



AGENDA
Regular Planning Board Meeting
April 27, 2021 - 6:30 PM
TOWN HALL (101 Huntersville-Concord Road)

Virtual Meeting Information- *Members of the public may view or access 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 tbarron@huntersville.org by 3:00 pm on the day of the meeting, 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). In addition, the Town will receive written comments below by email to Tracy Barron tbarron@huntersville.org until twenty-four (24) hours prior to the meeting.*

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
 - 2.A. Consider approval of the March 23, 2021 Minutes
- 3. Public Comments** - *Speakers are limited to 3 minutes. The Chairperson 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*
- 4. Action Agenda**
 - 4.A. R21-01: Huntersville Community Daycare - conditional rezoning request to rezone 10205 Sam Furr Road (Tax ID 00531101) from General Residential (GR) to Highway Commercial Conditional District (HC-CD) to develop a Day Care Center.
 - 4.B. TA21-04: Tree Mitigation Administrative Process - text amendment request made by the Huntersville Town Board to amend Article 7.4.2 F of the Huntersville Zoning Ordinance to create an administrative staff review for tree mitigation plans.
 - 4.C. R21-05 Symphony Park Sales Center - a request to amend R08-12; approximately +/- 0.559 acres at the Southeast corner of Statesville Rd and Rich Hatchett Rd from Neighborhood Center Conditional District (NC-CD) to Neighborhood Center Conditional District (NC-CD) for the purpose of revising building elevations.
- 5. Other Business**
- 6. Adjourn**



MINUTES

Regular Planning Board Meeting

March 23, 2021 - 6:30 PM

TOWN HALL (101 Huntersville-Concord Road)

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 tbarron@huntersville.org by 3:00 pm on the day of the meeting, 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). In addition, the Town will receive written comments below by email to Tracy Barron tbarron@huntersville.org until twenty-four (24) hours prior to the meeting.*

1. Call to Order/Roll Call

Members Present: Stephen Swanick, Chairman; Jennifer Davis, Vice-Chairman; Frank Gammon, Catherine Graffy, Scott Hensley, Jeff Sny, Derek Partee, Christopher Boyd, and Greg Baber.

2. Approval of Minutes

2.A. Consider approval of the January 26, 2021 Regular Meeting Minutes

D. Partee made a Motion to Approve. S. Hensley seconded the motion. The motion passed unanimously (9-0).

3. Public Comments - *Speakers are limited to 3 minutes. The Chairperson 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*

4. Action Agenda

4.A. Text Amendment TA21-02; Repeal of APFO

D. Hill, Senior Planner entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff provided an overview of the text amendment which was heard by the Huntersville Ordinance Advisory Board and recommended for approval. The Police, Fire or Parks & Recreation departments apply stricter more accurate methods along with extensive work with elected officials and citizens to determine adequate public facilities.

S. Swanick made a Motion to Approve TA21-02 in repealing Article 13 and amending Article 11 of the Zoning Ordinance and amending Section 6 of the Subdivision Ordinance, the Planning Board recommends approval based on the amendment being consistent with 2040 Plan Policy

PS-1, PS-3, PS-4, PS-8, EOS-8.1 and EOS-10. It is reasonable and in the public's interest to approve text amendment 21-02 because the needs in the Town of Huntersville for adequate public facilities are met through other governmental and budgetary processes so this APFO ordinance is redundant and an unnecessary burden of limited resources. C. Boyd seconded the motion.

The motion passed unanimously (9-0).

4.B. Alternate Buffer Plan - Belts Services

B. Priest, Principal Planner entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff provided a review of the request indicating that it is at the corner of McCoy Road and Julian Clark Avenue. The applicant would like to expand their office/warehouse use on the property. Staff explained that when the adjacent property was rezoned to accommodate Courtyards at Kinnamon Park it increased the buffer requirement for this parcel. The applicant is requesting no change to the 55-foot buffer requirement, they are requesting to install the fire access lane within the buffer and to use the existing vegetation versus the required plantings. Staff provided images taken recently onsite to show the current existing vegetation.

S. Swanick asked what buffer requirement would have been required if the adjacent parcel had not rezoned. Staff explained that that adjacent parcel was required to adhere to a 20-foot buffer and a row of shrubs may have been installed along the border as a requirement and as shown on the plans, it is just difficult to identify that onsite.

F. Gammon requested staff clarify if this will go to the Town Board or be a final decision by the Planning Board, how much space there will be from the edge of the building to the adjacent property line, and has the applicant contacted the adjoining parcels to share with them the plans. Staff confirmed that it will be decided by the Planning Board under the current ordinance and the building will be more than 55-feet away from the property line.

Sam Kleto, S.C. Hondros & Associates, 3117 Valentine Lane Charlotte, NC commented that extensive plantings were required with the original plans to meet the requirements. Also, there is a great difference in elevation between the two sites so plantings will take a long time to achieve buffering. Additionally, the 35-foot stream on the Belt Services side and the 20-foot buffer on the residential side achieves the 55-foot buffer.

David Sherrill S.C. Hondros & Associates shared images of the existing vegetation and the elevation difference being that the residences are just about at the same height as the roof of the warehouse. New 6-to-8-foot plantings at the bottom of the bank would likely require 15 to 20 years to achieve a buffering height for the residences given the topography.

S. Swanick asked for clarification on what staff's recommendation is and what the applicant is requesting. Staff confirmed that some of the plants on the original site plan may have been shrubs and staff would recommend those be switched to trees. David Sherrill commented that they have no issue with the required plantings, just the location of the plantings for their effectiveness.

S. Hensley asked if there were concerns with the Duke Power easements. Staff commented that 10- to 12-foot-tall screening shrubs are typically permitted.

C. Graffy stated that the legend on the site plan indicates that the smaller green circles were to be crepe myrtles which likely provide little to no screening and are simply aesthetic in nature. Staff agreed and stated that a narrow, tall, fast-growing species would be recommended from the approved tree list. Staff agreed that while planting at the bottom of the hill is not ideal, the buffer still serves a purpose and in 5-7 years it the adjusted trees could make a difference. S. Kleto commented that the applicants would be

amenable to adjusting those plantings.

J. Sny asked if the use of the addition would be different from the current use by noise, odor or anything that would have an affect on the adjacent properties, and what would be the height of the proposed new building. S. Kleto commented that he is not aware of any significant increases, there is a need for storage space and production space and the new building would match the existing building.

S. Swanick asked the applicant what consideration they would like to request. S. Kleto responded that they would like the additional plantings to be removed unless there are gaps in the buffering and not have plantings that interfere with the drainage.

J. Davis asked if plantings would impact drainage ditches and if new construction will require BMP practices and possibly other drainage requirements. Staff commented that a pre-submittal meeting was held with Mike McIntyre and if the swell continues to function correctly then engineering will not have additional requirements. The parcel is vested under the 1991 ordinance so there are no additional BMP requirements for the new construction.

S. Hensley made a Motion to Approve the alternate buffer plan as proposed with the ability of the applicant in working with staff to remove any of the additional trees and shrubs provided if they determine it negatively affects the drainage. S. Swanick seconded the motion.

Staff asked the Board if the landscaping that exists meets the intent of the ordinance for the spacing and width. S. Kleto stated that their goal is to work with Staff without impacting the drainage or the ability to satisfactorily serve the site with a fire road and meet the owner's goal to build the addition to this size.

S. Swanick requested that the motion be reread. He commented that in his opinion the applicant should not need to do anything additional because of the adjacent property changes since the applicant was there first and had graded, screened, and buffered the property for the purpose of having the building that they now want to construct. Staff commented that the gaps and overgrowth needed some fill-in but what is existing is substantial and they could probably get by with it.

The Board clarified the motion and position of the Board that the number of plantings shall not increase but would decrease if they have a negative effect.

The motion passed unanimously (9-0).

4.C. Trails End Subdivision

B. Richards, Assistant Planning Director entered the Staff Report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff provided a summary of the proposal. The applicant is requesting three block length modifications due to the extensive topographic challenges of the parcel. Staff indicated that there are some heritage concerns of environmentally sensitive items that may be affected, though not likely in an adverse way, on this parcel. Trails End Road will have to be widened to meet NCDOT standards. The applicant will dedicate the right-of-way for the future connectivity and realignment of Asbury Chapel Road. Staff finds that the request is in keeping with the Eastfield Road Small Area Plan and the 2040 Plan.

C. Graffy asked if there is a timeline for the future connectivity and realignment. Staff stated that there is no dedicated funding, so this is only proposed and not scheduled at this time.

G. Baber asked what the purpose of the block length serves. Staff commented that it is for traffic calming. The proposed curves in the road and challenges of the site make the requested length something that staff can support given it will still encourage traffic calming.

F. Gammon asked if there should be any connectivity for the properties to the north, and to the south of the cul-de-sac. Staff confirmed that they reviewed the properties to the north and due to the extreme topography, stream and power lines it is highly unlikely that there would be residential development here in the future. The right-of-way will be left for the property to the south. The applicant commented that they do not believe that parcel will ever be developed but they will review a possible stub.

D. Partee asked how the applicant what measures they will take to minimize the effect on the environmental concerns that are subject to review on this parcel. The applicant responded that they would follow the recommendations of the U.S. Fish and Wildlife report.

F. Gammon made a Motion to Approve Trails End Lane subdivision sketch plan based on finding that the application is complete. The Trails End Lane subdivision complies with all applicable requirements of the Zoning Ordinance and the Huntersville 2040 Community Plan. The Planning Board recommends approval of the proposed subdivision sketch plan and further recommends approval of the requested block length and cul-de-sac modifications with the following conditions, all minor site plans comments are addressed, all issues stated within the staff report paragraph 5 are addressed satisfactorily with staff, which are, the block length and cul-de-sac modifications requests are approved, urban open space designs are added to the plans to ensure compliance, NCDOTs requirement for upgrade to Trails End Lane are finalized and shown on the plans, transportation issues are addressed including road improvements to Trails End Lane could occur in light of the proximity to the Schweinitz sunflower, verification from NCDOT that the alignment of Road B where it intersects Asbury Chapel Road is in the correct location when Asbury Chapel thoroughfare is built, and verification that Road B can legally connect with Asbury Chapel Road without further approval from anyone with an interest in that right-of-way. J. Sny seconded the motion.

J. Davis thanked the applicant for saving over and above the minimum tree requirements.

S. Hensley commented that he is in support of the development and asked what the nature trail will look like and who will maintain it. The applicant commented that it will be a rural dirt trail with possible PVC and gravel installations if drainage necessitates it and it will be maintained by the homeowners.

C. Graffy commented that she is in support but expressed concern about the fairly long list of items to still be worked out with staff.

S. Swanick commented that he appreciates a by-right development that is not maximum density

The motion passed unanimously (9-0).

5. Other Business

6. Adjourn

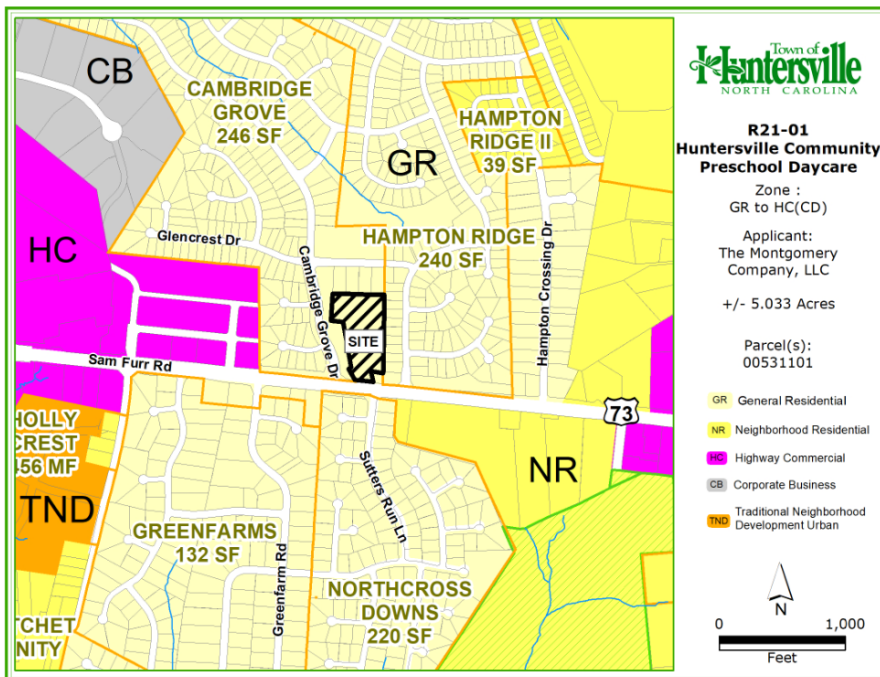
S. Hensley made a Motion to Adjourn. C. Boyd seconded the motion. The motion passed unanimously (9-0).

Petition R21-01: Huntersville Community Daycare

PART 1: PROJECT SUMMARY

Application Summary:

- Petition R21-01 is a conditional rezoning request by Tietort Investments LLLP I to rezone 10205 Sam Furr Road (Tax ID 00531101) from General Residential to Highway Commercial Conditional District. The purpose of the rezoning is to develop a Day Care Center.



Applicant: The Montgomery Company, LLC.

Property Owners: Tietort Investments LLLP 1

Property Address: 10205 Sam Furr Road

Project Size: 5.033 acres

Parcel Numbers:
00531101

Existing Zoning:
General Residential (GR)

Proposed Zoning:
Highway Commercial Conditional District (HC-CD)

1. Adjoining Zoning and Land Uses

North: General Residential (GR), Cambridge Grove Single Family Residential Neighborhood. Hampton Ridge Single Family Residential Neighborhood.

South: General Residential (GR), Greenfarms Single Family Residential Neighborhood, Northcross Downs Single Family Residential Neighborhood.

East: General Residential (GR), Hampton Ridge Single Family Residential Neighborhood

West: General Residential (GR), Cambridge Grove Single Family Residential Neighborhood, Highway Commercial Conditional District (HC-CD) Northcross Village Commercial Shopping Center. General Residential (GR) Playwise Preschool.

- The application submitted is to develop a 16,000 square foot day care facility with an estimated 250 child capacity and 50 employees.
- Schools and preschools are permitted by right in the residential zoning districts of the Huntersville Zoning Ordinance (including General Residential). Day Care Centers however are only permitted in commercial districts. As there is no definition of a preschool currently in the ordinance, staff has used the variables researched below to differentiate preschools from Day Care Centers. After reviewing the submitted development proposal, the

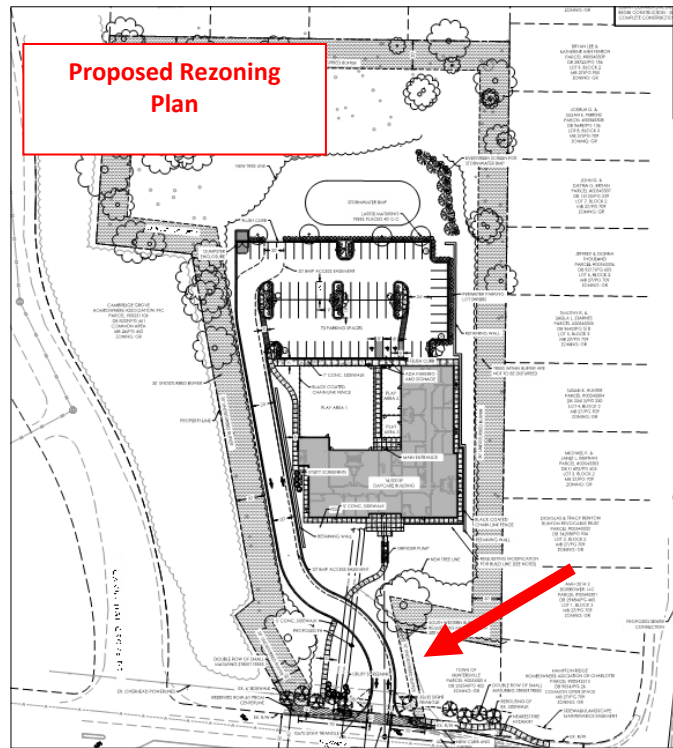
application provided to the Town was determined by staff to be a Day Care Center, therefore a rezoning to a commercial district is required.

- Preschools tend to have a structured educational based curriculum.
 - Preschools will generally have a minimum age requirement and usually do not accept infants.
 - Preschools generally release students around midafternoon each day (day care centers supervise children until after business hours usually to 6 pm).
 - **UPDATE 4/16/21**: Please see an email from staff to the Town Board included in the agenda packet. The email describes the state's licensing for day care centers and what requirements are needed to be exempted as a school.
4. As a condition of the application, the conceptual architectural elevations of the proposed building have been submitted.
 5. A neighborhood meeting for this application was advertised for and held both in person and virtually on Wednesday February 10th, 2021. A meeting summary of the neighborhood meeting is included in the agenda packet. Concerns of the adjacent property owners included:
 - Potential cut through traffic on Cambridge Grove Drive and Hampton Crossing Drive. As the driveway on Sam Furr Road will only be right in/right out, the concern is parents dropping off from I-77 will turn left in to Cambridge Grove Drive, go through the neighborhood, and take a right out Hampton Crossing Drive to take a right in to the Day Care facility.
 - Aggravate potential storm water run-off problems off site.
 6. A Traffic Impact Analysis (TIA) Determination of Need form was submitted and reviewed by Transportation Staff for the proposed application. Upon review by engineering staff, it was found that a Traffic Impact Analysis was required. The completed TIA determination form is attached in the agenda packet.
 7. Brad Priest of the Planning Staff certifies that the required notifications were made for the application's public hearing. Notice was advertised in the local paper, adjacent property owner notice post cards were sent and a sign was installed at the subject property per state statute requirements.

PART 2: REZONING/SITE PLAN ISSUES

- Please see the proposed rezoning plan below on page 3 and attached in the agenda packet.
- Buffer Modification: Article 7.5 of the Zoning Ordinance requires HC uses establish a 30 foot buffer between residential property lines. As allowed in Article 11.4.7 K of the Zoning Ordinance, the applicant is seeking 2 buffer modifications/reductions through the conditional rezoning process; one on the western side of the property, and one on the front adjacent to a parcel owned by the Town of Huntersville. These modification locations are highlighted with red arrows below on the proposed rezoning plan on page 3. The proposed modifications would reduce both buffer widths down to 10 feet, and are labeled as "undisturbed buffers". Staff notes that only 10 wide buffers will likely not be wide enough to safely save any existing vegetation located in this area.
 - The applicants state on the application that the western buffer reduction will meet the intent of the ordinance due to being adjacent to Cambridge Grove open space that provides additional buffer from the adjacent neighborhood.
 - The front buffer modification is adjacent to a parcel the Town purchased for a potential traffic signal as part of the past NC 73 widening project. It is staff's understanding however that signal is no longer needed or planned at this time.
 - Staff does not support the buffer modification requests. Please see the Huntersville 2040 Community Plan Policy LU6.3 discussion on page 6 and rezoning criteria discussion below on page 6 and 7. Staff recommends that if the applicant is to establish consistency with adjacent development and have a context sensitive design, all required buffers should be provided along residential properties.
 - **UPDATE 4/16/21** – The applicants have amended the plan to remove the western property line buffer modification request. 30 feet undisturbed is now proposed along that property line.

- The remaining modification request is the one adjacent to the Town owned parcel in the front of the parcel (red arrow shown below). The applicants are in the process of contacting NCDOT to see if they will allow the driveway to move further west away from the property and thus establish the required buffer. Staff may be able to support the modification of this buffer if NCDOT requires that it stay at the shown location.



- **Build-to-Line Modification:** Article 4 of the Huntersville Zoning Ordinance requires Highway Commercial (HC) building types have a maximum 15 foot build to line from the fronting right of way. The ordinance allows some modification for a larger setback due to “pattern of lot widths” or unusual topography. Due to the existence of the Town parcel along Sam Furr Road as well as the unique location of the driveway on Sam Furr Road, the applicants are requesting a 200 foot build to line. Staff supports the modification due to the unusual circumstances of the site.
 - However, another option would be for the applicant to pursue a potential driveway on Cambridge Grove Drive with the Cambridge Grove Subdivision HOA, and to acquire the small Town owned parcel in the front. This option would create more traffic on Cambridge Grove Drive, but would also achieve the following (please see the transportation exhibit below on page 4):
 - The building could be moved up to Sam Furr Road in conformance with ordinance standards.
 - The development would be moved up further away from several single family homes to the rear of the property.
 - The buffer reduction modifications to the west would likely not be needed, as the driveway would not be coming back to the west of the property from Sam Furr Road.
 - Cut through traffic through the neighborhood could be significantly reduced as a left over into Cambridge Grove Drive is already accommodated for.
 - The storm water outfall in the rear of the property would have a greater distance to travel over vegetation/ground cover before leaving the site.

- The applicant has noted that they have discussed the proposed driveway with the Cambridge Grove HOA representatives but have received preliminary feedback that the HOA would not be interested in granting them a driveway easement.
- **Sam Furr Road Street Improvements:** A right turn lane into the facility is being required by NCDOT and is recommended by the results of the Traffic Impact Analysis. With the improvements added, it seems from the site plan that the sidewalk and street trees will be pushed out of the existing right of way of Sam Furr Road and on to private property. Therefore easements may be required for these improvements from the Town of Huntersville and the Hampton Ridge Homeowners Association.

PART 3: TRANSPORTATION ISSUES

- The site access of the development is currently proposed to be a “right in/right out” only on Sam Furr Road. Therefore vehicles traveling east on Sam Furr Road will need to complete a “U-turn” movement possibly at Knoxwood Drive or Old Statesville Road. The Traffic Impact Analysis is designed to study the impact of development on major intersections such as Rich Hatchet Road and Sam Furr Road. Therefore the left over at Sam Furr Road at Knoxwood Drive has not been reviewed through the TIA process. To review the capacity at these locations, staff recommends the applicant provide the following:
 - Traffic counts at both the Cambridge Grove Drive and Knoxwood Drive left overs. Staff will then review to estimate the stacking potential at these left overs for accommodation of potential increases in traffic from the proposed development.
 - **UPDATE 4/16/21:** Staff has not yet to date received the traffic counts from the applicant.
- Residents from the adjacent neighborhoods have expressed to staff their concern with the potential of “cut-through” traffic in the subdivisions to get to the proposed development (left over on to Cambridge Gove Drive, right on to Glencrest Drive, right on Hampton Crossing Drive, right on Sam Furr Road, right into the facility). Please see exhibits below on page 5. This movement is legal as all streets involved are public. An option to discourage cut through traffic as much as possible, although it would add more traffic to Cambridge Grove Drive, would be the following:
 - Work with the Cambridge Grove HOA to provide an access on Cambridge Grove Drive rather than on Sam Furr Road. Locating the driveway on Cambridge Grove Drive may reduce traffic from the proposed development utilizing neighborhood streets other than Cambridge Grove Drive to access the site. See the exhibit below.
 - If the Sam Furr driveway remains, modify the curb at the corner of Knoxwood and NC 73, if needed, to accommodate passenger vehicle U-turn movements. See staff recommendation above.
- **UPDATE 4/16/21** – The applicants have submitted a letter committing to formally requesting parents to not cut through the neighborhood as part of their standard enrollment process. The letter is included in the packet.

Potential Cut-through traffic:



Alternate Option:

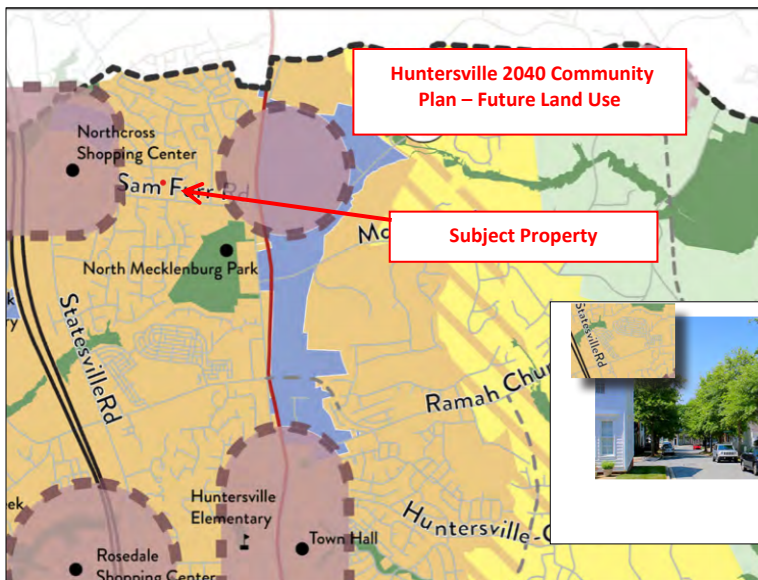


PART 4: REZONING CRITERIA

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

STAFF COMMENT – Staff finds the proposed use consistent with the following policies of the **Huntersville 2040 Community Plan**:

- **Policy LU5.1** - Allow more intense development only where transportation infrastructure and utilities already exist. STAFF COMMENT: The property fronts along Sam Furr Road which is a major thoroughfare that would be able to accommodate commercial development.
- **Policy LU-6**: Support a mix of land uses in key locations. STAFF COMMENT: Policy LU-6 encourages mixed uses including commercial in the Town Core land use area in certain situations. Therefore in some applications, a commercial day care facility would be appropriate in the Town Core. Please see the 2040 future land use map and description below.



Town Core

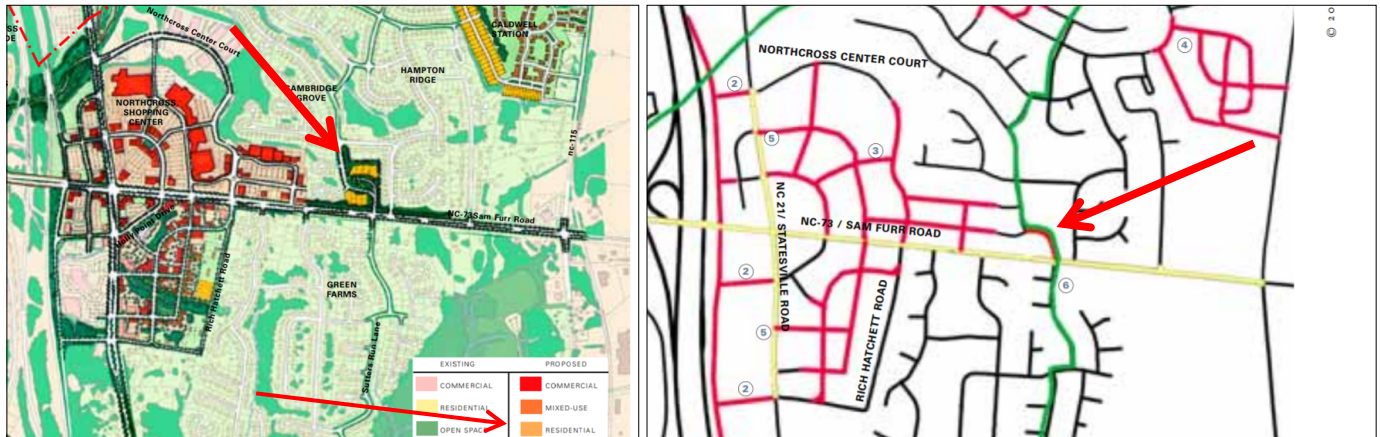
The Town Core designation includes a variety of neighborhoods containing a mix of residential housing types, including single family homes, townhomes and apartments. Their design is focused on traditional neighborhood planning principles, including short blocks, connected streets, streetscape standards, and other features that improve walkability. These areas are denser than the “Moderate Density” and “Residential Edge” character areas and may include non-residential development as specified in small area plans and at other sites that meet locational criteria.

STAFF COMMENT – Staff finds the proposed use **not** consistent with the following policies of the **Huntersville 2040 Community Plan**.

- **Policy LU6.2** – Commercial uses are encouraged in the Town Core and **as described in the small area plan**. STAFF COMMENT: The Sam Furr Road and Hwy 21 small area plan included a future land use recommendation for the property in question. The future land use map in the plan calls for this property to be residential. The small area plan also focused on providing both a street connection and pedestrian/bike connection through this property to Cambridge Grove Road. Therefore, although the 2040 plan encourages some commercial in the Town Core, staff recommends this application is not consistent with this policy due to the small area plan recommendation. Please see the future land use recommendation from the Sam Furr Road / Hwy 21 Plan below on page 6.
 - It should be noted the reason for the recommendation below dealt specifically with the design of Sam Furr Road. When the small area plan was written, it was envisioned that Sam Furr Road would have a

traffic light located at Sutters Run Lane. This is why the Town purchased property at this potential intersection, to accommodate the utilities of the future traffic signal. Considering this was a future intersection, it was envisioned in the small area plan it would be an appropriate location of a north/south street connection, along with bicycle and greenway accommodations. However Sam Furr Road in this area is now designed as a “Superstreet” concept by NCDOT. Therefore the traffic light at this intersection is no longer planned and the street connectivity design shown below to Sutters Run Lane is not likely. The property in question can still be developed residentially. However the single family development shown in the small area plan which connects Cambridge Grove Drive with Sutters Run Lane would be more difficult to achieve.

Sam Furr Road / HWY 21 Small Area Plan:



- Policy LU6.3** - *Small scale, neighborhood serving commercial* and office uses may be allowed in Town Core and Moderate Density areas specified on the Future Land Use map at key locations if designed in a context sensitive manner. STAFF COMMENT: This policy emphasizes that the commercial located in the Town Core area is to be neighborhood based in size and scale. The size and width of the day care center building would be one of the largest in Huntersville, along with 250 children and 50 employees. The applicants are seeking a modification of 66% of the required buffer width in order to allow the building to fit on the property. Considering that the size and scope of the proposed use requires a buffer modification to be requested, staff does not recommend that this policy is being met. However if the applicant redesigns the site to be able to meet all required buffers, the application could be at that time consistent with this policy.
- Policy LU 5.3** - *Support infill housing options near services, shopping, employment and transit stations.* STAFF COMMENT: The location of this property is on Sam Furr Road, within walking distance to the Northcross Shopping Center, employment opportunities, bus stops, and is surrounded by existing single family residential development. Staff therefore recommends that this property would make a suitable candidate for infill residential development. Considering that and the current recommendation of the Sam Furr Road/HWY 21 small area plan to develop this parcel residentially, staff recommends that the commercial rezoning application of this property would not be consistent with this policy.

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

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

STAFF COMMENTS:

- The rezoning application is for Highway Commercial Conditional District (HC-CD). The property is surrounded by single family residential neighborhoods, with residential uses to the south across Sam Furr Road as well. The closest commercial zoning to the subject property is the Northcross Village Shopping Center to the west of the Cambridge Grove residential subdivision (estimated 700 feet to the west of the subject property).
- Although the subject property is immediately surrounded by single family residential development, the corridor of Sam Furr Road in the immediate vicinity is a high density and traffic area, with commercial development further to the east and west of the subject site.
- Buffers and visual separation between uses can also assist in making uses blend in with the character of the existing neighborhoods. The proposed application has an excellent undisturbed buffer in the rear from the single family residential subdivision.
 - **UPDATE 4/16/21** – The plan has been amended to request only a modification along the Town’s front parcel. The required 30 foot buffer is now proposed to be established along the eastern and western property lines. In order to achieve the required buffer width, the applicants have amended the grading on the western side, added a retaining wall, and shifted building square footage to the rear of the building. The building therefore remains the same size as originally proposed.
- The commercial building proposed in the application is 16,000 sqft in size. This building will be one of the larger day care centers in Huntersville, and one of the largest commercial buildings in the immediate vicinity along Sam Furr Road. The building however is set back a greater distance from the road due to the driveway and town parcel in the front. This would assist in buffering the size of the building from the street.
- Due to the access configuration of the application, it is possible that customers may choose to cut through the residential subdivision to access this site (see transportation issues above in Part 3). While such a route will be legal and a viable option for patrons, it is not recommended to encourage cut through traffic for commercial uses through residential neighborhoods.
- Day Care facilities can be a commercial use that blend in well with residential uses. They are very similar to school uses which are permitted with conditions in all the residential zoning districts of the Huntersville Zoning Ordinance.
- Considering the information above, staff does not recommend that the application is currently consistent with the character of the single family residential development immediately adjacent to the site. If the application was amended to establish full buffers along all residential property lines, and take reasonable efforts to reduce cut through traffic through the residential neighborhood, the application could better blend in to the residential area immediately surrounding the property.

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

STAFF COMMENT:

- In regard to the roadway system, please see Part 2 above concerning the Traffic Impact Analysis.
- On March 18th, 2021 the Planning Department issued a “Determination of Adequacy (DOA)” for all applicable public facilities (Fire Vehicles, Fire Facilities, Police Facilities, and Police Vehicles, and Parks and Recreation Facilities) for the 16,000 sqft Day Care use. Please find the DOA letter attached in the agenda package.
- One of the adjacent property owners’ concerns expressed to staff was that the storm water from the facility may worsen an existing off-site drainage issue in the Cambridge Grove neighborhood. The Huntersville storm water ordinance requires that the applicant accommodate a storm water pond that will hold the storm water volume of a minimum 10 year storm, and release it off site at a comparable

speed to how it currently flows off site. In order to accommodate the concerns of the adjacent property owners, the applicants have agreed to design their pond to hold the volume of a 25 year storm. Therefore the applicants are increasing the size and capacity of their pond above and beyond the ordinance requirements to ensure the storm water system for the site is adequate.

- Huntersville engineering is currently reviewing the conceptual storm water plan for the development to ensure compliance with all storm water requirements. Detailed engineering review of the proposed storm water plan would be done at permitting of the facility.
- For consideration, the same requirements for storm water would be applicable and enforced for both residential and commercial development. A residential development with similar impervious numbers would have the same requirements in the ordinance.

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

STAFF COMMENT:

- Staff has no findings to show that any archeological, environmental, historical or cultural resources will be negatively affected by the application.

PART 5: PUBLIC HEARING – UPDATE 4/16/21

The Public Hearing for the application was held on April 5th, 2021. At the hearing several adjacent property owners from the Cambridge Grove and Hampton Ridge subdivisions expressed their concerns and opposition to the proposed development. Please find attached in the agenda packet comments received by mail in the Planning Department. Questions from the Town Board to staff at the Public Hearing included:

- The difference of a pre-school and day care center from the viewpoint of the North Carolina regulating agencies. Please find an email from staff to the Town Board attached in the agenda packet containing the requested information.
- Enforcement of storm water requirements for the storm water pond. As a clarification to the public hearing discussion, a maintenance bond for the constructed pond is only established after construction for a period of 2 years. After the 2 year period, the pond continues to be inspected on a yearly basis but the bond is usually released if performing acceptably. If after the 2 year period a problem is found with the pond through complaint or yearly inspection, notices of violation are sent to the owner requesting maintenance of the pond. If compliance is not achieved after notice, the owners may be subject to fines and other remedies outlined in the ordinance.

PART 6: STAFF RECOMMENDATION – UPDATE 4/16/21

Policy LU5.3 of the Huntersville 2040 Community Plan encourages infill residential near services, shopping, and employment. Staff recommends that because the subject site is appropriately located near such facilities on Sam Furr Road and is surrounded by single family residential development, the property in question would be a suitable candidate for medium density infill residential development.

However policies LU6.2 and LU6.3 of the Huntersville 2040 Community plan also encourages small scale, neighborhood oriented commercial in the Town Core land area when consistent with adopted small area plans. In addition, Day Care facilities are similar to school uses which can complement adjacent residential areas well. Therefore, since the western property line buffer has been expanded to meet minimum requirements (with only the Town parcel buffer outstanding due to NCDOT issues), and the applicant has committed to structure their enrollment process to include an effort to

reduce cut through traffic into the neighborhood, staff could support the application with the following conditions/changes:

1. The HWY 21 / Sam Furr Small Area Plan is hereby amended by the Town Board if the rezoning is approved.
2. The application is amended to redesign the Day Care use so that the required 30 foot undisturbed buffer is established along all residential properties (staff may be able to support the remaining modification if NCDOT requires the driveway to remain as shown).
3. Stacking counts for Cambridge Grove Drive and Knoxwood Drive are submitted, showing the increase in traffic and stacking at these left overs can be accommodated for.
4. Cut through traffic in the neighborhood is discouraged by the applicant to the extent possible. Therefore the letter submitted by the applicant in regard to enrollment commitments is added to the record and approved as a condition of the rezoning.
5. Minor comments from Town staff be updated on the final rezoning plan.

PART 7: PLANNING BOARD RECOMMENDATION
--

The Planning Board meeting is scheduled for April 27, 2021.

