred to a previous Planning Board motion which indicated the price of a mitigated tree. He expressed his concern about whether the Planning Board had authority to specify the price and asked Staff how we could guard against this in the future. Staff responded that it is their hope that the clarifications to the definitions of mitigation provided in the approved text amendment have resolved these issues.

J. Henson stated he was in favor of administrative approval given the requirements to meet the mitigation standards and for any plan meeting the mitigation criteria to be approved. He then asked if a fair, substantial, set price per tree had been considered to make it simpler for the applicant and staff to know what amount is being considered versus taking any invoice a Developer can provide. . Staff responded that the criteria requires replacing like for like and there has not been an issue with this to date. Staff further responded that establishing a price versus taking whatever the Developer says may have its benefits.

F. Gammon expressed concern with the public losing their ability to give input or have the transparency related to tree mitigation that would be lost without the item going before the Planning Board. Staff responded that approved mitigation could be posted on the website under the project page to let the public know what is happening and how it is being mitigated. F. Gammon responded that if that was a solution adopted by the Town Board then he recommends that it be clearly identified and not buried with the other site plans and documents.

D. Boone commented that on the site plan where the current tree notes are made, a line could be added that indicated trees being placed in tree bank. Staff agreed and stated that on the landscape plan or tree mitigation plan it clearly states what number of trees they are not saving and what they will be mitigating.

F. Gammon commented that a specified cost for a tree may be a good topic for the Tree Committee to consider. D. Boone asked how Staff determines the fee now if it varies from what applicant to the next. Staff responded that the applicant brings in a quote for the cost of those trees and that varies based on the market and if a specified fee is set for a tree that it be part of the fee schedule which is published and approved by the Board.

M. Jones recommended that the authority source for this Ordinance be quoted so that it is clear to the applicant. Staff commented that a local bill is what granted the authority. F. Gammon requested to see a copy of that.

S. Moore agreed with J. Henson's comment to streamline the process and make this an administrative process and if a plan is not compliant that it continues to be heard by the Planning Board. He also stated that he is not in favor of setting a specific price as the verbiage currently refers to small and large maturing trees but there is constantly a large variation in these fees on the market. He would be more interested in seeing a quality standard if there are concerns related to the quality of what is being quoted.

F. Gammon confirmed that this topic could be added to the first agenda for a January 2021 meeting of the Tree Committee. Staff reiterated that the Town Board's request was for the Ordinance Advisory Board to review and recommend if mitigation should stay with the Planning Board staff or go to the Planning Board based on the language in the newly adopted text amendment TA20-01. It appears that the Ordinance Advisory Board has also brought up an additional concern related to what fee should be charged if the applicant elects to pay to the tree bank, which could be addressed by the Tree Committee.

J. Henson made a Motion to Approve moving the tree mitigation to the Planning staff as part of

the plan review process. S. Moore seconded.

Staff clarified that the recommendation will go back to the Town Board. If they agree and choose to sponsor a text amendment, then it will move to the Planning Board for recommendation and then to the Town Board for final action.

The motion passed unanimously (7-0-1) with Thomas Finlay abstaining due to be temporarily disconnected.

2. Refresher on Adequate Public Facilities Ordinance (Attachment 3)

Dave Hill, Senior Planner provided an overview of the evaluation of the APFO to date, the six defined types of permits that are singled out in the ordinance and are affected by the APFO. For smaller residential projects with less than 20 lots, projects that are non-residential and less than 10,000 square feet or those that do not generate enough traffic are exempt from the ordinance.

Currently, a development proposal is submitted to staff to prepare and submit an APFO. Staff must determine that there is available capacity and then reserves the capacity for the approved development as submitted. If there is not available capacity the applicants project not approved or it is delayed until they mitigate the difference.

Currently police, fire and parks and recreation are the tracked public facilities. Whenever capital improvements are made to those departments the supply of available capacity is increased. Non-residential services are exempt from parks and recreation. The level of service thresholds were established when the ordinance was adopted in 2007 as the baseline.

The observation made is that no application has ever been rejected due to not meeting APFO, leading staff to the conclusion that the ordinance is set to the avoid catastrophic loss creating negative impacts on the community. It was likely a useful tool when it was created but the system appears to need improvement to allow for qualitative consideration, and to bring the list of available capacity to an accurate count based on units that have been developed and approved.

Staff spoke with police, fire and parks and recreation and found that none of those departments utilize the APFO. Each of those departments are moving towards the best practices approach and each of the department has a better reporting mechanism that works for each of their unique services with the interjencies' that they work with.

Staff will be preparing a list of all of the references to the APFO report and bringing the text amendment back to the Ordinance Advisory Board for recommendation to rescind this ordinance in the coming months.

D. Boone commented that he knows police and fire reporting systems are much more thorough and required by other agencies. F. Gammon commented that he believes the Planning Board, who began this discussion, will be in support of it. T. Finlay commented that since the affected departments see no risk in removing the APFO he is agreement with the recommendation to rescind the current ordinance and identify a new methodology. J. Henson commented that he agrees that the ordinance appears to have outlived its usefulness and he would support going in a different direction.

Staff requested that any Board members with additional questions or comments submit them by email so that staff can review those items prior to the proposed text amendment returning to this Board.

B. Skelly asked what the alternative processes are that will be or are in place to continue to monitor public facilities. F. Gammon responded that the APFO has been used it has simply never generated a denial. Staff responded that the adequate public facilities are being monitored through their own reporting methods but not through the APFO which was the purpose it was intended to serve, since it is not staff is seeking to rescind it.

S. Moore asked if there is a need to formulate a new replacement for the APFO if the police, fire and parks and recreation already have their own processes that are sufficient. Staff responded that there will need to be an explanation to the public of what will replace the APFO even if what replaces it is the existing individual departments existing methods.

3. Proposed Amendments to TIA and feedback from School Of Government (Attachment 4)

Adam Lovelady, School of Government has stated he will not be able to attend this meeting so this item will be tabled for further discussion.

M. Jones requested that the Article 14 in question be provided with the next agenda as a redline version for board members to review.

E. Adjourn

M. Jones made a Motion to Adjourn. S. Moore seconded the motion. The motion passed unanimously (8-0).

Approved this 3rd day of December, 2020.

Dan Boone, Chairman

Tracy Barron, Secretary

**Town of Huntersville
Town Board
January 19, 2021**

To: Town Board

From: Michael Jaycocks, Director

Date: January 19, 2021

Subject: Consider adopting Resolution Adopting Development and Cooperation Agreement for McDowell Creek Greenway. *(Michael Jaycocks)*

EXPLAIN REQUEST:

The Lower McDowell Creek Greenway is one of the highest ranking greenways in Huntersville. This project will extend the existing Torrance Creek Greenway south of Gilead Road and will run southwest to Auten Nature Preserve west of Beatties Ford Road near Pamela Street along McDowell Creek. This New Greenway will be approximately 3.59 miles in length and will connect thousands of residents. The Town of Huntersville will fund the planning and the design of this project in FY22 (est \$1.8 million) and Mecklenburg County would fund the construction in FY24 (\$14.1 million).

ACTION RECOMMENDED:

Consider approving the McDowell Creek Greenway Development and Cooperation Agreement & Resolution

FINANCIAL IMPLICATIONS:

\$1.8 million in FY22

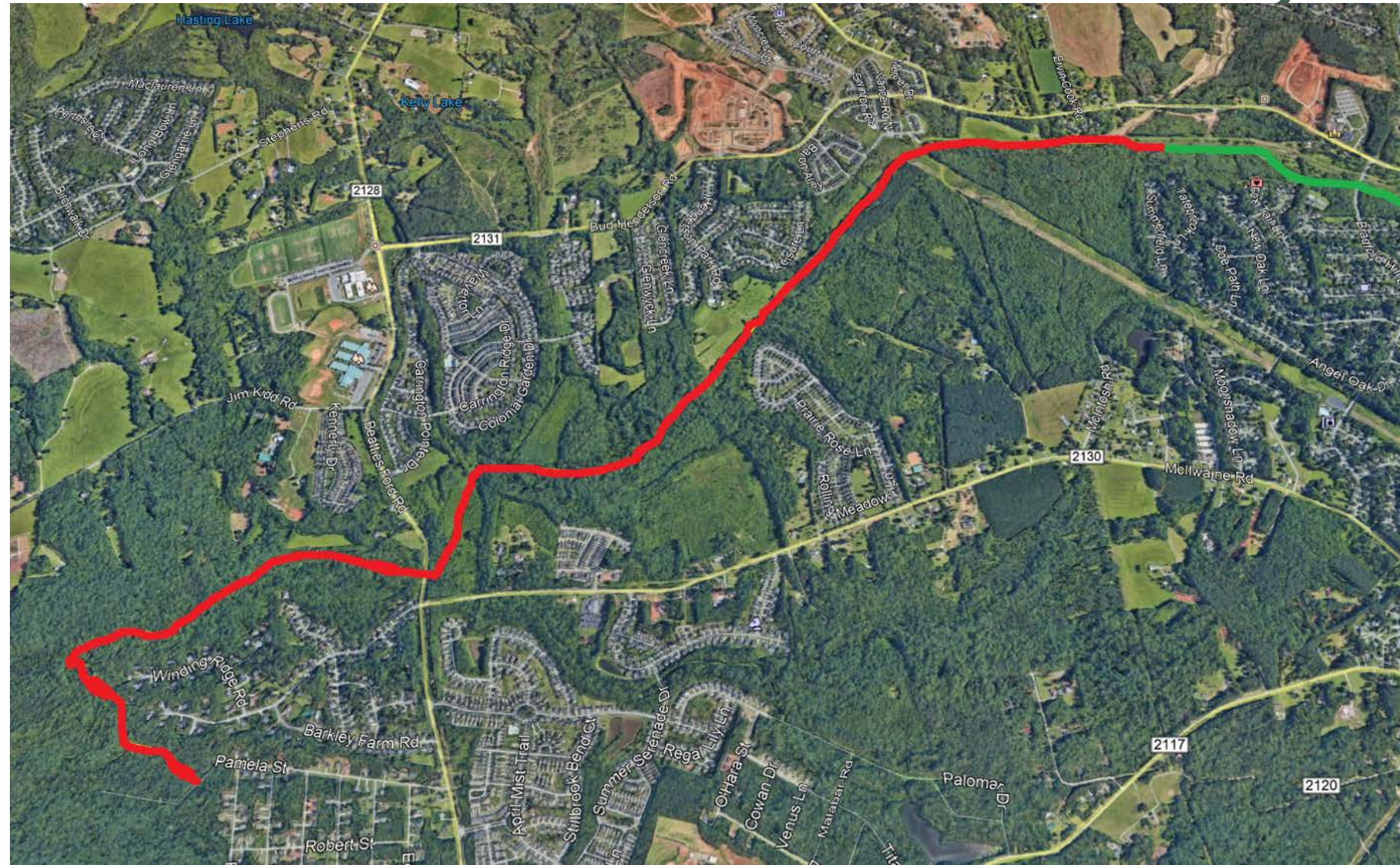
ATTACHMENTS:

1. Lower McDowell Creek Greenway Map
2. MC - Town of Huntersville - Lower McDowell Greenway Agreement- 1-19-21
3. RESOLUTION_McDowell Creek Greenway- 1.19.21

Lower McDowell Creek Greenway

Project Route

Existing Greenway



DEVELOPMENT AND COOPERATION AGREEMENT
FOR MCDOWELL CREEK GREENWAY
(Gilead Road to Auten Nature Preserve)

THIS DEVELOPMENT AND COOPERATION AGREEMENT (this “Agreement”) is dated as of _____, 2021, and entered into by and between **MECKLENBURG COUNTY**, a political subdivision of the State of North Carolina (hereinafter “County”), and the **TOWN OF HUNTERSVILLE**, a North Carolina municipal corporation (hereinafter “Town”).

BACKGROUND:

- A. County has a highly ranked greenway project (8 out of 112 projects) extending from the existing Torrance Creek Greenway south of Gilead Road and will run southwest to Auten Nature Preserve near Pamela Street along McDowell Creek (the “New Greenway”). The New Greenway will be approximately 3.59 miles in length and will be located in Mecklenburg County.
- B. Town and County seek to partner to develop the New Greenway, which is identified on both Town and County greenway master plans.
- C. The Town will commit \$1,800,000 in Fiscal Year (FY) 2022 towards the design of this project.
- D. The County will commit including the construction of the New Greenway as part of the FY 2024 Capital Improvement Plan, which is subject to Mecklenburg County Board of County Commissioner approval. If the County does not commit to funding the construction of this project by FY 24, the Town will be reimbursed by the County for all funds spent.
- E. Upon Town Board approval for use of Town Funds for the design of the New Greenway, a design consultant for the New Greenway (the “Consultant”) shall be chosen by County through a Request for Qualifications process. The County will oversee all aspects of the project.
- F. County will acquire, at County’s expense, either fee title to, or an easement interest in, parcels (or a portion thereof) needed for the completion of the New Greenway described herein.
- G. The construction schedule for the New Greenway is dependent on the completion of the land /easement acquisition and permit approvals.

AGREEMENT:

Now, therefore, in consideration of the promises contained herein, the parties hereto, for themselves and their successors and assigns, agree as follows:

1. Design. County alone shall (i) cause Consultant to design the entire length of the New Greenway, (ii) communicate with and direct Consultant with respect to review of the design and construction documents for the New Greenway (the “Plans”), and (iii) provide its approval (not to be unreasonably withheld, conditioned or delayed) of the Plans, and (iv) manage the delivery of the following items, to the extent required for the Project:
 - a. Funds for payment of Consultant(s)
 - b. Any applicable encroachment and/or agreements
 - c. the Plans (i.e., the design and construction documents for the New Greenway)
 - d. Any applicable permits

County shall keep Town advised as to County’s actions pursuant to this Section 1.
2. Construction. Upon completion and approval of the Plans, County shall advertise and solicit bids for the Project in accordance with applicable state and County laws, regulations, codes, ordinances, and internal policies. If the bids received suggest the New Greenway can be constructed for less than or equal to the amount of the Project Funds, then County shall award the contract(s) necessary for constructing the New Greenway to the lowest bidder. Otherwise, County shall work with Consultant (and consult with Town) to revise the Plans and bring the Project within the parameters of the Project Funds. As soon as practicable thereafter, County shall award the revised contract(s) to the lowest bidder. County shall keep Town advised as to County’s actions pursuant to this Section 2.
3. Contributions. Town shall contribute the Town Funds toward the Project as consideration for County’s covenant to construct, bid and manage the Project. Upon approval of County funding, County shall provide the County Funds in order to complete the Project.
4. Contracts and Cash Flow. The contractor to whom the Project is awarded (the “Contractor”) shall provide County (i) an itemized schedule of costs for the Project, and (ii) a schedule of values for the Project. County shall approve any necessary change orders (and notify Town thereof). County will manage all construction contracts related to the Project. County shall invoice Town for the Town Funds within forty-five (45) days of receipt of Town’s written request for such an invoice. In the event the Project is completed for less cost than anticipated, each party shall receive reimbursement on a pro-rata basis based on the initial allocations of the Project Funds.
5. Operations and Maintenance. Following completion thereof, County shall maintain and operate the New Greenway (i) as part of the County-wide greenway system, and (ii) to standards comparable with other greenways owned or maintained by County.

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

COUNTY:

MECKLENBURG COUNTY,
a political subdivision of the State of North Carolina

By: _____
Name: Dena R. Diorio
Title: County Manager

Attest:

Clerk to the County Board

Approved as to Form:

County Real Estate Attorney

This instrument has been pre-audited in the manner
Required by the Local Government Budget and
Fiscal Control Act.

Mecklenburg County Director of Finance

TOWN:

TOWN OF HUNTERSVILLE,
a North Carolina municipal corporation

By: _____
Name: _____
Title: Town Manager

Attest:

Clerk to the Town Board

Approved as to Form:

Town Attorney

This instrument has been pre-audited in the manner
Required by the Local Government Budget and
Fiscal Control Act.

Town of Huntersville Director of Finance

**RESOLUTION ADOPTING
DEVELOPMENT AND COOPERATION AGREEMENT
MCDOWELL CREEK GREENWAY**

WHEREAS, Mecklenburg County has a greenway project extending from the existing Torrance Creek Greenway south of Gilead Road and will run southwest to Auten Nature Preserve near Pamela Street along McDowell Creek. The New Greenway will be approximately 3.59 miles in length, as described in the attached Development and Cooperation Agreement for McDowell Creek Greenway (Gilead Road to Auten Nature Preserve), a copy of which is attached hereto as Exhibit A, and incorporated herein by reference; and

WHEREAS, Town of Huntersville and Mecklenburg County seek to partner to develop the greenway as identified in Exhibit A, and on both the Town and County Master Greenway Plans; and

NOW THEREFORE, be it **RESOLVED** that the Town of Huntersville Board of Commissioners:

1. Approves the Development and Cooperation Agreement for McDowell Creek Greenway (Gilead Road to Auten Nature Preserve) with Mecklenburg County.
2. The Board authorizes the Town Manager to execute any amendment(s) for additional design services up to \$1.8 million for this agreement;
3. The Board authorizes the Town Manager to, on the advice of counsel, to take any actions necessary to execute the provisions of this resolution.

Adopted this 19th day of January, 2021.

