

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**January 4, 2021 (Virtual)
6:00 p.m. – Hosted from Huntersville Town Hall**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners (Virtual) was hosted at the Huntersville Town Hall at 6:00 p.m. on January 4, 2021.

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

Mayor Aneralla stated this meeting is being held both in person at the Huntersville Recreation Center on Verhoeff Road as well as livestreamed on Facebook Live. The Board of Commissioners are participating remotely. The public has been invited to attend and comment during the public comments or during any of the public hearings (1) in person at the Huntersville Recreation Center or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. today. The public may also submit comments by e-mail to the Town Clerk at jpierson@huntersville.org. For public hearings only, e-mailed comments may continue to be submitted until 24 hours after the close of the public hearing.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a Moment of Silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Aneralla

- Gave shout out to Nashville, TN police officers who diverted what could have been a terrible disaster on Christmas morning.
- Next Mayor's Luncheon is January 19.
- Received upset bid for the Blythe Building.
- Commended the Parks & Recreation Department for organizing event on Christmas Eve for underserved citizens.

Commissioner Bales

- Lake Norman Economic Development Corporation currently has 41 projects, 20 of which are in Huntersville. The EDC is working with the Lake Norman Education Collaborative on the first virtual speed networking event.
- Charlotte-Mecklenburg Schools will be remote until January 19.
- Phase 1B of the COVID vaccine distribution will be at Bojangles Coliseum.

Commissioner Boone

- Next meeting of the Huntersville Ordinances Advisory Board is January 7.
- Provided update on upcoming Lake Norman Chamber of Commerce events.
- Provided update on how COVID is affecting Huntersville Fire Department and Huntersville Police Department.

Commissioner Hines

- At the last Charlotte Regional Transportation Planning Organization meeting, the Town received funding for the Torrence Creek Greenway all the way to Mt. Holly-Huntersville Road and received additional funding for the Gilead Road West Project. Next meeting is January 20.

Commissioner Munger

- Encouraged supporting local non-profits such as Angels and Sparrows, Caterpillar Ministries, Bags of Hope and Ada Jenkins.

Commissioner Phillips

- Charlotte Animal Control and Care accomplished a 90 percent positive release rate for the year 2020.

Commissioner Walsh

- Next virtual Public Art Commission meeting is January 13.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Boone made a motion to adopt the agenda.

Commissioner Phillips seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve

Commissioner Boone – Approve

Commissioner Hines – Approve

Commissioner Munger – Approve

Commissioner Phillips – Approve

Commissioner Walsh – Approve

PUBLIC HEARINGS

Petition #R20-04. Mayor Aneralla called to order continuation of public hearing on Petition #R20-04, a request by Palillo Holdings, LLC to rezone +/- 37.19 acres at the southwest corner of Hambright Road and Statesville Road from Corporate Business to Corporate Business Conditional District, Transit-Oriented Development Residential Conditional District, and Highway Commercial Conditional District, for a mixed-use development with commercial, apartments, hotel and flex space (parcels 01704401, 01704402, 01704403, 01704404, 01704406, 01704407, 01704409).

Brian Richards, Assistant Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 1.*

The location of this is at the southwest corner of Hambright Road and Statesville Road. Currently, all the property is zoned Corporate Business. The applicant is proposing to rezone for three districts – Highway Commercial Conditional District, Transit Oriented Development Residential Conditional District and Highway Commercial Conditional District for an apartment complex, commercial, flex space and hotel.

Currently, the project is mainly vacant south of the gas line and SWIM buffer. To the north there is a mobile home park and two small single-family homes that I believe are not occupied at this time.

The conditional district rezoning is generally compliant with the Subdivision and Zoning Ordinances. Some significant things I would like to point out are the 5,500 sq. ft. for a commercial convenience store in the northeast corner, a 300-unit multi-family development north of the creek, roughly 55,000 sq. ft. of flex office space to the south, and to the south of that the applicant is asking for two options. One option is to have a hotel of 120 units and an 8,400 sq. ft. commercial building. Optionally, they are speaking with some potential clients that may want additional flex space down there, so they are asking for the flexibility to have the hotel and commercial building switched out to up to 85,000 sq. ft. of flex space. I'd like to point out that several of the buildings in the apartment complex will be fronting public streets – that's Buildings G, F and B. The applicant is also proposing that several of the other buildings front either urban open space, which is indicated with the orange squares, or a greenway. We are working with the developer to get some more details on the amenities that might be included in that greenway. Overall, I think this is a good site plan.