PART 8 CONSISTENCY STATEMENT – R21-01: Huntersville Community Day Care

Planning Board:

Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change___?)	Deny (Inconsistent w/ Plans)
In considering the proposed rezoning petition R21-01, the Huntersville Community Day Care the Planning Board recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-01, the Huntersville Community Day Care, the Planning Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)]</u> AND detail the ways the policy or reference is to be amended]. The Planning Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u> It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-01, the Huntersville Community Day Care, the Planning Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>

Town Board:

Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change___?)	Deny (Inconsistent w/ Plans)
In considering the proposed rezoning Petition R21-01, the Huntersville Community Day Care, the Town Board recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-01, the Huntersville Community Day Care, the Town Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)]</u> AND detail the ways the policy or reference is to be amended]. The Town Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u> It is reasonable and in the public interest to amend the approve the rezoning because...<u>[Explain]</u>	In considering the proposed rezoning petition R21-01, the Huntersville Community Day Care, the Town Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u>

SHEET LIST

Z01	COVER SHEET
Z02	SURVEY
Z02A	TREE SAVE PLAN
Z03	SITE PLAN
Z04	GRADING PLAN
SD01	SIGHT DISTANCE PROFILE
AT01	FIRETRUCK AUTOTURN

REZONING SITE PLAN PACKAGE
PROPOSED

HUNTERSVILLE COMMUNITY PRESCHOOL/DAYCARE
HUNTERSVILLE, MECKLENBURG COUNTY, NC

EPM # 417498

PROPERTY OWNER:

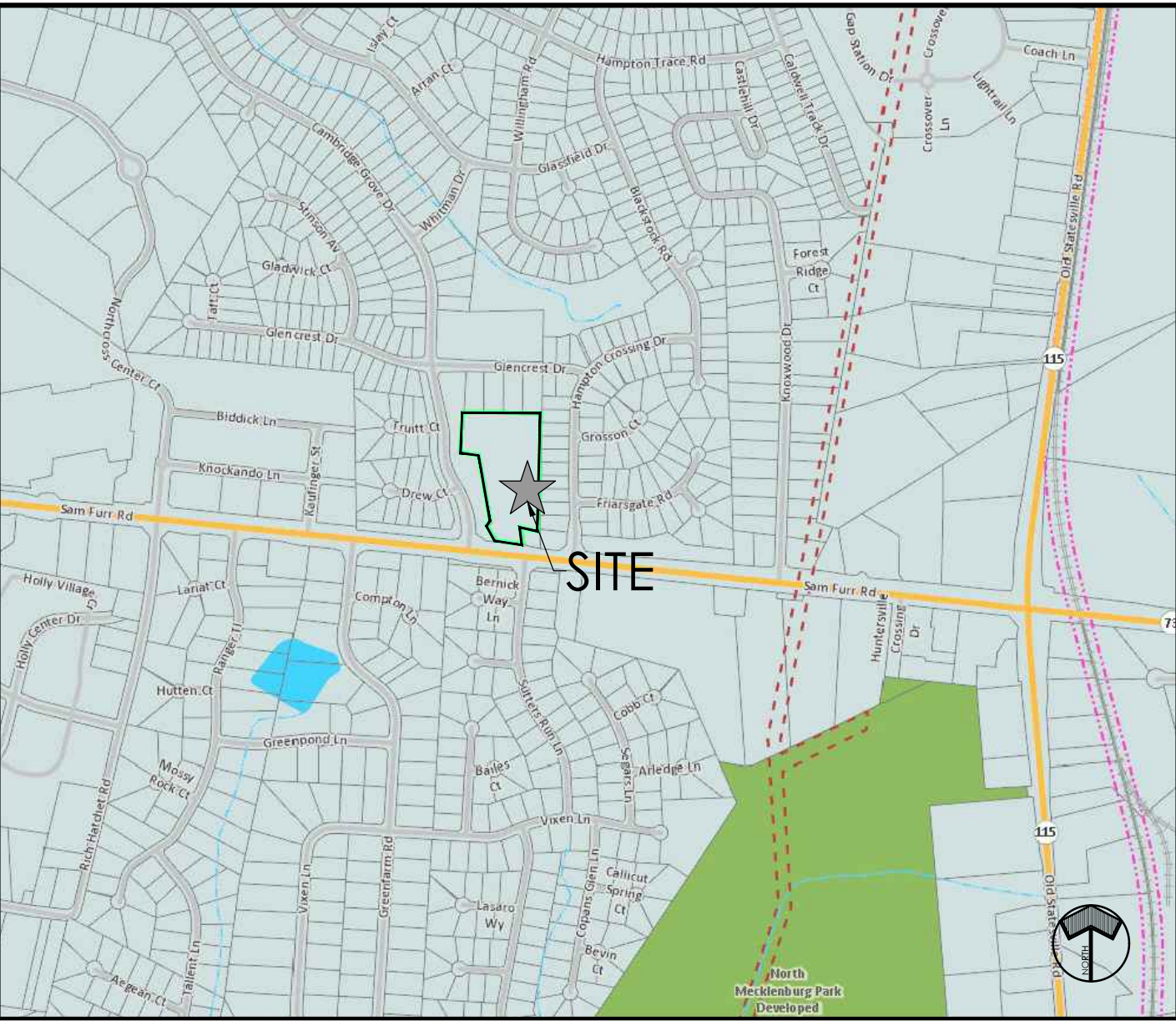
TIETSORT INVESTMENTS, LLLP
9707 BLACK ROAD
MIDLAND, NC 28107

DEVELOPER:

THE MONTGOMERY COMPANY, LLC
CONTACT: MATT MONTGOMERY
1919 AUGUSTA HWY, LEXINGTON, SC 29072
PH: (803)743-6980

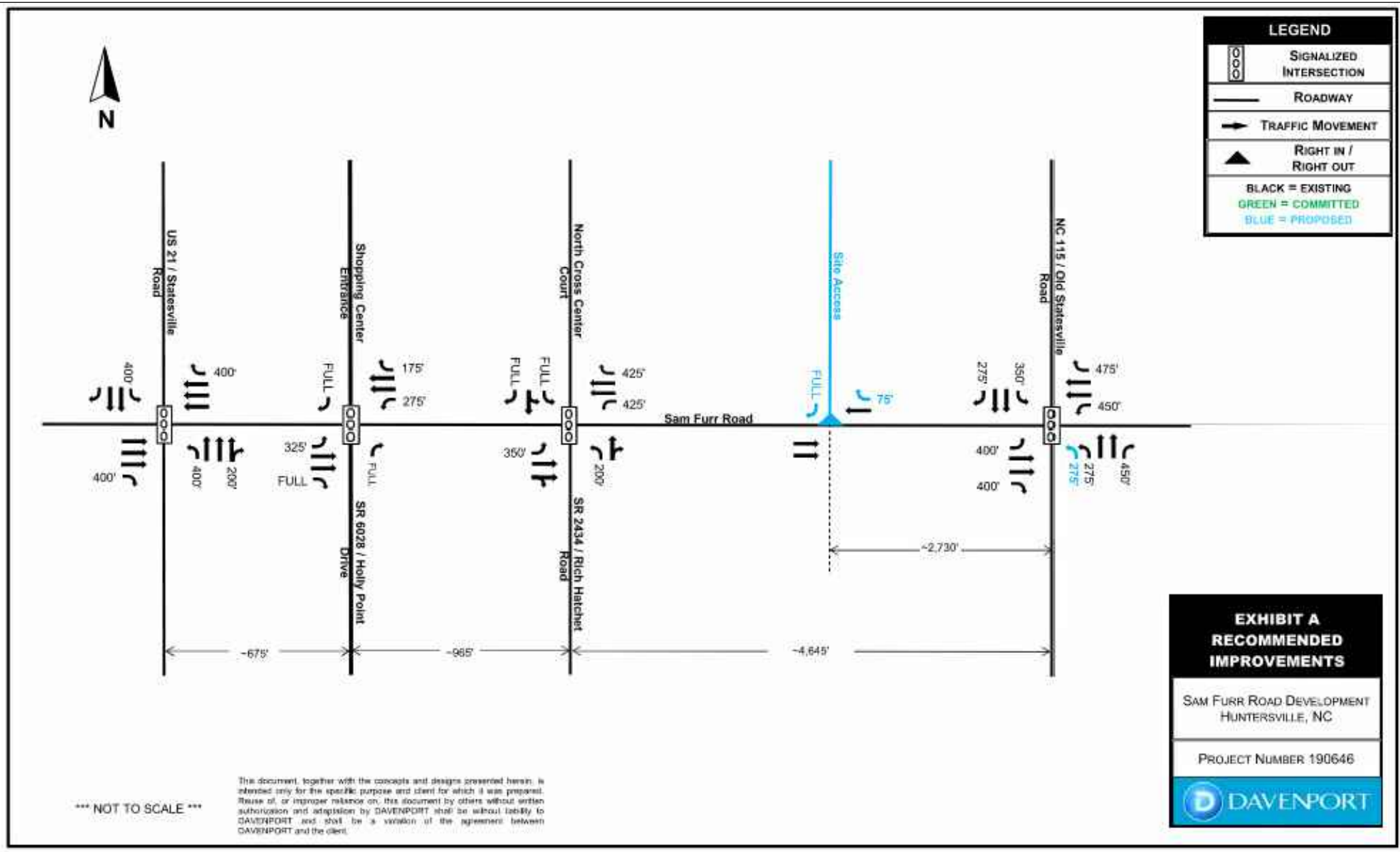
BUSINESS OWNER/FUTURE OWNER:

HUNTERSVILLE COMMUNITY PRESCHOOL
CONTACT: KYSHIA BRASSINGTON LINEBERGER
HUNTERSVILLE, NC
PH: (704)-641-6870



VICINITY MAP
SCALE: N.T.S.

TIA DIAGRAM



- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION.
- SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.





HensonFoley

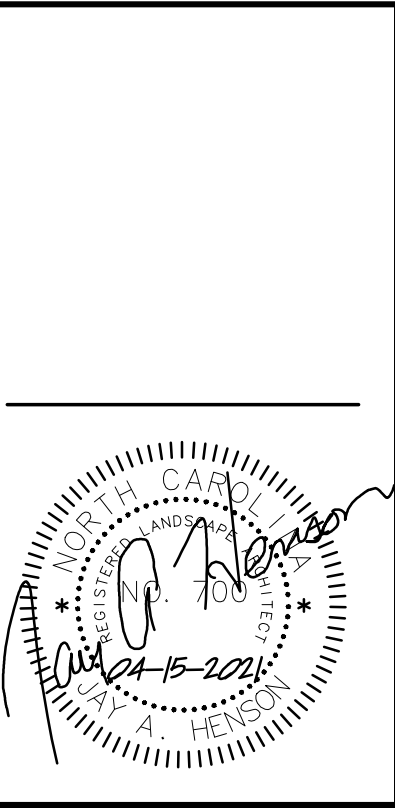
Landscape Architecture Civil Engineering

8712 Lindholm Dr Suite 202A, Huntersville, NC 28078

p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com

NC ENGINEERING BOARD LICENSE #: C-3781

NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399



HUNTERSVILLE COMMUNITY PRESCHOOL/DAYCARE

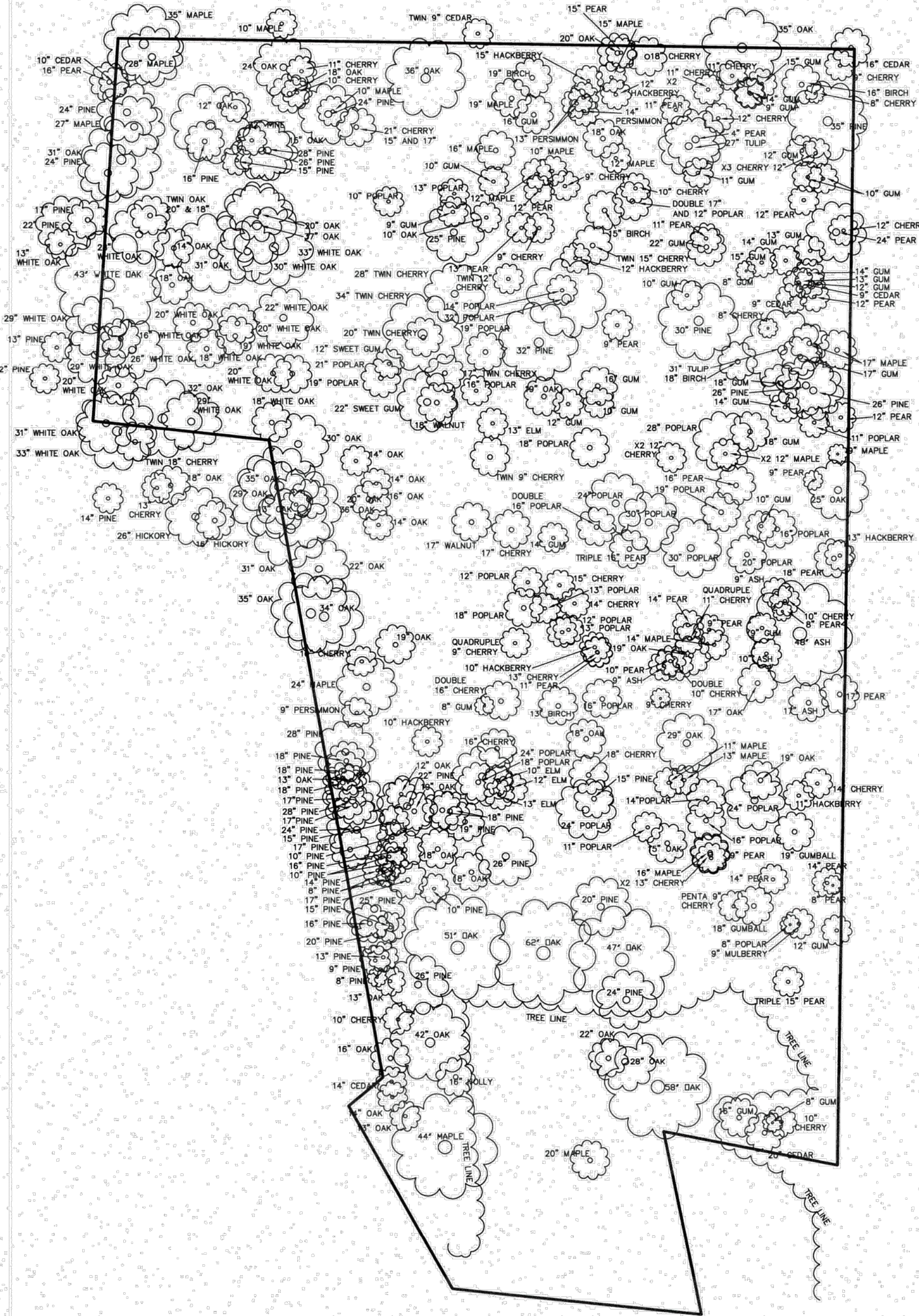
PARCEL ID: 005311101

10205 SAM FURR RD, HUNTERSVILLE NC 28078

COVER

REVISIONS:	
2021/02/04 - EPM REZ. COMMENTS	
2021/03/12 - EPM REZ. COMMENTS	
2021/04/15 - EPM REZ. COMMENTS	

C01 - COVER.DWG	
PROJECT NUMBER:	220054
DATE: 12/01/2020	DRAWN BY: TSF
SHEET Z01	OF 4



TREE LOCATION PLAN

GENERAL NOTES:

ALL DIMENSIONS ARE IN US SURVEY FEET AND DECIMALS THEREOF AND REPRESENT HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SHOWN.

THIS BOUNDARY SURVEY IS BASED ON EXISTING PHYSICAL EVIDENCE OBSERVED ON THE DATE OF THE FIELD SURVEY.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83/2011.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION BY AN ATTORNEY. PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS OR CONDITIONS NOT OBSERVED OR SHOWN HEREON.

THE CONTOUR INTERVAL SHOWN IS ONE FOOT (1').

ELEVATIONS ARE BASED ON NAVD 88 UTILIZING THE NCGS REAL TIME NETWORK AND GEOID 2018.

THE LOCATION OF UTILITIES AS SHOWN HEREON ARE BASED ON OBSERVED EVIDENCE OF VISIBLE APPURTENANCES ON OR ABOVE THE SURFACE ONLY. OTHER UTILITIES WHICH WERE NOT OBSERVED MAY EXIST ON OR NEAR THE SUBJECT PROPERTY. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR PUBLIC OR PRIVATE UTILITY LOCATE REQUESTS MAY BE NECESSARY TO DEVELOP A COMPLETE VIEW OF THE UNDERGROUND UTILITIES.

ALL COORDINATES SHOWN HEREON ARE GRID UNLESS OTHERWISE NOTED. PROJECT CONTROL WAS ESTABLISHED UTILIZING THE NCGS REAL TIME NETWORK AND BASED ON NAD 83 / 2011, NAVD 88 AND GEOID 2018. THE PROJECT WAS LOCALIZED FROM NCGS MONUMENT "COULTER" USING AN AVERAGE COMBINED GRID FACTOR OF 0.999844341.

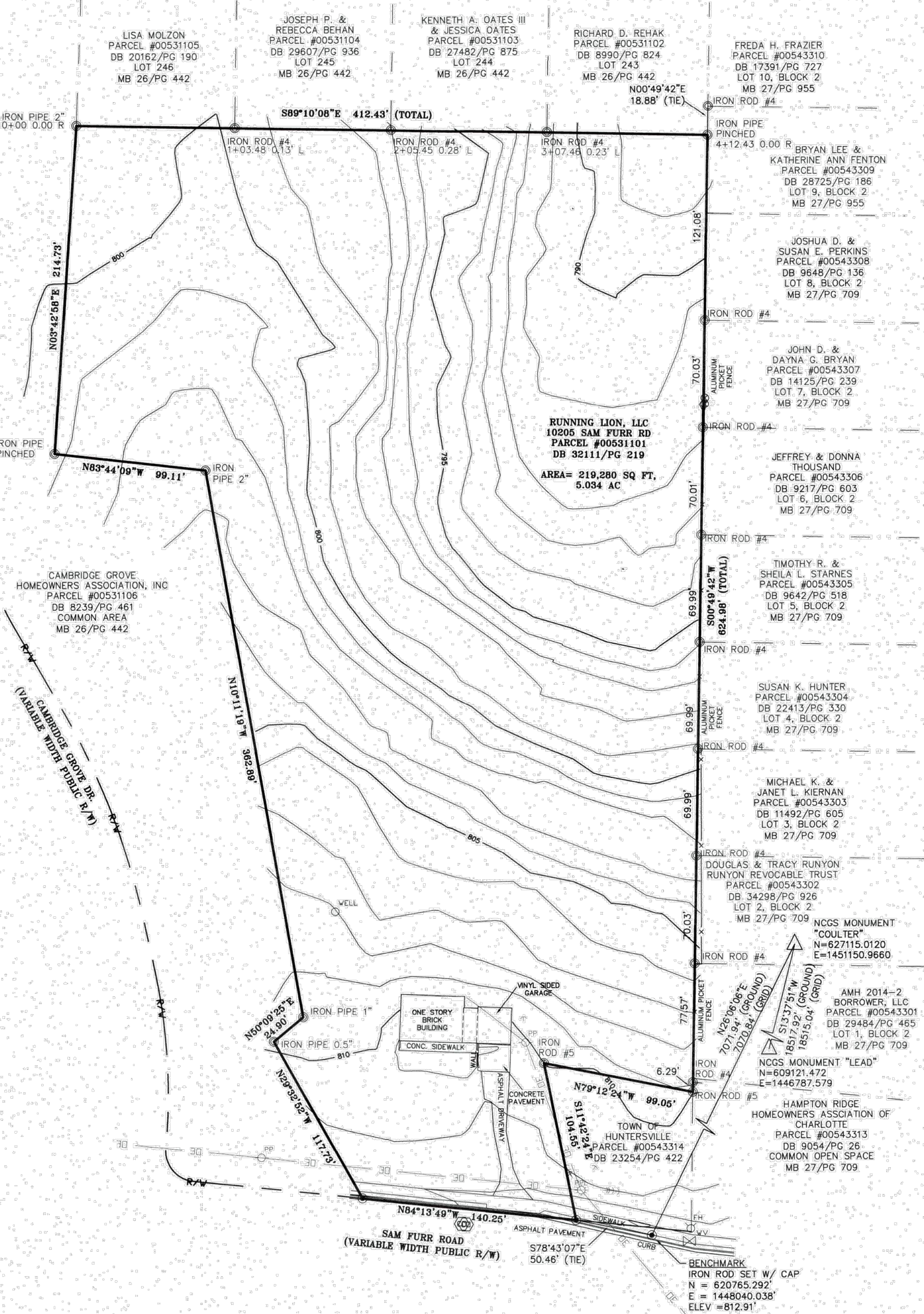
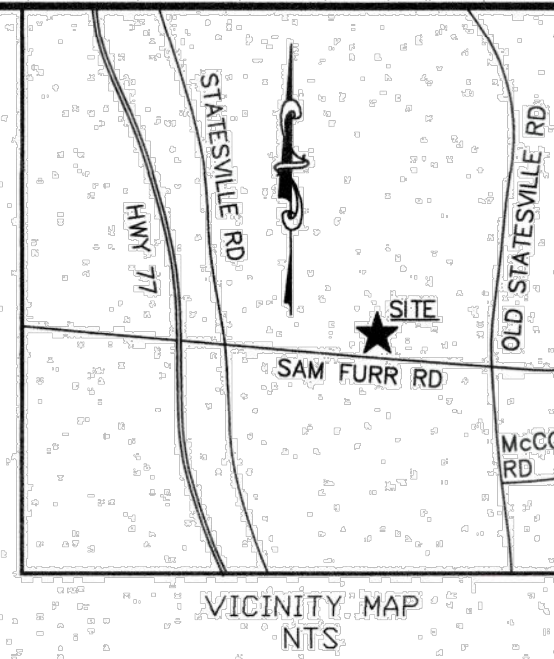
FLOOD ZONE: ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP NUMBER 3710464200K, EFFECTIVE DATE SEPTEMBER 2, 2015, THE SUBJECT PARCEL LIES IN ZONE X, WHICH IS DEFINED THEREON AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

ABBREVIATIONS:

R/W = RIGHT OF WAY
MB = MAP BOOK
DB = DEED BOOK
PG = PAGE
SQ FT = SQUARE FEET
AC = ACRES
CONC. = CONCRETE

LEGEND:

#5 IRON REBAR SET
IRON REBAR FOUND
POWER POLE
POWER POLE W/ LIGHT
GUY ANCHOR
FIRE HYDRANT
WATER VALVE
SANITARY CLEANOUT
RIGHT OF WAY LINE
LINE NOT SURVEYED
OVERHEAD ELECTRIC

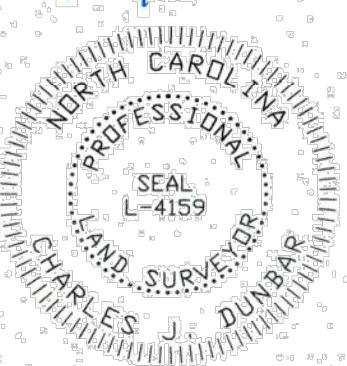


SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION OF THE DEED(S) AND/OR MAP(S) AS SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM THE DEED(S) AND/OR MAP(S) AS SHOWN HEREON; THAT THE POSITIONAL ACCURACY IS 0.10 FEET; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA PURSUANT TO TITLE 21, CHAPTER 56, SECTION .1600 OF THE NORTH CAROLINA ADMINISTRATIVE CODE.

I ALSO CERTIFY THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC / PLANNIMETRIC SURVEY TO THE ACCURACY OF CLASS AA AND VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS C STANDARD; THAT THE SURVEY WAS COMPLETED ON 09/08/2020; THAT CONTOURS SHOWN AS BROKEN LINES MAY NOT MEET THE STATED STANDARD; AND ALL COORDINATES ARE BASED ON NAD 83 / 2011 AND ALL ELEVATIONS ARE BASED ON NAVD 88.

CHARLES J. DUNBAR, NC PLS L-4159



MAP OF BOUNDARY AND TOPOGRAPHIC SURVEY OF
THE LANDS OF RUNNING LION, LLC
DB 32111/PG 219
HUNTERVILLE, MECKLENBURG COUNTY, NORTH CAROLINA

TITLE:

SCALE: 1" = 50'

MAP DATE: 09/16/20

FIELD DATE: 09/08/2020

FILE NO.: 03-70

JOB NO.: 20003

DRAWING: 1 OF 1

PREPARED FOR:

MONTGOMERY CONSTRUCTION

DUNBAR GEOMATIC GROUP, PLLC
P.O. BOX 985
HUNTERVILLE, NC 28070
NC PLS L-4159



NOTE: TREE REMOVAL AND CANOPY IS WORSE CASE CONDITION. IF TRENCHING FOR UTILITIES OR GENERAL GRADING DOES NOT REQUIRE THE TREE TO BE REMOVED, DO NOT REMOVE THE TREE.

LEGEND

- TREE CANOPY SAVED
- TREE CANOPY REMOVED
- SPECIMEN TO BE SAVED
- SPECIMEN TREE DISTURBED
- NON-SPECIMEN TREES

TREE SAVE - TREE CANOPY (HC)	
AREA OF SITE: 214,928.8 SF (4.98 AC)	
EXISTING TREE CANOPY	
TOTAL CANOPY - 207,543 SF (4.76 AC)	
TREE SAVE AREA: 78,440 SF (1.80 AC)	
CANOPY TO BE DISTURBED - 129,103 SF (2.96 AC)	
PROVIDED TREE SAVE - 78,440 (1.80 AC)	

TREE SAVE - SPECIMEN TREES TOTAL SITE	
EXISTING SPECIMEN TREES: 91	EXISTING SPECIMEN TREES TO REMAIN: 46
EXISTING SPECIMEN TREES TO BE DISTURBED: 45	REQUIRED TO RETAIN: 30% (91 EXISTING X 0.30 = 27 TREES)
EXISTING SPECIMEN TREES TO BE SAVED: 46 (50.5%)	TREES REQUIRED TO BE MITIGATED: 0

TREE PROTECTION NOTES:

- APPLICABILITY
- A TREE AND ROOT PRESERVATION PLAN DELINEATING AREAS OF TREE SAVE SHALL BE INCORPORATED AS PART OF THE LANDSCAPING, GRADING, AND EROSION CONTROL PLANS. THE FOLLOWING MEASURES SHALL BE FOLLOWED TO PROTECT EXISTING TREES ON A DEVELOPING SITE:
- PRIOR TO DEMOLITION, CLEARING, CONSTRUCTION, GRADING, AND INSTALLATION OF EROSION CONTROL MEASURES, TREE PROTECTIVE BARRIERS MUST BE INSTALLED AROUND ALL TREE SAVE AREAS BY THE DEVELOPER AND APPROVED BY THE TOWN.
 - THE TREE PROTECTION FENCE SHALL BE LOCATED ALONG THE PERIMETER OF THE TREE SAVE AREA (DRIP LINE PLUS 5 FEET). TREE PROTECTION FENCING FOR A FOREST CANOPY STANDS AREA IS TO BE LOCATED ALONG THE PERIMETER OF THE TREE SAVE AREA AROUND THE FOREST EDGE. TREE PROTECTION FENCING SHALL CONSIST OF ORANGE SAFETY FENCING OR A COMBINATION OF ORANGE SAFETY FENCING WITH SILT FENCING AT A MINIMUM OF 4 FEET IN HEIGHT ON METAL OR WOOD POSTS.
 - ALL TREE PROTECTION AREAS MUST BE DESIGNATED AS SUCH WITH "TREE SAVE AREA SIGNS" POSTED IN ADDITION TO THE REQUIRED PROTECTIVE FENCING. SIGNS REQUESTING SUBCONTRACTOR COOPERATION AND COMPLIANCE WITH TREE PROTECTION STANDARDS ARE RECOMMENDED FOR SITE ENTRANCES.
 - NO SOIL DISTURBANCE OR COMPACTION, STOCK PILING OF SOIL OR OTHER CONSTRUCTION MATERIAL, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT AND MATERIALS ARE ALLOWED WITHIN THE TREE SAVE AREA.
 - NO ROPES, SIGNS, WIRES, UNPROTECTED ELECTRICAL INSTALLATION OR OTHER DEVICE OR MATERIAL, SHALL BE SECURED OR FASTENED AROUND OR THROUGH A TREE OR SHRUB.
 - ALL PROTECTIVE MEASURES SHALL BE MAINTAINED THROUGHOUT THE LAND DISTURBING AND CONSTRUCTION PROCESS, AND SHALL NOT BE REMOVED UNTIL FINAL LANDSCAPING IS INSTALLED.
- ENCROACHMENT
- IF ENCROACHMENT INTO A REQUIRED TREE SAVE/PRESERVATION AREA OCCURS WHICH CAUSES IRREPARABLE DAMAGE TO THE TREES, THE TREE PRESERVATION AND/OR REPLACEMENT PLAN SHALL BE REVISED TO COMPENSATE FOR THE LOSS. ENCROACHMENTS SHALL BE SUBJECT TO THE PENALTIES LISTED IN ARTICLE 7.9, ENCROACHMENTS, DAMAGE AND REMOVAL OF VEGETATION IN A TREE SAVE/PRESERVATION AREA SHALL BE REPLANTED IN ACCORDANCE WITH ARTICLE 7.4.5
- TREE REMOVAL
- LAND DISTURBING PERMIT REQUIRED. LAND DISTURBING ACTIVITIES SHALL NOT COMMENCE UNTIL SUCH ACTIVITIES HAVE BEEN AUTHORIZED BY ISSUANCE OF A VALID LAND DISTURBING PERMIT AS SPECIFIED UNDER THE PROVISIONS OF THE CHARLOTTE-MECKLENBURG LAND DEVELOPMENT STANDARDS MANUAL AND EROSION AND SEDIMENTATION CONTROL MANUAL.
- MITIGATION
- IF A REQUIRED TREE SAVE/PRESERVATION AREA OR REQUIRED UNDISTURBED BUFFER YARD IS DISTURBED FOR ANY REASON, IT SHALL BE RESTORED AT A RATE OF 10 TREES PER 1000 SQUARE FEET. TREES TO BE PLANTED SHALL HAVE A MINIMUM CALIPER OF 2 INCHES, SHALL BE 8-10 FEET IN HEIGHT AT INSTALLATION, AND SHALL BE AT LEAST 75% LARGE MATURING VARIETIES, WHERE A DISTURBED AREA ALSO FUNCTIONED TO BUFFER ADJACENT PROPERTIES OR PUBLIC STREET(S), AT LEAST 50% OF THE TREES SHALL BE EVERGREEN VARIETIES. TREES SHALL BE DISTRIBUTED THROUGHOUT THE DISTURBED AREA IN SUCH A WAY AS TO EFFECTIVELY REPLACE THE VEGETATION DISTURBED. WHERE UNDER STORY VEGETATION IS REMOVED OR DISTURBED IT SHALL BE REPLACED AT A RATE OF 40 SHRUBS PER 100 LINEAR FEET. SHRUBS SHALL BE EVERGREEN AND 3 FEET IN HEIGHT WHEN INSTALLED AND ARE EXPECTED TO REACH A MINIMUM HEIGHT OF 6 FEET AT MATURITY. WHEN A TREE IS DESTROYED DUE TO AN ACT OF GOD, IT SHALL BE REPLACED WITH THE SAME SPECIES OR COMPARABLE SPECIES. 2 INCH IN CALIPER IN SIZE. A PLANTING PLAN IS REQUIRED FOR STAFF REVIEW AND APPROVAL PRIOR TO COMMENCEMENT OF PLANTING.

HensonFoley
Landscape Architecture
Civil Engineering
8712 Lindholm Dr Suite 202A, Huntersville, NC 28078
p: 704.875.1615 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

North Arrow
GRAPHIC SCALE 1"=30 FT.
Professional Engineer Seal: J. Henson, State of North Carolina, License No. 3781, Mechanical Engineering, dated 04-15-2021.

HUNTERSVILLE COMMUNITY PRESCHOOL/DAYCARE
PARCEL ID: 00531101
10205 SAM FURR RD, HUNTERSVILLE NC 28078
TREE SAVE PLAN

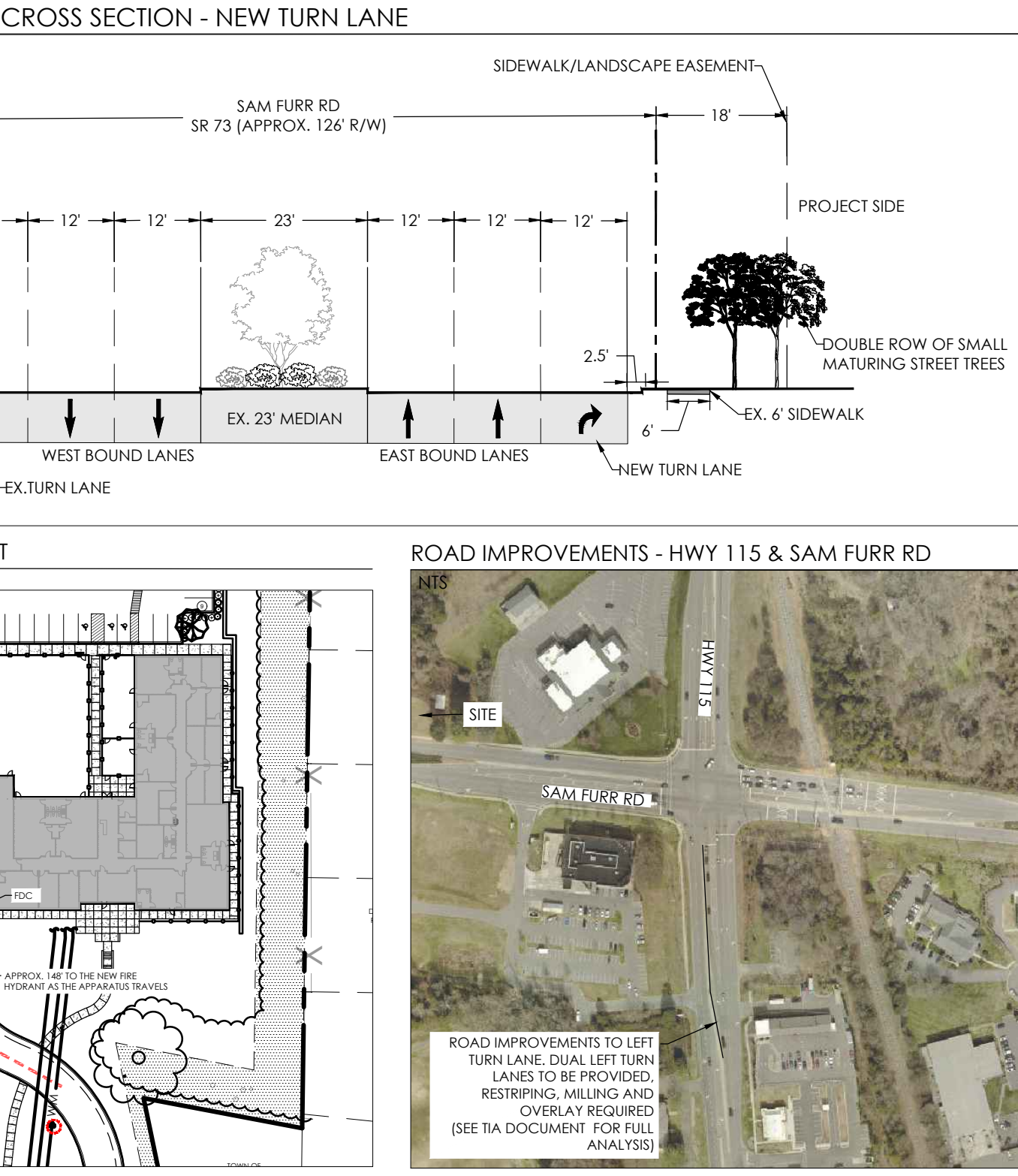
REVISIONS:

2021/02/04 - EPM REV. COMMENTS
2021/03/12 - EPM REV. COMMENTS
2021/04/15 - EPM REV. COMMENTS

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- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION.
- SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.