ATTEST:

John Aneralla, Mayor

Janet Pierson, Town Clerk

(SEAL)

Approve as to Form:

Resolution No. R-2021-____

Emily Sloop, Town Attorney

**Town of Huntersville
Town Board
January 19, 2021**

To: Town Board

From: Michael Jaycocks, Director

Date: January 19, 2021

Subject: Consider adopting Resolution Adopting Development and Cooperation Agreement for Clarke Creek Greenway. *(Michael Jaycocks)*

EXPLAIN REQUEST:

The South Prong Clarke Creek Greenway is one of the highest ranking greenway projects in Huntersville. This project is a key east-west route that will connect into downtown Huntersville. This project runs along the South Prong of Clarke Creek from N Church Street southeast to Asbury Chapel Road. This new greenway will be approximately 3.025 miles in length and will connect thousands of existing residents and thousands of future residents on the eastside of Huntersville. The Town of Huntersville will fund the Planning and Design in FY23 (\$1.5 million) and Mecklenburg County will fund the Construction in FY25 (\$11.5 million).

ACTION RECOMMENDED:

Consider approving Clarke Creek Greenway Development and Cooperation Agreement & Resolution

FINANCIAL IMPLICATIONS:

\$1.5 million in FY23

ATTACHMENTS:

1. Clarke Creek Greenway Map
2. RESOLUTION_Clarke Creek Greenway- 1.19.21-
3. MC - Town of Huntersville - South Prong Clark Creek Greenway- 1-19-21-Final

Clarke Creek Greenway

Project Route



**RESOLUTION ADOPTING
DEVELOPMENT AND COOPERATION AGREEMENT
CLARKE CREEK GREENWAY**

WHEREAS, Mecklenburg County has a greenway project that runs along the South Prong of Clarke Creek from North Church Street southeast to Asbury Chapel Road. The New Greenway will be approximately 3.025 miles in length, as described in the attached Development and Cooperation Agreement for Clarke Creek Greenway (N. Church St. to Asbury Chapel Rd.), a copy of which is attached hereto as Exhibit A, and incorporated herein by reference; and

WHEREAS, Town of Huntersville and Mecklenburg County seek to partner to develop the greenway as identified in Exhibit A, and on both the Town and County Master Greenway Plans; and

NOW THEREFORE, be it **RESOLVED** that the Town of Huntersville Board of Commissioners:

1. Approves the Development and Cooperation Agreement for Clarke Creek Greenway (N. Church St. to Asbury Chapel Rd) with Mecklenburg County.
2. The Board authorizes the Town Manager to execute any amendment(s) for additional design services up to \$1.5 million for this agreement;
3. The Board authorizes the Town Manager to, on the advice of counsel, to take any actions necessary to execute the provisions of this resolution.

Adopted this 19th day of January, 2021.

ATTEST:

John Aneralla, Mayor

Janet Pierson, Town Clerk

(SEAL)

Approve as to Form:

Emily Sloop, Town Attorney

DEVELOPMENT AND COOPERATION AGREEMENT
FOR SOUTH PRONG CLARKE CREEK GREENWAY
(N Church Street to Asbury Chapel Road)

THIS DEVELOPMENT AND COOPERATION AGREEMENT (this “Agreement”) is dated as of _____, 2021, and entered into by and between **MECKLENBURG COUNTY**, a political subdivision of the State of North Carolina (hereinafter “County”), and the **TOWN OF HUNTERSVILLE**, a North Carolina municipal corporation (hereinafter “Town”).

BACKGROUND:

- A. County has a high ranking greenway project (34 out of 112 projects) that runs along the South Prong of Clarke Creek from N Church Street southeast to Asbury Chapel Road (the “New Greenway”). The New Greenway will (i) be approximately 3.025 miles in length, and will be located in Mecklenburg County.
- B. Town and County seek to partner to develop the New Greenway, which is identified on both Town and County greenway master plans.
- C. The Town will commit \$1,500,000 in Fiscal Year (FY) 2023 towards the design of this project.
- D. The County will commit including the construction of the New Greenway as part of the FY 2025 Capital Improvement Plan, which is subject to Mecklenburg County Board of County Commissioner approval. If the County does not commit to funding the construction of this project by FY25 the Town will be reimbursed by the County for all funds spent.
- E. Upon Town Board approval for use of Town Funds for the design of the New Greenway, a design consultant for the New Greenway (the “Consultant”) shall be chosen by County through a Request for Qualifications process. The County will oversee all aspects of the project.

County will acquire, at County’s expense, either fee title to, or an easement interest in, parcels (or a portion thereof) needed for the completion of the New Greenway described herein.
- F. The construction schedule for the New Greenway is dependent on the completion of the land /easement acquisition and permit approvals.

AGREEMENT:

Now, therefore, in consideration of the promises contained herein, the parties hereto, for themselves and their successors and assigns, agree as follows:

1. Design. County alone shall (i) cause Consultant to design the entire length of the New Greenway, (ii) communicate with and direct Consultant with respect to review of the design and construction documents for the New Greenway (the “Plans”), and (iii) provide its approval (not to be unreasonably withheld, conditioned or delayed) of the Plans, and (iv) manage the delivery of the following items, to the extent required for the Project:
 - a. Funds for payment of Consultant(s)
 - b. Any applicable encroachment and/or agreements
 - c. the Plans (i.e., the design and construction documents for the New Greenway)
 - d. Any applicable permits

County shall keep Town advised as to County’s actions pursuant to this Section 1.
2. Construction. Upon completion and approval of the Plans, County shall advertise and solicit bids for the Project in accordance with applicable state and County laws, regulations, codes, ordinances, and internal policies. If the bids received suggest the New Greenway can be constructed for less than or equal to the amount of the Project Funds, then County shall award the contract(s) necessary for constructing the New Greenway to the lowest bidder. Otherwise, County shall work with Consultant (and consult with Town) to revise the Plans and bring the Project within the parameters of the Project Funds. As soon as practicable thereafter, County shall award the revised contract(s) to the lowest bidder. County shall keep Town advised as to County’s actions pursuant to this Section 2.
3. Contributions. Town shall contribute the Town Funds toward the Project as consideration for County’s covenant to construct, bid and manage the Project. Upon approval of County funding, County shall provide the County Funds in order to complete the Project.
4. Contracts and Cash Flow. The contractor to whom the Project is awarded (the “Contractor”) shall provide County (i) an itemized schedule of costs for the Project, and (ii) a schedule of values for the Project. County shall approve any necessary change orders (and notify Town thereof). County will manage all construction contracts related to the Project. County shall invoice Town for the Town Funds within forty-five (45) days of receipt of Town’s written request for such an invoice. In the event the Project is completed for less cost than anticipated, each party shall receive reimbursement on a pro-rata basis based on the initial allocations of the Project Funds.
5. Operations and Maintenance. Following completion thereof, County shall maintain and operate the New Greenway (i) as part of the County-wide greenway system, and (ii) to standards comparable with other greenways owned or maintained by County.

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

COUNTY:

MECKLENBURG COUNTY,
a political subdivision of the State of North Carolina

By: _____
Name: Dena R. Diorio
Title: County Manager

Attest:

Clerk to the County Board

Approved as to Form:

County Real Estate Attorney

This instrument has been pre-audited in the manner
Required by the Local Government Budget and
Fiscal Control Act.

Mecklenburg County Director of Finance

TOWN:

TOWN OF HUNTERSVILLE,
a North Carolina municipal corporation

By: _____
Name: _____
Title: Town Manager

Attest:

Clerk to the Town Board

Approved as to Form:

Town Attorney

This instrument has been pre-audited in the manner
Required by the Local Government Budget and
Fiscal Control Act.

Town of Huntersville Director of Finance

**Town of Huntersville
Town Board
January 19, 2021**

To: Town Board

From: Janet Pierson, Town Clerk

Date: January 19, 2021

Subject: Approve the minutes of the December 21, 2020 Regular Town Board Meeting.
(*Janet Pierson*)

EXPLAIN REQUEST:

Consider approving the minutes of the December 21, 2020 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 21, 2020 (Virtual)
6:00 p.m. – Hosted From Huntersville Town Hall**

PRE-MEETING

None

**REGULAR MEETING (VIRTUAL)
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners (Virtual) was hosted at the Huntersville Town Hall at 6:00 p.m. on December 21, 2020.

GOVERNING BODY MEMBERS VIRTUALLY PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

Mayor Aneralla stated this meeting is being held both in person at the Huntersville Recreation Center on Verhoeff Road as well as livestreamed on Facebook Live. The Board of Commissioners are participating remotely. The public has been invited to attend and comment during the public comments or during any of the public hearings (1) in person at the Huntersville Recreation Center or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. today. The public may also submit comments by e-mail to the Town Clerk at jpierson@huntersville.org.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a Moment of Silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Aneralla

- Huntersville Half Marathon and 5K was a success last weekend. Expressed appreciation to state and local officials that helped allow that.
- Attended Charlotte Regional Transportation Planning Organization meeting.
- Met the new management of Birkdale Village.
- Received upset bid for the Blythe Building.
- During the stay at home order, Mecklenburg County restrictions were more stringent than the rest of the state and businesses that were listed to be closed included car dealerships. The Town Manager, Mayor Washam and myself worked with the county and car dealers to allow

them to open safely. Jim Keffer of Keffer Automotive was so overwhelmed with how hard we worked, that he is donating \$100,000 to area charities.