One thing I did want to point out is generally we like to have buildings front the street. Building I is being proposed to front the greenway. The applicant is offering to have some articulation on the end of the building. We are also speaking with them about maybe some potential buffering for that side of the building or ideally, we'd like to have that building front the public street, Hambright Road. We worked long and hard with the developer to try to find a non-residential use for this site. There has been some interest in the past, but currently given the COVID market, that's where we are at.

The topography of the site, there's some SWIM buffers and some general characteristics of this.....it's difficult to develop that particular parcel as a non-residential use. We reached out to the EDC. We worked heavily with the applicant to try to find someone who was non-residential in nature and honestly given where we are in the current economy that's probably not in the cards at this time. We have asked the applicant to potentially explore turning that Building I towards Hambright Road. We do know that that size building would then encroach into the I-77 buffer, which staff in this case would be fine with. Typically, we don't like buffer encroachments, but because this is on the return on Hambright

Road, we think the benefit of having that building fronting the street would outweigh that buffer impact. We are going to continue to have some discussions with the applicant about that.

The existing tree canopy is about 80 percent of the site. There are 294 specimen trees onsite. They are required to save 30 percent. They are going to be just under that 30 percent at just under 29 percent. We're speaking with the applicant and their engineers to see if we can get a couple more trees saved so we don't have to go to the Planning Board and ask for any sort of mitigation.

Another thing I would like to point out is typically when we come to you with conditional district rezonings, we have specific elevations. The applicant does not have under contract specific developers, so what they have chosen to do and we're working with them, is present some architectural precedents. In addition to the architectural precedents you see on the screen, they have offered up some language. Additionally, they have gone above and beyond at staff's request to include all the language directly from the ordinance for the Highway Commercial apartment buildings as well as shop front buildings which would be used in this project, so we are getting more comfortable with the language and what they are asking for.

There are some outstanding site plan issues, all minor in nature, from Planning, Transportation and Engineering. We are working with those to get those addressed before we get to the Planning Board at the end of the month.

They are requesting three modifications. The first modification is the Corporate Business 80' buffer. Any time you have Corporate Business along a public street, there's a requirement to either have the buildings or units front the public street or be behind an 80' buffer. In this case the applicant is proposing a 20' buffer which is heavily vegetated and behind that buffer would be the 10' multi-use path, which is part of the recently adopted Bikeway Plan. Additionally, they are proposing a private drive, which is allowed in Corporate Business and they are going to have the buildings front that private drive. I would like to point out in addition to planting the 20' buffer along the Corporate Business portion of the project, they would like to continue that buffer all the way through up to Hambright Road, which is not required by the ordinance, it's something that they are offering for continuity and aesthetics of the project and we think that's a great idea. Due to having the heavy planting, the buffer, the multi-use path, staff feels that creates an attractive and safe and pedestrian-friendly environment. We are in support of this modification.

The second modification that they are requesting is a modification to the I-77 50' buffer. Typically, buffers are to remain undisturbed except for some of the reasons listed below. The applicant is having some difficulty with grading issues along I-77 so they are asking for in two spots on the northern part a roughly 300' disturbance of the I-77 buffer and on the southern portion of the project, roughly a 965' disturbance along I-77. They are offering to mitigate, replant at the ordinance standard of five trees and eight shrubs per 1,000 sq. ft. We would highly suggest that this buffer is not disturbed and if it is disturbed that we keep it to a minimum and we are going to continue to work with the developer to see if we can reduce that. Due to the fact that you are not supposed to disturb the buffers and we do not feel that this is in keeping with the spirit of the ordinance, staff would not support the modification for the I-77 buffer.

The third modification is a parking modification. Apartment Building B fronts both a greenway and a public street. Due to the topography of this site with a gas line located to the north of this building and a SWIM buffer to the south, there's really no place for people to park other than between the I-77

buffer. Staff feels that the request to modify the parking location on the side of the apartment building is in keeping with the spirit of the ordinance, so we would support that modification.

Due to the fact that this Staff Report was written just before Christmas, I wasn't quite sure if we were going to have the 2040 Plan adopted, so we did include in the Staff Report and my presentation support from the previously approved 2030 Plan. If it's okay with you, I'll go ahead and skip on to the requirements of the 2040 Plan. As you can see here's the previously approved 2030 Plan, there's the location of the project down here along I-77. Regarding the newly adopted 2040 Community Plan, what we have done is we have pulled the future land-use map and I've outlined the project. This area is covered under a mixed-use center as well as an employment center. I've got the descriptions here of areas. Staff has listed the number of categories where this project would be supported. We feel it's a good project for the area. In considering the project itself we are going to recommend support except for the modification to the I-77 buffer and obviously getting all of the outstanding comments to be addressed by the applicant.