811 Know what's below. Call before you dig.

C02A TREE SAVE PLAN.DWG	
PROJECT NUMBER:	220054
DATE: 12/01/2020	DRAWN BY: TSF
202A	4
SHEET	OF



SITE DATA	
LOCATION:	10205 SAM FURR RD (PIN # 000531101) HUNTERSVILLE, MECKLENBURG COUNTY 28078
CURRENT ZONING: GR	PROPOSED ZONING: HC-CD
CURRENT USE: SINGLE FAMILY RESIDENTIAL	PROPOSED USE: DAY CARE CENTER
CONTACT:	HENSONFOLEY (JAY HENSON) 704-875-1615
BUILDING TYPE	HIGHWAY COMMERCIAL
ITEM	PROVIDED
LOT AREA	4.98 AC
FRONT BUILD TO LINE	
MIN. SIDE SETBACK	10' (WEST PROPERTY LINE) 30' (EAST PROPERTY LINE)
MIN. REAR SETBACK	30' UNDISTURBED BUFFER
MAX. BUILDING HEIGHT	
PROPOSED BUILDING HEIGHT	1 STORY (SEE ARCH. ELEVATIONS)
FEMA MAP NUMBER	3710464200J
FEMA EFFECTIVE DATE	03/02/2009
WATERSHED	MCDOWELL
SOIL TYPE	CeB2, HeB

IMPERVIOUS SUMMARY			
ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL SITE AREA	216928.80	4.98	N/A
EXISTING IMPERVIOUS	3.688 SF	0.08 AC	1.70 %
EXISTING IMPERVIOUS TO BE REMOVED	3.285 SF	0.08 AC	1.51 %
PROPOSED BUILDING (BUA)	16,000 SF	0.37 AC	7.38 %
PROPOSED ASPHALT (BUA)	36,080 SF	0.83 AC	16.63 %
PROPOSED CONCRETE (BUA)	15,765 SF	0.36 AC	7.27 %
TOTAL BUA	68,248 SF	1.57 AC	31.46 %
TOTAL PERVIOUS	148,680.80 SF	3.41 AC	68.54 %

GENERAL NOTES

SCHEMATIC NATURE OF REZONING PLAN

- THE PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE. MINOR MODIFICATIONS TO THE PLAN MAY OCCUR DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT. THE REMOVAL OF TREES AND VEGETATION TO ACCOMPLISH THE IMPROVEMENTS IS GENERALLY CONTEMPLATED AS SHOWN ON THIS REZONING PLAN.
- THIS IS A REZONING PLAN AND AS SUCH IS TO BE GRAPHICALLY REPRESENTATIVE OF WHAT IS PROPOSED. THE FINAL ENGINEERING PLAN WILL HAVE MINOR CHANGES, THE BUILDING LOCATION, SIZE, ORIENTATION, AND FEATURES MAY HAVE MINOR CHANGES BASED ON FINAL ENGINEER DESIGN, AS APPROVED BY STAFF

USE AND COMPATIBILITY

- THE SITE IS LOCATED ALONG THE NORTH SIDE OF NC HWY 73 BETWEEN HWY 21 AND HWY 115. NC HWY 73 CONSISTS OF 4 LANES ALONG THE SITE FRONTAGE, (4 THROUGH LANES AND 2 DECEL LANES). NC HWY 73 IS A MAJOR EAST/WEST CORRIDOR AND A MAJOR RETAIL CORRIDOR. THE PROPOSED SITE IS LOCATED ALONG THE NORTH SIDE OF NC HWY 73 (SEE ATTACHED ONLINE AERIAL MAP/IMAGING). THE SITE IS IMMEDIATELY ADJACENT TO RESIDENTIAL PROPERTY AND IS WITHIN 800'-900' OF A LARGE COMMERCIAL RETAIL CENTER. THE PROPOSED USE OF THE SITE IS A DAYCARE FACILITY. THE FACILITY WILL NOT REQUIRE THE USE OF THE ENTIRE 5 ACH+ TRACT, THEREFORE THE INTENSITY OF THE DEVELOPMENT WILL NOT BE MAXIMIZED. A PORTION OF THE SITE AS DEPICTED ON THE AERIAL MAP WILL BE REMOVED FOR THE PROPOSED FACILITY. THE INTENSITY OF THE OPERATION ARE AS SUCH THAT THE NOISE AND INTERRUPTION DURING THE EVENING HOURS WOULD BE MINIMIZED.
- THE DAY CARE FACILITY WILL HAVE APPROX. **250 STUDENTS AND 50 STAFF MEMBERS**. STAFF MEMBERS HAVE VARIOUS EDUCATION DEGREES, BUT ALL WILL BE EMPLOYED BY THE STATE OF NORTH CAROLINA.
- NUMBER OF STUDENTS:** 250 [225 FULL TIME AND 25 AFTER-SCHOOL] **NUMBER OF STAFF:** 50

PERMITTED USES

- THE PROPERTY MAY BE DEVELOPED FOR A DAY CARE FACILITY, THE FACILITY MUST HAVE A PERMITTED BUILDING AND LOT TYPE FOR THE DISTRICT IN WHICH IT IS TO BE LOCATED. A PLAY SPACE MUST BE PROVIDED IN ACCORDANCE WITH THE REGULATIONS OF NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES. ANY OUTDOOR PLAY SPACE MUST BE ENCLOSED ON ALL SIDES BY BUILDING, AND/OR PERMITTED TYPES OF WALLS OR FENCES; IT MAY NOT INCLUDE DRIVEWAYS, PARKING AREAS, OR LAND OTHERWISE UNSUITED FOR CHILDREN'S PLAY SPACE; PLAY SPACE MAY NOT BE IN THE ESTABLISHED FRONT YARD. ANY LABELING ON THE REZONING PLAN MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER, BUT SHALL NOT RESTRICT THE PROPERTY IN A MANNER THAT CONFLICTS WITH THE PROVISIONS OF THESE DEVELOPMENT NOTES.

BUFFER AND SETBACK MODIFICATION REQUEST

1. SOUTHEAST BUFFER ADJACENT TO PARCEL 00543314 MODIFICATION REQUEST
DUE TO THE REQUIRED DRIVEWAY LOCATION, THE APPLICANT IS REQUESTING MODIFICATION AS SHOWN TO THE SOUTH OF THE DRIVEWAY. THE LOCATION OF THE BUFFER IS THE SAME AS THE ADJUT SPACE REMAINING FOR THE REQUIRED BUFFER. IF THE APPLICANT SHOULD PURCHASE THE ADJACENT PROPERTY, THE FULL 30' BUFFER WOULD BE PROVIDED WITHIN THE NEW PARCEL. THE APPLICANT IS PROVIDING THE MAXIMUM AMOUNT OF BUFFER AS POSSIBLY ALLOWED. THE APPLICANT AGREES TO ENHANCE THE BUFFER AS DEEMED NECESSARY WITH EVERGREEN SHRUBS/TREES TO FILL VISUAL GAPS.
2. 15' BTL MODIFICATION REQUEST
DUE TO THE REQUIRED LOCATION OF THE DRIVEWAY, THE ACCESS DRIVE PROHIBITS THE BUILDING FROM BEING LOCATED WITHIN THE 15' BTL. THE APPLICANT WILL BE USING THE LARGE OAK TREES AS DEPICED ON THE TREE SAVE PLAN IN AN EFFORT TO ENHANCE THE STREETScape APPEARANCE.

ACCESS

- THE NUMBER OF SITE ACCESS POINTS, DRIVEWAYS AND CONNECTIONS TO ROADS ARE SCHEMATIC IN NATURE. TO THE EXTENT PERMITTED BY APPLICABLE DRIVEWAY PERMIT REQUIREMENTS, FUTURE DRIVEWAYS, ACCESS POINTS AND ROAD CONNECTIONS MAY CROSS THE SETBACK AND SHALL NOT REQUIRE A REZONING OF THE PROPERTY, BUT SHALL OTHERWISE COMPLY WITH APPLICABLE DRIVEWAY PERMIT REQUIREMENTS.
- DUE TO THE STATE RATING SYSTEM, THERE WILL BE NO DROP OFF. PARENTS WILL PARK IN REAR AND WALK STUDENTS INTO BUILDING.
-

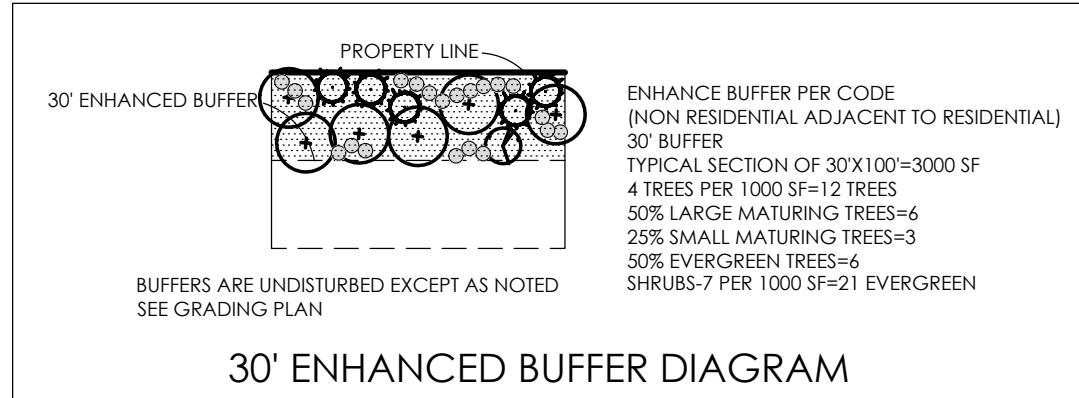
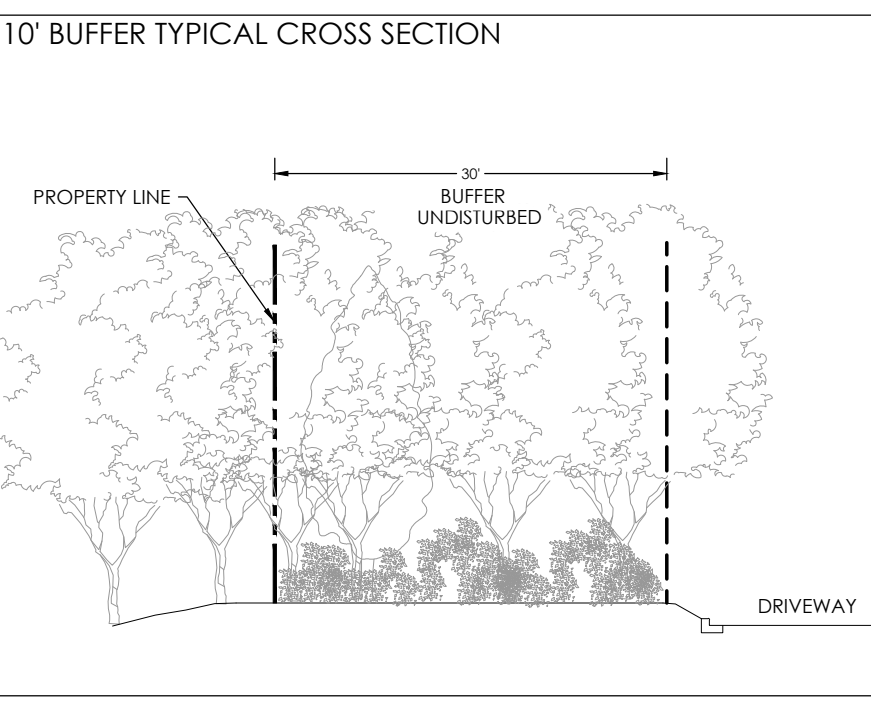
SIGNAGE

- ALL SIGNS SHALL COMPLY WITH THE TOWN OF HUNTERSVILLE CODE.

STREET IMPROVEMENTS

- NC 115 AT NC 73
-CONSTRUCT A SECOND NORTHBOUND LEFT-TURN LANE ON NC 115 WITH 275 FEET OF STORAGE (MODIFY SIGNAL PHASING AS NEEDED TO MEET NCDOT REQUIREMENTS)

- NC 73 AT SITE ENTRANCE
-CONSTRUCT A WESTBOUND RIGHT-TURN LANE ON NC 73 WITH 75 FEET OF STORAGE



1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926.650-1926.652, 1926.654-1926.656.



**Know what's below.
Call before you dig**

HUNTERSVILLE COMMUNITY PRESCHOOL/DAYCARE

PARCEL ID: 00531101

10205 SAM FURR RD, HUNTRESVILLE NC 28078

SITE PLAN

REVISIONS:

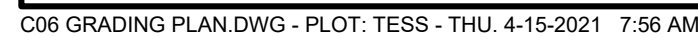
2021/02/04 - EPM REZ. COMMENTS
2021/03/12 - EPM REZ. COMMENTS
2021/04/15 - EPM REZ. COMMENTS

C03 SITE PLAN.DWG

PROJECT NUMBER:	220054
-----------------	--------

DATE: 12/01/2020	DRAWN BY:
------------------	-----------

Z03



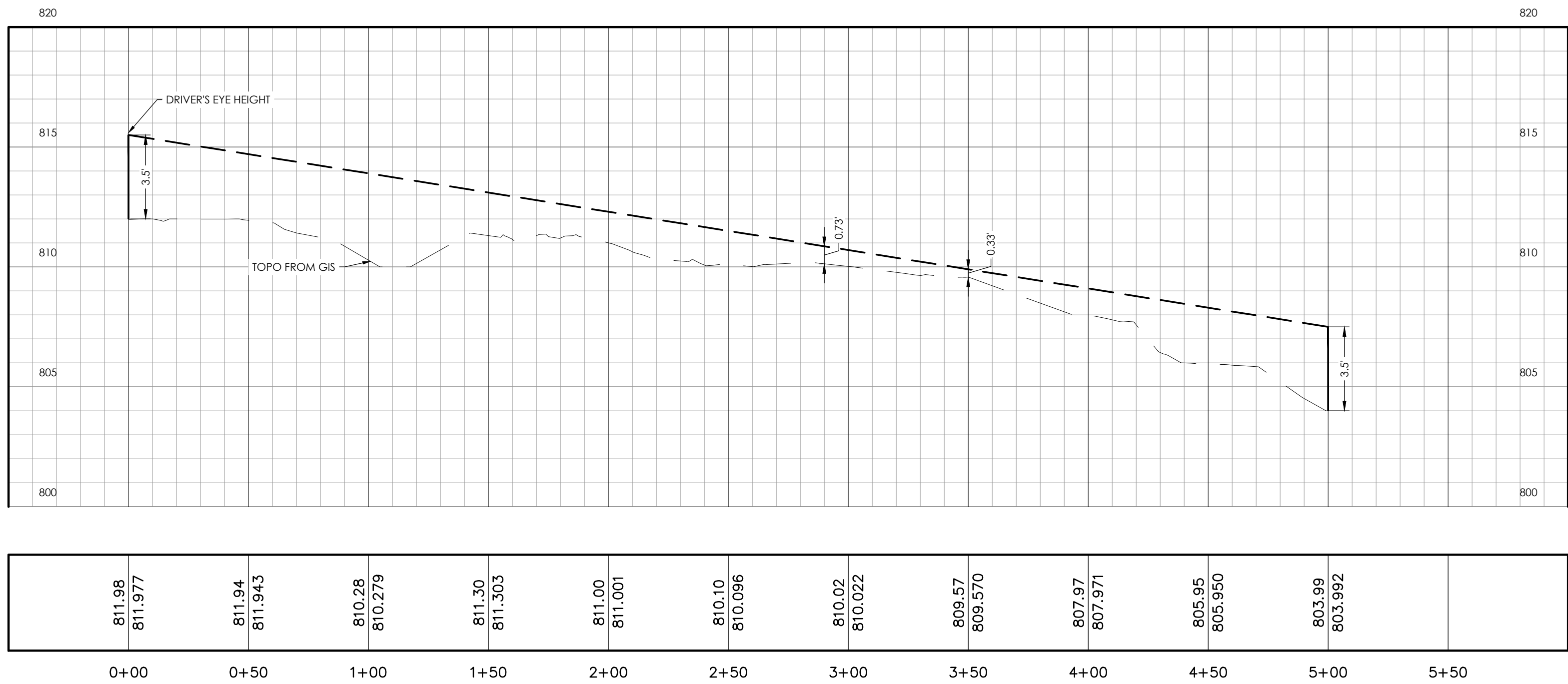
Pipe Table				
NAME	SIZE	LENGTH	SLOPE	MATERIAL
Pipe 1	30"	28.53'	0.20%	RCP
Pipe 2	18"	126.70'	1.42%	RCP
Pipe 3	18"	47.52'	1.15%	RCP
Pipe 4	15"	226.36'	1.50%	RCP
Pipe 5	15"	55.10'	1.12%	RCP
Pipe 6	12"	163.15'	0.69%	PVC
Pipe 7	12"	41.96'	1.04%	PVC
Pipe 8	12"	107.05'	0.80%	PVC
Pipe 9	24"	42.00'	1.00%	RCP

- ## GENERAL NOTES:
1. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED OWNERS.
 2. THE DEVELOPER SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE CHANNEL AND BANKS OF THE STREAM ALL DEBRIS, LOGS, TIMBER, JUNK AND OTHER ACCUMULATIONS.
 3. COMMUNITY ENCROACHMENT LINE MUST BE MARKED AND MAINTAINED ON SITE UNTIL FINAL GRADING IS COMPLETED.
 4. ANY CONSTRUCTION OR USE WITHIN THE AREAS DELINEATED AS FLOODWAY DISTRICT FRINGE BOUNDARY LINE OR FLOODWAY DISTRICT ENCROACHMENT BOUNDARY LINE IS SUBJECT TO THE RESTRICTIONS IMPOSED BY THE FLOODWAY REGULATIONS OF THE TOWN OF HUNTERSVILLE AND MECKLENBURG COUNTY.
 5. THE MECKLENBURG COUNTY ENGINEERING DEPARTMENT HAS NOT REVIEWED THE STRUCTURAL STABILITY OF ANY RETAINING WALLS ON THE SITE AND DOES NOT ASSUME RESPONSIBILITY FOR THEM.
 6. NON-STANDARD ITEMS (I.E.: PAVERS, IRRIGATION SYSTEMS, ETC.) IN THE RIGHT-OF-WAY REQUIRE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION BEFORE INSTALLATION.
 7. ALL ROOF DRAINS TO CONNECT TO UNDERGROUND STORM DRAINAGE SYSTEM.

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
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4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



C06 GRADING PLAN.DWG	
PROJECT NUMBER:	220054
DATE: 12/01/2020	DRAWN BY: TSF
SHEET	Z04 4 OF



SIGHT DISTANCE PROFILE
H: 1" = 40'
V: 1" = 4'

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
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4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



HensonFoley
Landscape Architecture
Civil Engineering
8712 Lindholm Dr Suite 202A, Huntersville NC 28078
p: 704.875.1615 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

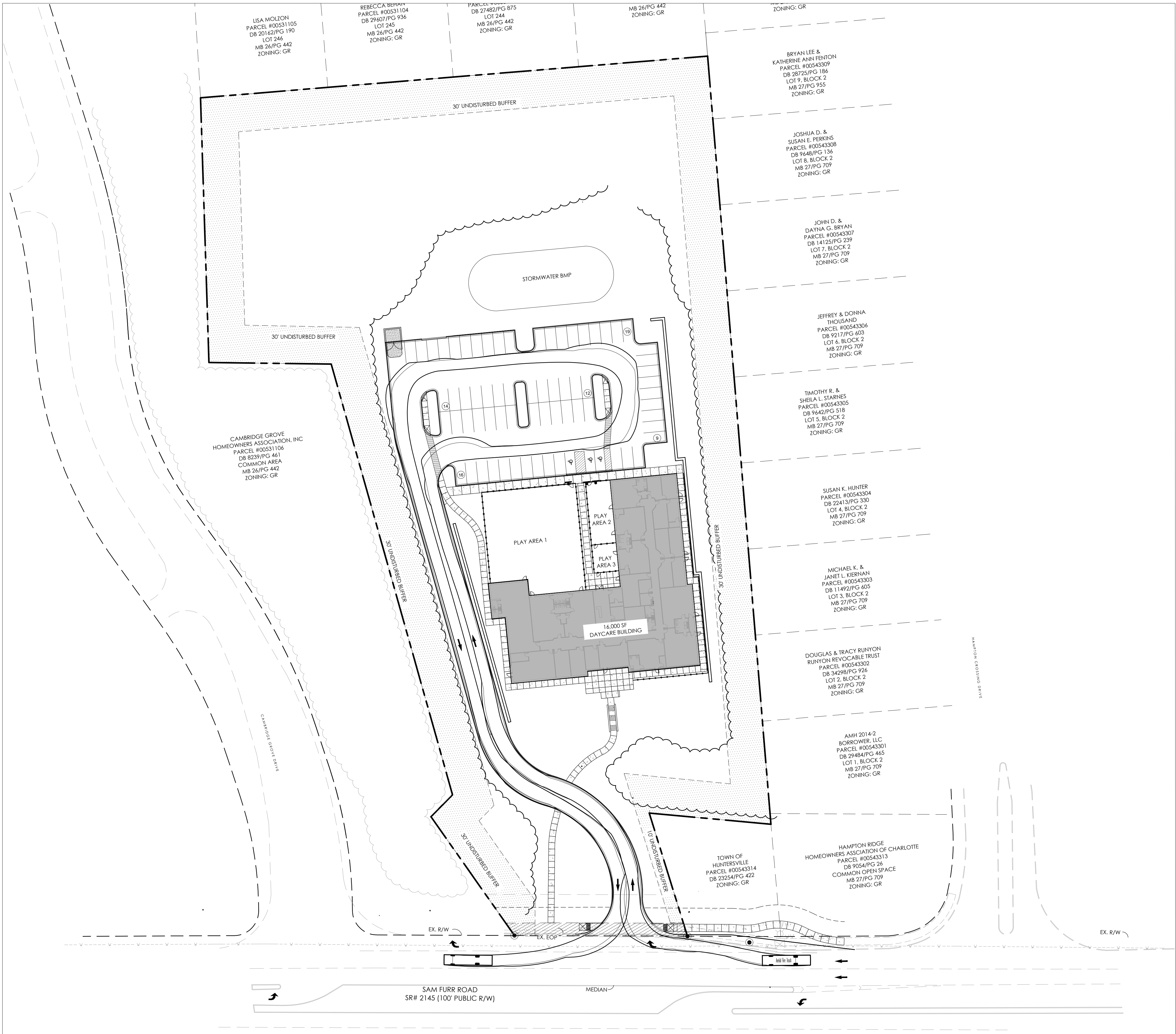
N
W E
S
NORTH ARROW
0 20 40 80
GRAPHIC SCALE 1"=40 FT.
Professional Engineer Seal: HENSON FOLEY, dated 04-15-2021, License No. C-3781

HUNTERSVILLE COMMUNITY PRESCHOOL/DAYCARE
PARCEL ID: 00531101
10205 SAM FURR RD, HUNTERSVILLE NC 28078
SIGHT DISTANCE PROFILE

REVISIONS:

2021/02/04 - EPM REV. COMMENTS
2021/03/12 - EPM REV. COMMENTS
2021/04/15 - EPM REV. COMMENTS

SD01 SIGHT DISTANCE PROFILE.DWG
PROJECT NUMBER: 220054
DATE: 12/01/2020 DRAWN BY: TSF
SD01 01
SHEET OF



1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
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4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.



HUNTERSVILLE COMMUNITY PRESCHOOL/DAYCARE

PARCEL ID: 005311101
10205 SAM FURR RD, HUNTERSVILLE NC 28078

FIRETRUCK AUTOTURN

REVISIONS:

2021/02/04 - EPM REV. COMMENTS
2021/03/12 - EPM REV. COMMENTS
2021/04/15 - EPM REV. COMMENTS

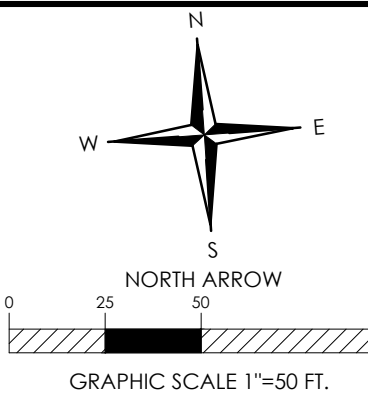
AT01 FIRETRUCK AUTOTURN.DWG

PROJECT NUMBER: 220054

DATE: 12/01/2020 DRAWN BY: TSF

SD01 01
SHEET OF

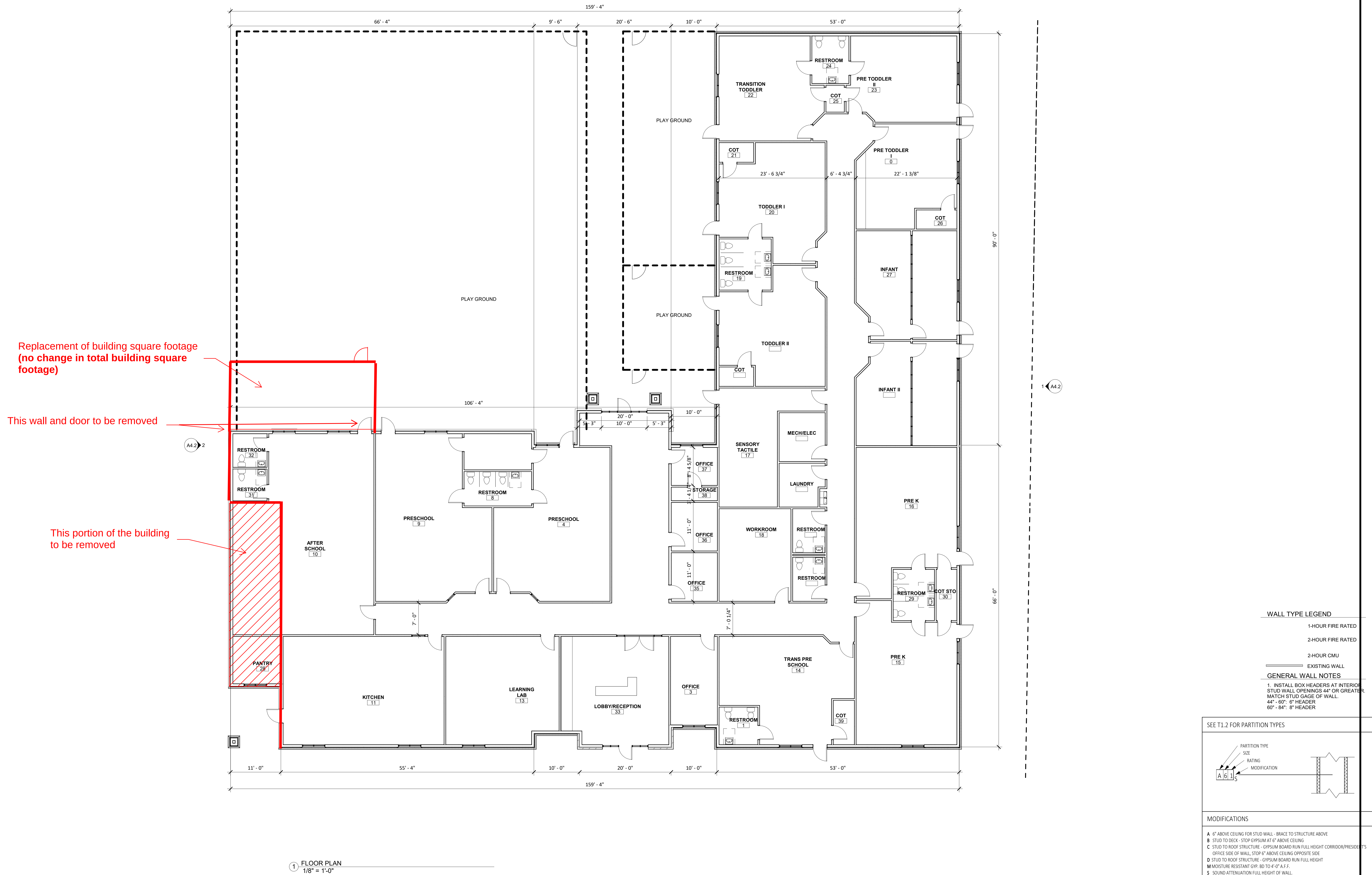
HensonFoley
Landscape Architecture
Civil Engineering
8712 Lindholm Dr Suite 202A, Huntersville NC 28078
p: 704.875.1615 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399



3.10.2021

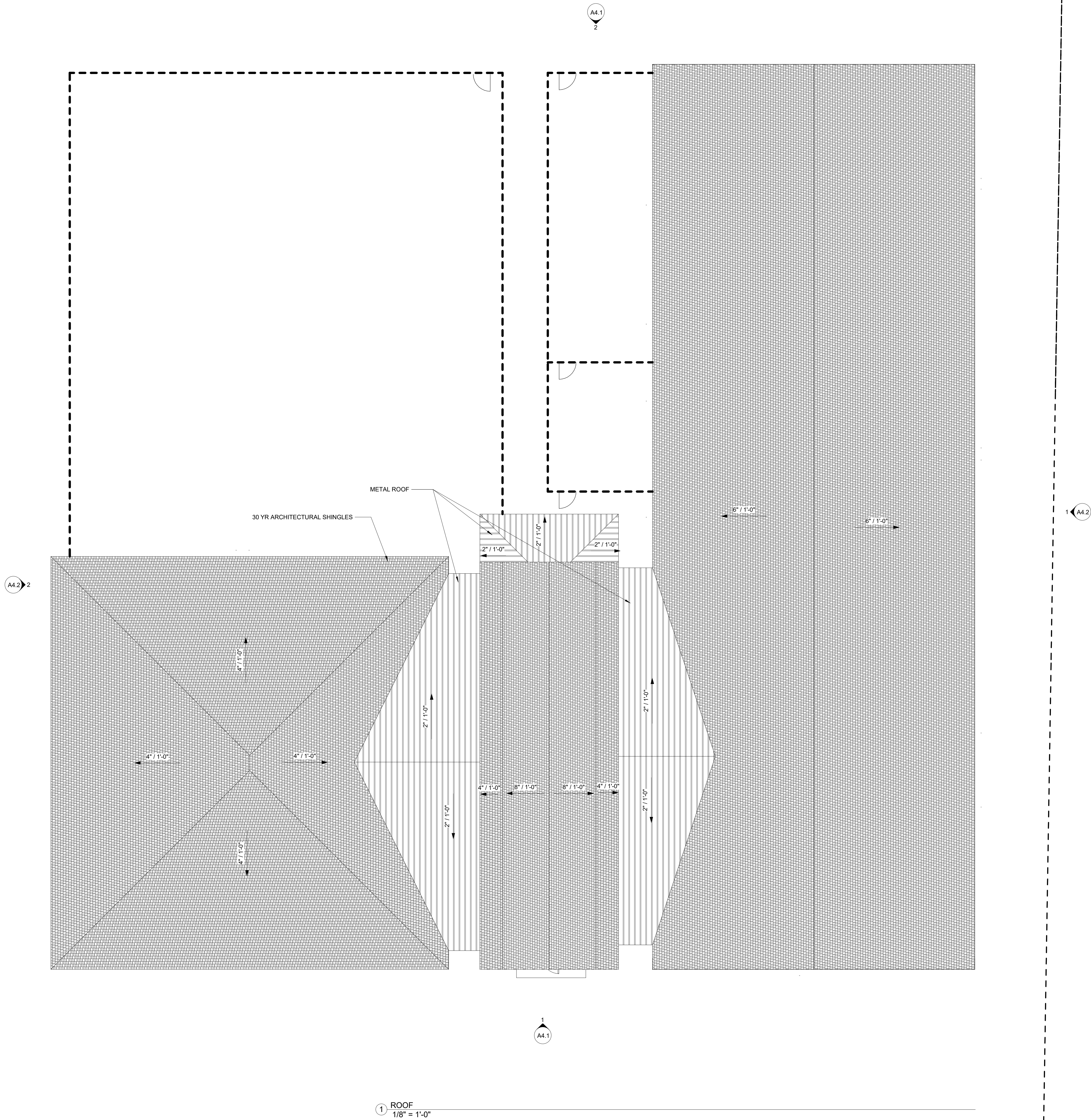
FLOOR PLAN
BOBBITT DESIGN BUILD

A1.1



COPYRIGHT © 2017 BOBBITT DESIGN BUILD, INC. ALL RIGHTS RESERVED.

3/15/2021 11:18:37 AM
C:\Users\Bobbitt\OneDrive\Documents\Huntersville Preschool.dwg
3/15/2021 11:18:37 AM

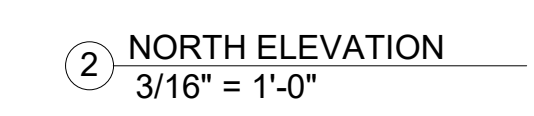
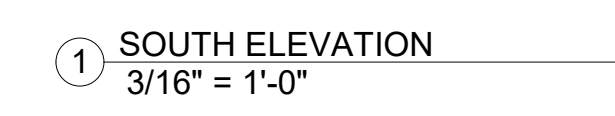


3.10.2021

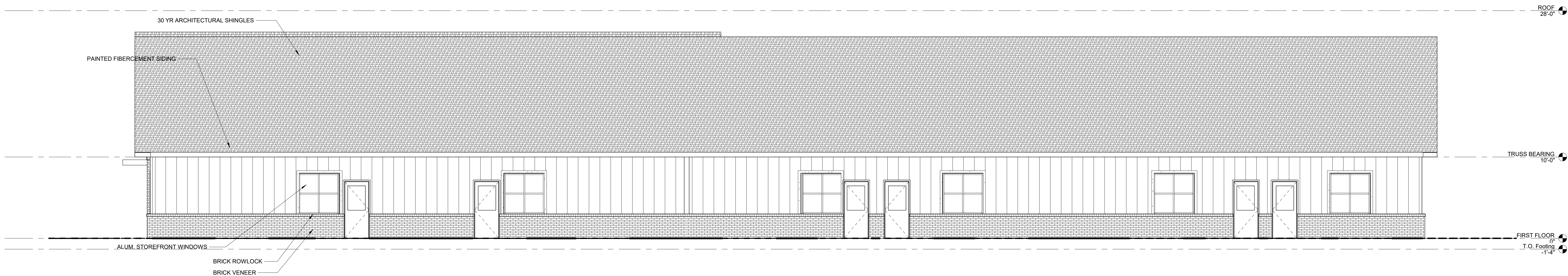
ELEVATIONS
BOBBITT DESIGN BUILD

21-002

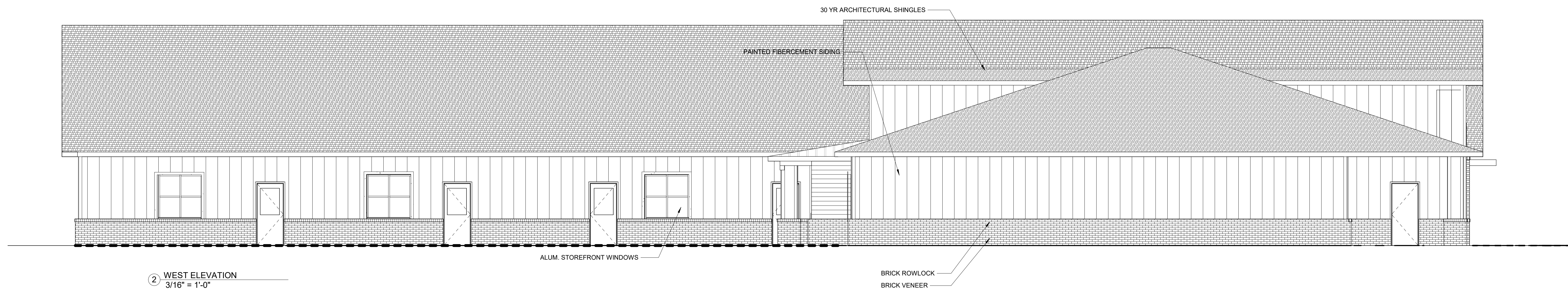
A4.1



3/10/2021 11:18:37 AM
H:\Users\Bobbitt\OneDrive\Documents\Huntersville Preschool\Huntersville Preschool.dwg
3/10/2021 11:18:37 AM



1 EAST ELEVATION
3/16" = 1'-0"



2 WEST ELEVATION
3/16" = 1'-0"



3 3D View 2



Memorandum

To: Whom It May Concern

From: Kyshia Lineberger
Huntersville Community Preschool

Date: April 16, 2020

RE: Parking/Traffic and Notice

We understand that traffic and cut thru is an important issue for the two neighborhoods surrounding the proposed Huntersville Community Preschool site. In recognizing the effort to work together, we commit to:

- 1) Document in our Parent Handbook the need for customers and staff to not use the neighborhoods as a cut thru route. (Which all parents and staff sign a receipt of handbook upon enrollment and hire).
- 2) We will also verbally address this at the time of enrollment and/or hire of staff.
- 3) We keep all customer and staff license plates on file for security reasons and can utilize that to assist if there is an issue in the neighborhood.
- 4) We will post a professional, clear sign at the parking area asking customers and staff to not use the neighborhood as a cut thru route.

Our preschool is a COMMUNITY preschool, that means working together. We hope this helps begin that process. Thank you.

K. Lineberger

From: Bradley Priest
Sent: Thursday, April 8, 2021 2:30 PM
To: Board Members
Cc: Anthony Roberts; Jack Simoneau; Emily Sloop
Subject: Day Care / Preschool Question Follow Up

Good afternoon. This email is to follow up on Commissioner Stacy Phillips question from Monday night's public hearing concerning the State's differentiation between a preschool and a Day Care Center. Staff has followed up with a Supervisor with the North Carolina Department of Human Health and Services (NCHHS) Division of Child Development and Early Education. Please find staff's update from the conversation below.

The State does not assign or label early child programs as "pre-schools", but there is a discernable difference between how a Child Care Center and a school is administered by the State. All child care facilities including Day Care Centers are required to obtain a Child Care License (if providing supervision for more than 3 children, more than once a week, less than 13 years old, more than 4 hours a day). However an exemption to the required Child Care License is provided for public and non-public schools. If an applicant qualifies as a school, that program would not have to obtain the Child Care License as a Day Care Center would. Therein lies the difference between the Day Care Center and a "preschool" as viewed by the State of North Carolina.

In order to qualify as a non-public school, and therefore be exempted from the Child Care license, ALL age groups of the school program would need to be:

1. Accredited by the State Board of Education, or
2. Accredited by a National or Regional Accrediting Agency, or
3. An active member of the North Carolina Association of Independent Schools

It was noted by the State supervisor that if a program received accreditation for the 3 year to 5 year old age group but also offered supervisory care for infants, a Child Care License would still be required. It was also explained that an adopted, purchased, or referenced education curriculum used by a child care program would not exempt a facility from the Child Care License, only accreditation of all age groups would (however a curriculum would assist the program in

accreditation). It was also commented that accreditation by the above agencies for infants was very unusual and not ever seen by the supervisor staff consulted.

The applicant for the Huntersville Day Care noted at the public hearing that the program proposed will be a 5 star facility. Per the State, the 5 star rankings classification is an aspect and function of the Child Care Licensing system itself. Thus it seems the applicant is planning to be subject to and function under the Child Care License and not be exempted as a non-public school.