Commissioner Bales

- Expressed appreciation to Mr. Keffer for his generous donation.
- The Health Department notified Charlotte-Mecklenburg Schools of a COVID cluster at Bradley Middle School and Huntersville was not notified. There were discussions to improve that communication in the future.
- Lake Norman Economic Development Corporation is currently working on 40 projects, 19 of which are in Huntersville.

Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- Expressed appreciation to first responders. Jim Dotoli was re-elected Fire Chief of Huntersville Fire Department, C. J. Auten was elected Deputy Chief and Adam Maier was elected Assistant Chief. Mark Auten will be a Captain.

Commissioner Hines

- Charlotte Regional Transportation Planning Organization met Wednesday and received update on the 2050 Metropolitan Transportation Plan. Huntersville received an additional \$1.99 million in funding for the Gilead Road West project as well as The Park Greenway that will extend all the way through the business park and eventually connect to Mt. Holly-Huntersville Road.

Commissioner Munger

- Meeting with new Birkdale Village management was positive.
- Encouraged people to donate to local non-profits.

Commissioner Phillips

- Holidays will be hard this year, consider checking in on others.

Commissioner Walsh

- Expressed appreciation to volunteers on the Parks & Recreation Commission, Public Arts Commission, Greenway, Trails and Bikeway Commission, Board of Adjustment, Huntersville Ordinances Advisory Board, and the Planning Board.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Harold Rice, Executive Director, Ada Jenkins Center, provided update on upcoming programs that will be offered through Ada Jenkins.

Stephen Trott, Director of Engineering, provided update on transportation projects. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

Debbie O'Handley, Executive Director of Hope House Foundation, 15604 Northcross Road, expressed appreciation to the Town Board for considering donation of two lots to Hope House. The plan for the lots is to build cottages that will provide a safe and stable place to call home for women with children.

Justin Ckezepis, Hope House Foundation, noted he was available to answer any legal questions concerning the lots or the plan.

Jeff Sny, 13945 Old Vermillion Drive, addressed the Board on additional changes to the 2040 Community Plan requested by the Planning Board. Requests Nos. 1 and 5 encourage the Town to update all of the small area plans as soon as possible. Encouraged Board to start with the Downtown Small Area Plan. Also, the 73 corridor we are going to continue to see requests come in as a place for development. Request No. 2 regarding senior housing – we saw two applicants come through with plans for that. Just based on those it would seem that those buildings have some very specific requirements in terms of layout, etc. that may not perfectly match what we currently have on the books, so it may be a good idea to look at something specific to those. Requests Nos. 3 and 6 related to setting goals - a lot of times the goals set come across as not loaded with detailed specifics. Encouraged everyone to not be afraid of setting specific goals, sharing the progress with the citizens and let everyone know that you are working on their behalf.

Eric Rowell, 14306 Rhiannon Lane, said I've already outlined my concerns to you all in an e-mail over the weekend about the town-wide spy camera system the police is trying to implement, but I've not heard a response so I can only hope that your silence means that you all are in complete agreement with all the points I've raised. *E-mail attached hereto as Exhibit No. 2.* To recap some of the questions and concerns I have about items 8.F and 8.G on tonight's agenda are as follows. Cost – what specifically are we spending \$194,000 on; what is going to be the recurring cost of these cameras; who pays for replacement or repair of old or damaged cameras; who is going to pay for installation; how much is it going to cost to monitor these cameras on a regular basis. We don't have any answers to those questions. No. 2 Placement – how many cameras are going to be placed throughout the town; where specifically will these cameras be placed; will these cameras only be placed at intersections of major highways or are they also going to be placed in certain neighborhoods where they can monitor the activity of certain residents as well. No. 3 – why is the Chief trying so hard to push these items through under the exception to the public bid process when this "sole source" provided is clearly not the only company in the cloud-based security software business; why is the Chief so intent on only doing business with Verkada, a Silicon Valley start-up that's only been around for four years; why did I have to submit a records request to find out basic information about the relationship between HPD and Verkada; if we supposedly live in one of the safest towns in North Carolina how are spy cameras going to reduce or deter crime; how did police solve crimes for all the years before the technology that we currently have now; what type of oversight will be implemented to ensure a spy camera network this vast isn't going to be abused by HPD or any other third party. Cameras can't replace officers. If you force a vote on this tonight instead of continuing this item indefinitely until the public has a chance to learn more about the camera system, you are advocating your responsibility to do what is in the best interest of the town. Everyone always thinks tyranny is something that happens to other people in other places, that it could never happen here, but this is how tyranny starts by failing to stand up for the truth.

AGENDA CHANGES

Commissioner Munger made a motion to adopt the agenda.

Commissioner Boone seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve

Commissioner Boone – Approve

Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

PUBLIC HEARINGS

None

OTHER BUSINESS

Huntersville 2040 Community Plan. Dave Hill, Transportation Planner, reviewed the amendment options for the Huntersville Draft 2040 Community Plan, dated October 21, 2020.

Commissioner Munger made a motion to pass a resolution adopting the Huntersville 2040 Community Plan with the revisions requested by the Town Board, Planning Board and Town staff as set forth in the Agenda Item 8.A as incorporated herein by reference.

Commissioner Hines seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Resolution attached hereto as Exhibit No. 3.

Resolution – Convey Property to Holding Hope. Commissioner Walsh made a motion to adopt the Resolution conveying real property as described in Agenda Item 8.B to a non-profit corporation, Holding Hope, Inc.

Commissioner Bales seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Resolution attached hereto as Exhibit No. 4.

Resolution – Convey Property to Habitat for Humanity. Commissioner Boone made a motion to approve a Resolution conveying real property as described in Agenda Item 8.C to Habitat for Humanity of the Charlotte Region, Inc.

Commissioner Walsh seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Resolution attached hereto as Exhibit No. 5.

Resolution – Waymer Park Athletic Field Lighting Project. This project will replace the old wooden pole flood light lighting system on the Waymer Park Softball Field. The Town advertised this project three times and only received one bid all three times. The Town has negotiated on the bid received from Musco Sports Lighting for this project. Musco Sports Lighting is the same sports lighting system that the Town has at Bradford Park. This LED low energy system can be controlled remotely from anywhere and you have access to a troubleshooting hotline 24/7 365 days a year. For the last eleven years the Musco System has been by far the best system we have from an operational standpoint and long-term maintenance. The Parks & Recreation Commission recommended to move forward with lighting the Waymer Park Softball Field at their December 16, 2020 meeting.

Commissioner Munger made a motion to approve Resolution to award the bid for the Waymer Park Athletic Field Lighting Project and approve construction contract with Musco Sports Lighting, LLC.

Commissioner Bales seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Resolution attached hereto as Exhibit No. 6.

Resolution – Design Build for New Town Hall Project. Mayor Aneralla said before we go to Mr. Roberts' presentation, I just want to kind of give everybody a sense of where we are and why we are here today and why I think we are here today and why I asked to put this on the agenda.

First of all, I think it's very important for everybody to know that our current fund balance as a Town is \$81 million, of which \$20 million plus is unassigned at this time. We have a very high policy in the Town

of 45 percent of our future revenue should be in cash. The typical town our size, that's 20 or 25 percent. As you can see, the Town is in very good financial health.

Going back to 2006, there were plans in the works to expand Town Hall. The problem is where the current Town Hall is, the Town doesn't own any additional land and you need parking and so forth. Over the past few years that I've talked about this and I think a lot of the other Board members have talked about this, if we ever sold some of the other parcels, whether it be the two acres adjacent to Discovery Place Kids or the Blythe Building, which we now have a bona fide offer on, we would potentially use those proceeds to start building a new town hall.

The Town Hall we are in currently is obviously obsolete. It was obsolete Day 2 after they built it with 20 parking spots and not a lot of room. In the day and age that we are today, I know things will be better months from now, but clearly we need some additional space for meetings, community space. We will be losing the Blythe Building, because of the brewery or restaurant that will be going in there. That was a senior center. We need more community space downtown and maybe we could have voting down there. Potentially, we could lease some of the first floor space to a restaurant that would open up onto what I will call Rotary Plaza or Discovery Place Kids, and consolidating all these assets we could put a substantial down payment on any future cost for the new town hall.

In addition, we had at one time a Veterans Liaison from the County. We could have him/her come in, as well as additional other county services that we could have. The Lake Norman EDC could possibly be there, a magistrate possibly could be there and then finally, currently it's somewhat inefficient how the Town is set up with a majority of the employees on one side of the street and a majority on the other.

Last year during the Board retreat, we had basically said we are not going to do anything unless we have a bona fide offer on some parcels of ours and I feel very confident that the Blythe Building, we have this additional offer today, that we could go ahead and that's why I had asked to put it on.

I've spoken to at least four different groups that are interested in discussions for current Town Hall and the parcel adjacent, which used to be the CarQuest building that Foster Frame is in. To me that shows that there's a lot of interest in our downtown. With that as the background, Mr. Roberts has a brief presentation.