Commissioner Munger said does staff have any concerns with the residential in close proximity to the interstate.

Mr. Richards said it's actually going to be encouraged in this area. The Transit Oriented Zoning District that they are requesting states that you need to be within the ½ mile catchment area of a transit oriented spot. In this case it's the CATS Park & Ride that's proposed to start in 2021, just to the west of this project. We think it's a good location for this type of development.

Commissioner Bales said can you explain a little bit about the greenway. Is this an internal greenway or is this part of the Carolina Thread Trail or a county greenway.

Mr. Richards said this would be an internal greenway for the project with a public access easement, so all the citizens would be able to utilize that. This greenway will tie into the sidewalk that is on the southern side of Hambright Road. On the northern side would be a multi-use path that would be installed in the future and then along the eastern boundary of this project is a 10' multi-use path as part of the Town's and county's bikeway and greenway plans. We are in the process of starting to revise our greenway plan to marry up with the county's, so there will be some shifting.

Commissioner Bales said I thought and correct me if I'm wrong because this was a conversation from a long time ago, the Carolina Thread Trail was supposed to come up under the interstate here.

Mr. Richards said that is correct and has been taken care of. The Thread Trail has now been relocated to another area. The county's greenway did come down through and under the interstate here. The county's greenway plan has now moved that to the north along the multi-use path along Hambright Road. Our plans need to marry up with the county's plans.

Commissioner Bales said what you are saying is the county has shifted the greenway up to the bridge.

Mr. Richards said correct.

Commissioner Hines said a question regarding the buffers. The buffers on the Corporate Business, I understand sometimes the businesses like the visibility because they showcase a unique building or something like that. You mentioned something about there's a way that they are recommending

mitigating that. Is there anything within our ordinance to where we can reduce that or thin it out, rather than just disturbing the entire 50' buffer.

Mr. Richards said that's what we are going to try to work with them, maybe not 50' as much as it was being shown on their grading plans today, hopefully that can get reduced. If you look at the aerial, there is a bare spot about where some of those flex spaces would be, so that may actually need to be replanted, so hopefully it's not too much but as they go north and south of there, they are requesting to impact quite a bit for grading, but hopefully we can work with them and get some of them reduced.

Commissioner Hines said so in a buffer area, just for information and knowledge, they can go in there and they can't clear out, they can't get rid of scrub brush.....it has to be fully undisturbed.

Mr. Richards said in our ordinance it is undisturbed.

Commissioner Boone said concerning Building K, the apartment building that's on Hambright, as it sits now and we know what the tree save is, they are missing three trees to qualify for the tree save. By moving it to that position, does that increase or decrease the tree save.

Mr. Richards said we have not fully explored that with the applicant yet. They may be able to speak to that. If they were to rotate that Building I over towards Hambright, it would change the geometry for their parking field. We had a couple of other ideas that we have not presented to the applicant yet. I did have a meeting with them this afternoon and we are hoping to further explore those in the next couple of days.

Commissioner Walsh said the TIA.....

Mr. Richards said they did submit the TIA and Town staff and DOT had comments for those. They were originally submitted and we got comments back to them. The TIA was resubmitted back to the Town and DOT on December 18. Our staff is currently reviewing it and have not completed their review from the 18th. DOT is in the process of reviewing that and they are to have comments back roughly around January 22, so that's kind of a moving target at this point.

Commissioner Walsh said we are talking about converting valuable commercial space to essentially residential. You mentioned there's some challenges on the piece of property where they want to put in some apartments and a gas station.....topo and commercial space. To me this would be a great place for a corporate headquarters or something to that effect. But other than apartments and a gas station, why is this not suitable for commercial.

Mr. Richards said we took a look at the 2040 Plan and you can see that's part of a mixed-use node and the employment center and when we took a look at this site we reached out to the applicant and discussed that particularly with them and quite frankly his answer back to us was he would love to sell it to somebody who would put more flex space or more commercial in the area. We reached out to Ryan McDaniels and the team over at the EDC and they looked for 6 to 8 weeks and reached out to lots of their contacts and no one came back with anybody who would be able to do anything on the site just due to the fact it's kind of an odd shaped area. You've got the stream buffers, you've got some topography, you have those 77 buffers right there and really just due to the SWIM buffers, the topography, the odd shape of that lot, it really wasn't appealing to anybody. We all think it would be a

great idea in theory to do that, but when it comes to actual execution, that particular area is not the greatest for non-residential.

Commissioner Phillips said regarding tree save, are we using what we passed in 2020 or are we using older stuff.

Mr. Richards said this would be the new ordinance.