Therefore staff's determination about the proposed facility being a day care and not a preschool seems consistent with the State's Child Care licensing program. Staff does not recall the applicant ever questioning the determination of whether or not they are a Day Care Center. Prior to submitting the formal rezoning application, the applicants went to the "pre-development group" to discuss the proposed rezoning for a day care facility. However if the applicant wishes, they have the right to appeal the Zoning Administrator's decision to the Huntersville Board of Adjustment per Article 11.3.2 B. If the applicant has evidence of accreditation from the above mentioned agencies or can show that the Child Care License does not apply to their program, that information may prove beneficial in an appeal. If you have any questions or need additional information, please let me know. Thanks.

Bradley D. Priest, AICP

Principal Planner

Town of Huntersville

704-766-2214

105 Gilead Road – Third Floor

bpriest@huntersville.org

www.huntersville.org





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 11/24/2020

Name of Project Sam Furr Daycare Phase # (if subdivision) _____

Project Address 10205 Sam Furr Rd, Huntersville NC 28078

Parcel Identification Number(s) (PIN) 00531101

Current Zoning District GR Proposed District (for rezoning only) HC-CD

Property Size (acres) 4.98 acres Street Frontage (feet) 146 feet

Current Land Use Single Family Residential

Proposed Land Use(s) Daycare Facility

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.
We would like to rezone this property to development a Daycare Facility. This would include a 16,000 sf building, associated parking, and stormwater detention pond.

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 The Montgomery Company, LLC Phone 803-743-6980
☐ 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 for Special Use Permits and Subdivisions)

Signature [Signature]
 Title Developer Email mattm@montgomery-co.com
 Address of Applicant 1919 Augusta Hwy, Lexington, SC 29071

7. Property Owner (if different than applicant)

*Printed Name TIESSORT INVESTMENTS LLC 1 Phone 704-622-3679
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: LLP

☐ 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 for Special Use Permits and Subdivisions)

→ Signature [Signature] Printed Name DAVEN TIESSORT
 Title Owner Email DT1948@BELL SOUTH.NET
 Address of Property Owner 9707 BLACK ROAD, MIDLAND, NC 28107
 * 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 application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), 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.

8. Development/Design Firm Contact Information

<u>THE MONTGOMERY COMPANY</u>	<u>Matt Montgomery</u>	<u>803 743 6980</u>	<u>MATT@MONTGOMERY-CO.COM</u>
Development Firm	Name of Contact	Phone	Email
<u>Henson Foley Design</u>	<u>Jay Henson</u>	<u>704-8751615</u>	<u>jay@hensonfoley.com</u>
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



Adequate Public Facilities (APF) Application

Section I: Background Information

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

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

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

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

No application for a Development Proposal shall be accepted by the Town, until a Determination of Adequacy has been issued by the Zoning Administrator, pursuant to Article 13 of the Zoning Ordinance and other applicable Town Laws.

The APFO tests the capacity of three (3) Public Facilities to determine whether each is sufficient to absorb the impacts of the Development Proposal when it submitted. They are:

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

To Be Completed By Town Planning Department Staff	
Date Received:	
Application Complete:	☐ Yes ☐ No
Received By:	

Section II: Development Project Information

Please provide the following information:

Name of Applicant:

Address of Applicant:

Name of Property Owner:

Address of Subject Property:

Zoning – Current:

Zoning – Proposed:

Applicant Phone Number(s):

Subject Property Parcel ID(s):

Number of Phases:

Total Area (Square Feet):

If this Development Proposal will be phased, please see Section III below.

Number of Phases Included in this APF Request:

Total Project Area Included in this APF Request:

Number of Phases Included in TIA Request (if applicable):

Total Project Area Included in TIA Request (if applicable):

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

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

N/A

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

Non-Residential Land Uses Proposed

Square Feet Gross Floor Area

Daycare Facility

16,000 sf

Residential Land Uses Proposed (Indicate Single/Multi-Family)

Number of New Dwelling Units

Section III: Phasing

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

N/A

Section IV: Past of Proposed Public Facility Contributions

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

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

Applicant

Printed Name The Montgomery Company, LLC Phone 803-743-6980

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

Signature [Signature]

Title Developer Email mattm@montgomery-co.com

Address of Applicant 1919 Augusta Hwy, Lexington, SC 29072

Property Owner (if different than applicant)

Printed Name TIETSOFT INVESTMENTS LLC 1 Phone 704-622-3679

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

Signature [Signature]

Title Owner Email DT1948@BELL SOUTH.NET

Address of Property Owner 9707 BUCK ROAD, MIDLAND, NC 28107

* 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.

From: Stephen Trott
Sent: Wednesday, March 17, 2021 2:06 PM
To: Bradley Priest
Cc: Benjamin Brill
Subject: FW: [External] RE: 190646 Sam Furr Road Development

Brad,

See below.

Stephen Trott, PE
Director of Engineering
Town of Huntersville, NC
704-766-2017

From: Stephen Trott
Sent: Friday, August 21, 2020 3:59 PM
To: Dionne Brown <DBrown@davenportworld.com>
Cc: Frank Amenya <famenya@davenportworld.com>; Taylor, Wendy A <wataylor1@ncdot.gov>; Wagner, Leah P <lwagner@ncdot.gov>; Tagliaferri, Anthony <atagliaferri@ncdot.gov>; Benjamin Brill <bbrill@huntersville.org>; Bradley Priest <bpriest@huntersville.org>
Subject: RE: [External] RE: 190646 Sam Furr Road Development

Dionne,

The TIA is acceptable as a final version. Two hard copies of the study are needed. Those can be either mailed to PO Box 664, Huntersville, NC 28070 or delivered to 105 Gilead Road, Suite 300, Huntersville, NC 28078.

Based on the results and improvements identified in the study, the following improvements will be recommended to be the responsibility of the developer to the Town Board as part of the rezoning process:

NC 115 at NC 73

- Construct a second northbound left-turn lane on NC 115 with 275 feet of storage (modify signal phasing as needed to meet NCDOT requirements)

NC 73 at site entrance

- Construct a westbound right-turn lane on NC 73 with 75 feet of storage

Stephen Trott, P.E.
Director of Engineering
Town of Huntersville, NC
704-766-2220

From: Dionne Brown <DBrown@davenportworld.com>
Sent: Friday, August 14, 2020 9:07 AM
To: Stephen Trott <strott@huntersville.org>
Cc: Frank Amenya <famenya@davenportworld.com>; Taylor, Wendy A <wataylor1@ncdot.gov>; Wagner, Leah P <lwagner@ncdot.gov>; Benjamin Brill <bbrill@huntersville.org>; Bradley Priest <bpriest@huntersville.org>; Tagliaferri, Anthony <atagliaferri@ncdot.gov>
Subject: RE: [External] RE: 190646 Sam Furr Road Development

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 All,

Attached you will find the revised TIA to address the comments.

Will you all require hard copies? If so, please let me know how many and where to send.

If you have any questions, please let me know.

Thank you



Dionne Brown, PE | Project Manager I
DAVENPORT
4600 Marriott Drive, Suite 350 | Raleigh, NC 27612
t (919) 324-1665 ext: 24402
[website](#) | [map](#) | [email](#)

From: Stephen Trott <strott@huntersville.org>
Sent: Tuesday, July 28, 2020 11:13 AM
To: Dionne Brown <DBrown@davenportworld.com>
Cc: Frank Amenya <famenya@davenportworld.com>; Andrew Hayes <AHayes@davenportworld.com>; Taylor, Wendy A <wataylor1@ncdot.gov>; Wagner, Leah P <lwagner@ncdot.gov>; Benjamin Brill <bbrill@huntersville.org>; Bradley Priest <bpriest@huntersville.org>; Tagliaferri, Anthony <atagliaferri@ncdot.gov>
Subject: RE: [External] RE: 190646 Sam Furr Road Development

Dionne,

As it has been a few months since the last correspondence on the project, I am following up with you on the status of submission of a revised TIA to address the comments.

Is this project still moving forward?

Stephen Trott, PE
Director of Engineering
Town of Huntersville, NC

704-766-2220

From: Tagliaferri, Anthony <atagliaferri@ncdot.gov>
Sent: Tuesday, April 14, 2020 10:43 AM
To: Dionne Brown <DBrown@davenportworld.com>; Stephen Trott <strott@huntersville.org>
Cc: Frank Amenya <famenya@davenportworld.com>; Andrew Hayes <AHayes@davenportworld.com>; Taylor, Wendy A <wataylor1@ncdot.gov>; Wagner, Leah P <lwagner@ncdot.gov>; Benjamin Brill <bbrill@huntersville.org>; Bradley Priest <bpriest@huntersville.org>
Subject: RE: [External] RE: 190646 Sam Furr Road Development

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.

Dionne,

The plans were created by developers and the signal upgrades will be funded by developers. They have designed the new signal plans but they have not reached the point of their developments where these improvements have been required nor have they constructed them yet.

Thanks,

Tony Tagliaferri, PE
Division 10 Traffic Engineer
North Carolina Department of Transportation

704 983 4400 Office
atagliaferri@ncdot.gov

From: Dionne Brown <DBrown@davenportworld.com>
Sent: Tuesday, April 14, 2020 9:42 AM
To: Stephen Trott <strott@huntersville.org>; Tagliaferri, Anthony <atagliaferri@ncdot.gov>
Cc: Frank Amenya <famenya@davenportworld.com>; Andrew Hayes <AHayes@davenportworld.com>; Taylor, Wendy A <wataylor1@ncdot.gov>; Wagner, Leah P <lwagner@ncdot.gov>; Benjamin Brill <bbrill@huntersville.org>; Bradley Priest <bpriest@huntersville.org>
Subject: [External] RE: 190646 Sam Furr Road Development

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Thank you Stephen for the comments that I will address.

Tony, question for you, NCDOT has "upgraded" signal plans for US 21 at NC 73 and NC 115 at NC 73 available on the website. Do you know why there would be upgraded plans if there is not a project on the books? These plans have dual left northbound turn lanes. I have attached the plans.



Dionne Brown, PE | Project Manager I
DAVENPORT
4600 Marriott Drive, Suite 350 | Raleigh, NC 27612
t (919) 324-1665 ext: 24402
[website](#) | [map](#) | [email](#)

From: Stephen Trott <strott@huntersville.org>
Sent: Tuesday, April 7, 2020 11:25 AM
To: Dionne Brown <DBrown@davenportworld.com>
Cc: Frank Amenya <famenya@davenportworld.com>; Andrew Hayes <AHayes@davenportworld.com>; wataylor1@ncdot.gov; lwagner@ncdot.gov; Tagliaferri, Anthony <atagliaferri@ncdot.gov>; Benjamin Brill <bbrill@huntersville.org>; Bradley Priest <bpriest@huntersville.org>
Subject: RE: 190646 Sam Furr Road Development

Dionne,

After review of the TIA submitted on 3/23/20, I have the following comments:

- The TIA indicates that there are currently dual northbound left-turn lanes on NC 115 at NC73. Only one northbound left-turn lane exists today. As this improvement is not under construction nor in a funded Town or NCDOT project, it needs to be removed from current and future year analysis. This will change all analysis results at this intersection. (Note: if the ICU percentage of an intersection warrants mitigation per Article 14 of the Zoning Ordinance, identification of the improvement to mitigate the intersection is required.)
- ICU percentages in table 5.2 should show the ICU value to the first decimal place.
- Traffic counts for the morning and afternoon periods per the Town TIA Manual and scoping package were to be from 6-9am and 4-7pm. Traffic count data in the Appendix only included from 7-9am and 4-6pm. If this data was the only data collected, and due to the pandemic, cannot be recounted, the reduced duration is allowable in this case.
- Include the NCDOT turn lane warrant graph analysis for the site driveway.
- Recommend the use of actual lane widths, truck percentages (if captured in the counts), speed limits in the analysis.
- There is an inconsistency in the turn lane storage length recommendation for the right turn lane at the site driveway.

Please address the above comments and submit a revised TIA for review.

Thank you.

Stephen Trott, P.E.
Director of Engineering
Town of Huntersville, NC
704-766-2220

From: Dionne Brown <DBrown@davenportworld.com>
Sent: Monday, March 23, 2020 10:31 AM
To: Stephen Trott <strott@huntersville.org>; Bradley Priest <bpriest@huntersville.org>; Benjamin Brill

<bbrill@huntersville.org>; Tagliaferri, Anthony <atagliaferri@ncdot.gov>; lwagner@ncdot.gov;
wataylor1@ncdot.gov

Cc: Frank Amenya <famenya@davenportworld.com>; Andrew Hayes <AHayes@davenportworld.com>

Subject: 190646 Sam Furr Road Development

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 All,

Attached you will find the FINAL TIA and synchro files for the proposed development for your review.

Please let me know if you will still require hard copies for submittals.



Dionne Brown, PE | Project Manager I
DAVENPORT
4600 Marriott Drive, Suite 350 | Raleigh, NC 27612
t (919) 324-1665 ext: 24402
[website](#) | [map](#) | [email](#)

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.



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

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create one hundred (100) or more peak hour vehicle trips or 1,000 or more daily trips.

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

Applicant: HensonFoley

Project Name: Huntersville Community Preschool/Daycare

Project Address: 16,000 sf daycare center

Project Description (including square footage for each proposed land use):
16,000 sf daycare center

Applicant

Printed Name HensonFoley Phone 704-875-1615

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

Signature Jay P. Henson

Title Partner Email jay@hensonfoley.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 1/29/2021

Daily Trips Anticipated 762

Peak Hour Trips Anticipated AM 176 PM 178

TIA Required (Yes/No) Yes

Date of Determination: 1/29/2021

Comments: Determination made based on a 16,000 sq ft daycare

Huntersville Community Daycare/Preschool
Neighborhood Meeting
2/10/2021

The meeting was called to order at 6PM by Kyshia Lineberger, Project Owner. Also in attendance were Jay Henson, HensonFoley and Matt Montgomery, Project Director. Approximately 7 people attended in-person and 50 on line.

Ms. Lineberger gave a presentation of the school and her past schools with 20 years of experience.

Most of the questions centered on the stormwater run-off on the property and how it would be handled by the detention pond. Several homeowners already have water problems and are looking for solutions.

Below are a few questions that were asked and they were addressed:

-A site in Ballantyne was used as an example of runoff that impacted other properties-primarily sediment runoff during grading. **Response: The Ballantyne site was not designed by HensonFoley nor was it within the Town of Huntersville. It would be speculative to comment on those issues. Landforms on site and at discharge points are different for each site.**

-Will the building and parking lot drain across the the property onto the neighbors. **Response: The building and parking lot are designed to capture the runoff in an underground system and discharged into the pond. The pond controls the stormwater release rate to the existing conditions. In addition, curbing, roof drains, and a "bowl" shaped parking lot direct water away from the adjacent properties and into the pond. The pond will discharge into the existing drainage swale to the Northeast, across the grass to the north, and into a large storm drainage pipe to the north.**

-What measures or criteria will be used for the storm drainage system? **Response: The Town of Huntersville will require the 2 year, 10 year storm to be detained at the existing release rate. The 50 year storm will need to be designed to pass through the dam without erosion. Also, water quality measures are required (sand filter) to allow infiltration into the existing soil. The sand filter removes particles/pollutants from the parking lot. As an additional measure, the owner has agreed to exceed the requirements and enlarge the pond to detain the 25 year storm.**

-Can the pond be shifted slightly westward to give additional buffer. **Response: Yes, the owner has agreed to accommodate this request.**

-Can the owner add additional landscaping on the east side of the pond? **Response: Yes, the owner has agreed to provide additional screening.**

Other questions about traffic and drop off/pick up patterns were addressed by Jay Henson. Ms. Lineberger explained this was not like a regular school with a set start and end time. The drop offs are spread over a 2 ½ hour period and the same in the afternoon/evening. This type of system eliminates the drop off and stacking issues.

-Can the owner do something to help with cut through traffic? ***Response: The owner has agreed to mention this request at the parent meetings. In addition, the owner will provide handouts to parents as well as a sign on site to remind parents to limit access through the neighborhoods. It was also mentioned that the hope would be for some of the families in those neighborhoods to utilize the preschool.***

-Safety of the property also was considered for after hours and weekends. A gate to close the parking lot was suggested.

The meeting was adjourned at 8:00 pm .

OWNER LAST		OWNER FIRST	
TIETSORT INVESTMENTS LLLP I			
OWNER LAST		OWNER FIRST	
ACKER		KEVIN R	
AMH NC PROPERTIES LP			
BARNES		RODERICK	
BEHAN		JOSEPH P	
BELLUS		RICHARD J	
BHANDERI		HITESH S	
BRYAN		JOHN D	
C & E INVESTMENTS LLC			
COUSEN		ALLEN B	
ERSLK		DONNA J	
FASSIL		MARTHA T	
FENTON		BRYAN LEE	
FKH SFR PROPCO A LP			
FOX		ANGELA C	
FRAZIER		FREDA H	
GANIM		YASEIN	
HATCHER		GENE	
HINE		RACHEL	
HUNTER		SUSAN K	
KINCER		MARK ALLEN	
LAMBERT		THOMAS CRAVEN	
LE		HIEP PHUOC	
LOVE		KENNETH SR	
NERVI		AARON	
OATES		KENNETH A III	
PAWLOWSKA		DAGMARA KATARZYNA	
PERKINS		JOSHUA D	
PERNSTICH		ANDREA	
PINKSTON		RAYMOND MICHAEL	
PROGRESS RESIDENTIAL BORROWER 3 LLC			
REHAK		RICHARD D	
RUNYON		DOUGLAS J	
SANDERS		S	
SIFFORD		JAMES H	
SLAVIK		MICHAEL F	
STARNES		TIMOTHY R	
THOUSAND		JEFFREY	
TOMPKINS		MARCUS E	
TOWN OF HUNTERSVILLE			
OWNER LAST		OWNER FIRST	
CALDWELL STATION HOMEOWNERS ASSOCIATION INC		ASSOC INC	
CAMBRIDGE GROVE HOMEOWNERS		HOMEOWNERS ASSOCIATION IN	
HAMPTON AT NORTHCROSS		ASSOCIATION OF CHARLOTTE	
HAMPTON RIDGE HOMEOWNERS			

PROPERTY IN REZONING			
CO-OWNER FIRST	CO-OWNER LAST	MAILING ADDRESS	CITY
		9707 BLACK RD	MIDLAND

PROPERTIES WITHIN 250' OF REZONING

CO-OWNER FIRST	CO-OWNER LAST	MAILING ADDRESS	CITY
HEIDI	ACKER	10120 TRUITT CT	HUNTERSVILLE
		30601 AGOURA RD SUITE 200	AGOURA HILLS
MIA F	BARNES	10305 BERNICK WAY LN	HUNTERSVILLE
REBECCA	BEHAN	10214 GLENCREST DR	HUNTERSVILLE
ROSEANN M	BELLUS	16838 HAMPTON CROSSING DR	HUNTERSVILLE
DIPTI	BHANDERI	16634 SUTTERS RUN LN	HUNTERSVILLE
DAYNA G	BRYAN	16813 HAMPTON CROSSING DR	HUNTERSVILLE
		999 GREEN ST UNIT 1505	SAN FRANCISCO
MARLENE B	COUSEN	16820 HAMPTON CROSSING DR	HUNTERSVILLE
		10119 DREW CT	HUNTERSVILLE
		10121 TRUITT CT	HUNTERSVILLE
KATHERINE ANN	FENTON	16825 HAMPTON CROSSING DR	HUNTERSVILLE
	C/O FIRSTKEY HOMES LLC	1850 PARKWAY PL STE 900	MARIETTA
		10308 GLENCREST DR	HUNTERSVILLE
		16831 HAMPTON CROSSING DR	HUNTERSVILLE
YASMEEN	WAHDAN	16724 HAMPTON CROSSING DR	HUNTERSVILLE
AMY	HATCHER	16806 HAMPTON CROSSING DR	HUNTERSVILLE
JOHN GEORGE	DAHLSTRAND	16725 HAMPTON CROSSING DR	CORNELIUS
		16731 HAMPTON CROSSING DR	HUNTERSVILLE
ANN P	KINCER	16626 SUTTERS RUN LN	HUNTERSVILLE
	WANDA HUDSON	10332 SAM FURR RD	HUNTERSVILLE
		10315 BERNICK WAY LN	HUNTERSVILLE
CYNTHIA M	LOVE	16812 HAMPTON CROSSING DR	HUNTERSVILLE
		10116 TRUIT CT	HUNTERSVILLE
JESSICA	OATES	10222 GLENCREST DR	HUNTERSVILLE
		10206 GLENCREST DR	HUNTERSVILLE
SUSAN E	PERKINS	16819 HAMPTON CROSSING DR	HUNTERSVILLE
		10316 GLENCREST DR	HUNTERSVILLE
NATALIE	PINKSTON	16826 HAMPTON CROSSING DR	HUNTERSVILLE
		PO BOX 4090	SCOTTSDALE
		10230 GLENCREST DR	HUNTERSVILLE
TRACY L	RUNYON	16719 HAMPTON CROSSING DR	HUNTERSVILLE
B	SANDERS	16730 HAMPTON CROSSING DR	HUNTERSVILLE
EVANGELINE T	SIFFORD	10309 BERNICK WAY LN	HUNTERSVILLE
LISA R	SLAVIK	222 CLARK RD	PLYMOUTH
SHEILA L	STARNES	16801 HAMPTON CROSSING DR	HUNTERSVILLE
DONNA	THOUSAND	16807 HAMPTON CROSSING DR	HUNTERSVILLE
KENDALL C	TOMPKINS	10111 DREW CT	HUNTERSVILLE
		PO BOX 664	HUNTERSVILLE

HOUSING ASSOCIATIONS WITHIN 2,000' OF REZONING

CO-OWNER FIRST	CO-OWNER LAST	MAILING ADDRESS	CITY
		919 NORLAND RD	CHARLOTTE
	C/O P G DEVELOPMENT	10590 INDEPENDENCE POINTE PKWY	MATTHEWS
		PO BOX 1320	HUNTERSVILLE
		5250 77 CENTER DR STE 350	CHARLOTTE

STATE ZIPCODE	
NC	28107

STATE ZIPCODE	
NC	28078
CA	91301
NC	28078
NC	28078
NC	28078
NC	28078
NC	28078
CA	94133
NC	28078
NC	28078
NC	28078
NC	28078
GA	30067
NC	28078
NC	28078
NC	28078
NC	28078
NC	28078
NC	28078
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NC	28078
NC	28078
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NC	28078
NC	28078
NC	28078
NC	28078
NC	28078
AZ	85261
NC	28078
NC	28078
NC	28078
NC	28078
MA	02360
NC	28078
NC	28078
NC	28078
NC	28078

STATE ZIPCODE	
NC	28203
NC	28105
NC	28070
NC	28217



PO BOX 664 | HUNTERSVILLE NORTH CAROLINA 28070

PUBLIC HEARING

Date: April 5, 2021
Time: 6:00 pm
Location: Huntersville Recreation Center 11836 Verhoeff Drive
(please view meeting agenda posted prior to meeting for current COVID-19 restrictions)

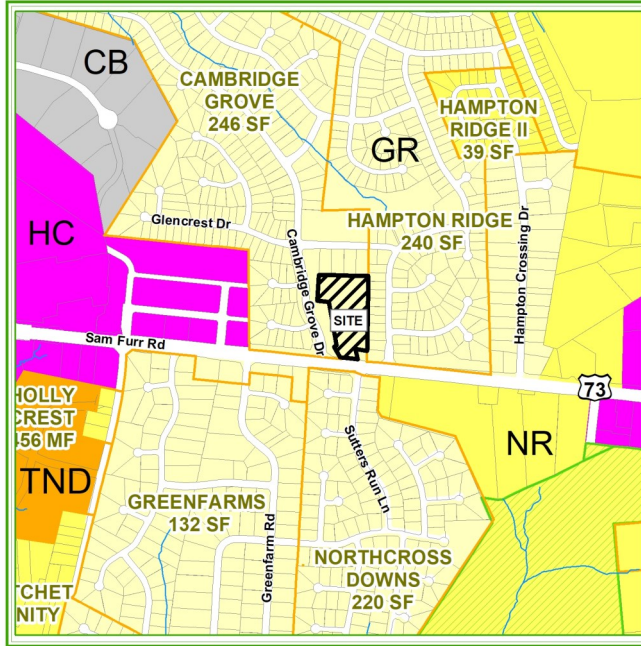
Applicant: The Montgomery Company, LLC
Project: R21-01 Huntersville Community Preschool/Daycare

Public Meeting Dates

Meeting Type	Purpose	Date & Time
Neighborhood Meeting	Informational	February 10, 2021
PUBLIC HEARING	Public Meeting	April 5, 2021 @ 6 pm
Planning Board	Recommendation	April 27, 2021 @ 6:30 pm
Town Board	Approval/Denial	May 17, 2021 @ 6 pm *

* Tentative—check www.huntersville.org for latest dates

PUBLIC NOTICE DATE APRIL 5, 2021 | R21-01 HUNTERSVILLE COMMUNITY PRESCHOOL/DAYCARE
NOTICE OF PUBLIC HEARING FOR REZONING REQUEST



Zoning Map Legend:

GR = General Residential Site = Location for rezoning
CB = Corporate Business NR = Neighborhood Residential
HC = Highway Commercial
TND = Traditional Neighborhood Development

An application has been submitted to rezone the 'Site' surrounded by Sam Furr Road and Cambridge Grove Drive.

CURRENT ZONING is General Residential (GR).

PROPOSED ZONING is Highway Commercial—Conditional District (HC-CD) to permit a day care center.

A public hearing 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: 1) In person at the Huntersville Recreation Center, or 2) by email to the Clerk at jpiereson@huntersville.org (until 24 hours after the close of the public hearing).

The Town Clerk may be reached by email at jpiereson@huntersville.org or by phone at 708-766-2202. In person attendance will be limited in accordance with the state of emergency restrictions in place as of the date of this hearing.

FOR ADDITIONAL INFORMATION

Contact: Brad Priest, Principal Planner

Phone: 704-766-2214

Email: bpriest@huntersville.org

Online: www.huntersville.org - search: **R21-01**

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0015886****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

CLT - Legal Ads

Final Cost:

78.20

Payment Type:

Account Billed

User ID:

IPL0021908

PREVIEW FOR AD NUMBER IPL00158860**NOTICE OF PUBLIC HEARING**

The public is put on notice that the Town of Huntersville will hold a public hearing on Monday, April 5, 2021 on the following petition. This public hearing will be held virtually or in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive Huntersville NC 28078. COVID-19 protocols will be in place for an in-person meeting, details regarding this will be available one week prior to the meeting, as published on the meeting agenda.

#R21-01, a conditional rezoning request by Tietsoort Investments LLLP I to rezone 10205 Sam Furr Road (Tax ID 00531101) from GR to HC-CD to develop a Day Care Center.

#TA21-04, a request by the Huntersville Board of Commissioners to amend Article 7.4.2 of the Huntersville Zoning Ordinance to establish an administrative staff review of tree mitigation applications.

The public is invited to attend the hearing and comment on the proposed changes. Substantial changes may occur to the request based on comments. For further information please contact the Planning Dept. at 704-875-7000, or go to www.huntersville.org.

W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

ACCOUNT INFORMATION

TOWN OF HUNTERSVILLE/ADMINISTRATOR IP
TOWN CLERK PO BOX 664
HUNTERSVILLE, NC 28078
704-875-6541
ccook@huntersville.org
TOWN OF HUNTERSVILLE/ADMINISTRATOR

TRANSACTION REPORT**Date**

11:06 AM - Mon, Mar 22, 2021

Amount:

78.20

SCHEDULE FOR AD NUMBER IPL00158860

Wed Mar 24, 2021
The Charlotte Observer
Wed Mar 31, 2021
The Charlotte Observer

**Town of
HUNTERSVILLE
North Carolina**

Sam Furr Rd Neighborhoods

**Daycare Rezoning Task Force
Traffic & Safety Subcommittee
16509 Rudyard Ln
Huntersville, NC 28078**

March 30, 2021

Town of Huntersville
Planning Department
Attn: Jack Simoneau, Planning Director
P.O. Box 664
Huntersville, NC 28070

---US Postal Service – Certified Mail ---

Re: Rezoning Case # R21-01
Huntersville Community Preschool/Daycare
10205 Sam Furr Rd, Huntersville, NC
Sam Furr Road Development Transportation Impact Analysis – dated August 14, 2020
(Davenport Project # 190646)

Dear Mr. Simoneau:

We are writing on behalf of the Sam Furr Rd Neighborhoods, comprised of The Hamptons, Hampton Ridge and Cambridge Grove neighborhoods, to formally notify the Town of Huntersville of what we consider to be significant errors and omissions in the Traffic Impact Analysis (TIA) referenced above. As outlined in Attachment 1 to this letter, our primary concern is the safety of our community, especially that of our children, which we believe will be adversely impacted by the proposed daycare.

We were surprised and disappointed that the scope of the TIA approved by the Town of Huntersville and the North Carolina Department of Transportation did not include a thorough safety analysis of changing traffic patterns within and associated with the neighborhoods. Based on the issues addressed by this letter, as well as other possible concerns that may be raised after further analysis, **we hereby request that the Town of Huntersville require the applicant to perform a supplemental safety analysis as well as address other issues raised herein concerning the current capacity study.**

Until such time that the revised reports have been published, reviewed by our neighborhoods and any questions satisfactorily addressed, **we also request that all currently scheduled Public Hearings, Planning Board Meetings and Town Board Meetings regarding the proposed rezoning be placed on hold.** In the spirit of the Town Comprehensive Development Plans 2030 and 2040, we appreciate the Town's commitment to respect existing neighborhoods and trust that the Town will honor our requests accordingly.

Please review this letter and associated attachment within the Town of Huntersville Planning Department as well as with the Town Board of Commissioners and Town Planning Board and advise on actions being taken to address the errors and omissions described herein by Monday, April 5, 2021. If there are any questions regarding the attachment, please contact us at the email addresses noted below.

March 30, 2021

Town of Huntersville Planning Department
Rezoning Case # R21-01

Sincerely yours,



Mary Colven
marybcolven@gmail.com



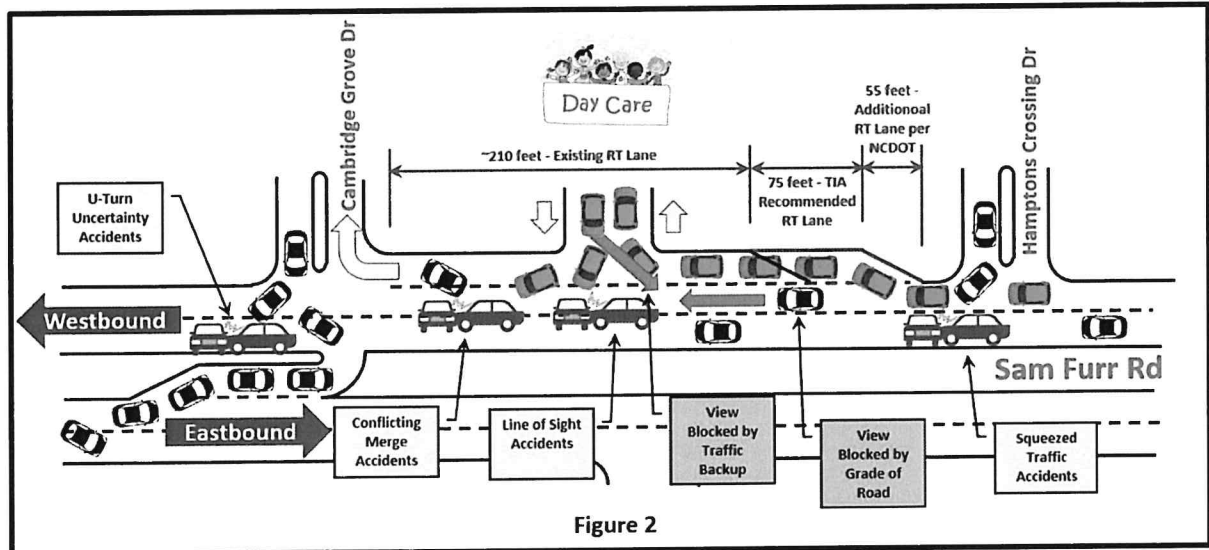
Richard Kirkman, PE
richardkirkman@hotmail.com



Randolph Peacock, PE-Retired
Randolph.c.peacock@gmail.com

cc: Stephen Swanick, Town of Huntersville Planning Board Chairman
Jennifer Davis, Town of Huntersville Planning Board Vice-Chairman
Greg Baber, Town of Huntersville Planning Board Member
Christopher Boyd, Town of Huntersville Planning Board Member
Frank Gammon, Town of Huntersville Planning Board Member
Catherine Graffy, Town of Huntersville Planning Board Member
Scott Hensley, Town of Huntersville Planning Board Member
Derek Partee, Town of Huntersville Planning Board Member
Jeff Sny, Town of Huntersville Planning Board Member
John Aneralla, Town of Huntersville Mayor
Melinda Bales, Town of Huntersville Mayor Pro-Tem
Dan Boone, Town of Huntersville Commissioner
Lance Munger, Town of Huntersville Commissioner
Brian Hines, Town of Huntersville Commissioner
Stacy Phillips, Town of Huntersville Commissioner
Nick Walsh, Town of Huntersville Commissioner
Elaine Powell, Mecklenburg County Board of Commissioners Vice-Chair
Bradley Priest, AICP, Town of Huntersville Principal Planner
Steven Trott, PE, Town of Huntersville Director of Engineering
Tony Tagliaferri, PE, NC DOT Division 10 Traffic Engineer
Dionne Brown, PE, Davenport Project Manager
Matthew Montgomery, Montgomery Company, LLC President
Duke Energy Emergency Planning

Town of Huntersville Planning Department
Rezoning Case # R21-01
Attachment 1



- i) **Squeezed Traffic Accidents:** Vehicles turning right from Hampton Crossing Dr onto westbound Sam Furr Rd may be blocked during peak rush hour due to daycare traffic in the limited right-turn lane extension possibly backing up onto Sam Furr Rd. Frustrated Hampton Ridge drivers may feel the need to jump onto Sam Furr Rd when limited opportunities to turn right present themselves.
 - ii) **Conflicting Merge Accidents:** Due to traffic turning right into the daycare, the effective length of the Cambridge Grove Dr right-turn lane is reduced. In addition, parents turning right out of the daycare entrance may choose to use part of that right-turn lane as a merge lane onto Sam Furr Rd (see Line of Sight Accidents below). As a result, frustrated drivers trying to enter the Cambridge Grove Dr right-turn lane may feel the need to jump into that lane in light of uncertainty on actions by daycare parents.
 - iii) **U-Turn Uncertainty Accidents:** Additional cut-through traffic into Cambridge Grove will increase the uncertainty on the part of vehicles wishing to turn right out of Cambridge Grove Dr as to which vehicles will choose to make U-Turns versus turning left into Cambridge Grove. This frustration, coupled with that associated congestion at the daycare entrance, will increase the possibility that frustrated drivers out of Cambridge Grove Dr will jump onto Sam Furr Rd in front of U-Turn traffic.
- c) **Line of Sight Accidents:** The sight distance required for a driver traveling at or near the design speed on Sam Furr Rd to safely stop their vehicle before reaching a stationary object ahead may be inadequate based on the current grading of Sam Furr Rd – see Figure 2 above. Backup traffic on westbound Sam Furr Rd by vehicles unable to merge into the daycare short right-turn lane or due to accidents associated with scenarios above would constitute such stationary objects. In addition, line of sight of vehicles exiting the daycare will be blocked by traffic turning right into the daycare, which could result in the exit traffic jumping onto Sam Furr Rd in front of on-coming traffic.

Town of Huntersville Planning Department
Rezoning Case # R21-01
Attachment 1

- d) As noted in the Duke Energy McGuire Nuclear Station 2021 Emergency Preparedness Information document, Sam Furr Rd is considered to be an emergency evacuation route. Restricted traffic or accidents addressed above may affect the flow of traffic in an emergency, which could endanger not only residents but those who depend on Sam Furr Rd to seek safety.
- e) In addition to the safety concerns noted above, there are also concerns related to expected traffic congestion including:
 - i) School bus delays resulting from traffic backed up on Hampton Crossings Dr due to traffic congestion associated with the daycare limited right-turn lane (i.e., resulting in students arriving late to school), and
 - ii) Eastbound Sam Furr Rd traffic being delayed due to probable back up of U-turn / left turn traffic into Cambridge Grove overflowing into the Sam Furr Rd left lane (i.e., also slowing emergency vehicles during rush hour traffic).

2) Specific Questions / Issues to be Addressed

- a) The Town of Huntersville's TIA requirements are for study of signalized intersections and major unsignalized intersections that are above the site trip thresholds for study. As a result, traffic below that threshold at Cambridge Grove Dr, Hampton Crossing Dr, Sutters Run Ln, Greenfarm Rd and Knoxwood Dr were not included in the referenced TIA. Due to current limited left turns from these neighborhood roads onto Sam Furr Rd, realistic traffic movements required as a consequence (e.g., U-Turns) result in unique and often hazardous traffic conditions that did not exist when the Sam Furr Rd subdivisions were planned. Introduction of daycare traffic into an already compromised situation presents further risk to the neighborhood drivers who bought their homes based on the original single road traffic design for Sam Furr Rd. In addition, possible cut-through traffic noted above could endanger neighborhood children at the school bus stop and neighborhood pool. It is not clear why a safety evaluation was not included in the TIA scope of work based on generally accepted professional engineering principles of ensuring the overall safety of the public. It is requested that such an evaluation be added to the TIA scope of work and a supplemental report be issued accordingly.
- b) The TIA noted that Davenport and the NCDOT accepted the shorter daycare right-turn lane length (i.e., 75 feet) in spite of the fact that NCDOT guidelines require a longer right-turn lane to safely access the daycare on a major highway (i.e., 125 feet). No evaluation of possible consequences was provided, including backup of traffic onto westbound Sam Furr Rd through lanes that could result in unsafe conditions at the Hampton Crossing Dr intersection and lower visibility of westbound Sam Furr Rd through traffic for drivers turning right out of the daycare. It is requested that the compromise on right-turn lane length be justified in consideration of these possible consequences.
- c) From a review of the Sight Distance Profile (see Figure 3) included in the Rezoning Package, it appears the profile grades were generated by use of GIS data versus an on-site survey using established vertical control. From experience and through consultation with a local Heavy-Highway PLS, GIS surveys lack the accuracy needed to perform a survey of this scope, especially considering the rough GIS topo indicates the sight distance is just a few inches from being non-compliant. It is requested that a vertical survey control be established, and a proper on-site survey be performed by a NC Professional Land Surveyor (PLS) to determine the true Sight Distance Profile.