Anthony Roberts, Town Manager, reviewed the options for building a new town hall. *Refer to PowerPoint attached hereto as Exhibit No. 7.*

Commissioner Bales said once those numbers come in in regards to cost, are we going to have an opportunity to revisit this. I know this would be an initial step, but let's say come February and RFQ's are in, the cost is in and we'll have an opportunity at that point to also revisit moving forward or not. Is that correct.

Mr. Roberts said the only thing in February is the RFQ. All you're doing in February, once we get those proposals back, is you are selecting a firm based on qualifications only. Government has to base it on qualifications.

Commissioner Bales said at what point are we looking at the actual cost of the town hall.

Mr. Roberts said let's say April 5 you award the contract to move with a firm, it all depends on what kind of direction we give them on design-build. I don't know the exact date of when they could come back with a guaranteed maximum price, but until the contract is signed, you can back-out any time.

Commissioner Bales said I know there was a lot of conversation around the location and this particular location, it's fiscally responsible. We already own the land, storm water is already addressed, parking is already addressed. One of the questions that I have is will this location serve our community long-term, because the Town Hall that we are currently sitting in built in 1997 was obsolete within a matter of years. I want to make sure if we are going to build something, that we are building it to last 40-50 years.

Mr. Roberts said it depends on the size of the building. Let's just say you go with a 3-story building, because there's nobody on this call and no citizen out there in the world that can tell me how many staff people we'll need in 2040 or 2050, the 3-story building will at least get us 20 years. You have multiple options from there, so you may decide through this process you go 4-stories. The other option you've got is the DPK Building. DPK's lease is up in 2025, but they have multiple 5-year extensions that are available and I don't know what DPK will look like in 2040. Let's say at the end of their term, let's say 2040, you decide you want to do something different, that's a potential option. Obviously, we have the third floor that we have staff on. There are different options available, that's where I would need guidance from the Board on how big do we build this building. Three floors would definitely hold us 20 plus years, but it's not going to hold us for 50 years.

Commissioner Bales said I for one am not interested in a 20-year band aid. If we are going to build it, we need to have enough vision to build it for sustainability. I do like hearing from the Mayor the ability to lease out or utilize space for the county for various services that our community needs and otherwise would have to drive down to Freedom Drive for. I think there's some viability here with it. I just can't envision us building something that we are going to sit here 20 years from now and regret building and that's what I don't want to see happen.

Commissioner Munger said do you have any concerns where construction costs are right now and do you believe that anytime in the near future construction costs might go down.

Mr. Roberts said I wish I knew that, too. Construction costs are high. I've seen some projects that have just finished. I think a project I looked at not too long ago was about \$370/sq. ft., but it all depends on materials and different things you use. Are we talking about a year to basically permit/design. I don't know what will happen within that year timeframe. But if the economy is strong, let's look at it. Folks say we are in COVID-19. I agree, but as you know residential and commercial permits in Huntersville from 2019-2020 are up 75+ percent, which is crazy. That's residential, industrial/commercial coming out of the ground. I would not tell you the cost is going to come down. I hope they would, but I would not guarantee they would come down.

Commissioner Phillips said we pulled this out of the budget for the fiscal year and I feel like we shouldn't be discussing this again until then. For crying out loud, federal government is giving each American who qualifies \$600 and here we are talking about spending money to build pretty much a self-monument. You guys may not believe that, but that's how it feels to me and how it feels to the people I talk to. For every one person I speak to that wants a Town Hall, ten say no and right now is not the time to be discussing this, especially after we had so many people speak out in the past back in May and I just feel like we are being extremely reckless with money that doesn't belong to us and we're not listening to the will of the people that we represent. I feel like we're just being rude. We're being rude to our citizens and we should be doing better with their money right now.

Commissioner Walsh said I guess there's a couple of things I'd note and it's been spoken of this evening already is the two buildings we built back in 1997 were almost obsolete the day they were opened. What is interesting about this is that by moving across the street two things – one, we probably don't ever have to leave that corner, because between that building and the Town Center/DPK building we'd have an absolute ton of space and the Town won't be occupying two corners of a major intersection. We'll simply be operating on one corner and therefore allowing private industry to have the other three corners. We can barely have a meeting because of the small meeting space. When we could have it at Town Hall, citizens would be out in the hallway sometimes for hours which is a total disservice to the citizens. Additionally, we can't even hold a meeting. We have to go up to Cornelius every time there's any sort of a bigger community meeting. When this is designed, I hope we look at the example of Kannapolis where they actually have a wall that blocks off the dais and then they have multiple rooms almost like a hotel where they can hold big community meetings. They actually rent it out for different events. They have a little kitchen, so they are not only providing a community service, but in addition generating some revenue from those rentals without building a room specifically for that. As has been mentioned here, it's great because we own the property. Even on the current property if we had the room, busting out the back just wouldn't be the best idea in my opinion.

Commissioner Bales said I know we had a conversation around busting out the back of Town Hall and building and there were issues with doing that, correct.

Mr. Roberts said we actually had Creech and Associates come by and do a study of how we could expand the Board Room and things like that. There was a plan, I forgot when it was dated back to, or a sketch drawing on these multiple Town Hall or downtown plan which showed blowing out the back of the building and expanding it. Right now, the Town owns the lot behind Town Hall which is where Foster Frame Shop is. The pictures look like it would take and add on to the back of the building. I haven't seen any survey or anything. And then we would expand the surface parking down the side. There's not much parking here and you know how big the lot is behind Town Hall. With the expansion you'd be lucky to double the parking. It was sketched out quite a few years ago. As far as if you are asking me, I think the first question you asked me is if it's a long-term fix. No, it's not long-term fix. We're 60 some thousand. I don't know what the Town population is going to be. It's not going to work from a parking standpoint. It's not going to work from a space standpoint.

Commissioner Bales said I think one of the things that we've got to take into account as well is our staff and they are on top of one another and our staff continues to grow. Commissioner Phillips, I hear what you are saying. I don't view this as a self-monument because we don't work there every day, our staff does. We continue to grow and we continue to ask more and more of them and are not providing them, in my opinion, with a safe of a working environment as we could. We have got to find a solution and we have been talking about this for 4 years now and we continue to kick the can down the road and yet our staff continues to grow because our community continues to grow. If we start now and I'm not necessarily saying let's start now, but I'm saying if we start now, a solution will be there by 2023. It's not a snap our fingers and make that work. We all need to do our part and figure out the best way to do this and provide the right space for not only our employees, but our residents so that they have a community space that they can come to and utilize and do it fiscally responsibly. If I'm sitting here it is not going to be a Taj Mahal, it would be something that meets the needs of our community and that's a hard stop. I will encourage the Board if we are going to move forward, that we look for a fix that's not a 20-year fix. I do not want to be part of the 20-year fix. I want to be a part of a fix that's going to last longer.

Commissioner Hines said I think everybody has made some great points and asked some great questions. This is definitely the right site to build a town hall, whether it's voted on tonight or next month or two months after, there's no question in my mind where we are talking about is the site. We've got a parking deck, we own the land, storm water is there, we're going to save 20 percent, 25 percent right there. We do have the money. We could either pay cash for it or we can borrow it. The Town could get low interest rates because we have a great credit rating. We are continuing to grow. I don't think government is what grows downtowns. I think the private sector does that, but we also need to represent our growing community. My challenges are I'm the CRTPO representative and we are working on these road projects and yes, we're not at fault for what happened with COVID, however a lot of our road projects have been pushed back and I think is there a way that we can utilize the funds we would associate with this to go accelerate a lot of these other projects. The challenge with that is we still have a lot of hurdles to jump through and the greenways are not all ours. The roads are not all ours, so we can't go spend taxpayer money on things that are not our roads or our greenways. I would rather have a little bit more dialogue on this. It's not something I can support tonight, but I do believe our current Town Hall is functionally obsolete. I think that we have to find a solution for it. I think we are going to get there. It's just hard for me to get there tonight if there's a vote on it.

Commissioner Phillips said even back in the budget talks I was never a no, I was a not right now. And whoever would have thought back in May we would still be meeting from home, not even interact and now we are putting cameras in the Rec Center to have meetings, so that's another cost. Three years is a long time. We own other land besides the parcel that's being discussed and that's always an option down the line in the future potentially and I just feel like we are being reckless rushing this and why can't we talk about this in January during the two-day meeting and then really have a deep discussion and let the public have input since they now know, seeing Anthony's presentation, and just be more mindful of it, because it's not our decision really and it's not our money. Who knows maybe in a month COVID is over because of the vaccines. We're just in crazy times and I just don't want to rush and be reckless on something that's eventually going to cost \$15 million.