Jake Palillo, said Brian did a pretty good job covering all the points there. Just a few points that I want to go over on the 77 buffer. We are working with a pretty exciting tenant who is going to build kind of a headquarters there and we would like to have a little exposure to 77, because it's going to be a pretty attractive building and we want to have a wet pond with a sprayer in it so it's more of a focal point off of 77 as well. I can't disclose too much of who we are working with at the present time, but we would like to just disturb a little bit of that buffer just near that pond. The back of this building is all glass, very attractive. I agree with maintaining the rest of the buffer, but for that there similar to what you see when you are going down to the Charlotte area, there's that one area where it has a nice monument there with a nice fountain in it and it would be a very attractive building. I think it would be more of an asset to the Town. We've got the Park and Ride on the other side of 77. We are working with the developer on the west side of 77 who has 92 acres. We are bringing the sewer and the water into the property, which will give sewer and water to about 600 acres on both sides of 77. It will also give us more sewer across the street. There's quite a bit of NCDOT stuff to work on – signalized intersection at the intersection of Hunstad and several turning lanes and we are also working with the developer on the west side to kind of work together with everybody and do all these road improvements as one versus everybody doing individual projects.

Commissioner Walsh said the buildings not facing a public street, not only on the west side or I guess it would be the north side of the project, why not put on the south side of the project there the buildings up on 21 instead of.....the flex space, hotel, etc. We typically like buildings facing a public street.

Mr. Palillo said we are trying to clear the whole entryway to the Town of Huntersville, so when you shove the buildings up on the street you end up pushing the sidewalk closer to the road, you end up pushing the trees and the trees end up hanging over, but we proposed here hopefully something the Town will adapt all the way through, 10' multi-purpose path, plenty of green space between the actual edge of pavement and the 10' multi-purpose path so the sidewalk isn't up against it and 5' off the edge of the 55 or 45 mph road and you have an internal street that connects all those buildings. We just think that that's a more attractive visual. This is the first piece of property coming into the Town of Huntersville. If you push them up against the street you end up with a lot of what we currently have.

Commissioner Walsh said you've got a little bit of retail space on the very south side there, it seems to me like the retail would be better to be near the apartments. It seems like there's a better way to connect the north and south part of this. I guess there's some challenges getting over the stream or whatever it is, but it would be nice to see it sort of integrated together and maybe the commercial up near where the apartments are.

Mr. Palillo said the retail we are looking at is maybe more like the retail, like a lighting store, flooring store, not so much a retail user that an apartment user would be at. They're more like a destination type retail. We're looking at an amenity on that corner. We don't really need that pond there, we're putting that there as a feature to come into the town.

Commissioner Bales said in Mr. Richards' presentation he said elevations have not been presented yet just the precedent architecture, but then you just stated that you've got a pretty attractive building prepared, so I'm hopeful that we will be able to see that building before we have a chance to vote on this.

Mr. Palillo said that's for the flex office space that we are working with the tenant.

Commissioner Bales said is that what I'm looking at here.

Mr. Palillo said this is what we originally had proposed that we were going to develop and now we've had another tenant come in and want to develop a pretty attractive project right there. We are in the middle of negotiating with them right now.

Commissioner Bales said do you have any idea when we would be able to see it.

Mr. Palillo said we are working through the architectural right now and what I can tell you is it's a race team and it will be one that I think the Town will be very pleased to have.

Commissioner Bales said I'm just more concerned about the architecture since we are not seeing elevations. It's not necessarily the tenant, it's more of what the buildings are going to look like.

Mr. Palillo said I agree. Before we would even request that buffer to be moved, we want to see the building as well. Our goal is the same as yours. We don't want to take a buffer away to the back of the building and parking lot. I'll get back with them this week and we'll see how far we are and see when we hopefully can share those drawings. I agree, that would be a condition if you were to approve reducing the buffer, it would be subject to approving the architecture on that.

Commissioner Bales said in the Staff Report it talked about looking for more integration of uses and building types. Could you give us an idea of what staff would be looking for.

Mr. Richards said for example up in this corner and we would love for this Building I to be a non-residential building, but after working with Mr. Palillo and the EDC and in our current economic climate, no one was able to locate anybody who had any interest in this parcel for anything other than residential. When you look at these mixed-use developments, first you look at vertical mixed-use and then if you can't do that you look at horizontal mixed-use. With the large gas line, the topography, the SWIM buffers, that pretty much takes vertical mixed-use out of the picture. It makes it much more difficult to do that. Here we've got topography, the interstate, SWIM buffers, gas lines, all those things make it difficult to do vertical and so you start looking at horizontal mixed-use. We would like to have a user here. We've had many conversations with Mr. Palillo over the last almost year on this site. He is not able to identify anybody that would work with Ryan McDaniels and the folks at the EDC and they were not able to identify any potential users for this corner. As much as we would like to see those things there, we think that we have exhausted our resources at this time and the plan that they are presenting does fit in with the 2040 Plan.