Town of Huntersville Planning Department
Rezoning Case # R21-01
Attachment 1

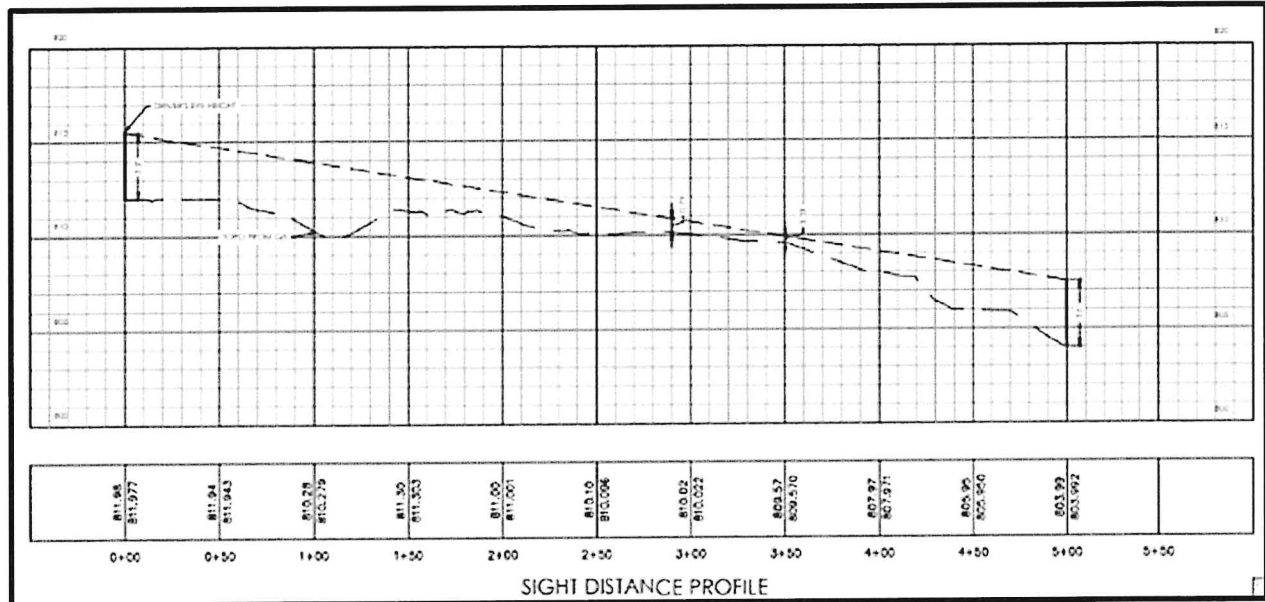


Figure 3

- d) It was noted in the Town of Huntersville April 7, 2020 email to Dionne Brown (see Figure 4) the TIA traffic count failed to follow the Town's TIA Manual by collecting data at reduced morning and afternoon timeframes. There is a concern that reducing the morning data collection window will fail to capture the trips generated and ADT for those vehicles/buses traveling to local schools every morning between 6:15AM and 7AM. School starts early in this area and thousands of students on buses and in personal vehicles are traveling eastbound Sam Furr Rd and attempting to turn left onto Old Statesville Rd North. Based on pre-pandemic experience, the left turn storage on eastbound Sam Furr Rd to northbound Old Statesville Rd is inadequate (or traffic signal timing off), causing unsafe overflow and stacking in the left through lane on Sam Furr Rd. It is requested that a new TIA be performed to capture the timeframes indicated in the Town's TIA Manual in order to ensure full compliance (i.e., rezoning schedules should not take priority over performing thorough evaluations).

- Traffic counts for the morning and afternoon periods per the Town TIA Manual and scoping package were to be from 6-9am and 4-7pm. Traffic count data in the Appendix only included from 7-9am and 4-6pm. If this data was the only data collected, and due to the pandemic, cannot be recounted, the reduced duration is allowable in this case.

Figure 4

- e) Since adversely affecting emergency evacuation traffic on Sam Furr Rd could impact the operating license for Duke Energy's McGuire Nuclear Station, which could be a reportable item to the US Nuclear Regulatory Commission, it is requested that Duke Energy review the updated TIA and formally document whether or not there is an impact.

1 ☐ **Cambridge Grove, Hampton Ridge, The Hamptons Task Force**

Public Hearings for R21-01 Childcare Project- April 5, 2021

2 ☐ **Zoning- Message 1**

Hello,

My name is Beryl Jackson, I've lived in the Hampton Ridge community for over 24 years. I am a board member on our HOA, a former member of the Huntersville planning board and I love this community.

My message today is about rezoning.

According to Merriam Webster spot zoning is defined as:

○ "The rezoning of a small parcel of land within the limits of another zone that is illegal when not done in accordance with a comprehensive zoning plan or when arbitrary or discriminatory." Please refer to the staff report illustration of the subject property and the contiguous zones.

○ According to NC General statute § 160A-383 zoning must be done in accordance with a comprehensive development plan. The Cambridge Grove, Hampton Ridge and The Hamptons Task Force has studied both the 2030 plan and the 2040 plan and neither includes the parcel at 10205 Sam Furr Rd. as one of the areas targeted for major development by the two plans. Rather the 2040 plan indicates the plan will protect existing housing stock (pg68 Policy LU11) "by using planning tools that will safeguard (them) from potentially negative impacts of development and redevelopment."

○ There is a cluster of more 872 single family homes zoned general residential that surround the parcel. Research conducted by our communities indicates a majority of the homeowners are not in favor of a change from general residential to highway commercial.

○ Is this rezoning reasonable and in the public interests? And is this zoning change, in character, with the existing district? In the new 2040 Plan we are characterized as Town Core. pg 54 / *interpret that to mean we are the heart of this community.*

3 ☐ **Zoning- Message 2**

Hello,

My name is Beryl Jackson, I've lived in the Hampton Ridge community for over 24 years.

○ I wish to speak on the topic of rezoning of the parcel at 10205 Sam Furr Rd. Huntersville

○ Homeowners fear negative impacts on their property due to the change in zoning from residential to commercial

○ 78% of Cambridge Grove and Hampton Ridge residents oppose rezoning.

○ If we are looking forward, while thinking back- think about when our neighborhood was built. Common open spaces were all the buzz. And we have very proudly owned and maintained both our personal property and the common open space for over 24 years. Now we are faced with multiple concerns resulting from the prospect of the property adjacent to our homes being rezoned from residential to commercial.

○ We fear:

○ loss of property value

○ Potential flooding of multiple properties in two communities adjacent to the proposed site

○ And most of all more traffic on top of an already challenging segment of Hwy 73

○ A large commercial building footprint and paved parking is inconsistent with the

surrounding single family properties.

O The disturbance of the permeable soil despite the storm control measure could result in flooding spill over into adjacent properties. We have pictures of similar properties in the county where the storm water control measure (SCM) has not only failed but flooded onto adjacent single family homes on its way to the storm water drains.

O Is this zoning change designed to promote the public health, safety, and general welfare of our neighborhoods?

4 ☐ **Spot Zoning- Message 3**

Hello,

My name is Richard Colven, I've lived in The Hamptons community for over ____ years.

A survey conducted in early March shows that 89% of residents in THE HAMPTONS oppose commercial rezoning on this specific property

My message today is about rezoning.

There have been multiple precedent setting litigations across North Carolina when elected and appointed officials have yielded to pressure of investors or property owners and failed to look at the needs of the adjacent communities. Courts rule against a scattered pattern of land use designation.

One such case law example is Blade vs the City of Raleigh. This case involved rezoning a 5-acre tract in the midst of a large single-family zoning district to a multifamily district in order to allow for the construction of twenty townhouses. The court found that no reason was offered for treating this property differently and that the character of the existing neighborhood might be greatly harmed as a result.

This was 20 townhomes with a possible 20-40+ vehicles a day. The traffic study suggest 782 trips layered into this 0.2 mile stretch of Sam Furr Rd.

most of which are during peak commuting periods. We have other speakers from our Childcare Task Force traffic subcommittee who will share the data and scenarios we have researched.

Is this zoning change designed to promote the public health, safety, and general welfare or will it be a win for the investors who will be the beneficiaries?

5 ☐ **Traffic Congestion and Safety Message 1**

Hello,

My name is Mary Colven, I've lived in The Hamptons community for over ____ years.

O My message today is about traffic congestion.

O In the first community survey seeking input for the Town of Huntersville 2040 plan, 63% of the respondents prioritized Traffic and Congestion as "a top priority for Huntersville moving forward".

O The overwhelming response from Cambridge Grove, Hampton Ridge, and The Hampton's community survey cited traffic as their major concern for this project.

O Traffic is a concern in both neighborhood streets and Hwy 73. These concerns center around:

O Egress from the neighborhoods during peak periods

O Rt turn only lanes into Cambridge Grove and Hampton Ridge

O A U turn loop through Cambridge Grove and Hampton Ridge

O Bus runs in all three of the adjacent neighborhoods during peak periods

O Please refer to Figure 1 to visual the community U turn loop

O Does this zoning change lessen congestion on these streets?

○

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Hello,

My name is Mary Colven, I've lived in The Hamptons community for over____ years.

My message today is about Safety.

This project has a sense of dejavu for some residents of the Cambridge Grove and Hampton Ridge Communities. A child died before we could convince the town and CMS to move the original bus routes from Hwy 73 into the neighborhoods. Today we urge you not to introduce more traffic onto the roads in the immediate vicinity of this project. This would support the 2040 plan pg100 T4 "0 fatalities and serious injuries"

There are:

○58 bus runs in front of the daycare property.

In addition, in each community there are:

○20 Cambridge Grove

○19 Hampton Crossing

○15 Knoxwood

○22 The Hamptons

Parents are rushing to drop children or pick them up. This poses a risk for children, parents and siblings waiting at bus stops. And the traffic backup could cause delays in buses and school tardiness

Does this zoning change promote safety in the event of a fire?

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○The overwhelming response from Cambridge Grove, Hampton Ridge and The Hampton's community survey sited traffic as their major concern for this project.

○The Traffic Study that accompanies this project is flawed.

○The study only concerns itself with Hwy 73 traffic. Yet, the impacts on the turn lanes on Hwy 73 in the immediate vicinity of the project along with neighborhood streets are the center of concerns that only residents of these communities would know:

○Egress from the neighborhoods during peak periods

○Blind spots in both the east and west bound lanes

○U turn loop through Cambridge Grove and Hampton Ridge

○Stacking in turn lanes during peak hours

○Bus runs in all three of the adjacent neighborhoods during peak periods

Does this zoning change reduce traffic congestion?

○

○

8 ☐ **Traffic Congestion and Safety Message 4**

Hello,

My name is Randall Peacock, I've lived in the Cambridge Grove community for over____ years.

My message today is about Safety.

There are multiple safety risks for a childcare facility that only has one way in the property and one way out.

○ The first risk is the ability for an emergency responder to access the property and egress safely and quickly if there is only one way in and out.

○ The second risk is the ability to evacuate children from the facility in the event of a nuclear disaster:

○ Parents getting in and out and the ability to gain access to Hwy 73 during a community evacuation

Does this zoning change promote safety in the event of nuclear emergency?

○

9 ☐ **Flooding and Standing Water Message 1**

Hello,

My name is John Bryan, I've lived in the Hampton Ridge Community for over ____ years.

○ My message is about Flooding.

○ We were instructed to go visit similar facilities in the Ballantyne and Steel Creek communities. When we went to visit those sites we witnessed a failure of the storm water control measures to prevent flooding over into adjacent communities.

○ Our fear is not only a repeat of this situation in my community but also a loss of property value as a result.

○ There is a culvert at Glencrest and Hampton Crossing. Obviously, if pervious soil is altered with a 16,000 square foot building with 65 parking spaces and a retention pond it is going to change the volume and rate of water passing through.

○ In fact, the impact on the existing storm water system will not only impact adjacent property owners but also an already strained creek in the Hampton Ridge common open space by our walking trails. The 2040 plan indicates it wants to "encourage coordination with neighborhoods to address infrastructure needs such as sidewalks and drainage."

○ What impact does rezoning and this project have on the environment and open space?

10 ☐ **Flooding and Standing Water Message 2**

Hello,

My name is John Bryan, I've lived in the Hampton Ridge community for over ____ years.

My message is about Flooding.

Whether you believe in the science of climate change or not, there is no denying that in the past several years we have experienced record numbers of catastrophic storms. Hurricanes that cause unprecedented torrential rains and flooding, tornadoes and high winds that uproot the canopy of trees we try so hard to protect, and droughts. In this area we can measure droughts by the frequency of lowered lake levels. Or rain and flooding by how often the power company wants to open the dams to lower the lake levels.

The North Carolina Department of Environmental Quality (NCDEQ) is an excellent resource to seek an understanding of climate change and learning about mitigation processes to reduce our carbon footprint.

Relying on historical methods for sizing Storm Water Control Measures (scms) for instance

grows more outdated as each year passes.

Flooding in areas that never flooded before or water standing in areas where water never stood before can be indications of saturated grounds that just can't absorb anymore water. Another indicator is the way large trees just topple over with high winds that follow unprecedented rain fall. On the Amazon large tree roots are visible above the ground as testament to their ability to withstand the rainy seasons. But our trees have not evolved in that way.

Those of us who believe in climate change challenge you– the Town of Huntersville and the planners to look at ways to reduce our carbon foot print and not only rely on old tried and true methods for sizing storm drains, scms or other storm water devices. Looking forward, while thinking back learn from what we've seen after storm cleanups. Move us forward with the types of vegetation and systems recommended by NCDEQ.

Does this rezoning respect the Quality of Life of the residents of the surrounding existing communities?

11 ☐ **Flooding and Standing Water Message 3**

Hello,

My name is John Bryan or Sean Hackett, I've lived in the Hampton Ridge/Cambridge Grove community for over___ years.

My message is about Standing Water and other environmental issues.

OWhat common open space requirements are attached to this project? How will the project impact the desired increase in the tree canopy pg 84?

ONOTE-SCMs are theoretically designed to drain through a sand filled bottom so there is no standing water after multiple rains.

OHowever, observe the Storm Control Measures(SCM) behind the Norcross shopping Center. Silt from the storm water runoff fills the bottom of the basin, this prevents full drainage. This condition invites mosquitos, snakes and other undesirable wildlife to inhabit the basin.

OPg 83 in the 2040 Plan speaks to "59% of survey participants .. support flexibility in site design to protect natural resources". Looking forward, while thinking back- we now have some issues 24 years later with the erosion of our swim buffers due to heavier prolonged storm events that rush back to our small neighborhood stream from the storm drains. This large building and parking lot foot print will exacerbate the rush.

OGiven the conditions we have witnessed at other sites and the Norcross Shopping Center, it appears that perhaps even a good design is only as good as its construction and MAINTENANCE.

OThe North Carolina Department of Environmental Quality has numerous resources for addressing impervious soil storm control measures. Pages 7-9 of the Storm Design Manual's section C6 ((rev.11-7-2018) Sand Filter addresses maintenance requirements.

ODesign guidance is only a first step- inspection on the proper construction application would be next and then years after who is making sure the design is maintained and functioning as prescribed?

OWe have grave concerns over this process. When we raised the concern at our informal community meetings we were told the residents who are being flooded should contact the county.

OIs this zoning change designed to promote the public health, safety, and general welfare of our community or will it be a win for the developers/ investors who will be the beneficiaries

and then leave us to clean up the mess in years to come?

12 ☐ **Other Concerns Raised by Community Surveys and Discussions**
Dacian Mate or Beryl Jackson

☐ 1 Main Issues

☐ 2 ☐ Zoning Change:

☐ Commercial from residential

☐ Spot zoning

☐ Incongruous with character of the existing community

☐ Traffic Concerns: During high peak periods and more

☐ Wrap around through neighborhoods

☐ Back up on Sam Furr

☐ Egress from entrances

☐ Children and bus safety

☐ Property Value

☐ Long term economic impact

☐ Safety: home security, foot traffic, children, animals-Many areas of our neighborhoods do not have sidewalks

☐ 3 Other Points

☐ 4 ☐ Day care better than other commercial options but just not in this location

☐ Noise Level

☐ Enough commercial

☐ Traffic visibility issue west bound SF (road grading, trees and shrubs)

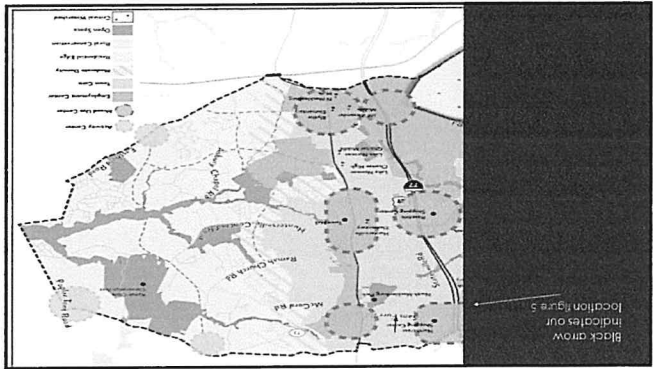
☐ Prefer greenspace or Park

☐ Need traffic light at Cambridge Grove

☐ Property Currently unsightly

☐ Hwy 73 Nuclear Event Evacuation Route

☐ Emergency Response one way in one way out



Location figure 5

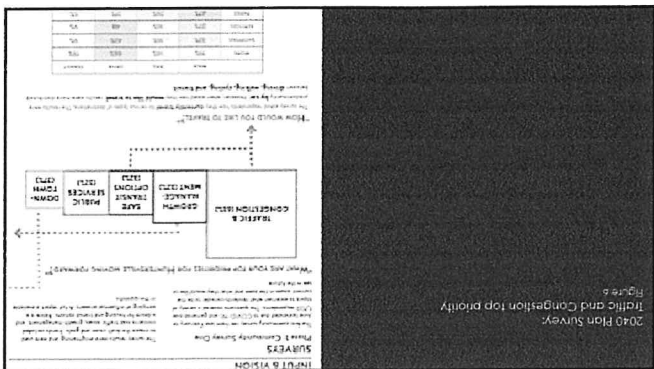
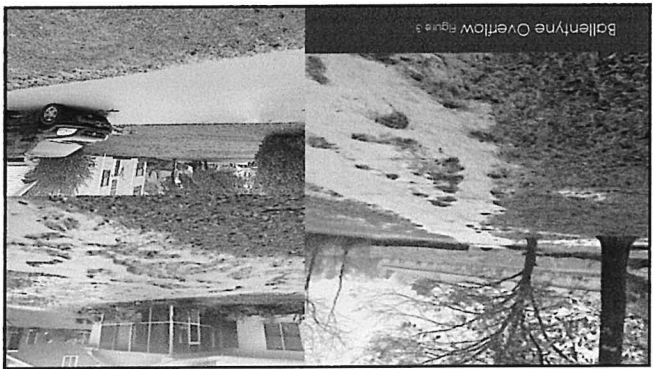


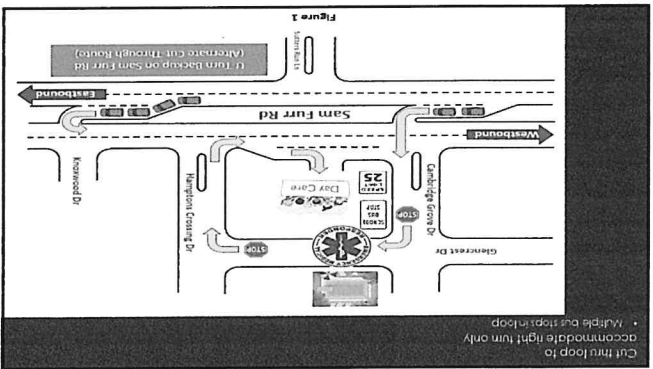
Figure 6



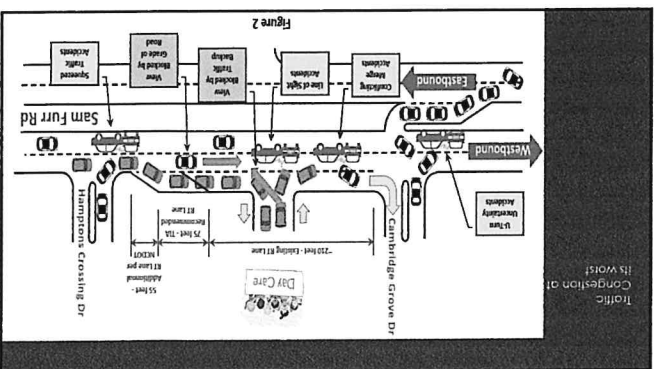
Ballentyne Overflow figure 3



Ballentyne Site Standing Water figure 4



Cut thru loop to accommodate right turn only
Multiple bus stops in loop



Traffic Congestion at its worst

Cut thru loop to accommodate right turn only
 • Multiple bus stops in loop

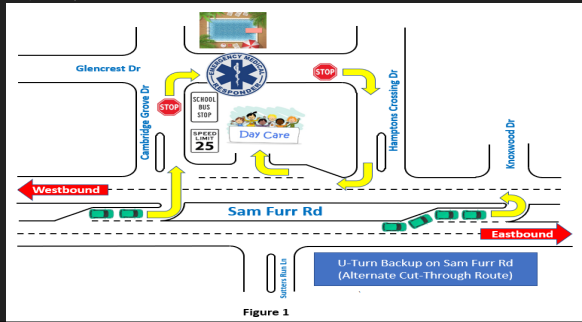


Figure 1

Traffic Congestion at its worst

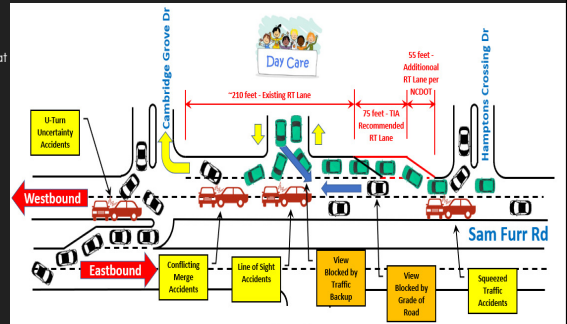
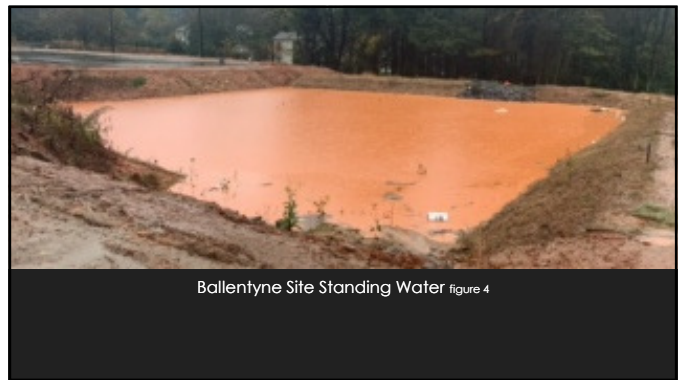


Figure 2

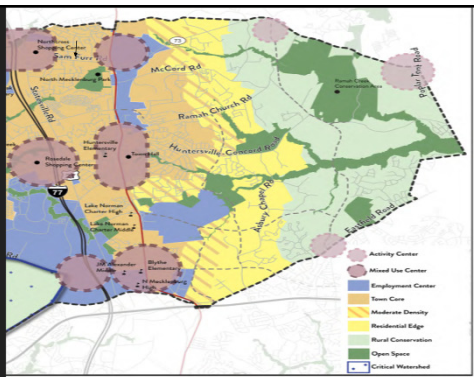


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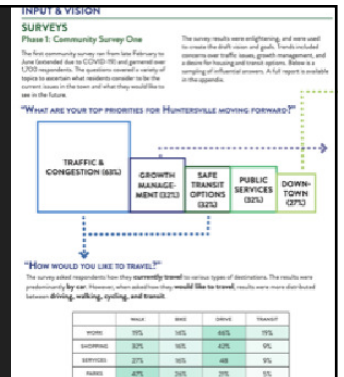


Ballentyne Site Standing Water figure 4

Black arrow indicates our location figure 5



2040 Plan Survey:
 Traffic and Congestion top priority
 Figure 6



1 ☐ Cambridge Grove, Hampton Ridge, The Hamptons Task Force

Public Hearings for R21-01 Childcare Project- April 5, 2021

2 ☐ Zoning- Message 1

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○

○

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○ The second risk is the ability to evacuate children from the facility in the event of a nuclear disaster:

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Does this zoning change promote safety in the event of nuclear emergency?

○

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Hello,

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○ My message is about Flooding.

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○ Our fear is not only a repeat of this situation in my community but also a loss of property value as a result.

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Flooding in areas that never flooded before or water standing in areas where water never stood before can be indications of saturated grounds that just can't absorb anymore water. Another indicator is the way large trees just topple over with high winds that follow unprecedented rain fall. On the Amazon large tree roots are visible above the ground as testament to their ability to withstand the rainy seasons. But our trees have not evolved in that way.

Those of us who believe in climate change challenge you– the Town of Huntersville and the planners to look at ways to reduce our carbon foot print and not only rely on old tried and true methods for sizing storm drains, scms or other storm water devices. Looking forward, while thinking back learn from what we've seen after storm cleanups. Move us forward with the types of vegetation and systems recommended by NCDEQ.

Does this rezoning respect the Quality of Life of the residents of the surrounding existing communities?

11 ☐ **Flooding and Standing Water Message 3**

Hello,

My name is John Bryan or Sean Hackett, I've lived in the Hampton Ridge/Cambridge Grove community for over____ years.

My message is about Standing Water and other environmental issues.

OWhat common open space requirements are attached to this project? How will the project impact the desired increase in the tree canopy pg 84?

ONOTE-SCMs are theoretically designed to drain through a sand filled bottom so there is no standing water after multiple rains.

OHowever, observe the Storm Control Measures(SCM) behind the Norcross shopping Center. Silt from the storm water runoff fills the bottom of the basin, this prevents full drainage. This condition invites mosquitos, snakes and other undesirable wildlife to inhabit the basin.

OPg 83 in the 2040 Plan speaks to "59% of survey participants .. support flexibility in site design to protect natural resources". Looking forward, while thinking back- we now have some issues 24 years later with the erosion of our swim buffers due to heavier prolonged storm events that rush back to our small neighborhood stream from the storm drains. This large building and parking lot foot print will exacerbate the rush.

OGiven the conditions we have witnessed at other sites and the Norcross Shopping Center, it appears that perhaps even a good design is only as good as its construction and MAINTENANCE.

OThe North Carolina Department of Environmental Quality has numerous resources for addressing impervious soil storm control measures. Pages 7-9 of the Storm Design Manual's section C6 ((rev.11-7-2018) Sand Filter addresses maintenance requirements.

ODesign guidance is only a first step- inspection on the proper construction application would be next and then years after who is making sure the design is maintained and functioning as prescribed?

OWe have grave concerns over this process. When we raised the concern at our informal community meetings we were told the residents who are being flooded should contact the county.

OIs this zoning change designed to promote the public health, safety, and general welfare of our community or will it be a win for the developers/ investors who will be the beneficiaries and then leave us to clean up the mess in years to come?

12 ☐ **Other Concerns Raised by Community Surveys and Discussions**

Dacian Mate or Beryl Jackson

1 Main Issues

2 OZoning Change:

OCommercial from residential

OSpot zoning

OIncongruous with character of the existing community

- Traffic Concerns: During high peak periods and more
 - Wrap around through neighborhoods
 - Back up on Sam Furr
 - Egress from entrances
 - Children and bus safety
- Property Value
 - Long term economic impact
 - Safety: home security, foot traffic, children, animals-Many areas of our neighborhoods do not have sidewalks

3 Other Points

4 ○Day care better than other commercial options but just not in this location

- Noise Level
- Enough commercial
- Traffic visibility issue west bound SF (road grading, trees and shrubs)
- Prefer greenspace or Park
- Need traffic light at Cambridge Grove
- Property Currently unsightly
- Hwy 73 Nuclear Event Evacuation Route
- Emergency Response one way in one way out

TA 21-04 – Tree Mitigation Approval Process

PART 1: DESCRIPTION

TA21-04 is a text amendment request made by the Huntersville Town Board to amend Article 7.4.2 F of the Huntersville Zoning Ordinance. The purpose of the amendment is to create an administrative staff review for tree mitigation plans.

PART 2: BACKGROUND

On October 19th, 2020 the Town Board approved TA20-01, a text amendment that clarified and increased tree save mitigation requirements for specimen tree save. At the meeting the Town Board asked staff to discuss with the Huntersville Ordinance Advisory Board (HOAB) to consider with the newly amended text, whether or not it would be advisable to modify the ordinance to allow tree mitigation requests to be processed by staff rather than the Planning Board. On November 5th, 2020 the HOAB recommended that tree mitigation requests be administrative. On January 15th, 2021 the Town Board directed staff to draft language and start the text amendment process to make tree mitigation an administrative process.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- EOS 4.2: Regularly evaluate and revise tree mitigation options to further town goals. COMMENT: The proposed text amendment is an appropriate procedural complement to the specific tree save mitigation requirements approved in TA20-01. With objective standards for mitigation applications now clearly located in the ordinance, it eliminates the need for public board review.
- EV 1.4: Review development standards to support business growth. Support efforts to improve efficiency and responsiveness of development review process for development proposals. COMMENT: Removing the need to get on public board agendas, the proposed text amendment will save time and resources for applicants endeavoring to achieve land development plan approvals.

PART 4: STAFF RECOMMENDATION

Planning staff recommends approval of the proposed text amendment application. Please see the drafted text below and the proposed amendment ordinance included in the agenda packet. Removed language is struck out, new language is **bold underline**.

Article 7.4.2 F – Footnote #2

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

their installation. **Planning staff will be responsible for reviewing and approving all tree mitigation plans consistent with the mitigation standards of this section.**

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) discussed the application at their April 1, 2021 meeting. After consideration and discussion, the HOAB unanimously recommended approval of the drafted language.

PART 6: PUBLIC HEARING

The Public Hearing was held on April 5th, 2021. No one from the public spoke for or against the application. After discussion on the application between the Town Board and staff, the public hearing was closed.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to consider this text amendment on April 27th, 2021.

PART 8: ATTACHMENTS AND ENCLOSURES

- Draft Language Ordinance
- Text Amendment Application

PART 9: STATEMENT OF CONSISTENCY – TA21-01

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA21-01, to amend Article 7.4.2 F to make tree save mitigation an administrative process, the Planning Staff recommends approval of the application based on the amendment being consistent with policies EOS 4.2 and EV 1.4 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it allows staff to efficiently and effectively review and enforce tree save standards without delaying the review process for businesses and developers.	APPROVAL: In considering the proposed amendment TA21-01, to amend Article 7.4.2 F to make tree save mitigation an administrative process, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA21-01, to amend Article 7.4.2 F to make tree save mitigation an administrative process, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
	DENIAL: In considering the proposed amendment TA21-01, to amend Article 7.4.2 F to make tree save mitigation an administrative process, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)	DENIAL: In considering the proposed amendment TA21-01, to amend Article 7.4.2 F to make tree save mitigation an administrative process, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)

**AN ORDINANCE TO AMEND ARTICLE 7.4.2 OF THE ZONING ORDINANCE TO MAKE TREE SAVE
MITIGATION AN ADMINISTRATIVE PROCESS**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.4.2 (F) footnote [2] of the **Zoning Ordinance** is hereby amended as follows:

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

Section 2. That this ordinance shall become effective May 17, 2021.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: April 1, 2021 – Recommended Approval

PUBLIC HEARING DATE: April 5, 2021 – Public Hearing Held and Closed

PLANNING BOARD MEETING: April 27, 2021

TOWN BOARD DECISION: May 17, 2021

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0015886****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

CLT - Legal Ads

Final Cost:

78.20

Payment Type:

Account Billed

User ID:

IPL0021908

PREVIEW FOR AD NUMBER IPL00158860**NOTICE OF PUBLIC HEARING**

The public is put on notice that the Town of Huntersville will hold a public hearing on Monday, April 5, 2021 on the following petition. This public hearing will be held virtually or in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive Huntersville NC 28078. COVID-19 protocols will be in place for an in-person meeting, details regarding this will be available one week prior to the meeting, as published on the meeting agenda.

#R21-01, a conditional rezoning request by Tietsoort Investments LLLP I to rezone 10205 Sam Furr Road (Tax ID 00531101) from GR to HC-CD to develop a Day Care Center.

#TA21-04, a request by the Huntersville Board of Commissioners to amend Article 7.4.2 of the Huntersville Zoning Ordinance to establish an administrative staff review of tree mitigation applications.

The public is invited to attend the hearing and comment on the proposed changes. Substantial changes may occur to the request based on comments. For further information please contact the Planning Dept. at 704-875-7000, or go to www.huntersville.org.

W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

ACCOUNT INFORMATION

TOWN OF HUNTERSVILLE/ADMINISTRATOR IP
TOWN CLERK PO BOX 664
HUNTERSVILLE, NC 28078
704-875-6541
ccook@huntersville.org
TOWN OF HUNTERSVILLE/ADMINISTRATOR

TRANSACTION REPORT**Date**

11:06 AM - Mon, Mar 22, 2021

Amount:

78.20

SCHEDULE FOR AD NUMBER IPL00158860

Wed Mar 24, 2021
The Charlotte Observer
Wed Mar 31, 2021
The Charlotte Observer



Text Amendment Application

Date of Application 2/1/21

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Article 7.4.2 (F) Footnote #2 Article(s): _____ Section(s): _____

See attached Ordinance Exhibit

Current Ordinance

See attached Ordinance Exhibit

Proposed Text

Reason for Proposed Change

Purpose of the amendment is to change tree mitigation from a Planning Board approval process to a staff/administrative process.

Attach additional pages if needed.

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

Applicant

Printed Name Huntersville Board of Commissioners

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

Signature Bradley D. Priest Date 2/1/21

Title Principal Planner

Email bpriest@huntersville.org

Address of Applicant 105 Gilead Road – Third Floor. PO Box 664 Huntersville, NC 28070

Property Owner (if different than applicant)

* Printed Name N/A

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

Signature _____ Date _____

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.**

Contact Information

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

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: 2/1/21

Staff Initials: BP

**Town of Huntersville
Planning Board
April 27, 2021**

To: Town Board

From: Brian Richards, Assistant Director

Date: April 27, 2021

Subject:

EXPLAIN REQUEST:

R21-05, a request by Palillo Holdings, LLC to amend R08-12 approximately +/- 0.559 acres at the Southeast corner of Statesville Rd and Rich Hatchett Rd from Neighborhood Center Conditional District (NC-CD) to Neighborhood Center Conditional District (NC-CD) for the purpose of revising building elevations. Parcel: 00927309

ACTION RECOMMENDED:

Consider making a recommendation on Petition R21-05, a request by Palillo Holdings, LLC to amend R08-12 approximately +/- 0.559 acres at the Southeast corner of Statesville Rd and Rich Hatchett Rd from Neighborhood Center Conditional District (NC-CD) to Neighborhood Center Conditional District (NC-CD) for the purpose of revising building elevations. Parcel: 00927309

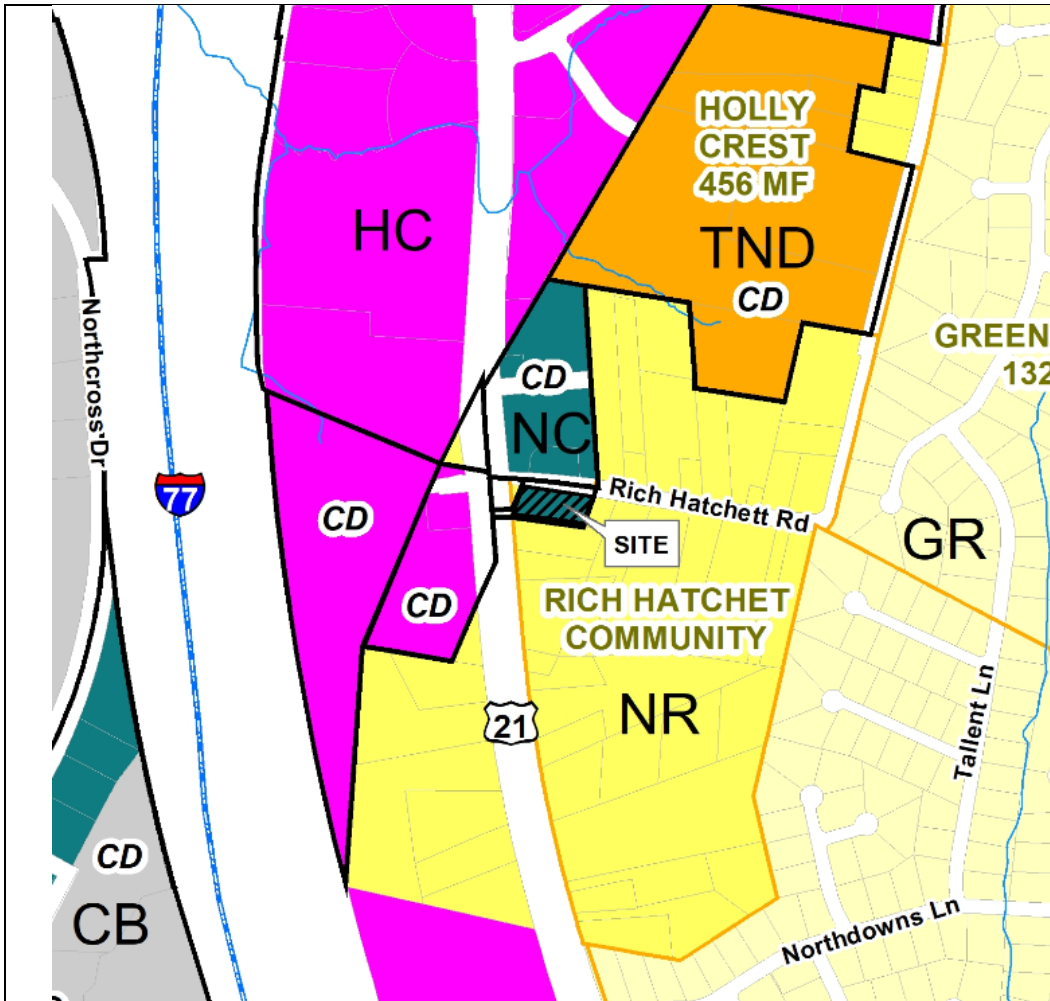
FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. A - Application
2. B - R21-08 Rezoning Plan
3. C - Neighborhood Meeting
4. D - R08-12 Spectrum Hearing Approved Plan 3-20-09

Petition R21-05 Symphony Park Sales Center

PART 1: PROJECT SUMMARY



Applicant: Jake Palillo, Palillo Holdings LLC

Property Owner: BRLR NC LLC

Property Address: 9526 Rich Hatchet Rd

Project Size: (+/-) 0.559 acres

Parcel Numbers: 00927309

Current Zoning: Neighborhood Center Conditional District (NC-CD).