Commissioner Boone said I get the Town Hall is extremely overcrowded. The staff is doing the best they can with the amount of space they have. What I can't get my head around is an economy that's around us. We've got people that live in Huntersville losing their jobs at USAir, being laid off, etc. We don't know what the unemployment rate is going to look like. We definitely don't know what the virus is going to hold in store for us in the future. I have some huge questions around 115 and if this is going to add more traffic down there and bottle that up and we're talking about having enough space for our town employees, I agree with that, but we've really got to start looking into doing something for the Huntersville Police Department. We've got to make that right or.

Mayor Aneralla said could you repeat some of your last comments because you were going in and out.

Commissioner Boone said I don't think we've got our handle on this virus. I don't think any of us know that and I think we have some issues with the Huntersville Police Department where we don't need to be building \$8 or \$9 million buildings when we've got to fix that situation. We've got Town employees working the best they can at home now. I would like to see a new Town Hall, but we need to wait.

Mayor Aneralla said thank you all for your comments. At what point would we have to actually commit dollars to this.

Mr. Roberts said when you sign the contract. Looking back at the calendar, it looks like we said we would bring a contract to you in April, so sometime in April. Once we award that contract and issue that

notice to proceed, then that's when the dollars would start to go hard. If you wait until January, we've still got to go through this process. You've got RFQ's and all that, so it's going to be about 3-4 months if you go with design-build to start spending some money regardless of whenever you decide to pull the trigger, if you decide to pull the trigger.

Mayor Aneralla said I guess my bigger overall comment is I'm not going to be here in 3 years, so this is not a monument to me, so I take a little offense on that comment. We don't know what the future is, but we do know that we have a lot of interest in our downtown, including our current Town Hall. We have potentially \$1.8 million coming in from the sale of the Blythe Building and we were having this exact conversation a year ago and our conversation then was well we are going to wait to see if we can get any proceeds out of any of our assets downtown and that would be what we would start the town hall process with if we went forward with that. So, you wait 30 days, you wait 60 days, you wait a whole year, you wait four years and you have a Colonial Pipeline situation where 80 people want to come out and get their concerns heard and you have to have it at the Rec Center. You have a controversial rezoning and you have another 50 people and you have to have it at the Rec Center. We are losing our community space at the Blythe Building. We will need to replace that in our downtown. I think it's government slowing the process down. I think it is prudent to start the process today because it's just going to get more expensive down the road. We might have 3.5 to 4 million dollars to put down as a down payment and borrow it at 1 to 1-1/2 percent. Our money market rate right now at the Treasurer's Office is earning 1-1/2 percent. We have \$20 million we could use for some of the road projects, some of the greenways, but also for the town hall, so you know I think delaying it is just delaying it. It's not really coming up with a plan. I think if you move forward tonight or wait until the retreat to discuss it even more there, I think it's going to have to happen and it's the right place, the right time.

Commissioner Walsh made a motion to adopt a Resolution approving the design-build criteria and the design-build contract method for a new Town Hall project.

Commissioner Munger seconded motion.

Commissioner Phillips made a substitute motion that we delay this until the retreat, so that way the public has time to give more input since they just now saw Anthony's presentation.

Commissioner Boone seconded motion.

Commissioner Hines said if we delay it to the retreat can we vote on it at the retreat or do we have to do it at the next meeting.

Emily Sloop, Town Attorney, said you can't vote on the resolution at the retreat. You would have to do it at a public meeting.

Mayor Aneralla said we have an amended motion to delay further discussion on eventual design-build criteria for a new town hall until either January 28 or 29.

Commissioner Bales said if we delay this for the sake of delaying it, I think that's a big mistake. But if we are genuinely looking to have conversation, because like I said earlier, we've been talking about this for 4 years. This isn't something new. If you are seriously considering having true dialogue between now and then with the public, engaging them more, which I do think is great, I'm considering it at this point. But if this is just for the sake of delaying, I don't know that I'm interested, so I would like to hear back from Commissioner Phillips or Boone in their regards.

Commissioner Phillips said we are taking the first steps to spending \$15 million and maybe more and it's the taxpayers' money, it's going to be their town hall, and I think that it should be important that they have a say because otherwise it does come off like we are building a monument to government and I feel like if we could have more education, if we can have better dialogue amongst each other, not just the Board, but with the people who are going to own this, because we're not all going to be on this board forever, but they will forever own that piece of property that we're going to build on and the town hall, I think it's worth having. And that's what the retreats are for are to have these discussions and to have these moments where the public can either come out and share how they feel or they don't, but that way we at least know we've given that opportunity and then the next Board meeting, let's vote. And I'm fine with that. But I just want to give the people more time and consideration.

Commissioner Bales said will you amend your motion to include the vote at the first meeting of February.

Commissioner Phillips said sure. Let's extend this conversation until the retreat in January and then let's vote on it the first meeting in February.

Commissioner Bales said Commissioner Boone, are you good with that.

Commissioner Boone said I'm good with that, but I think it also gives the public additional time to look at the documentation that was in the agenda packet that not everybody realized what we were going to speak about tonight and give them time to contact the commissioners to get their input into this new town hall.

Commissioner Bales said I think that it's very important whichever direction we go that we cannot forget that we have staff working in that Town Hall day in and day out in conditions that are overcrowded. I could care less necessarily about the Board Room. It's those office spaces where they are piled in kind of on top of one another and can hear one another's conversations that create some havoc and that has got to be addressed. I will support the amended motion to defer so we can have some continued conversation at Board Retreat and then vote the first meeting in February.

Mayor Aneralla said just as a point of clarification, the first meeting in February is February 1, so that is two days after the retreat.

Commissioner Walsh said I'm concerned about the delay for sake of delay, too. I know in my 3 years on the Board we've been talking about a new town hall. I don't think anybody here is defending the current location and/or the facility. In fact, I think Commissioner Hines said the current property we own in front of the Town Center or DPK building is the right place to go and so I'm not sure what the other discussion would entail and even if we started now, we are talking about April before we really commit to spending any money, so I'm uncomfortable with another delay considering there aren't a lot of options and personally I don't think we should be on two corners of Gilead and 115, so I would prefer to just get the process started and we've got some checkpoints down the road. We know we have to do something. I haven't heard a good alternative from anybody here. It's not like we've got A and B and B is a good alternative.

Commissioner Munger said does this essentially just move everything back 1-1/2 to 2 months on your timeline or would there be an adverse effect.

Mr. Roberts said it would just move the timeline back and it would be the same type of process you have to follow. I'll just try to line certain things up with the Board meetings when approvals are needed.

Commissioner Bales said I just wanted to comment on something Commissioner Walsh said. I think that it's very important that our residents understand the why. While we have been talking about it for 4 years, they may not have. That may not have been on their radar. I would rather see us engage our community so that they understand the why. I think we all agree that it's the right location, but we need to make sure that the community understands why. Why, because we are overcrowded. There's a long list of the whys and we just need to educate them on the why. I think that it's incumbent upon us to do that and so that's why I'm happy with waiting, let's circle back around retreat, have this conversation again and then vote in February, but I don't want to delay any further than that.

Mayor Aneralla called for a roll call vote on the substitute motion to delay a decision until the February 1 meeting but have discussion about this design-build criteria at the Town Board retreat January 28 or 29.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Resolution – Surveillance Platform and Equipment. Chief Hoyle reviewed request for camera replacements and additions. *PowerPoint attached hereto as Exhibit No. 8.*

Commissioner Bales said can you talk a little bit about the security of the data and making sure if somebody were to take one of those cameras off the poles, could they access the data that's in there.

Chief Hoyle said no, we asked that question specifically. The data is encrypted and if the information was to come off the camera and for some reason it got back to Verkada, the company would not be able to access that information on the camera without it being on our system because it's encrypted with a key that's specific to our agency. Now conceivably I think the biggest risk of data getting off of there would be one of our employees downloading data and sending it to somebody that they shouldn't have sent it to. That would be my biggest concern, but they've all got cell phones in their hands. They've all got the ability to do that because they are likely to be on the scene. I really like the fact that they let us control access to the cameras. We can literally cut off their own staff, so if a camera goes down we have to physically send it back, they can't work on it remotely. We have to allow them into the system to work on the cameras.

Commissioner Bales said do you have policies in place to make sure that employees aren't utilizing that data in a negative way.

Chief Hoyle said yes, we do. This policy is a draft and it's a work in progress. I just wanted to show you a couple of places we brought that in. We have here this public safety camera system for overt monitoring of public areas where there's no reasonable expectation of privacy to the public. Video camera usage in public areas will be conducted in a legal and ethical manner while recognizing protecting constitutional standards of privacy. No video technology shall be used in any manner to gather evidence from the use of criminal prosecution in areas where there's an expectation of privacy unless they have a court order which it would be legal then. Cameras can only record video images, not

sound. Unauthorized viewing, recording, reproduction, dissemination is prohibited. And then we've got a general section on prohibited uses. It also talks about not using anything in a way that's discriminatory and the typical things we have. That is pretty standard policy for a camera system. We have the same system on body worn cameras and we're very sensitive about that because officers with body worn cameras are often walking into somebody's house, so that's why we control that so closely. These cameras are a little bit different because they are all in public spaces. There's nothing in a private space unless you would consider the lobby of a public building a private space, but that's as private as it gets. The outside cameras are all in public spaces. If you did anything illegal for example, it's impossible for us to "spy" on you because you are doing it in front of everybody because our cameras are in front of everybody. It's not like we are hiding these cameras or secretly recording somebody.