Commissioner Bales said going back down to the south end I know you talked a little bit about it, that's what I'm looking for.....120 units and 85,000 sq. ft. of commercial.....I think there was some concern from the EDC in regards to flex office space.

Mr. Richards said they were fine with both options on the southern end. It had no comment on here. Obviously, we would love to see the flex space. That's job generation for us. We spoke to Mr. Palillo about the feasibility of a hotel. He said, you know what, you're right, this would be a tough location for a hotel. You might be able to get one, but if not let's put in some flexibility into this rezoning and we talked about the 2040 Plan, that's why we have the A/B scenario. We are working with their designers to see what that 85,000 sq. ft. would look like in here.

Commissioner Bales said I'd like to go back to Mr. Palillo if at all possible. Have you been able to identify anyone up to this point in regards to a hotel. The reason that I'm asking the question is that there's a lot of what ifs. There's a lot of moving parts with this project. If this happens, that can happen. I'd like to have a little bit firmer ground to stand on when I go to vote one way or the other on the project.

Mr. Palillo said back when we started the project we had two apartment developers for extended stay hotel and then around March the world tipped upside down and we think that a hotel right now is probably.....there are a lot of developers out there doing it, but they are at very key locations. I'd say the next 12 to 24 months until this virus and vaccine take hold, hotel development is going to be just non-existent.

Commissioner Bales said are you looking to move forward with the hotel. Do you have that expectation or are you looking to do the 85,000 sq. ft. of flex space.

Mr. Palillo said if we were doing something today, we would be leaning towards more flex space. Right now we want to get the very first 55,000 sq. ft. to 60,000 sq. ft. tenant in and then we'll see what kind of transpires from that and we'll grade all the site to get ready.

Commissioner Bales said if this project is approved, when do you anticipate starting the project.

Mr. Palillo said the one tenant right here wants to be in by next November, so we are going fast and furious. The biggest hold-up we have is sewer and water, bringing it through, but all of this, the apartments are going to go right away. Within six months we'll have plans and permits, that's ready to do.

Commissioner Munger said in our packet we have a CMS page with the impact this proposed development will have on area school utilization. In this case it would push Blythe Elementary from 110 percent to 112 and North Meck High School from 114 to 115 percent. At the bottom of the page it says applicants are encouraged to contact us in advance of their project submittals to inform CMS of the perspective impacts and discuss mitigation alternatives. Have you had a chance to do that.

Mr. Palillo said that was just brought to my attention. In all the development I've done, it's the first time I've ever seen CMS make that type of comment, so we did some digging and looking into it. I haven't been able to get a hold of anyone at CMS, but they claim that it will bring about 34 students into the school system and I think that \$1 million that they are talking about is a capital improvement meaning the cost to build a new school, because that 34,000/per student is not an annual basis. I know in working with the charter schools.....like Lake Norman Charter School works on \$7,800 a year per student. I think that's a capital expenditure. If we took the apartment project, it's about a \$45 million project based on the current rate pay about \$477,000 in property taxes, \$108,000 of that going to the Town of Huntersville, \$369,000 going to the county and I don't know what portion of the county tax

pays for schools, so I don't think that it has a negative impact. In the school system they always go to 120, 130, 140 until they are busting out at the seams so they can justify building a new school. They kind of do that on purpose. One school is actually at 88 percent. So, they are at 112 percent not using mobile trailers and then they will add mobile trailers and they'll expand upon that and then they'll justify building a new school.

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

Petition #R20-05. Mayor Aneralla called to order continuation of public hearing on Petition #R20-05, a request by Vermillion Anchor Mill Village, LLC to revise the +/- 30 acre Vermillion Village Rezoning at 404 N. Church Street (Parcels 01902201 and 01902202) from Town Center – Conditional District to Town Center – Conditional District to include 361 attached residential units (300 apartments and 61 townhomes) and 22,000 sq. ft. of commercial.

Commissioner Hines said I would just like to disclose I own property on Second Street. None of the property is contiguous to this property. I've owned the property for some time. I plan on building on it, maybe selling a couple of lots sometime this year, so I just wanted to disclose that to the Board at this time.

Commissioner Bales said in regards to Commissioner Hines' disclosure, does the Town Attorney have anything they would like to weigh in in regards to the property and whether or not Commissioner Hines should be recused.