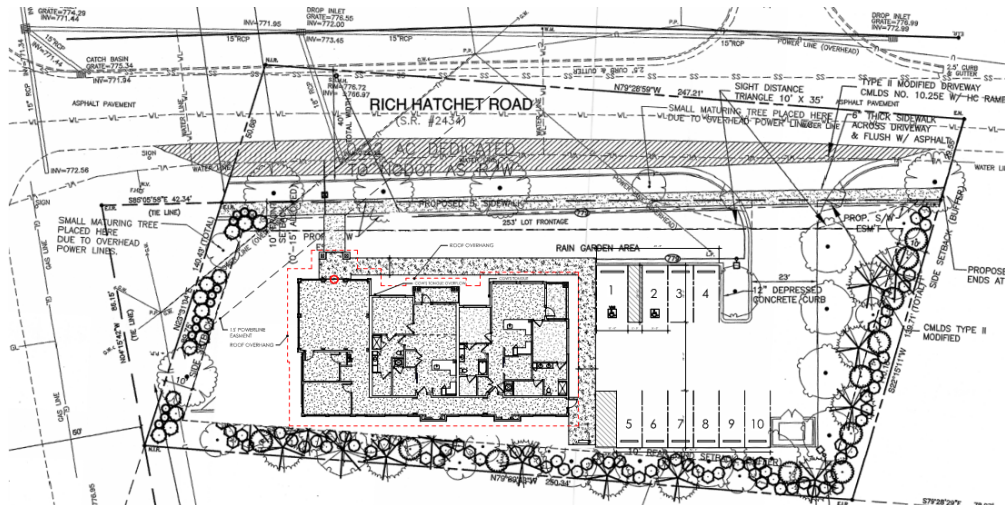
Current Land Use: Vacant,

Proposed Zoning: Neighborhood Center Conditional District (NC-CD).

Proposed Land Use: Commercial (Sales Office)

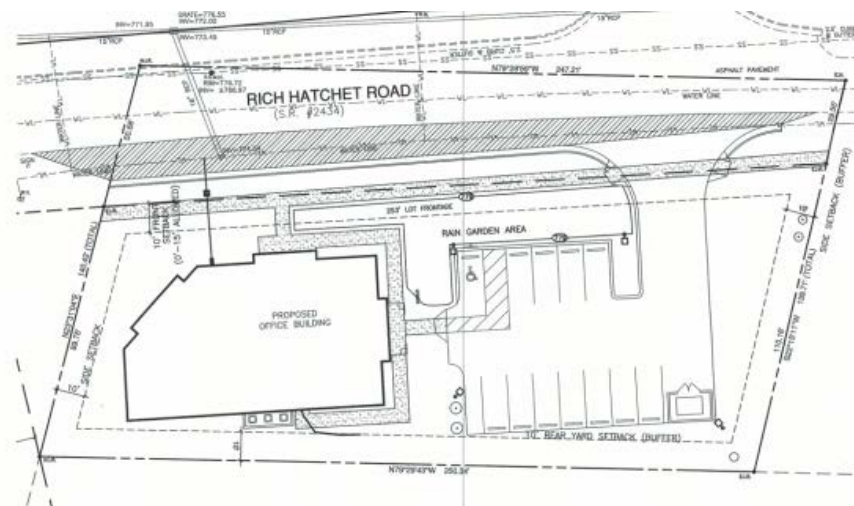
1. Purpose: The proposed site is currently zoned Neighborhood Center Conditional District (NC-CD). The Applicant is requesting to revise the building elevations that were approved as part of Rezoning R08-12. The allowed uses would remain as Commercial (Office) 4,141 SqFt.
2. Adjoining Zoning and Land Uses.
 - North: Neighborhood Center – Commercial/Office.
 - South: Neighborhood Residential – Single Family Homes & Church.
 - East: Neighborhood Residential – Single Family Homes.
 - West: Highway Commercial – Commercial & Vacant.
3. A neighborhood meeting was held on Wednesday March 24, 2021 and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment C).
4. Notice for this rezoning petition was sent via letter to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Statesville Rd & Rich Hatchet Rd.

PART 2: REZONING/SITE PLAN

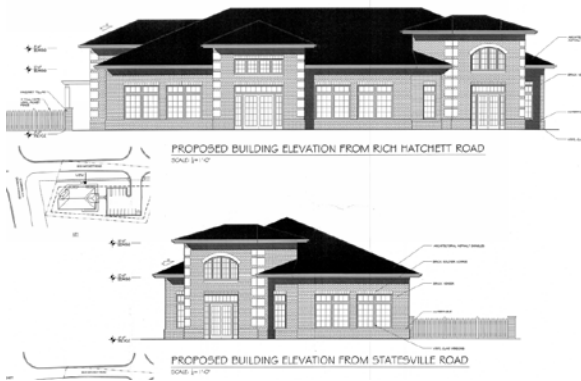


The proposed Conditional District Rezoning Plan will revise the approved building elevations. The site plan will remain generally the same as approved per R08-12. Detailed elevations are included in Attachments B & E

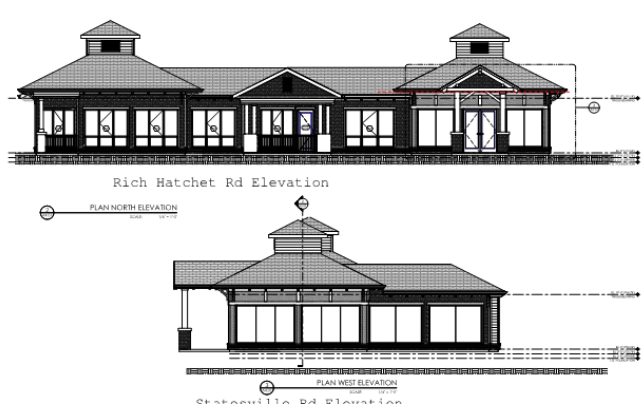
R08-12 Site Plan:



R08-12 – Approved



R21-05 - Proposed



PART 3: TRANSPORTATION ISSUES

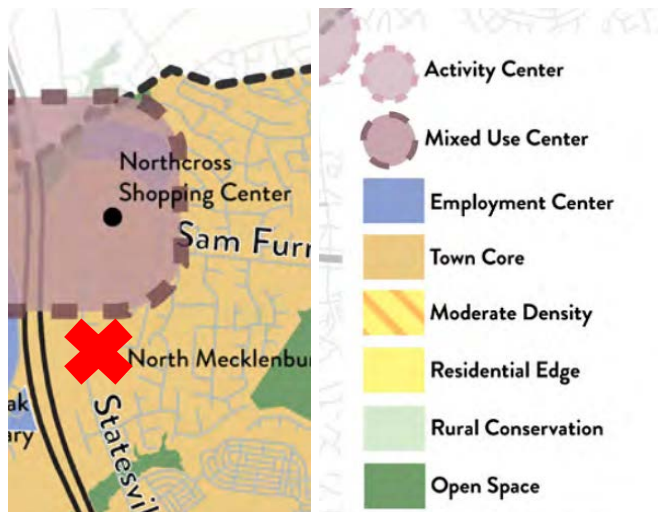
Traffic Impact Analysis (TIA)

A TIA was not required. NCDOT will review a driveway permit during Commercial Site Plan review.

PART 4: REZONING CRITERIA

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

[2040 Huntersville Community Plan](#)



STAFF COMMENT – The [2040 Huntersville Community Plan](#) DOES SUPPORT this project through the following sections:

- **Policy LU 6.2:** Commercial uses are encouraged in the Town Core and specified in adopted Small Area Plans.
Comment: This project will provide a Commercial (Office) use in the Town Core.
- **Policy EV 2.1:** Promote and encourage local businesses, particularly small businesses.
 - o Foster a dynamic, diversified, and inclusive business climate that highlights why the Town of Huntersville can support private investment and locally expanding businesses.Comment: Pallilo Holdings is a locally owned and operated business. The building will serve as the sales center for a Congregate Care Facility for approximately two years then convert to a property management office afterward.

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 rezoning for the Symphony Park Sales Center is consistent with the overall character of the surrounding area. The proposed Commercial (Office) use is in keeping with R08-12 and surrounding development.
2. **The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**
STAFF COMMENT:
Staff has no indication that this request will adversely affect public facilities and services.
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 5: STAFF RECOMMENDATION

In considering the proposed rezoning petition R21-05, Symphony Park Sales Center, Staff recommends approval. The amendment being consistent with the Huntersville 2040 Community Plan, specifically, Policies LU 6.2 and EV 2.1.

It is reasonable and in the public interest to amend the Zoning Ordinance because the rezoning is consistent with the existing development patterns in the area. The revised building elevations are in keeping with other developments within the area

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing was held on April 19, 2021.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board tentatively scheduled for April 27, 2021.

PART 8: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C – Neighborhood Meeting Report (March 24, 2021)
- D – R08-12 Approved Rezoning Plan

PART 9: CONSISTENCY STATEMENT – R21-05 Symphony Park Sales Center

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning application R21-05; Symphony Parks Sales Center, the Planning Staff RECOMMENDS APPROVAL FOR the rezoning as it is consistent with Policies LU 6.2 and EV 2.1 of the 2040 Community Plan. <u>It is reasonable and in the public interest to rezone +/- 0.559 acres (as described in attachment B) from Neighborhood Center Conditional District (NC-CD) to Neighborhood Center Conditional District (NC-CD) the rezoning is consistent with the existing development patterns in the area. The revised building elevations are in keeping with other developments within the area.</u>	APPROVAL: In considering the proposed rezoning application R21-05; Symphony Parks Sales Center, the Planning 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>	APPROVAL: In considering the proposed rezoning application R21-05; Symphony Park Sales Center, 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 R21-05; Symphony Park Sales Center, the Planning 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>	DENIAL: In considering the proposed rezoning application R21-05; Symphony Park Sales Center, 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 # R08-12

☐ 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 02/25/21

Name of Project Symphony Park Sales Center Phase # (if subdivision) _____

Project Address 9526 Rich Hatchet Road Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 009-273-09

Current Zoning District NC - CD Proposed District (for rezoning only) _____

Property Size (acres) 0.559 AC Street Frontage (feet) 250

Current Land Use Commercial

Proposed Land Use(s) Commercial

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.

Conditional Rezoning Amendment of R08-12 to allow for modifications to the architectural elevations.

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 Palillo Holdings, LLC. Phone 704-363-7902
☐ 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 for Special Use Permits and Subdivisions)

Signature _____ Printed Name: Jacob J. Palillo
Title Member Email jpalillo@aol.com
Address of Applicant 18611 Starcreek Dr., Cornelius NC 28031

7. Property Owner (if different than applicant)

*Printed Name BRLR NC LLC Phone 704-206-8312
☐ 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 for Special Use Permits and Subdivisions)

Signature By: Ryland A. Winston, Jr. Printed Name Ryland A. Winston, Jr.
Title Manager Email RWinston@collett.biz
Address of Property Owner 829 Ardsley Road, Charlotte, NC 28207

* 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 application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), 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.

8. Development/Design Firm Contact Information

Palillo Holdings, LLC.	Jake Palillo	704-363-7902	jpalillo@aol.com
Development Firm	Name of Contact	Phone	Email
ColeJenest & Stone, PA	Sean Paone	704-971-4538	spaone@colejeneststone.com
Design Firm	Name of Contact	Phone	Email

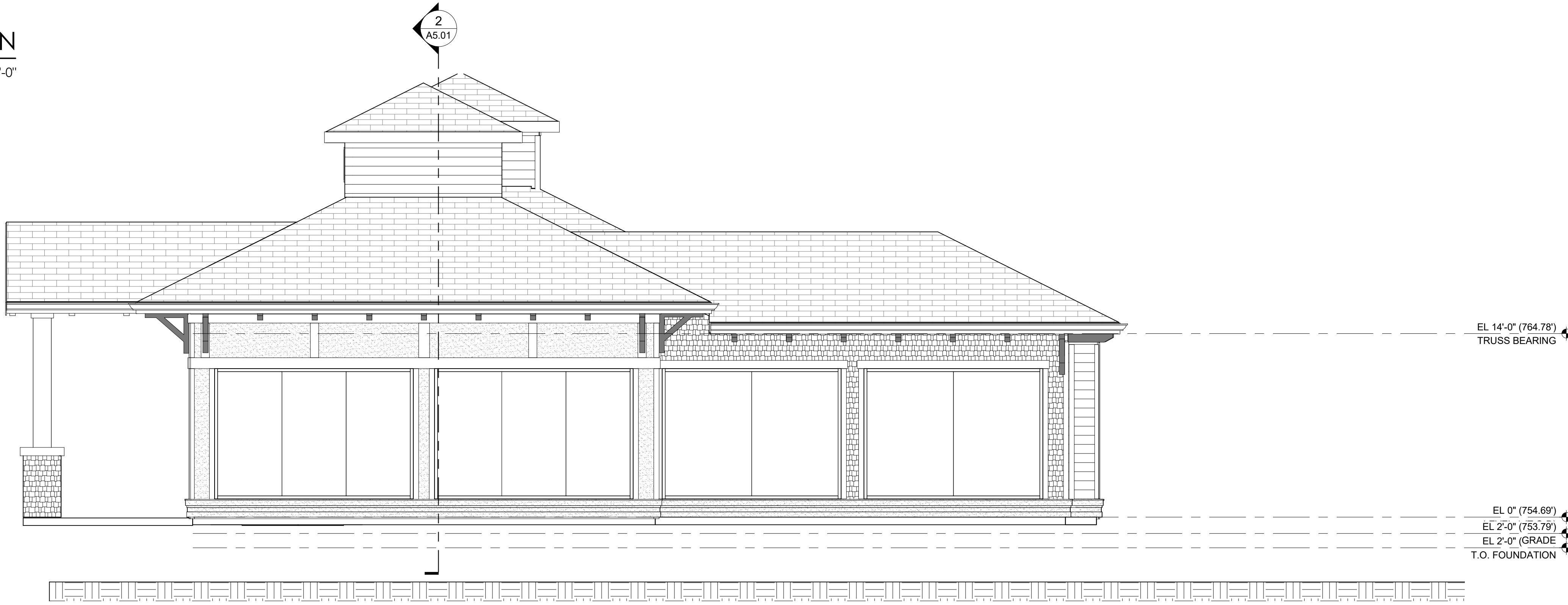
Contact Information

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



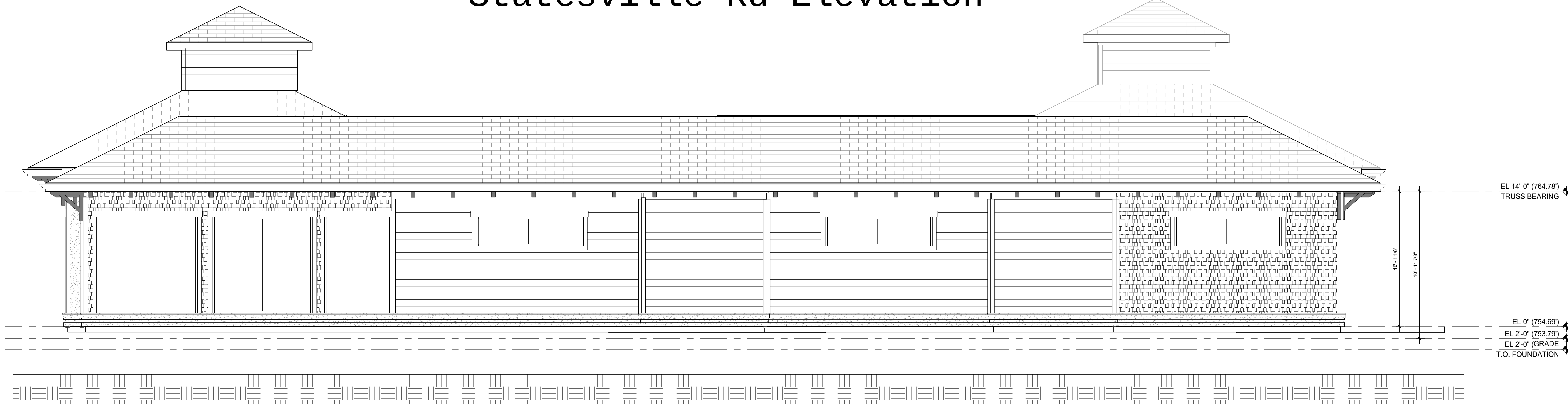
Rich Hatchet Rd Elevation

2 PLAN NORTH ELEVATION
SCALE: 1/4" = 1'-0"



3 PLAN WEST ELEVATION
SCALE: 1/4" = 1'-0"

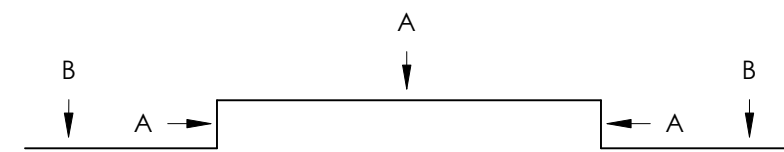
Statesville Rd Elevation



1 PLAN SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

GENERAL NOTES:

MATERIAL (A) AND COLOR AT FACE OF BAY RETURNS
AROUND THE SIDES AND BACK TO THE BUILDING. (TYP.)



EXTERIOR FINISHES:

- ASR-1 - ASPHALT SHINGLE ROOF W/ 6:12 SLOPE
- SSMR-1 - STANDING SEAM METAL ROOF
- BRK-1 - MASONRY VENEER
- FC-1 - FIBER CEMENT SHAKES W/ FC TRIM
- FC-2 - FIBER CEMENT LAP SIDING W/ 7" REVEAL & FC TRIM
- FC-3 - FIBER CEMENT FLAT PANEL W/ FC TRIM
- R-1 - POWDER COAT ALUMINUM RAILING
- R-2 - STEEL CABLE RAIL W/ POWDER COAT STEEL TOP RAIL
- W-1 - WHITE VINYL WINDOW SYSTEM (BASIS OF DESIGN: PLYGEM)
- W-2 - WHITE VINYL WINDOW W/ SIMULATED DIVIDED LITE MUNTINS (BASIS OF DESIGN: PLYGEM)
- SF-1 - STOREFRONT WINDOW/ENTRY SYSTEM
- CW-1 - CURTAIN WALL SYSTEM
- BS-1 - PREFABRICATED ALUMINUM BAHAMA SHUTTER
- PMC-1 - PREFABRICATED MTL CANOPY
- PML-1 - PREMANUFACTURED MTL LOUVER
- WDC-1 - PAINTED WOOD CORBELS
- FGD-1 - FIBER GLASS UNIT BALCONY DOOR

NOT FOR
CONSTRUCTION

DESIGN DEVELOPMENT

SYMPHONY PARK - MODEL
SHOWROOM

LOCATION / HUNTERSVILLE, NC
PROJECT # / 208PD400
DATE / 02-12-2021
DRAWN / CRJG

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Revisions		
No.	Description	Date

EXTERIOR ELEVATIONS

NOT FOR
CONSTRUCTION

DESIGN DEVELOPMENT

SYMPHONY PARK - MODEL
SHOWROOM

LOCATION / HUNTERSVILLE, NC
PROJECT # / 20BPD400
DATE / 02-12-2021
DRAWN / CR/JG

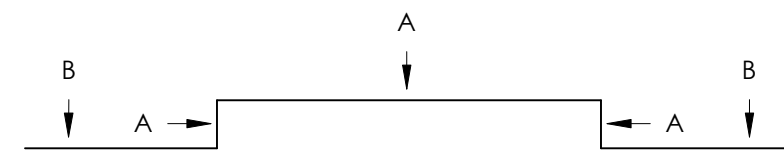
COPYRIGHT 2021 BB+M ARCHITECTURE PLLC.

Revisions		
No.	Description	Date

EXTERIOR ELEVATIONS

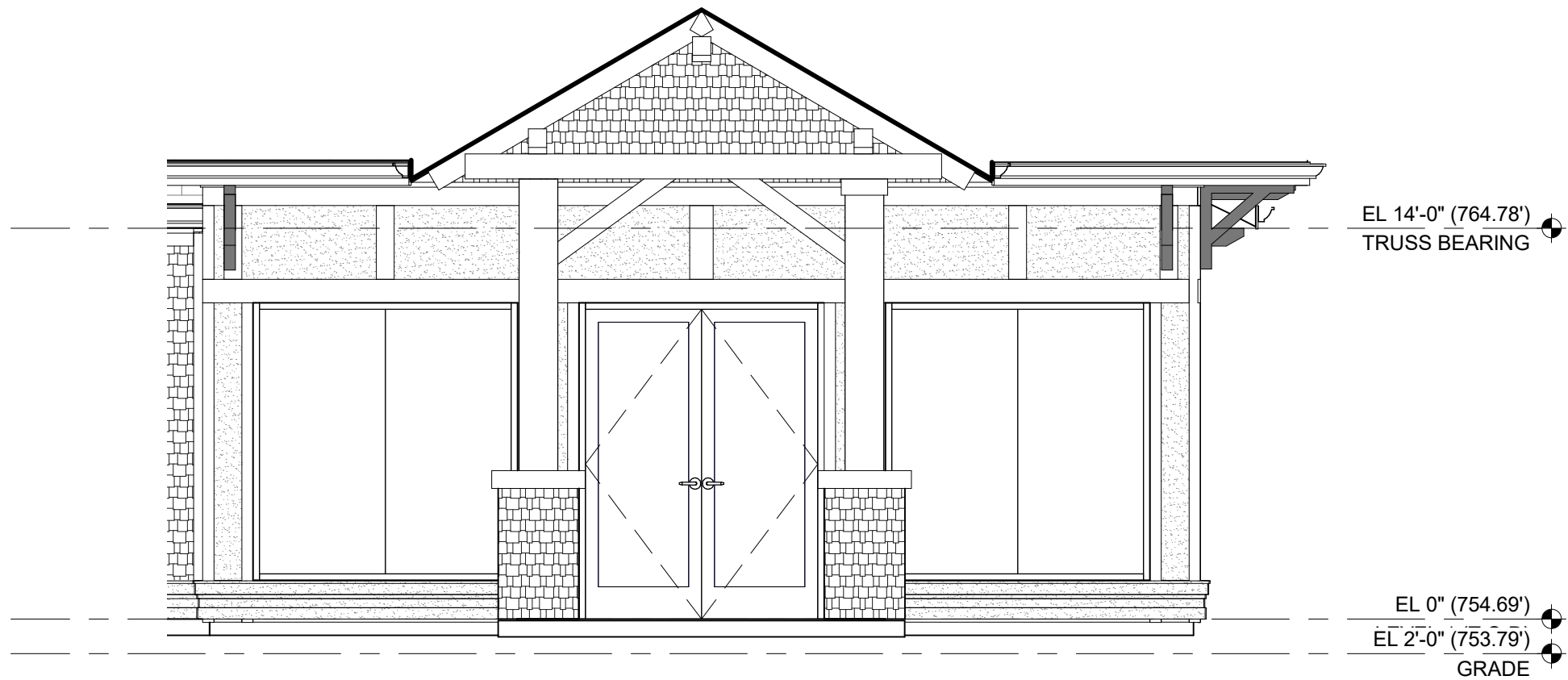
GENERAL NOTES:

MATERIAL (A) AND COLOR AT FACE OF BAY RETURNS
AROUND THE SIDES AND BACK TO THE BUILDING. (TYP.)

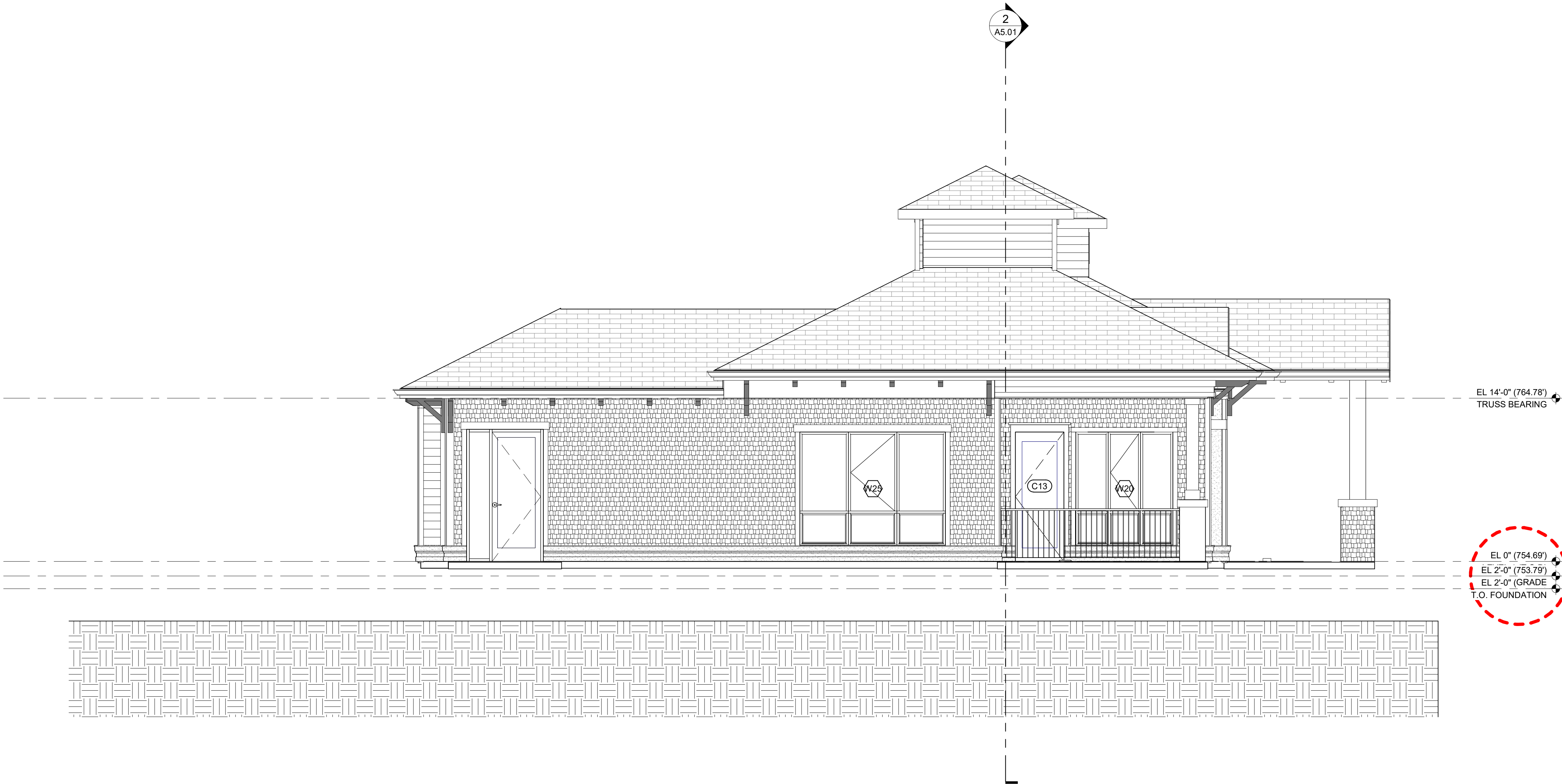


EXTERIOR FINISHES:

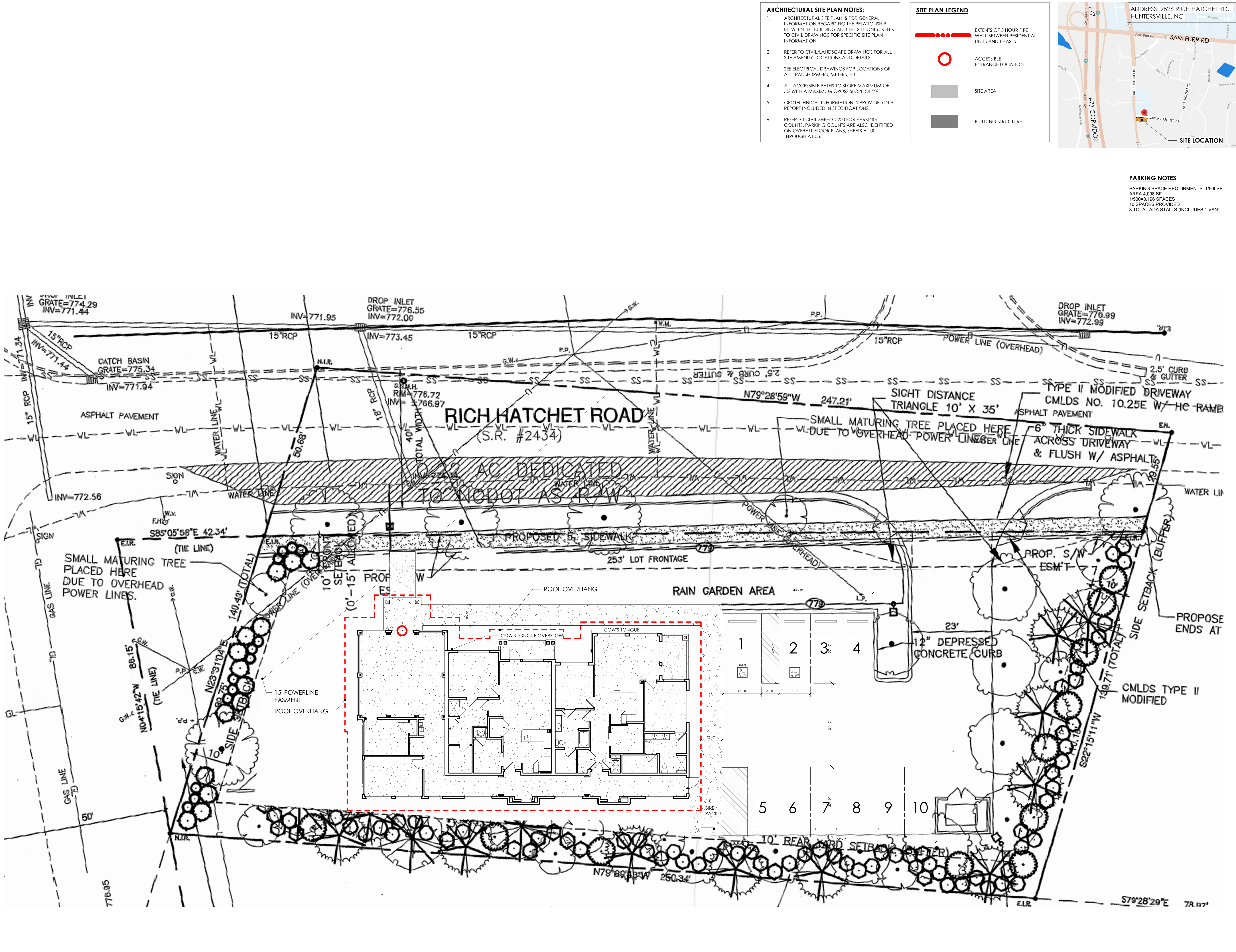
- ASR-1 - ASPHALT SHINGLE ROOF W/ 6:12 SLOPE
- SSMR-1 - STANDING SEAM METAL ROOF
- BRK-1 - MASONRY VENEER
- FC-1 - FIBER CEMENT SHAKES W/ FC TRIM
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- PML-1 - PREMANUFACTURED MTL LOUVER
- WDC-1 - PAINTED WOOD CORBELS
- FGD-1 - FIBER GLASS UNIT BALCONY DOOR



2
A4.02
ELEVATION - MAIN ENTRY WALL
SCALE: 1/4" = 1'-0"



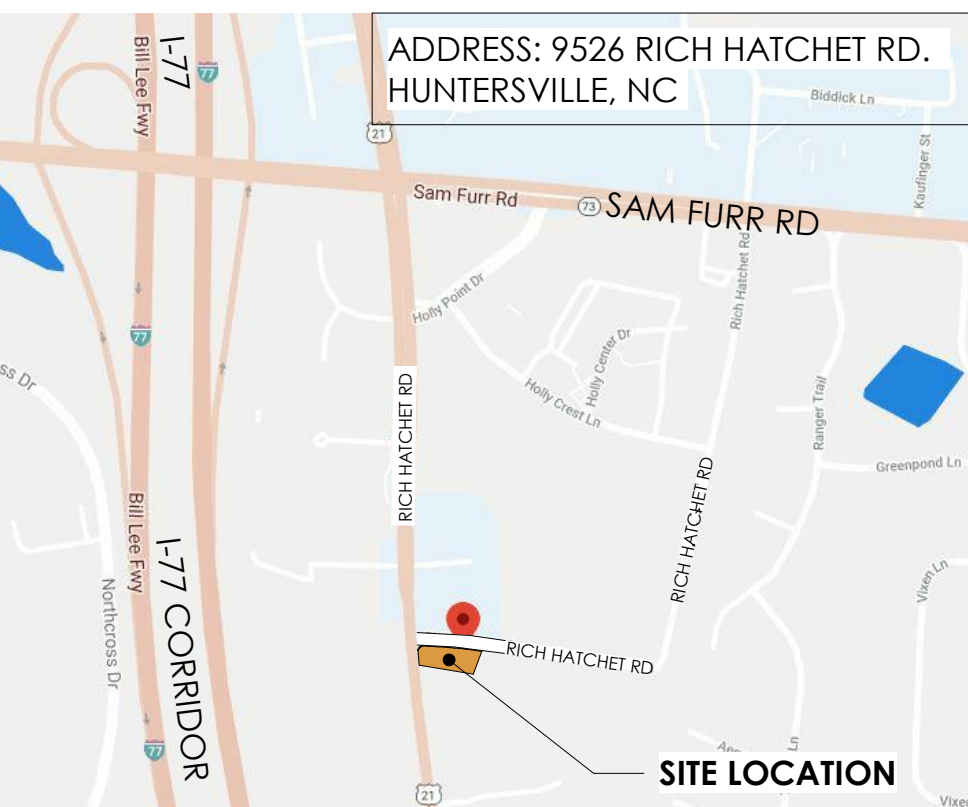
1
A4.02
PLAN EAST ELEVATION
SCALE: 1/4" = 1'-0"



- ARCHITECTURAL SITE PLAN NOTES:**
1. ARCHITECTURAL SITE PLAN IS FOR GENERAL INFORMATION REGARDING THE RELATIONSHIP BETWEEN THE BUILDING AND THE SITE ONLY. REFER TO CIVIL DRAWINGS FOR SPECIFIC SITE PLAN INFORMATION.
 2. REFER TO CIVIL/LANDSCAPE DRAWINGS FOR ALL SITE AMENITY LOCATIONS AND DETAILS.
 3. SEE ELECTRICAL DRAWINGS FOR LOCATIONS OF ALL TRANSFORMERS, METERS, ETC.
 4. ALL ACCESSIBLE PATHS TO SLOPE MAXIMUM OF 5% WITH A MAXIMUM CROSS SLOPE OF 2%.
 5. GEOTECHNICAL INFORMATION IS PROVIDED IN A REPORT INCLUDED IN SPECIFICATIONS.
 6. REFER TO CIVIL SHEET C-200 FOR PARKING COUNTS. PARKING COUNTS ARE ALSO IDENTIFIED ON OVERALL FLOOR PLANS, SHEETS A1.00 THROUGH A1.05.