Commissioner Bales said are there other municipalities in the area using this type of technology.

Chief Hoyle said I don't know who is using the cloud-based systems. My familiarization has been with internal systems where we have servers and terabytes of data storage and all the fees that go with that. I'm sure there are. I know our vendor, the one that we vetted, there are some municipalities that have it. We've talked to those. One is in Charleston, West Virginia, I believe was a pretty large system.

Commissioner Bales said I guess in reference to cameras, are we the first in the area to utilize this type of camera in intersections and in public spaces.

Chief Hoyle said no, right off hand I don't know of any agency but Huntersville that doesn't have it. I may be mistaken about that a little bit, but I know all the major communities have some cameras. I don't know if they are trying to cover every intersection like I'm trying to do – some may have just one or two in public spaces. I'm trying to cover a grid so that we can track anybody coming and going that's committing crimes, but I do know that all the agencies I'm familiar with have cameras. To what extent they have I really don't know.

Commissioner Walsh said how are these fixed cameras any different than the NCDOT cameras that already litter the area.

Chief Hoyle said they're not different, other than those come up and down the interstates mostly and they are controlled by DOT, so we can't interact with those cameras, search those cameras or anything like that. Our cameras are exactly the same when it comes to so-called privacy issue rights – they are in public spaces, they are on public streets and there's no difference really in the cameras other than we are placing them where we want to place them.

Commissioner Walsh said Emily, I assume you are reviewing these policies, but in your opinion these cameras are legal and I guess there's probably some case law that would support that.

Ms. Sloop said it's been found that in public rights-of-way there is no legitimate expectation to privacy and just recently a 2020 case from November upheld use of surveillance systems.

Commissioner Munger said can you help me understand why we didn't follow a bid process for these particular cameras.

Chief Hoyle said basically what happened with how we selected this company was we were looking for a way to go internal, that's what I'm familiar with. We were talking about buying servers and installing all the technology, just like we've done before. We don't have the ability to do that because we don't have

the fiber infrastructure here. I had talked to several companies through our Chiefs Association that had some vendors that I knew about and Larry with IT had come to me with a system that he has been looking at for the Arts Center that they put in that he said he thought it would do what I wanted it to do and it would bypass the need for the fiber issue. He set up a presentation and we looked at it and I've got to say I was skeptical about using cloud-based systems especially over cellular networks, but it worked and I was very impressed with it. Because we had already purchased this for the Arts Center, we can I guess you would call it piggyback or there's an exception. In order to have everybody on the same system, we just went with what was already out there.

Ms. Sloop said I can speak to that a little bit further. In terms of the sole source exception to the bidding process, you can apply that exception when one of the key determinations for the product is compatibility with our current system. In this particular case because we needed the ability to have those cameras interact and be compatible with each other, it was something that would fall under that sole source purchase exception from the bidding process.

Commissioner Munger said in terms of the facial recognition functionality, are you planning on making use of the facial recognition functionality with these cameras and which ones would you use that functionality with if you were to use it.

Chief Hoyle said the functionality is built into the cameras. We do have the ability to turn those on and off. We can turn off the facial recognition and different things like that. I would recommend that we have those on any time you have a lobby area or somewhere like that. I don't think those are necessary in a traffic camera because you are not going to recognize faces from 40' up on a pole. A lobby camera is a little bit different because people's coming and going and you see who they are. All the cameras have the capability of doing it. I'm perfectly fine with guidance on what you are comfortable with on the use or not use of that technology. I don't think it's feasible to use on the traffic cameras. You are not going to see faces. Perhaps if we had an open air area where we had cameras like a Veterans Park or something that might make sense to have that in case we had problem people out there, but I really don't see the use for it outside of a facility like that.

Commissioner Munger said referring to the policy, who actually created the policy around these cameras.

Chief Hoyle said staff started working on a policy and the way we do that is we rob other people just like everybody else does. We go start pulling policies from everywhere and we pull ours from CALEA accredited agencies. We have a system through our accreditation that will provide us with sample policies that meet CALEA accreditation requirements and all of our policies are accredited and get reviewed every year. It's important for us to make sure we can withstand the CALEA audit because that would be a bad thing if we didn't complete that. Staff puts that together and sends me a draft and then I go through that draft and make corrections. It's nothing like it originally was because it was too burdensome for officers to get information back out of it, you had to jump through too many hoops. I have cleaned that up a little bit and that will go to Emily. Emily will look at the legal side of it and then we will come back and implement that.

Commissioner Munger said in order to change that policy, what would it take to modify this particular policy or to expand the use or more cameras or where they are pointing and things like that.

Chief Hoyle said we can point them at any direction that's a public space, even in our existing policy. There would be no ability to change the policy to point it in a private space because that would be

illegal. It would be a violation of our policy if we did that. General changes to the policy can be made anytime. We are constantly changing policies for different reasons. There may be case law that comes out that requires us to change the policy, but we're leveraging the maximum ability of these cameras with the policy that we have. There wouldn't be anything to expand. I think if the vendor changed the technology and made it to where if Mr. Munger was walking down the street it could all of a sudden run his tag number from his facial recognition, that would be a privacy problem. I think that's something we would have to come back to the Board. I would probably have to come back to you if we decided to use that function and say what do you think about this because the implications of that would be bad. I would expect for any change of use I would have to come back at least to the manager or something like that. I don't care how we would specify that, but I don't want to get into saying you can only put these at intersections, because I might want to put it between two intersections because I don't have access to a pole at that intersection. I think the public space limitation is adequate to make sure we aren't pointing these things in an area is not appropriate.

Commissioner Munger said if there was a need to have the expansion of the use of these particular cameras, you would be okay coming back to the Board to get an authorization for that expansion.

Chief Hoyle said absolutely.

Commissioner Boone said I had a complaint Sunday night of drag race on Mt. Holly-Huntersville Road at 2 in the morning. Would you be able to track those people that are drag racing.

Chief Hoyle said Mt. Holly-Huntersville Road may be a little difficult because that's all Duke Power poles and Duke Power is notoriously difficult to get attachment agreements on. Our intent if we can't get attachments on their poles, and we are going to work with them and try, but if we can't we are going to try to set our own poles somewhere in an appropriate place that will still allow us to see that.

Commissioner Boone said the Arts & Science Building or the old library, there's two cameras in that building. I believe that those cameras are monitored by Parks & Rec employees. Are you saying that the Police Department is going to be monitoring all those cameras that are in public buildings. That's one question. Two, if I'm in an Olde Huntersville Historic Society meeting and the camera is on and it takes a picture of several people's faces, will that face remain in our system or does it go out to California some place or down in the Bahamas.

Chief Hoyle said it remains on the camera itself. All the storage is done on the camera.

Commissioner Boone said you have to go to that camera and get that.

Chief Hoyle said that's correct. Let me also say that we would not be monitoring those cameras. We'd have access to them, so if we had a theft in the park we could pull those cameras up and look for a suspect vehicle or something like that. Those cameras are for Parks & Rec and not for police. We probably would staff inside our building monitoring our lobby and our parking lot, but we wouldn't be monitoring any other cameras in real time.

Commissioner Boone said I've got concerns about people who aren't trained with privacy issues like Parks & Rec or any other department in town. Who's monitoring what they are doing. That's my concern.

Chief Hoyle said I guess there's a Town policy issue there that we could address. I want to say all of these cameras and I think all the cameras in parks are all in public spaces. I don't know that there's any concern there as far as privacy issues, but certainly we could look at Town policy to see what could we incorporate from our policy and make it a Town policy for other departments using cameras.

Commissioner Phillips said I just wanted to verify that you guys picked this company because that's what's in the Arts Center.

Chief Hoyle said the Arts Center selected those and I was asked to look at it because the Arts Center was interested in it. What he said to me was I think this will do what you want to do and I was pleasantly surprised it would do that and because the Arts Center bought it I think it's important that we all be on the same system. I did not do an extensive search. I just know that what they've demoed to us and the demo cameras that we've got up are working perfectly for what we need and since the Arts Center already had it, it made sense for us to go ahead and buy it.

Commissioner Phillips said I'm uncomfortable with this company. Back in October it came out that they had used their own software to sexually harass their own employees and they didn't even handle the employees that were doing the sexual harassing until it became public. I just expect better for Huntersville. If it means spending a little bit more money to get the right product if needed, I'd rather do something like that and take our time, even though you know how I feel about cameras in general, but I don't want to do business with this company. I feel like Huntersville's reputation is more important than getting maybe a better deal. I just feel like we could have spent more time looking for someone else because I take it very seriously that they didn't handle sexual harassment in their own business until it went public and they've also lied in the past that they even partnered with law enforcement. I don't feel like it represents what Huntersville represents.