Emily Sloop, Town Attorney, said I have spoken with him and given that there is no readily identifiable direct substantial financial impact, he doesn't meet the statutory requirements to recuse himself.

Sierra Saumenig, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 2.*

Petition #R20-05 is a request by Vermillion Anchor Mill Village LLC to amend the previously approved conditional district rezoning.

Here you can see the project's location. It has frontage along Huntersville-Concord Road, N. Church Street, Glendale and Fourth Street. The previously approved rezoning called for a mix of 400 apartments and townhomes as well as 165,000 sq. ft. of non-residential. The amended rezoning plan that's on the right calls for 300 apartments, 61 townhomes, 22,000 sq. ft. of non-residential, plus an installation of a portion of the approved county greenway. I did put in my Staff Report that I had not heard from the county on this location. I have since heard from them and they are okay with the location.

The road network has essentially remained the same between the previously approved rezoning plan and this one and I just want to call out the orange building in the previously approved rezoning plan that's 78,000 sq. ft. This required a special use permit and if the proposed plan is approved, the Town Board will hear a request to revoke the special use permit on February 15.

Here is a color elevation that staff received. We are still reviewing this. This would be a corner building fronting Huntersville-Concord Road and Block A as shown on the site plan. The Staff Report lists a number of site plan issues and here I've mentioned the elevations are still under review and also the

previously approved rezoning's TIA had a traffic signal at the Cinnabar intersection. This plan did not trigger that, and this has raised concerns on how pedestrians will safely cross Huntersville-Concord Road. Staff is continuing to work with the applicant, DOT and Town Engineering on this issue.

The two applicable small area plans are the 2005 Downtown Master Plan. This indicated that Anchor Mill would be appropriate for higher density mixed-use development. An example was Continuing Care Retirement Community (CCRC). In 2007 the adopted East Huntersville Plan called for the Anchor Mill site to be consistent with transit-oriented development design principles. Some of these include, but are not limited to, project should be divided into blocks, streets, lots, and open space; proposed streets should connect to existing streets, etc.

Staff could support the amendment subject to the following:

- All TIA improvements (Town and NCDOT) are shown.
- All outstanding Transportation comments are addressed.
- All outstanding redline comments are addressed.
- Elevations and designs of the buildings are revised.
- The Town Board approves the Special Use revocation to allow buildings over 50,000 sq. ft.

Commissioner Hines said just for clarification, I was not here in 2017, I was not part of the approval originally, but that plan was approved for up to 400 units along with up to 165,000 sq. ft. of commercial. Is that correct?

Ms. Saumenig said that's correct and it was majority apartments in that mix.

Commissioner Hines said and now it's 361 but the commercial is immensely reduced down to 22,000 sq. ft.

Ms. Saumenig said yes, that is correct.

Commissioner Hines said regarding the TIA, do we have the traffic count from the original plan, the TIA, the amount of traffic compared to what the traffic could be if this plan was approved and what is the different in those two.

Ms. Saumenig said I could ask Stephen Trott if he is on to talk about that. I do have what is required of this one.

Stephen Trott, Director of Engineering, said the trip generation for this proposed use is going to be less because you have less of both uses. Traffic for this is about half or a third of the original trip generation for the original rezoning.

Commissioner Walsh said with regards to the greenway, can you just elaborate a little bit more on where it's going, how's it different from before and then are they going to be paving those as a part of this.

Ms. Saumenig said if you look at them, you have the Mooresville to Charlotte Trail which is shown in the red circle. That's a 12' path that will be installed by the developer. And the county greenway was originally going through this area south of the property. The county pretty much said they would not be

able to build the greenway in that area due to topography and other concerns, so they asked the developer if he would increase the sidewalks to 10' and have the greenway go through the property. He agreed to that and will be creating a 10' path along Huntersville-Concord up through here which will then connect over to N. Church Street.

Commissioner Walsh said with regards to getting across Huntersville-Concord Road, I know you guys were looking into it with DOT, is there some idea of what can happen without a traffic signal there.

Ms. Saumenig said there's been mention of crosswalks and other various ideas. I think staff is still having communication about that. We're hoping by Planning Board that we'll have an idea of what to do to address that concern.

Commissioner Walsh said Policy H-3 on mixed-use developments, obviously if we had the 300 apartments and a gas station, we wouldn't call it a mixed-use development. There's been a significant reduction in the commercial space from the original project to the new project. There's been some downsizing of the residential units, but what constitutes a mixed-use in this particular case, is it specific to this development and is 22 the number or is it a percentage. How do we determine what is mixed-use.