SITE PLAN LEGEND

- EXTENTS OF 3 HOUR FIRE WALL BETWEEN RESIDENTIAL UNITS AND PHASES
- ACCESSIBLE ENTRANCE LOCATION
- SITE AREA
- BUILDING STRUCTURE



PARKING NOTES

PARKING SPACE REQUIREMENTS: 1/500SF AREA 4,098 SF
1/500=8,196 SPACES
10 SPACES PROVIDED
3 TOTAL ADA STALLS (INCLUDES 1 VAN)

BB+M ARCHITECTURE

BEACHAM BUNCE + MANLEY ARCHITECTURE PLLC

1435 WEST MOREHEAD STREET
SUITE 160
CHARLOTTE, NC 28208
704.334.1716

WWW.BBM-ARCH.COM

NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT

SYMPHONY PARK - MODEL SHOWROOM

LOCATION / HUNTERSVILLE, NC
PROJECT # / 208PD400
DATE / 02-12-2021
DRAWN / DC

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Revisions		
No.	Description	Date

ARCHITECTURAL SITE PLAN

A0.01

VIRTUAL COMMUNITY MEETING REPORT

Petitioner: Palillo Holdings, LLC.

Rezoning Petition No. R21-05

Virtual Community Meeting – Wednesday, March 24, 2021 5:00 P.M.

Zoom Meeting Invite:

<https://zoom.us/j/93283973592?pwd=NFFKbm9MaXVvQjVLaEZhQVVpQnNzQT09>

Meeting ID: 932 8397 3592

Community Meeting Notifications

Neighboring Individuals and organizations, as identified by the Town of Huntersville, were mailed written notices of the date and time of the Virtual Community Meeting on March 24 at 5:00 P.M.

Virtual Community Meeting Presenters

The virtual Community Meeting presenters included Petitioner representative Frances Miramon of ColeJenest & Stone, and Jake Palillo of Palillo Holdings, LLC.

Community Meeting Attendees

The following individuals attended the March 24th Community Meeting:

Brian Richards (Town of Huntersville)
Adam Hayes (ColeJenest&Stone)
Gloria Potts
Darlene Barnes

This Community Meeting Report is being filed with the Town of Huntersville Planning Department.

Community Meeting Summary

The Petitioner's representatives provided a presentation during the Community Meeting, a copy of the presentation is attached at the end of the report for record.

Frances Miramon led off the meeting with introductions of the petitioner and petitioner's representatives.

Frances utilized an aerial image of the area to identify the specific property associated with this petition and provided contextual markers such as surrounding streets, and the existing commercial and residential developments to give reference of the site's location.

Next, Frances spoke to the existing zoning of the site utilizing an aerial image with color overlays indicating zoning classification.

Frances then went through the existing elevations associated with the previous rezoning petition R08-12. and then the proposed elevations associated with this petition. Jake Palillo spoke to the buildings proposed use as a Real Estate Office/Sales Center. The plan is to utilize the building for the first two years as a Sales Center for the Symphony Home Senior Living Project located off Sam Furr Road. Following two years, the building will be used as a Real Estate Office. Mr. Palillo spoke to the elevations saying the building will be primarily glass with two mockup model homes on either end. Lastly, Frances reviewed over the new site plan associated with the revised building. Frances emphasized that this petition is only for a modification to the existing elevations associated with R08-12.

Lastly, Frances provided the current schedule of events relating to this rezoning request. Based on the rezoning schedule the Public Hearing is scheduled for Monday, April 19.

The Community Meeting was then devoted to a question, answer and comment session. Set out

below is a summary of the questions provided by the attendees and responses to the comments and concerns that were expressed at the meeting.

Question/Answer

1. Who did you send this communication to in the Rich Hatchet Road Community? How many households did you all share this information with so that others might join the call? How were they notified?

Response: The Town of Huntersville requires that all property owners within 250' of the petitioned property be notified. Everyone falling within this radius along with any neighborhood association, owner association, or property associations within 2,000 feet of the site were notified. The notification letters were mailed out to all required properties per the Town of Huntersville Zoning Ordinance Article 11.4.3 (d). Brian Richards explained that this meeting was the applicant's meeting and that the Public Hearing, which the town puts on, would be on April 19th. Brian Richards explained that the town would notify community members through the website, additional mailers, property signage and a legal ad in the Charlotte Observer.

2. The space that we are talking about is a Commercial Building built to support other buildings that you are doing on Sam Furr. Is that correct?

Response: Mr. Palillo explained that the building is to be used as a real estate office. He explained that model homes of the Sam Furr Independent Living Facility will be included on site to give potential residents a feel of their potential new home. Mr. Palillo emphasized that there will not be a lot of traffic coming in and out and that most visitors will be in their 70s. He clarified that Independent Living starts around 70-75 years of age.

3. Is this the first meeting about this subject for residents in the town?

Response: Yes, that is correct. Brian Richards further explained that this meeting is put on by the developer and that it is the developer's introduction of the project to the public. The first public hearing will be on April 19th and will be held at the Huntersville Rec Center.

4. The 0.55 Ac would accommodate the building and the parking, correct?

Response: Yes, the site would accommodate both. Brian Richards explained the reason behind this rezoning petition is solely to allow for revisions to the architectural elevations that were previously associated with R08-12.

5. Is this presentation available for sharing?

Response: Absolutely, you can email fmiramon@colejeneststone.com.

6. 250' sounds like such a small distance.

Response: Brian Richards explained that the state requires properties within 100' be notified and that the town has actually extended that radius to 250'. He also again emphasized that any neighborhood association, owner association, or property associations within 2,000 feet of the site were notified.

Concluding the question-and-answer portion of the Community Meeting, Brian Richards along with Jake Palillo and Frances Miramon thanked the attendees for attending the meeting and stated that the presentation along with contact information on the petition team will be available via the Town of Huntersville website.

This Community Meeting report is being emailed to Brian Richards, Town of Huntersville on April 1, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Frances Miramon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Frances Miramon

cc: Brian Richards, Town of Huntersville Planning Department (via e-mail)
Jake Palillo, Palillo Holdings, LLC. (via e-mail)

SYMPHONY PARK SALES CENTER

REZONING R21-05

NEIGHBORHOOD MEETING - MARCH 24, 2021
HUNTERSVILLE, NC





ATRIUM HEALTH
HUNTERSVILLE

SPARE TIME
HUNTERSVILLE

HOLLY CREST LANE

SHERRIL ESTATES ROAD

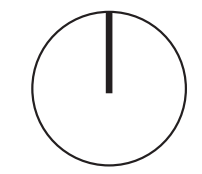
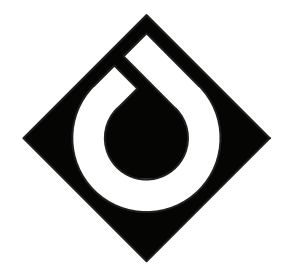
SHOPS ON
STATESVILLE

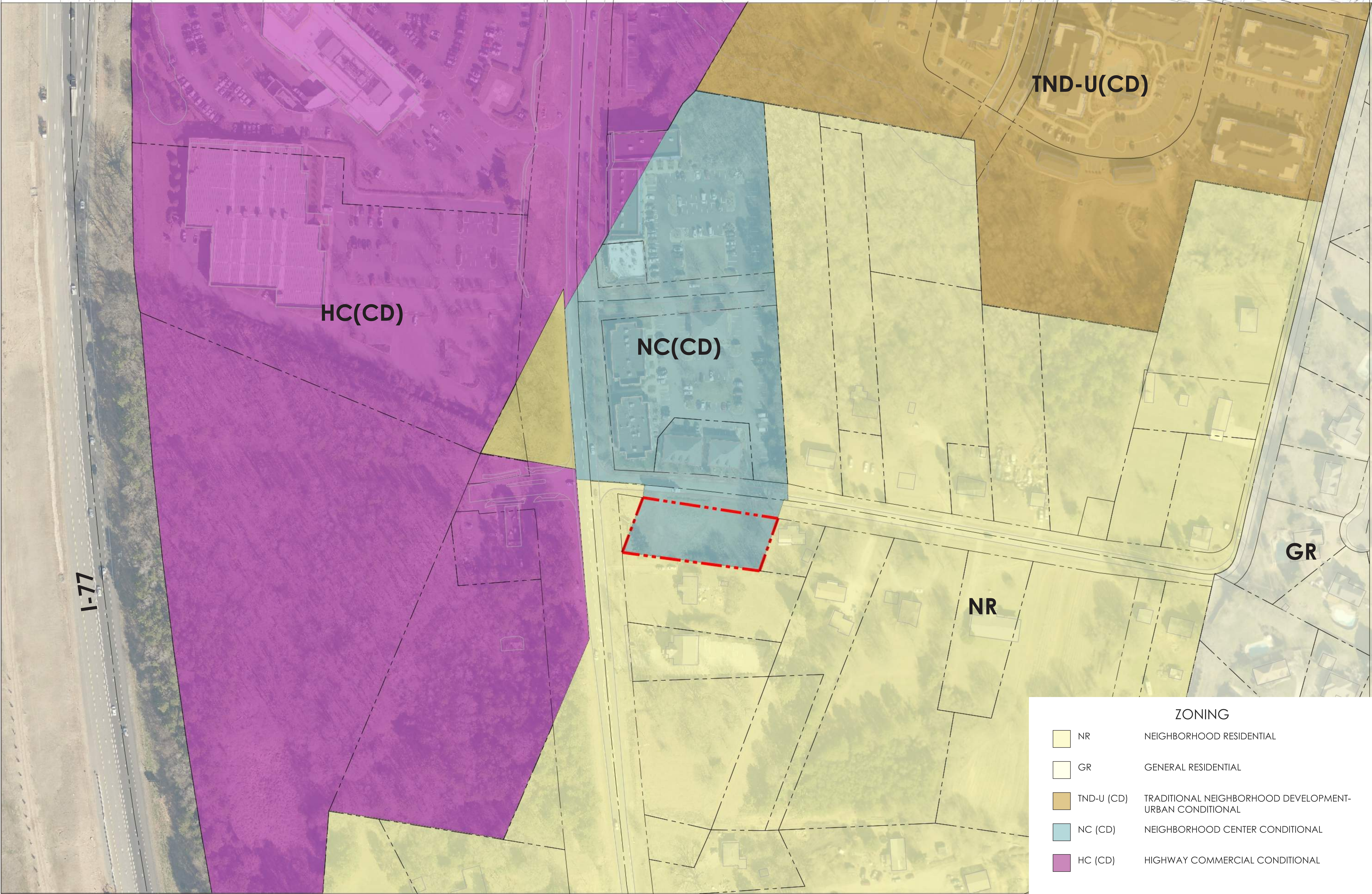
STATESVILLE ROAD

SITE
±0.559 AC

RICH HATCHET ROAD

I-77





HC(CD)

NC(CD)

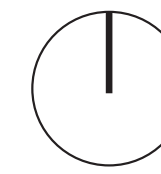
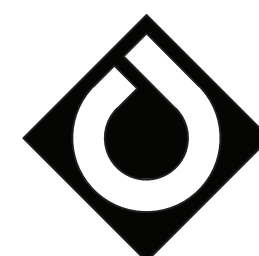
TND-U(CD)

GR

NR

ZONING

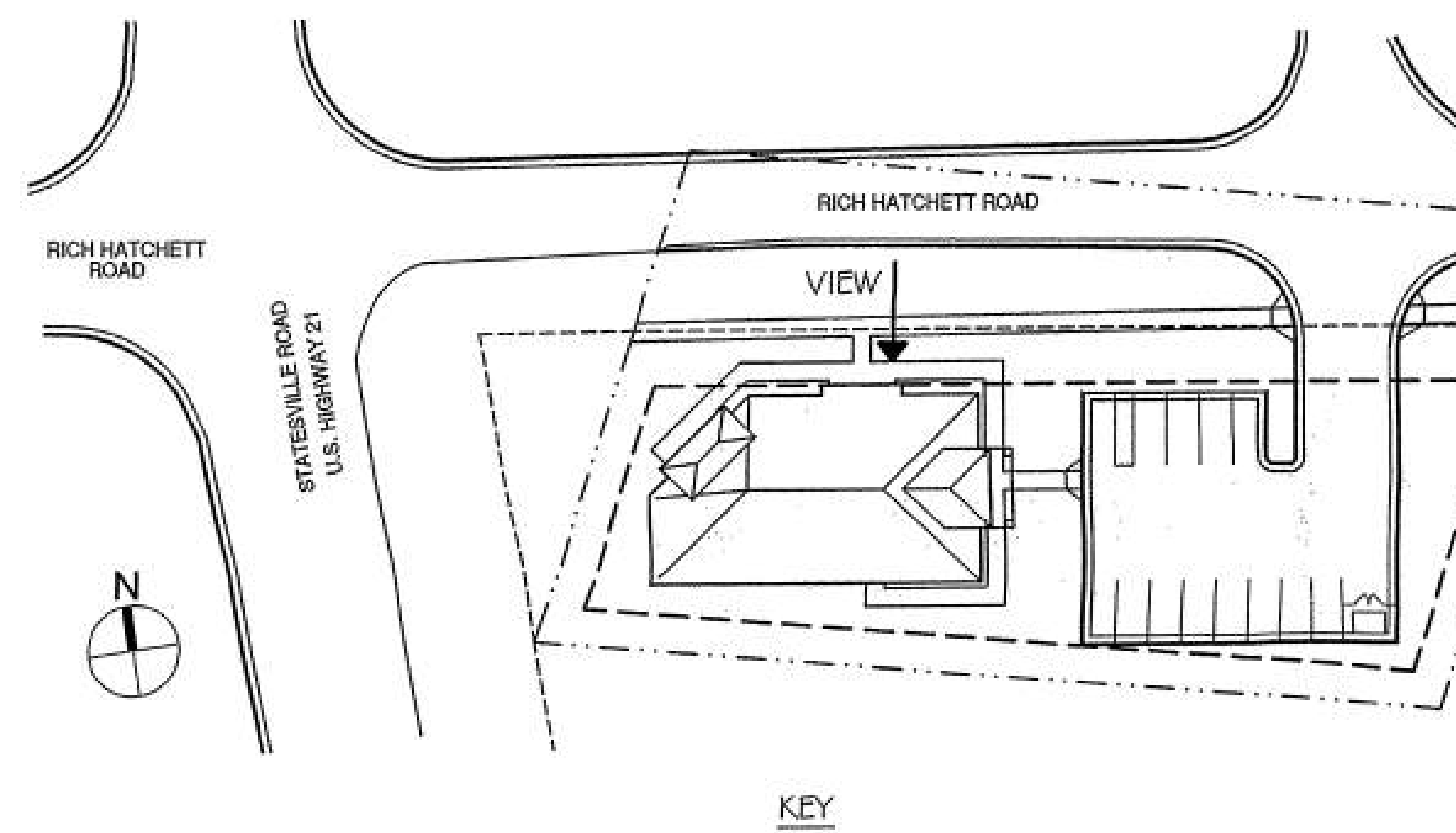
- | | |
|------------|--|
| NR | NEIGHBORHOOD RESIDENTIAL |
| GR | GENERAL RESIDENTIAL |
| TND-U (CD) | TRADITIONAL NEIGHBORHOOD DEVELOPMENT-
URBAN CONDITIONAL |
| NC (CD) | NEIGHBORHOOD CENTER CONDITIONAL |
| HC (CD) | HIGHWAY COMMERCIAL CONDITIONAL |





PROPOSED BUILDING ELEVATION FROM RICH HATCHETT ROAD

SCALE: $\frac{1}{4} = 1'-0"$



KEY

15'-8" BEARING

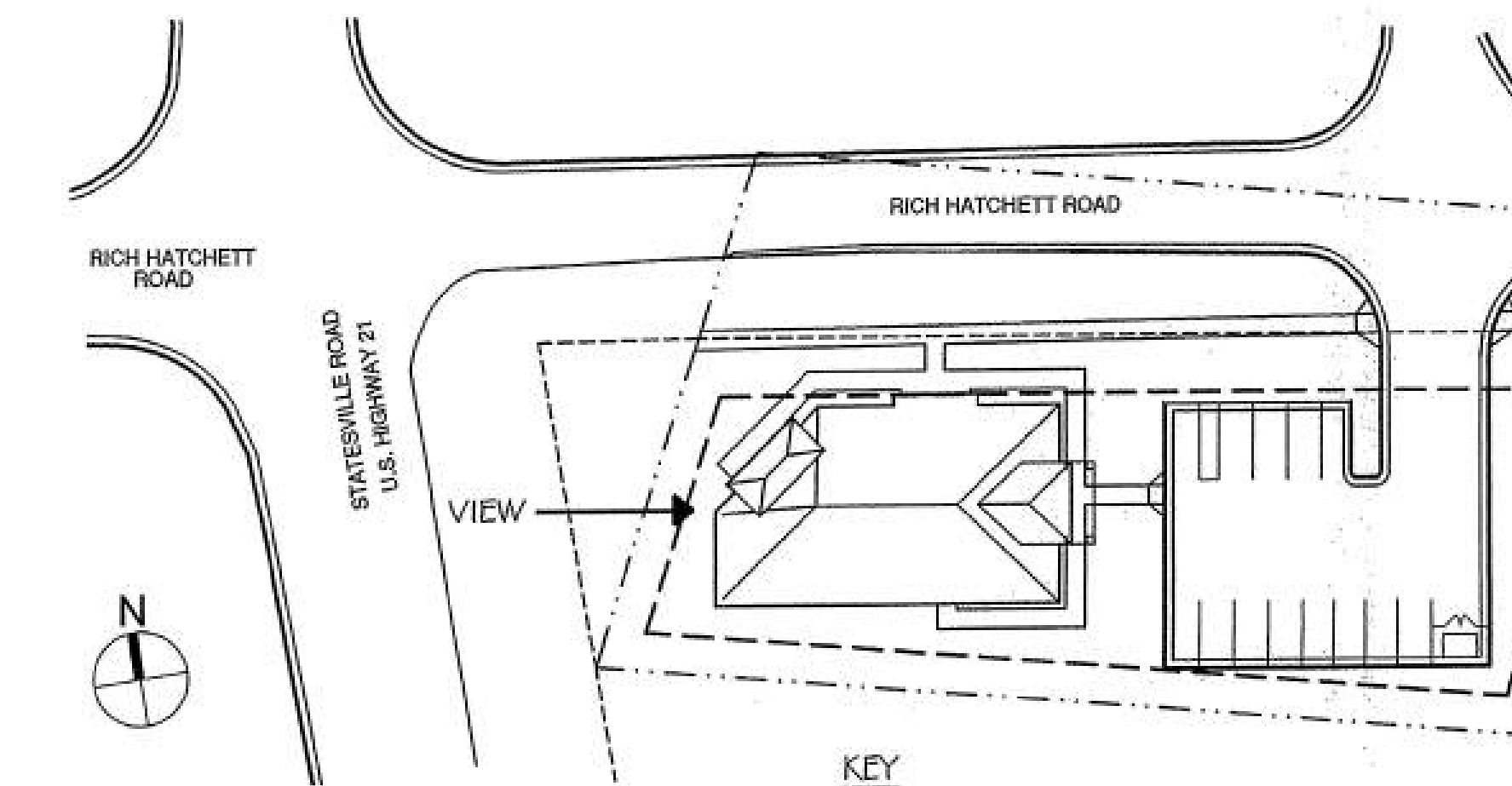
12'-0" BEARING

0'-0" FIN. FLR.

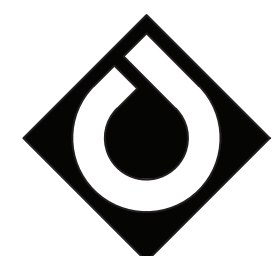


PROPOSED BUILDING ELEVATION FROM STATESVILLE ROAD

SCALE: $\frac{1}{4} = 1'-0"$



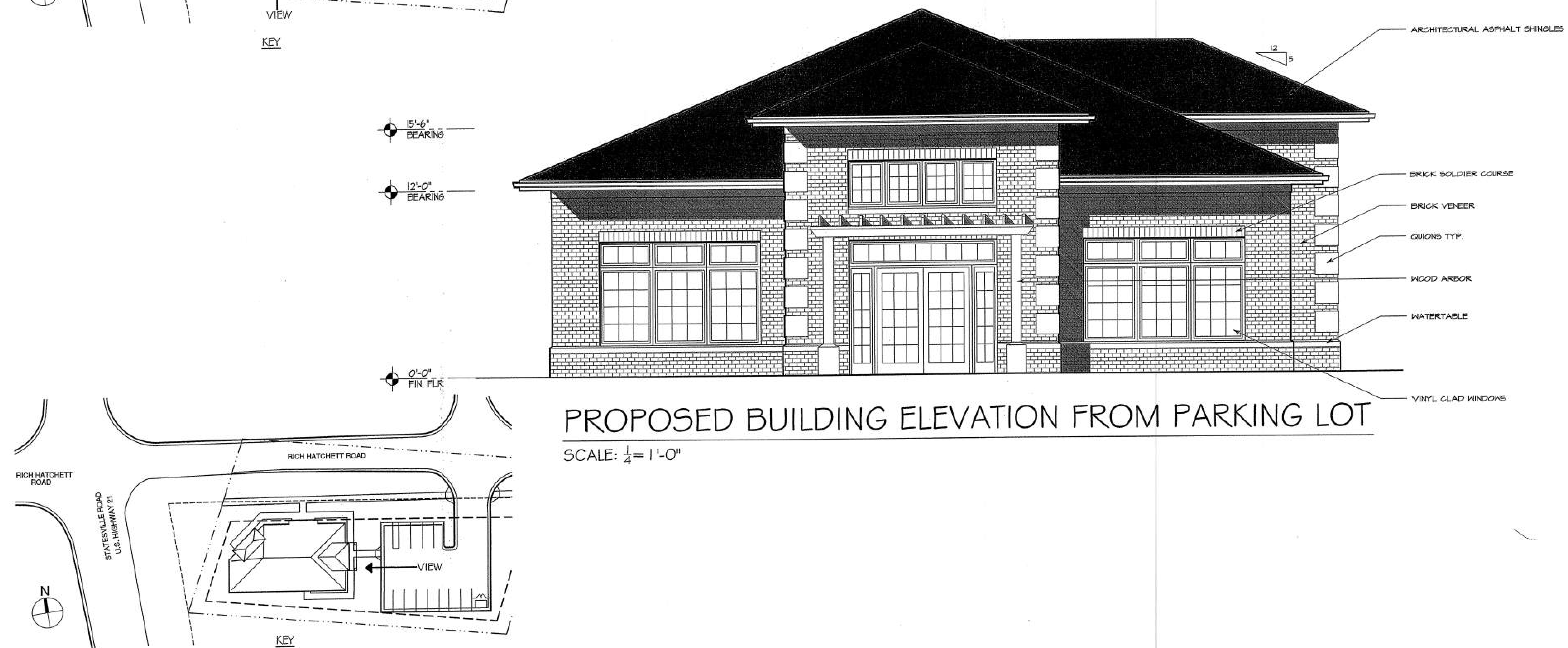
KEY





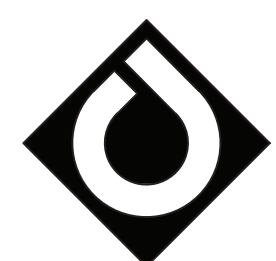
PROPOSED BUILDING ELEVATION FROM REAR YARD

SCALE: $\frac{1}{4} = 1'-0"$



PROPOSED BUILDING ELEVATION FROM PARKING LOT

SCALE: $\frac{1}{4} = 1'-0"$

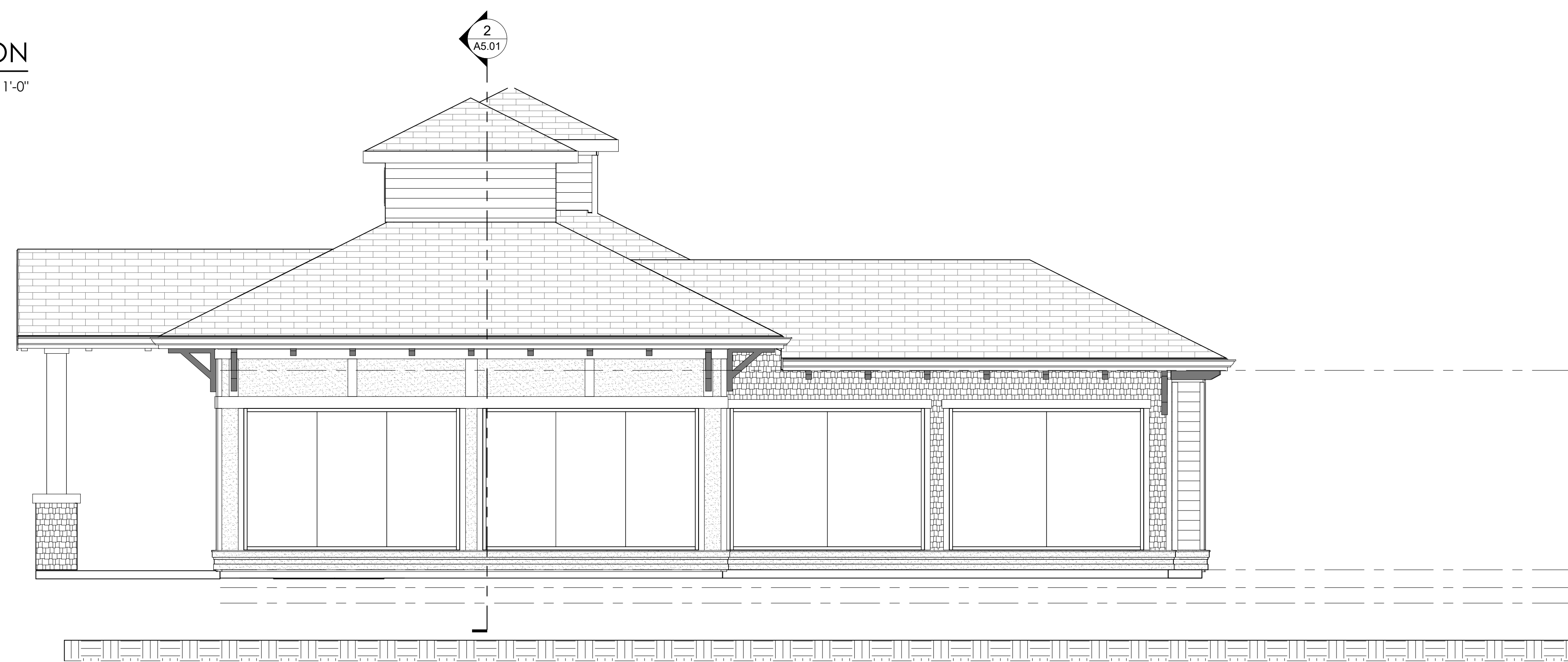




2
A4.01

PLAN NORTH ELEVATION

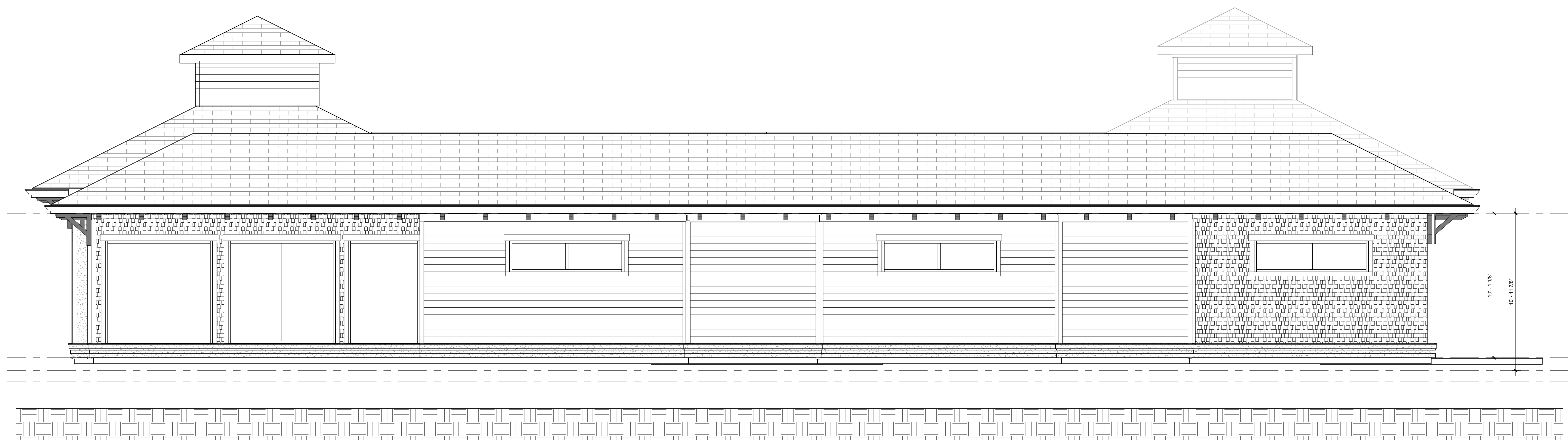
SCALE: 1/4" = 1'-0"



3
A4.01

PLAN WEST ELEVATION

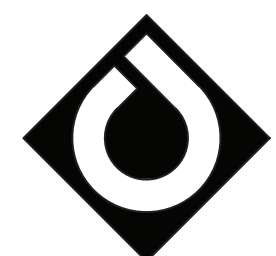
SCALE: 1/4" = 1'-0"



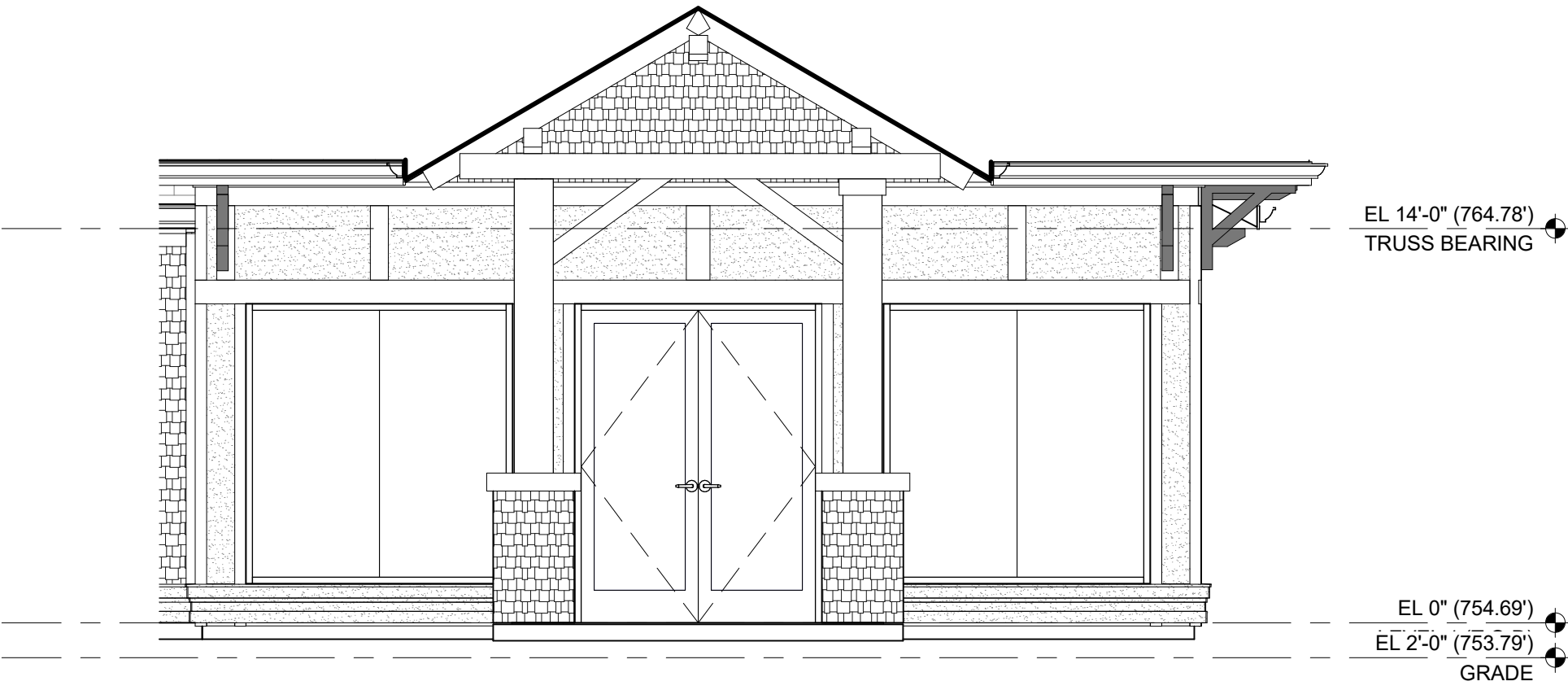
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A4.01

PLAN SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



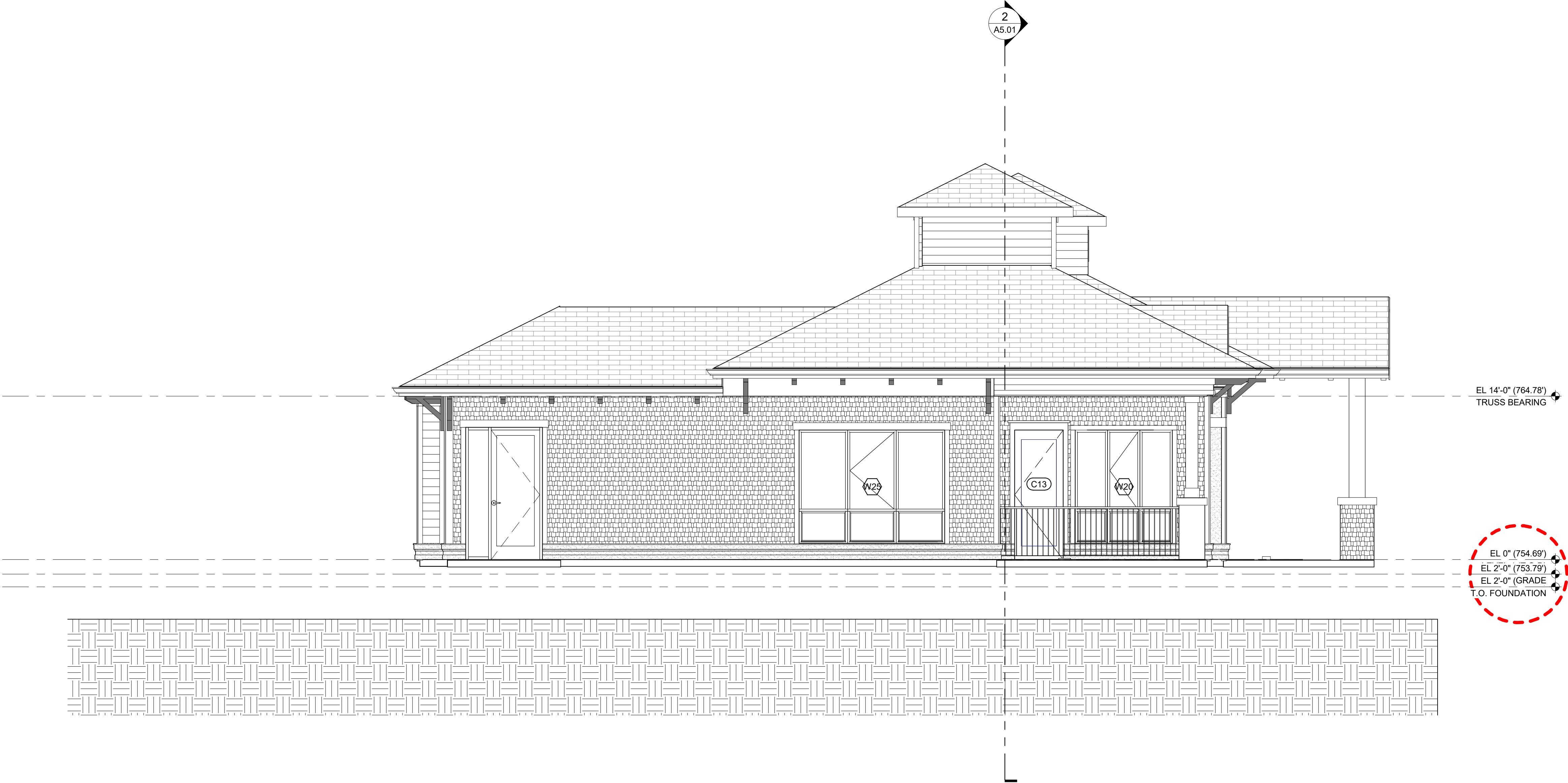
- GENERAL NOTES:**
- MATERIAL (A) AND COLOR AT FACE OF BAY RETURNS
AROUND THE SIDES AND BACK TO THE BUILDING. (TYP.)
- EXTERIOR FINISHES:**
- ASR-1 - ASPHALT SHINGLE ROOF W/ 6:12 SLOPE
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WDC-1 - PAINTED WOOD CORBELS
FGD-1 - FIBER GLASS UNIT BALCONY DOOR



2
A4.02

ELEVATION - MAIN ENTRY WALL

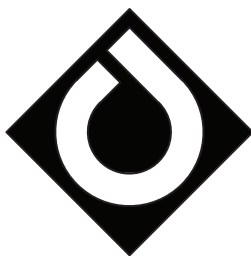
SCALE: 1/4" = 1'-0"