Chief Hoyle said I agree with you about the concerns and we did vet that. Whether we know for sure exactly what was one I don't know because I'm hearing two different sides of it, but we did vet that out and they had one of their senior sales managers was posting images of women that worked there, facial images of women that work there on some kind of different site and was making sexually suggestive comments about those images to other employees other sales employees, so this wasn't like a company sanctioned thing, it was an employee misconduct and they initially disciplined those people financially in some way and later in October of this year they terminated all of them that were involved. They have since sent me some follow-up policies that have been put in place regarding sexual harassment and mandatory training for all their employees that they've done. It satisfied me that they addressed it. It may not satisfy everybody. I'm mainly looking at the technology and whether it works and whether don't and trying to vet some of these issues so I'm not saying I trust everything they say but I will say they've been responsive and open to me about what happened including the vice president of personnel that I spoke with it about it. It was a concern to me as well and I do feel like they addressed it, but I'm sure to the women that work there it wasn't addressed adequately enough, but I do know that they terminated – I don't know, I was told specifically they terminated every employee involved in that situation. I agree with you, it's not a good look, but I do feel like they addressed it.

Commissioner Bales said it kind of piggybacks with what Commissioner Phillips was saying. I did look at those articles and I read them and I asked some questions of Chief as well around them.....really kind of honed back in on our data and making sure that they didn't have access to our data at all, that they had to come to us or Chief had to work with them that they couldn't just tap in that everything that we had is encrypted and at the end of the day protecting that data is really the most important thing.

Chief Hoyle said I won't bore you with it but they actually sent me the encryption algorithm. I've got some security background and it's well encrypted. I have to go on what they tell me. I'm not there, I don't see how they access the cameras and things like that, but they are telling me that they cannot access the cameras unless we physically give them permission and open it up for them to access. And it makes sense to me because all the information in on the cameras.

Commissioner Bales said that's no different than your phone. It's all encrypted.

Chief Hoyle said I don't like proprietary systems. I like open source systems that I can pull data from different places and build our own servers and maintain, but that is absolutely the most expensive way you can go and we don't have the ability to do that the way our network is. We just don't. We have to go with a cloud-based system. The only reason I'm really focused on this company is because we already have it and it makes it easier. I'm not opposed to looking for something else, but I really feel like this works. We've demoed now for three or four months and I'm pretty confident it's going to start solving cases. That's kind of where I'm at with it.

Commissioner Boone said I spent a lot of time on this and Big Brother is watching is something that I've kind of dealt with for a while but I do think the cameras will solve crimes. If you look at August 15, 2013, I don't think that crime would have been solved unless they had cameras and that date was the date of the Boston Marathon bombing. With that said I would like to make a motion to approve the resolution authorizing the Huntersville Police Department to contract with Veradeck Inc. for the purchase of surveillance platform and related equipment as a sole source purchase.

Commissioner Walsh seconded motion.

Commissioner Munger said I was wondering if Commissioner Boone would be open to an amendment to that – that any expansion beyond the original scope will need to be authorized by the Town Board specifically.

Commissioner Boone said I'll agree with that. That's an excellent point. I will definitely amend my motion for that.

Commissioner Walsh seconded amended motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Deny
Commissioner Walsh – Approve

Budget Amendment – Asset Forfeiture. Commissioner Boone made a motion to approve the appropriated assets forfeiture revenue of \$194,000 to the asset forfeiture capital account for the public safety camera network system.

Commissioner Walsh seconded motion.

Commissioner Phillips said does every penny from civil asset forfeiture from somebody who's been convicted of a crime – not accused but convicted.

Chief Hoyle said I cannot answer that question. I wish I could but I can't – it comes from a federal system, I think you saw my email on that, it's vetted but I don't know specifically which cases were involved in what asset forfeiture comes from.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Deny
Commissioner Walsh – Approve

CONSENT AGENDA

Commissioner Hines made a motion to approve the Consent Agenda. Commissioner Bales seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

The following items were approved under the Consent Agenda:

- Minutes of the November 16, 2020 Regular Town Board Meeting.
- Budget Amendment appropriating Park Capital reserve revenue in the amount of \$75,000 to the Athletic Field Lighting expense for the Waymer baseball field.

CLOSING COMMENTS

Commissioner Bales wish everyone happy holidays and encouraged everyone to continue to practice social distancing.

Commissioner Walsh wished everyone happy holidays.

Mayor Aneralla expressed appreciation to staff, the Board, volunteer commits for their work during 2020.

There being no further comments, the meeting was adjourned.

Approved this the ____ day of _____.

DRAFT

**Town of Huntersville
Town Board
January 19, 2021**

To: Town Board

From: Eian Fowler, Staff Engineer

Date: January 19, 2021

Subject: Adopt Resolution Authorizing Professional Engineering Services Contract Amendment for the Beatties Ford at Hambright Project. *(Eian Fowler)*

EXPLAIN REQUEST:

Adopt Beatties Ford at Hambright Engineering Services Contract Amendment

ACTION RECOMMENDED:

Adopt Resolution Authorizing the Amendment to the Beatties Ford at Hambright Project Engineering Services Contract.

FINANCIAL IMPLICATIONS:

Transportation Reserve / 2020 Bond Issue

ATTACHMENTS:

1. Beatties Ford - Resolution Document - Amendment No. 2



RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH RKA FOR THE BEATTIES FORD AT HAMBRIGHT (BFH) PROJECT

Whereas the Town of Huntersville has previously contracted with RKA to provide professional engineering services for the BFH Project; and

Whereas, additional engineering design services are required as a result of NCDOT warranting signalization of the project intersection; and

Whereas G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying and alternative construction delivery services (collectively "design services") to be based on qualifications and without regard to fee by which RKA was approved and authorized by the Board on November 4, 2019 ; and

Whereas the additional Scope of Service & Fee attached hereto as Exhibit A;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Amendment to Engineering Services Agreement No. 2 for the additional engineering services attached hereto as Exhibit A is approved and shall be added to the existing contract with RKA as an addendum to the contract.
2. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to effect the provisions of this Resolution; and
3. This Resolution shall be effective as of the date its adoption.

Adopted this 19th day of January, 2021.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A

AMENDMENT TO ENGINEERING SERVICES AGREEMENT
AMENDMENT NO. 2

Project Name: Beatties Ford Rd at Hambright Rd Turn Lanes
Project No.: 19439.00

THE AGREEMENT, dated November 4, 2019, between Town of Huntersville and Ramey Kemp & Associates, Inc. for services on the above-named Project is hereby amended as follows:

1.0 SERVICES

RKA will develop traffic signal design plans for the Beatties Ford Road and Hambright Road intersection. Design plans will be based on the installation of metal pole/mast arms and appropriate signal phasing. Plans will be submitted to appropriate review agency. RKA will revise plans per comments received and submit final signed/sealed plans for approval. After award of project, RKA will provide support related to the signal installation including coordination of review/approval of all metal pole/mast and foundation shop drawings, contractor inquiries during construction and final review of signal installation. In addition to signal design services, this amendment also includes drainage redesign.

2.0 CHARGES OR PAYMENTS

Additional fee of \$15,000 for traffic signal design and construction administration and drainage redesign. (Lump Sum)

3.0 OTHER AMENDMENTS

Except as expressly amended herein, all provisions contained in the aforementioned Agreement and its Amendments shall remain in full force and effect and are hereby incorporated herein by this reference.

TOWN OF HUNTERSVILLE

By: _____
Name: _____
Title: _____
Date: _____

RAMEY KEMP & ASSOCIATES, INC.

By: William J. Hamilton
Name: Jason Hamilton, PE, PTOE
Title: State Traffic Operations Lead
Date: January 6, 2021

EXHIBIT A (cont.)**FIRM'S FEE SCHEDULE**

Services	Fee Type	Fee
A.) Roadway Design/Storm Drainage/Erosion Control/Utility Coordination/Meetings	Lump Sum	\$60,000
Topographic/Location Survey	Lump Sum	\$13,600
Right-Of-Way Location Survey	Lump Sum	\$5,000
Wetland/Stream Delineation	Lump Sum	\$2,800
USACE/NCDWR Verification	Lump Sum	\$1,600
	SUB TOTAL	\$83,000
B.) Turn Lane Analysis	Lump Sum	\$2,500
	SUB TOTAL	\$2,500
Additional Items:		
Stake Easement/Right of Way	Lump Sum	\$2,000
Easement/Plats/Legal Description	6@ \$750 EA	\$4,500
Subsurface Utility (SUE Level A-2 Test Holes)	Lump Sum	\$2,650
	SUB TOTAL	\$9,150
ORIGINAL CONTRACT FEE =		\$94,650
Amendment No. 1 – additional design services (Lump Sum)		\$2,000
8/10/2020 REVISED CONTRACT FEE =		\$96,650
Amendment No. 2 – signal design services and drainage redesign (Lump Sum)		\$15,000
REVISED CONTRACT FEE =		\$111,650