Ms. Saumenig said I don't believe that staff has a specific formula for how much commercial you should have versus residential. I think that would be evaluated on a case-by-case basis. When looking at this project we do see three uses. There's residential uses with a mix of townhomes and apartments, there are three commercial buildings that of course we don't know what those will be yet, and there's also recreation. So instead of dedicating land for the county to build, there's already going to be a greenway connection as well as the Mooresville to Charlotte trail. It's definitely a valid concern that the non-residential has been decreased, but Planning staff feels that this project is meeting the intent of the Community Plan, both the 2030 as well as the 2040.

Mayor Aneralla said the light at Cinnabar and Glendale was a major discussion point. I just don't see how that isn't going to be something that is necessary.

Mr. Trott said I'm trying to pull up the detailed traffic numbers from the TIA. Related to Commissioner Hines' question, the proposed traffic from this development now is significantly reduced from what it was originally. Based on the numbers and the TIA recommendations, a traffic signal wasn't recommended as part of the TIA. The state has also indicated that so far the traffic signal wasn't being considered. It doesn't mean that one couldn't be considered in the future, but right now that has not been part of the revised discussion. As far as the greenway, there are some different options. A few of them out there off the top of the head are just a striped crosswalk, that's one option. You can get a more enhanced option such as a flashing beacon, maybe similar to the one on Ranson Road at the elementary school or on Verhoeff Drive between the Rec Center and HFFA. A step up from that would be a hawk signal where traffic would actually have to stop once that beacon is activated and wait for those to cross before proceeding. Those are a few of the options out there that just quickly come to mind without a traffic signal at that location.

Commissioner Munger said in relation to that signal, it is my understanding that based on previous meetings we've had discussion of this, it's not so much the reduction in residential that affected that, it's actually the fact that we went from 160,000 sq. ft. of commercial to the 22,000 sq. ft. of commercial

that has triggered that removal of the signal because if memory serves, it's the commercial traffic that really punches those numbers. Is that an accurate statement.

Mr. Trott said the residential numbers have not changed significantly. It was 400-500 units before and it's 300 and some now. That's not a significant change, but the commercial going from 160,000 sq. ft. down to 20,000 sq. ft., that's where most of your traffic was generated from before, so that's a significant reduction in anticipated traffic.

Nate Bowman said I'm going to address your two comments. First of all on the crosswalks, we are suggesting that the speed limit be reduced at Glendale to 25 mph to begin with. We are in town now and we have homes facing Huntersville-Concord Road there beginning before Glendale, so the first thing we need to do is reduce the speed. We also think that striping and signage would be the first step to see how that works. I'm sure this is not going to warrant a stop light based on our gatekeeper on that road, NCDOT. Most of the controversy actually was me and some of the neighbors that we didn't mind the traffic light, but they were going to tear out both entry monuments and widen the road back into Vermillion to the first alley. So actually there was some consternation from the existing homeowners that didn't mind the light, but didn't want their front yards torn up and the road widened. That's kind of how I remember it and I think we'll keep working on this with staff. We certainly don't want any pedestrian to get hit. I dodge enough traffic every day, so we'll keep discussing that. If you could go to my slideshow. *PowerPoint attached hereto as Exhibit No. 3.*

I just want to address a little bit about the Save Downtown Huntersville group. A little history here about Vermillion and I'll be quick. I put this little plat together from text maps back in 1986 and it's been surrounded by Huntersville-Concord Road on the north. On the left is Church Street and at the bottom is Holbrooks Road. Over the past, since 1986, we bought 74 different parcels to make up Vermillion. It is now approaching almost 500 acres and the single-family will be approaching 1,000 in the next year. If this project is approved, the townhomes will be 384 and the apartments would be 324. When you combine that, only 60 percent single-family, 23 percent townhomes and 19 percent apartments and probably 30,000 sq. ft. commercial if you add Harvey's and my office and what we are building in Vermillion.

I think it's important to note that in the next slide before I sold one lot in our original deed restrictions when we started developing and I think I can read that in 1998. I'm going to read this. Every person that acquires any interest in Vermillion acknowledges that Vermillion is a master planned community, the development of which is likely to extend over many years and the changes in the master plan will likely occur as the development of Vermillion proceeds. Each such person therefore agrees not to protest, challenge or otherwise object to changes made or proposed by the declarant in the development plan or in the uses or density of property beyond the boundaries of that shown on the recorded subdivision plat applicable the unit of which said person holds an interest.