1
A4.02

PLAN EAST ELEVATION

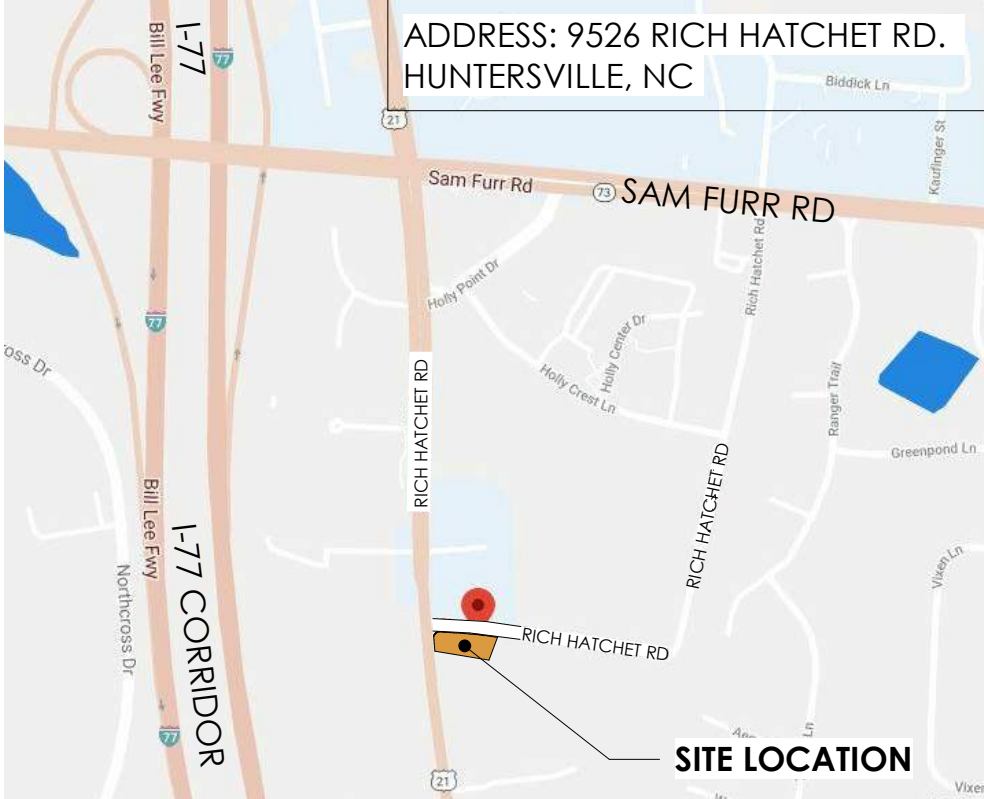
SCALE: 1/4" = 1'-0"



- ARCHITECTURAL SITE PLAN NOTES:**
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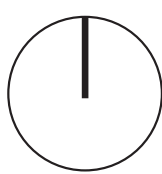
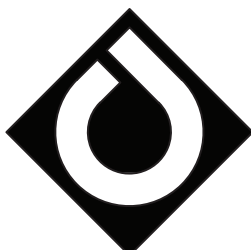
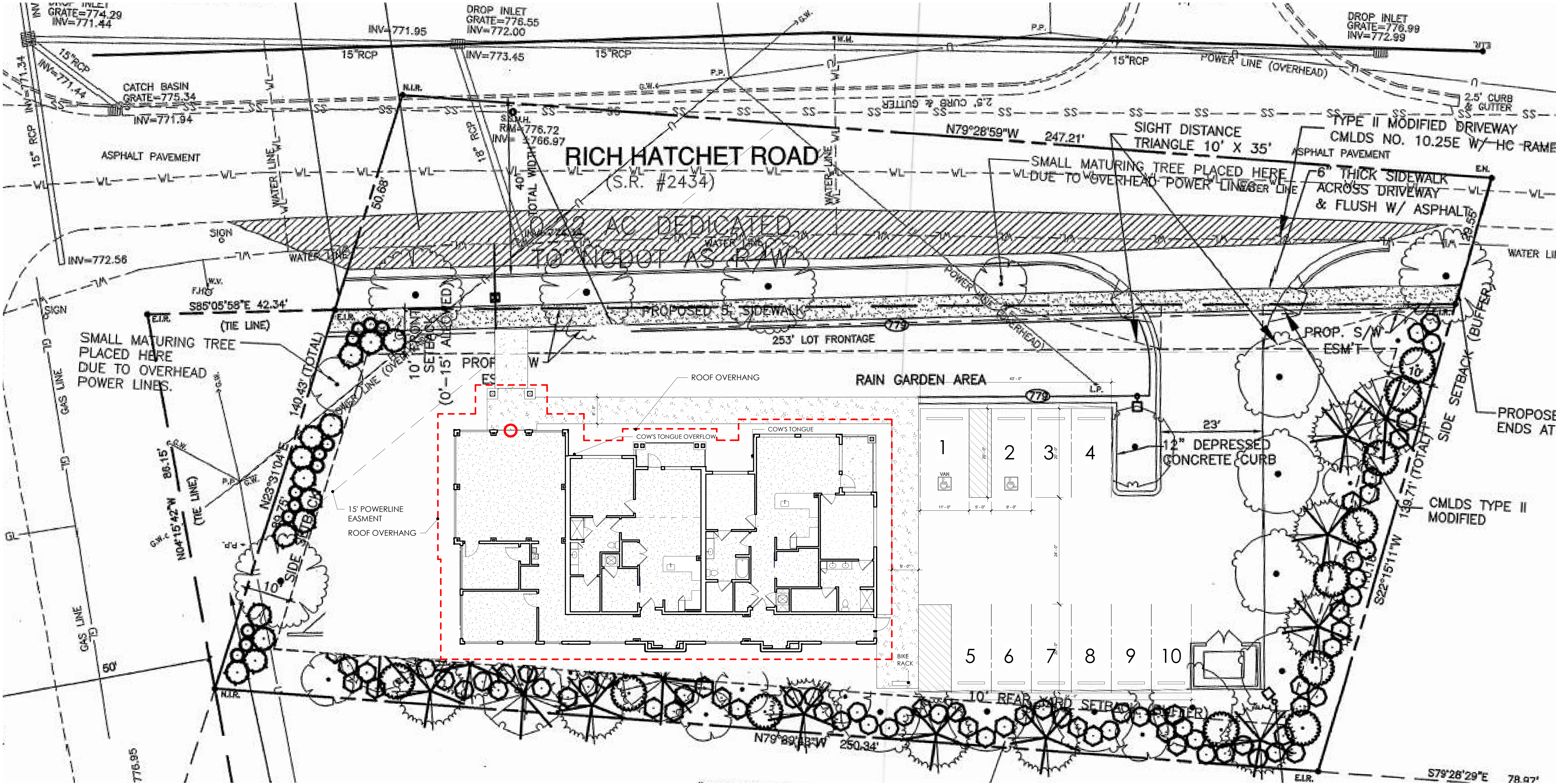
SITE PLAN LEGEND

- EXTENTS OF 3 HOUR FIRE WALL BETWEEN RESIDENTIAL UNITS AND PHASES
- ACCESSIBLE ENTRANCE LOCATION
- SITE AREA
- BUILDING STRUCTURE



PARKING NOTES

PARKING SPACE REQUIREMENTS: 1/500SF
AREA 4,088 SF
1/500=8,196 SPACES
10 SPACES PROVIDED
3 TOTAL ADA STALLS (INCLUDES 1 VAN)



Rezoning Schedule to amend R08-12

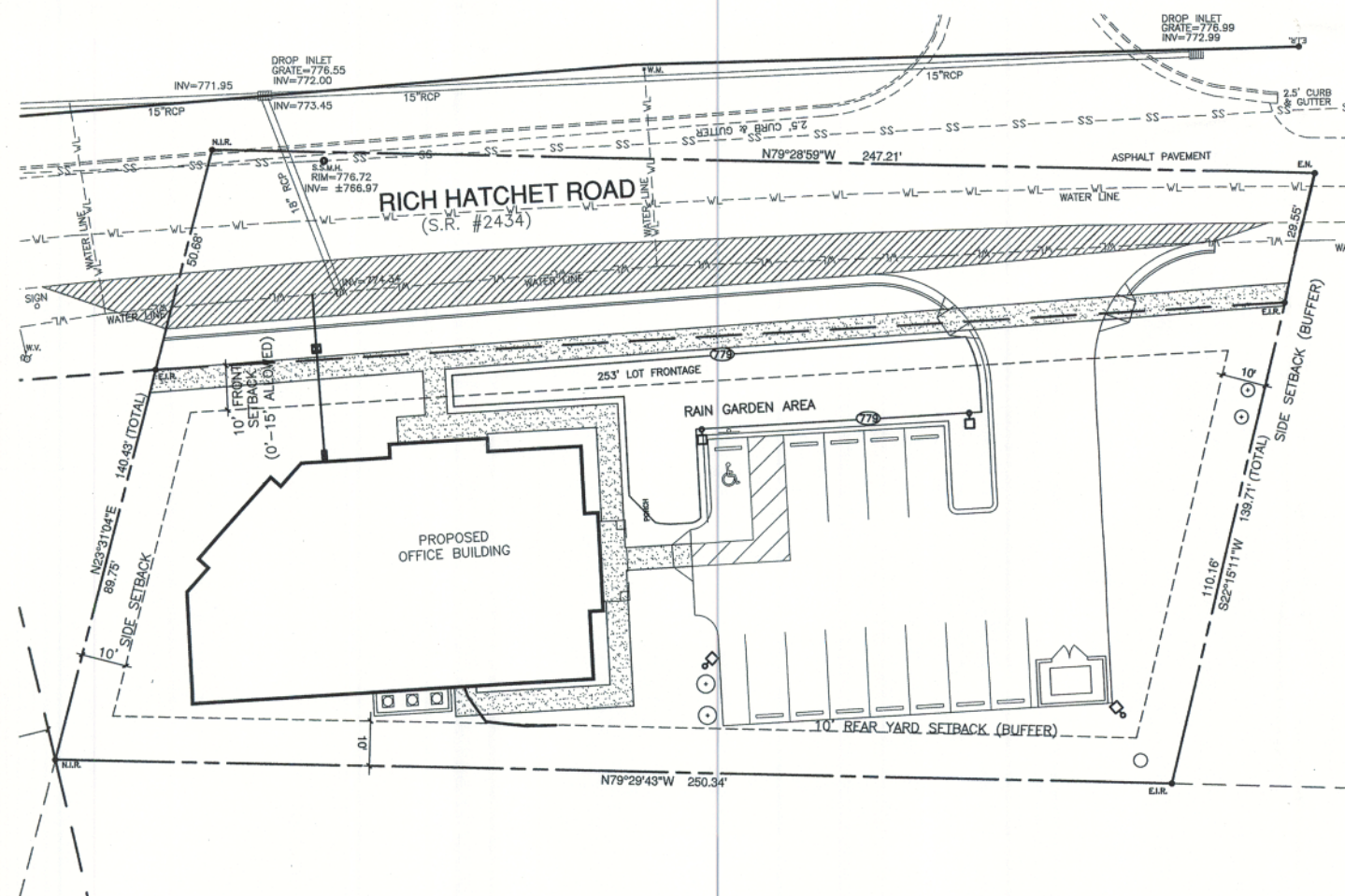
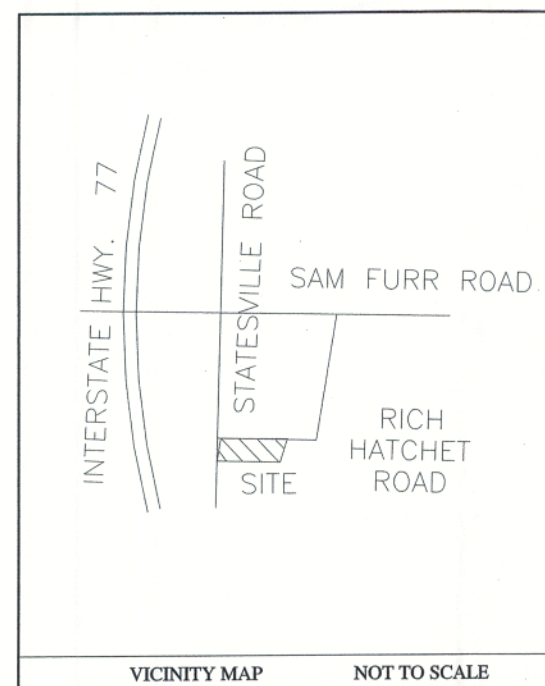
March 24	Neighborhood Meeting
April 19	Town of Huntersville Town Board Public Hearing
April 27	Town of Huntersville Planning Board Recommendation Meeting
May 17	Town of Huntersville Town Board Public Final Action Meeting

Ear Rx Office Building

REZONING PLAN

9526 Rich Hatchet Road - Huntersville, NC

Ear Rx
16300 Statesville Road
Huntersville, NC 28078



1"=20'

SHEET INDEX

SHEET C0.2 EXISTING CONDITIONS PLAN
SHEET C1.0 REZONING PLAN
SHEET L1.0 LANDSCAPE PLAN

REZONING PETITION R08-12
APPROVED BY THE TOWN OF HUNTERSVILLE
Planning Staff [Signature] Date 3/20/09

Approved 2-16-09
R08-12
Carried Unanimously



PROJECT TEAM

Developers:

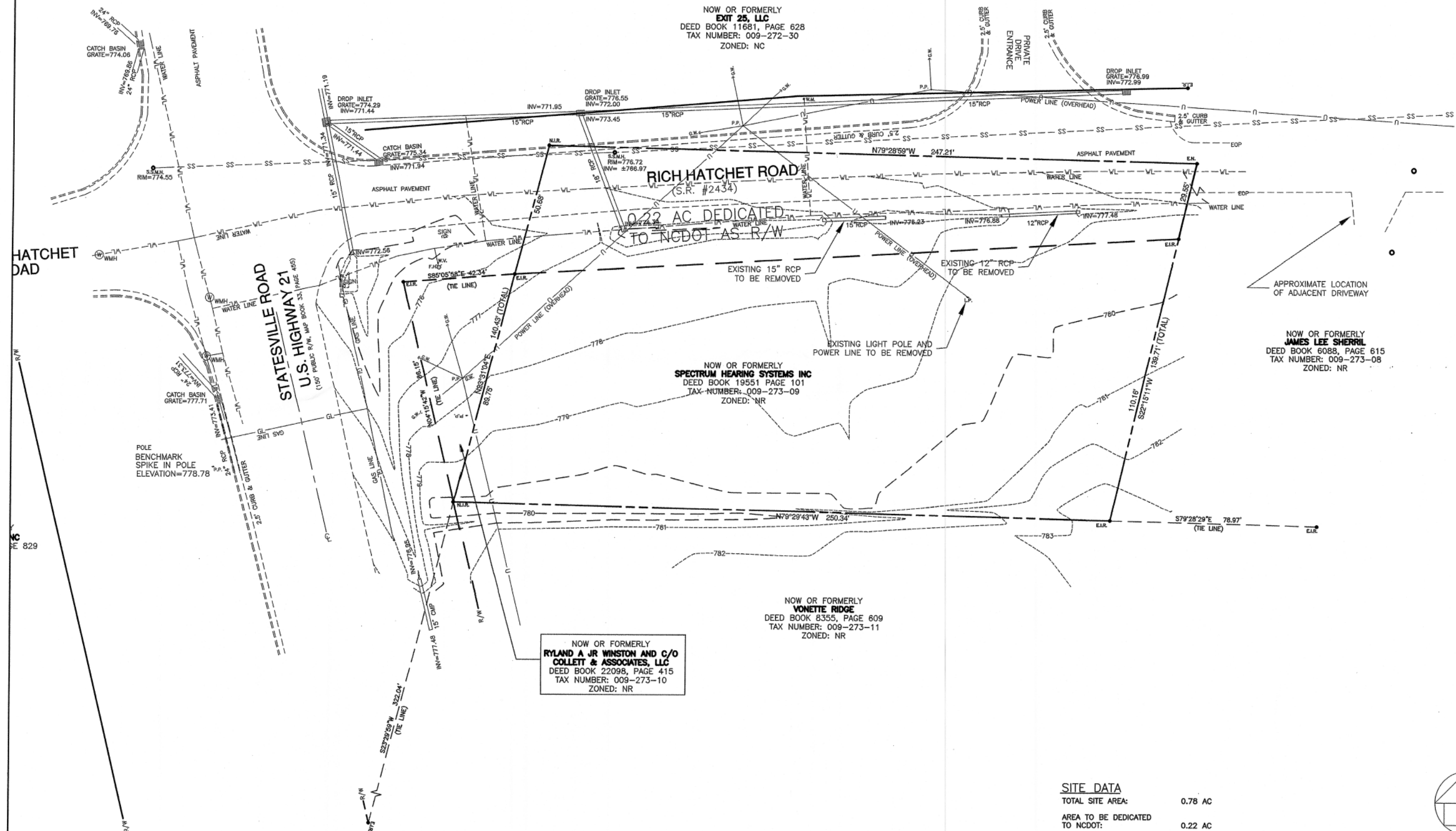
Ear Rx
Attn: Michelle Le
16300 Statesville Road
Huntersville, NC 28078
704-237-9110

Civil Engineer, Surveyor, Planner, Landscape Architect:

WSP-Sells, Inc.
128 Overhill Drive, Suite 105
Mooresville, NC 28117
704-662-0100

Architect:

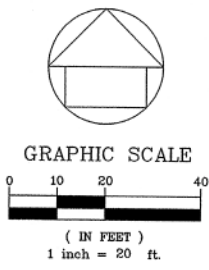
MWT Architecture, P.C.
520 Collins Aikman Drive, Suite 200
Charlotte, NC 28262
704-947-9772



SITE DATA

TOTAL SITE AREA:	0.78 AC
AREA TO BE DEDICATED TO NCDOT:	0.22 AC
PROJECT AREA:	0.56 AC
EXISTING ZONING:	NR

REFERENCE: BOUNDARY INFORMATION PROVIDED BY R.B. PHARR & ASSOCIATES, P.A.
19801 SOUTH MAIN STREET
CORNELIUS, NC 28031
PHONE: 704-895-1730
FILE NO. LN-851



REVISIONS	

PROJECT #: 06-007 DATE: 12/01/08
DRAWN BY: GB CHECKED BY: DB
TITLE

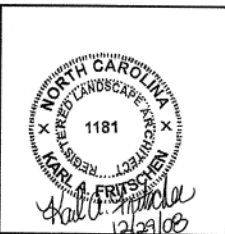
EXISTING CONDITIONS

SHEET
C0.2

EarRx Office Building

9526 Rich Hatchet Road. - Huntersville, NC

EarRx
16300 Statesville Road
Huntersville, NC 28078

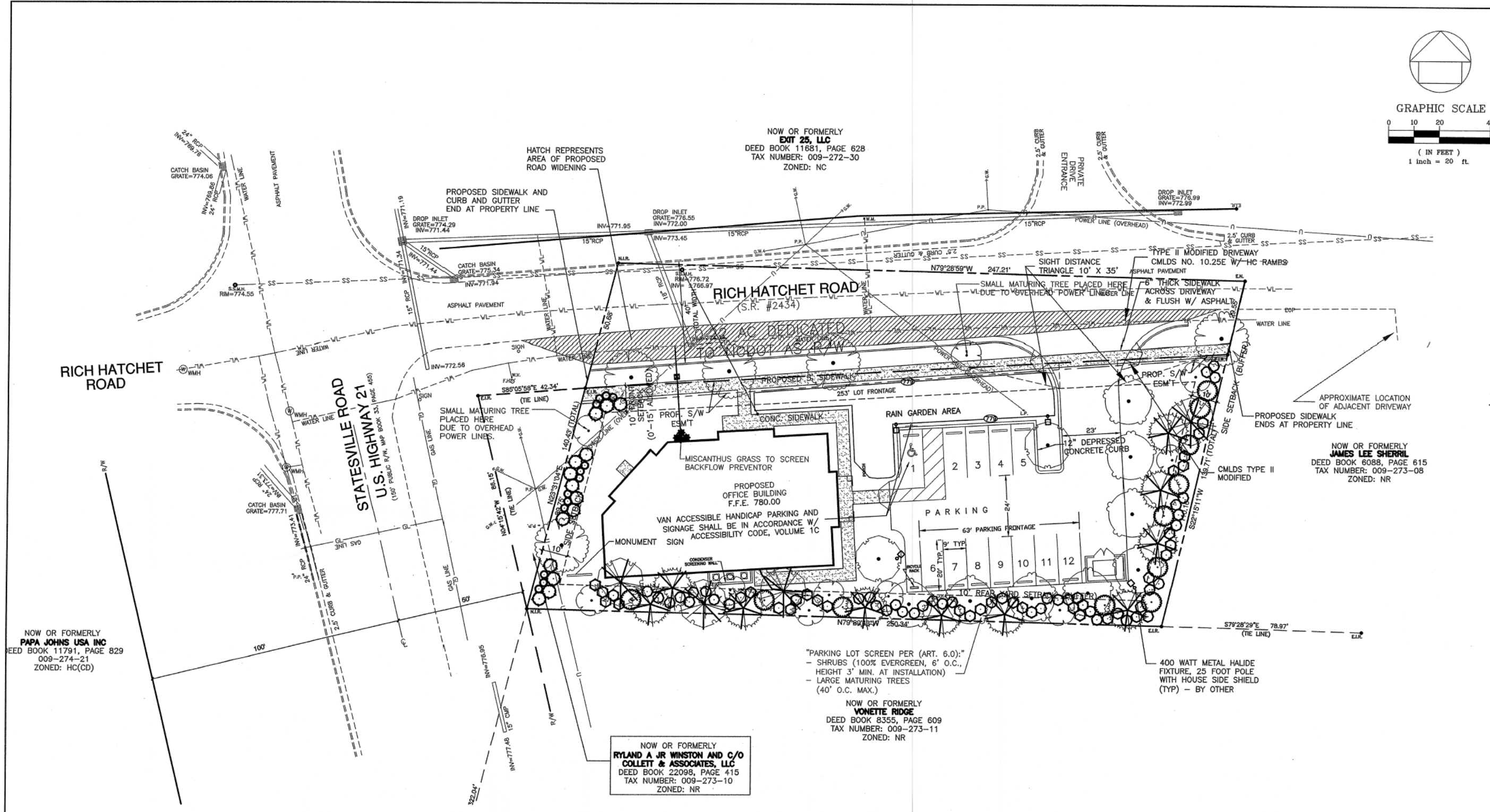
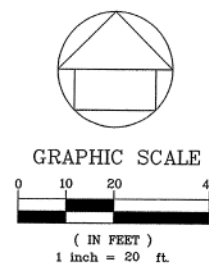


WSP - SELLS
Transportation & Infrastructure
128 Overhill Drive, Suite 105 • Mooresville, NC 28117
T: 704.662.0100 F: 704.662.0101
www.wspells.com



EarRx Office Building
 9526 Rich Hatchet Road. - Huntersville, NC

REVISIONS	
PROJECT #: 06-007	DATE: 12/01/08
DRAWN BY: GB	CHECKED BY: DB
TITLE	
REZONING PLAN	
SHEET	
C1.0	



SITE DATA

Name of Owner:
 Address of Owner:
 Address:
 Tax Parcel:
 Site Area:
 Building Area:
 Parking Required (4,532/500):
 Parking Provided:
 Present Zoning:
 Rezoning:
 Proposed Use:
 Building Lot Type:

SPECTRUM HEARING SYSTEMS INC
 18636 Starcreek Drive, Suite E, Cornelius, NC 28031
 9526 Rich Hatchett Rd.
 009-273-09
 0.7812 Acre
 4,532 Square Feet
 9.1 Cars
 12 Cars
 NR- Neighborhood Residential
 NC- (CD)- Neighborhood Center - Conditional District
 Commercial Use/Medical Office
 Urban Workplace

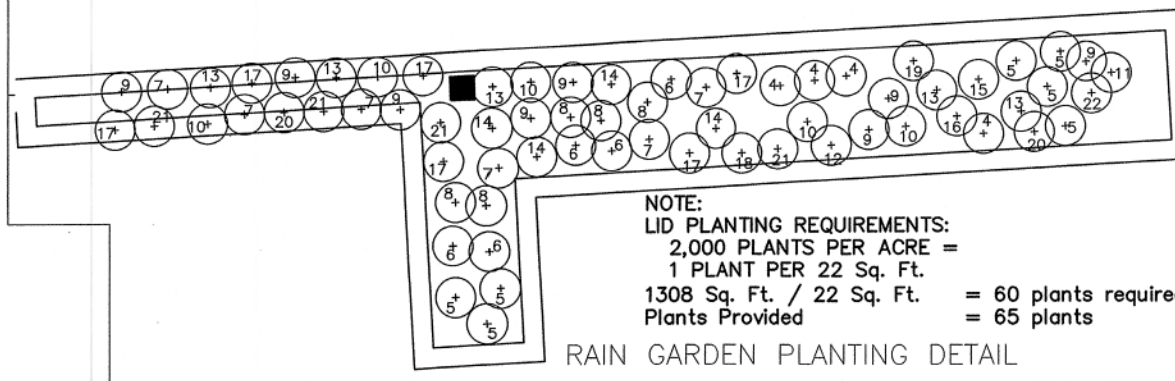
NOW OR FORMERLY
PAPA JOHN'S USA INC
 DEED BOOK 11791, PAGE 829
 009-274-21
 ZONED: HC(CD)

NOW OR FORMERLY
RYLAND A JR WINSTON AND C/O COLLETT & ASSOCIATES, LLC
 DEED BOOK 22098, PAGE 415
 TAX NUMBER: 009-273-10
 ZONED: NR

NOW OR FORMERLY
EXIT 25, LLC
 DEED BOOK 11681, PAGE 628
 TAX NUMBER: 009-272-30
 ZONED: NC

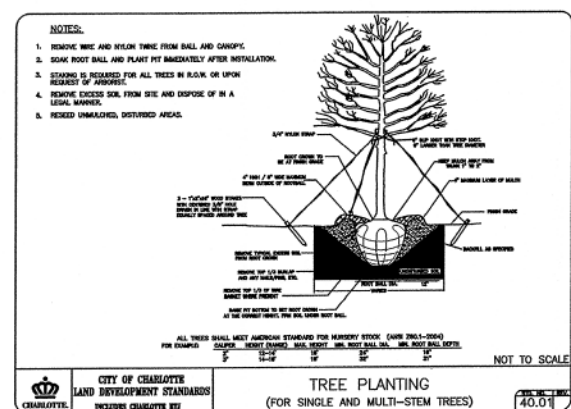
NOW OR FORMERLY
JAMES LEE SHERRILL
 DEED BOOK 6088, PAGE 615
 TAX NUMBER: 009-273-08
 ZONED: NR

NOW OR FORMERLY
VONETTE RIDGE
 DEED BOOK 8355, PAGE 609
 TAX NUMBER: 009-273-11
 ZONED: NR



NOTE:
 LID PLANTING REQUIREMENTS:
 2,000 PLANTS PER ACRE =
 1 PLANT PER 22 Sq. Ft.
 1308 Sq. Ft. / 22 Sq. Ft. = 60 plants require
 Plants Provided = 65 plants

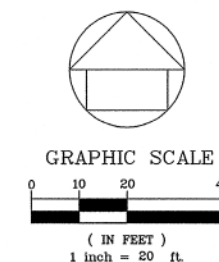
RAIN GARDEN PLANTING DETAIL



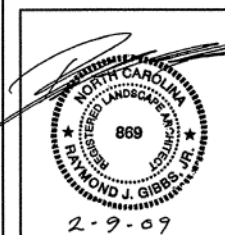
PLANT SCHEDULE

<u>TREES</u>	<u>BOTANICAL</u>	<u>COMMON</u>	<u>CONT</u>	<u>CAL</u>	<u>QTY</u>
AS	Acer rubrum `Red Sunset`	Red Sunset Maple	B & B	2.5"Cal	8
CC	Cercis canadensis	Eastern Redbud	B & B	2"Cal	10
PT	Pinus taeda	Loblolly Pine	10 gal	2.5"Cal	10
QP	Quercus phellos	Willow Oak	B & B	2.5"Cal	5
Q5	Quercus shumardii	Shumard Red Oak	B & B	2.5"Cal	4
UA	Ulmus parvifolia `Allee`	Allee Lacebark Elm	B & B	2.5"Cal	2
<u>SHRUBS</u>	<u>BOTANICAL</u>	<u>COMMON</u>	<u>CONT</u>		<u>QTY</u>
BA	Berberis thunbergii `Atropurpurea Nana`	Dwarf Redleaf Japanses Barberry	2 gal		13
JP	Juniperus chinensis `Pfitzeniana Glauca`	Blue Pfitzer Juniper	5 gal		14
LR	Ligustrum japonicum `recurvifolium`	Wax leaf ligustrum	5 gal		40
LS2	Loropetalum chinense `Sizzling Pink`	Sizzling Pink Fringe Flower	5 gal		35
MG2	Miscanthus sinensis `Gracillimus`	Maiden Grass	5 gal		3
MC2	Myrica cerifera	Wax Myrtle	5 gal		11

- 1) All plantings shall be listed on the Town of Huntersville Approved Tree and Shrub List.
- 2) In addition to plantings required for buffer (Art. 7.5.3) footnote #6 shall apply. In the chart for Art. 7.5.3 shrubs shall be planted to create a complete visual buffer, shall be 3' high and 6'o.c. when installed, and shall mature to a height of 8'.
- 3) Parking lot screening will include a row of shrubs planted 6' o.c. at the perimeter. Minimum height at installation 3' and expected height at maturity is 6'. Large maturing canopy trees shall line the parking lot max. 40'o.c. Since lot is less than 35 cars no interior parking lot landscaping is required.
- 4) A final Certificate of Occupancy may be issued prior to the installation of trees and shrubs, excluding yard trees, during the non-planting season if a Cash Bond, Surety Bond or Letter of Credit is issued for 120% of the cost of materials and installation. Planting shall be completed during the next planting season.
- 5) The Planting season shall run from October 15 to March 15, except for extreme weather conditions as determined by staff. A final Certificate of Occupancy may be issued during the non-planting season in order to allow planting to occur during the next planting season.
- 6) Developers shall enter into a maintenance surety agreement with Mecklenburg County guaranteeing the viability of street trees and trees and shrubs planted in buffer yards for a period of 1 year following planting. The amount of the surety shall be equal to 50% of the value of the new trees and landscaping material and their installation. The maintenance surety shall be provided when all of the required trees and shrubs have been planted.



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 128 Overhill Drive, Suite 105 • Mooresville, NC 28117
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www.wspells.com



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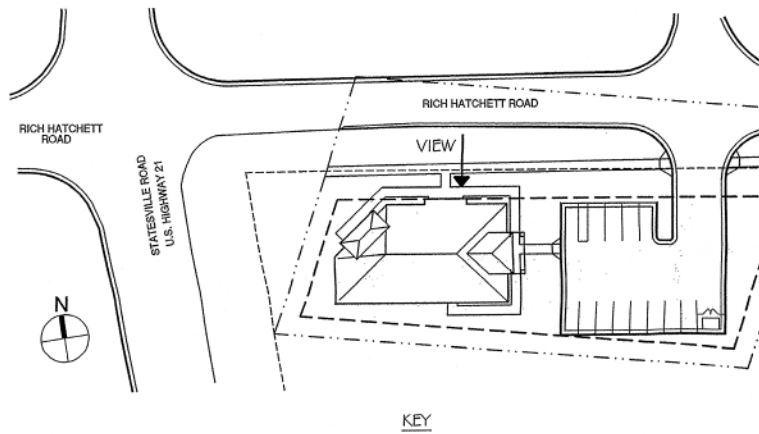
[illegible]LANDSCAPE
PLAN

SHEET **L1.0**



PROPOSED BUILDING ELEVATION FROM RICH HATCHETT ROAD

SCALE: $\frac{1}{4} = 1'-0"$



15'-6" BEARING

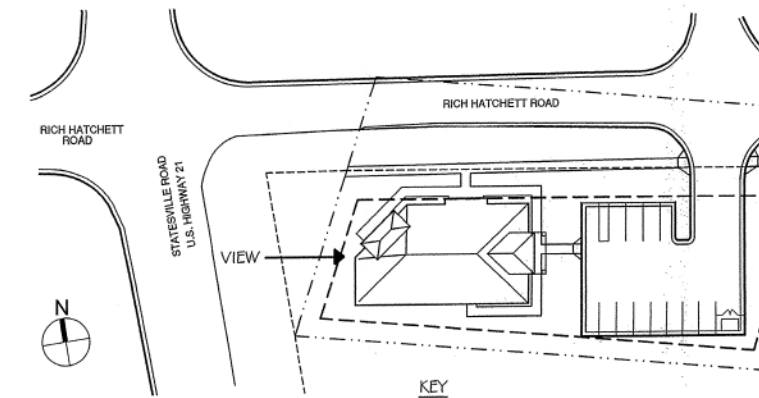
12'-0" BEARING

0'-0" FIN. FLR.



PROPOSED BUILDING ELEVATION FROM STATESVILLE ROAD

SCALE: $\frac{1}{4} = 1'-0"$



REVISIONS:

WARNING
IT IS A VIOLATION OF THE LAW FOR ANY
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Buffalo, New York
MWT Architecture, P.C.
6390 Main Street - Suite 120
Williamsville, NY 14221
Ph: 716.631.0600 Fax: 631.2340

Charlotte, North Carolina
MWT Architecture, P.C.
520 Collins Aikman Drive - Suite 200
Charlotte, NC 28262
Ph: 704.947.9772 Fax: 595.1725

Las Vegas, Nevada
MWT OFRA Architecture
3753 Howard Hughes Parkway - Suite 200
Las Vegas, NV 89109
Ph: 702.365.5200 Fax: 784.7601

Washington, DC
MWT Architecture
1655 N. Fort Myer Drive - Suite 700
Arlington, VA 22209
Ph: 703.998.0206 Fax: 998.5234

**REZONING
FOR
EAR RX**

9526 RICH HATCHETT RD.
HUNTERSVILLE, NORTH CAROLINA
MECKLENBURG COUNTY

PROJECT NO: 08226

DATE: 10/6/08

DRAWN BY: JDW

CHKD. BY: JDW

ELEVATIONS

SHEET

A301

REVISIONS:

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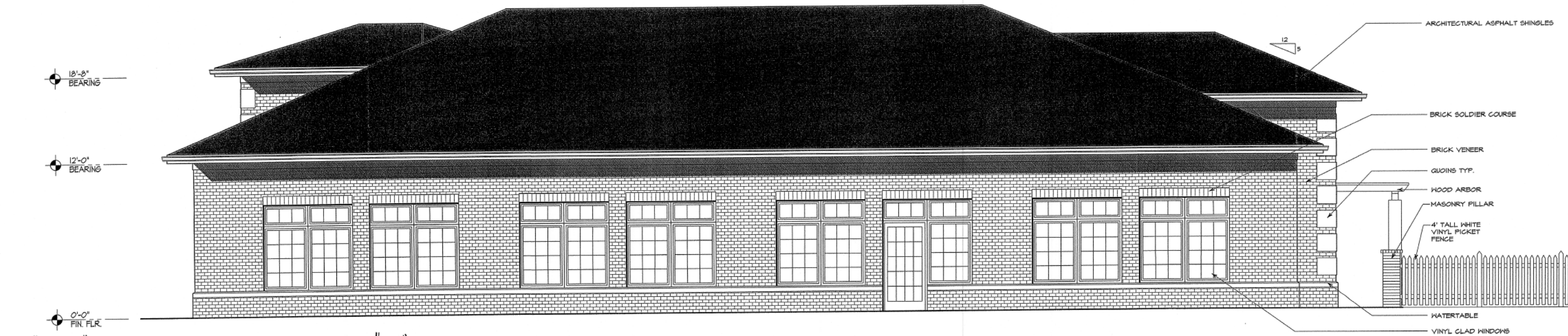
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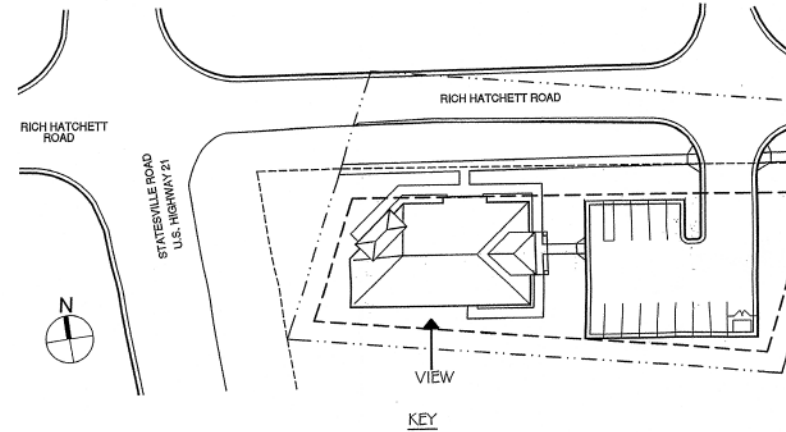
ELEVATIONS

SHEET A300



PROPOSED BUILDING ELEVATION FROM REAR YARD

SCALE: $\frac{1}{4} = 1'-0"$



PROPOSED BUILDING ELEVATION FROM PARKING LOT

SCALE: $\frac{1}{4} = 1'-0"$