In other words, we were very clear in the beginning that this was not going to be a one parcel, one project deal and it's over. It is important that people realize that we have been up front about the changes we have had to make. Some of the changes were made almost instantly when the commuter rail didn't happen and our density was reduced dramatically at that point. I'm kind of disappointed that we couldn't have done more phases like Phase 1 and we had to go to more single-family. But without commuter rail, it didn't support it. We made other changes during the recession where some of the larger lots we actually subdivided into smaller lots. A big change happened when I was given the Anchor Mill project and then all of a sudden it was taken away and then very soon after that the Anchor Mill

burned down. We were the ones that planned to renovate the mill and it was a change in Board that decided they didn't like our plans. And most recently COVID has changed any number of things that are happening to our development and we are going to go over that when we talk about the previous plan. And just recently Vermillion Front was going to always zone for apartments for 20 years, and we just recently switched that to townhomes. And I want to talk a little bit about the four blocks in the mill village that we are adjacent to. When COVID struck I had nothing to do except how to figure out what might happen with those four blocks and we started with two of the blocks and I contacted almost every owner and was prepared to do that for the final two blocks to see if there could be some type of master plan and what I found out was people wanted almost over \$400,000 an acre when you totaled it up and there wasn't enough agreement as to what to move forward as a group. One of the things I decided to do on one of the blocks is I'm subdividing a property across from Vermillion Front into four lots. It's adjacent to Brian Hines and I'm hoping he uses the same builder and these are some of the examples of the homes. We're going to build single-family homes in the existing mill village, across from our townhomes, and next to this proposed project. These are just more examples. I don't think between 115 and Vermillion there's been more than two or three new homes built in the last 30 years, besides Ron Julian's who did a nice job on Main Street and Maxwell and the house my son is building. We're pretty excited that we didn't get what we wanted to do on massive overall project, but we think we are going to start to add some quality to that neighborhood.

This slide was shown to about three town boards ago when Whitney Hodges gave me a heads up that another rezoning I was doing on Hill Street might be a problem. This is where Vermillion Front will be going and what it looked like before I bought the property. On the left, series of trailers, trash and over on the right you can see what is now the main entrance of Vermillion. This is what it looks like today. This is Hill Street – tires, garbage. In fact, I wish I would have taken a picture of Dellwood Street before I bought it. I had 80 refrigerators and appliances thrown on my property. This is what Hill Street looked like and this is what it looks like today. This is the beautiful property I bought from the Town of Huntersville, which is their former sewer treatment plant which was empty and laying idle and this is what it is today.

What I'm trying to point out is there's a lot of things that should be saved and we've attempted to save a lot. I saved my own house on S. Church Street by putting in it up on steel beams. But there are a lot of properties that have aged due to the lack of maintenance or just simply lack of funding and some things do need to change. So, keep the best of the old, but I think you can tell that Vermillion has made a huge impact on this side of town.

Now I want to go to why the other plan failed. Everybody needs to have a failure in life. The old plan, very briefly, we put the land under contract with the Town on April 14, 2016. We immediately began to work on a shopping center/mixed-use development and when I say we, I selected and he selected me, he thought it was a good site, Steve Vermillion. Steve was with MPV Properties. He's the developer of Birkdale Village. He's done 35 grocery store anchored shopping centers, so you couldn't ask for a more experienced partner who talks to grocery stores every week. The plan was approved on July 20, 2017. Really our best shot, we worked on it for 4-1/2 years, our best and closest shot was with Harris-Teeter and we hung in there. And I know Mayor you know, I've been giving you updates and Anthony and every time I would talk to you I'd say well it's just one more Kroger meeting up in Cincinnati. And finally this January we were kind of Krogered out. It didn't look like they were going to make a decision. We kind of gave them an ultimatum in January that if they didn't move forward we were going to go a different direction. Their answer came back, they didn't even take the full two weeks. The soonest they would think of considering a grocery store on that side was now 2024-2025. Up to this point we have

spent \$511,306 on engineering the shopping center site, the former plan. I've spent over \$419,000 carrying the land to this point, so at this point I've spent with my partner over \$930,000. It was clear that we had to move in a different direction, nothing was going to happen and really when we think about it, if we had gotten a yes from Harris-Teeter by March or April they would have given us a no because we know the COVID would have shut that down.

What I want to do now is kind of switch over and show you what we are proposing with Embry Partners. They are an apartment developer out of San Antonio, Texas. The project I'm going to show you is in a very similar town to Huntersville. It's Franklin, Tennessee. This is truly Class A apartments. They do it the right way. We've enjoyed working with them. We think we are getting close on the architecture. Their interiors are excellent and just like with every one of these apartment complexes that are top of the line, their clubhouses are just out of sight.

I've actually toured a bunch of the apartments in Huntersville and I never had before and I was pretty impressed with quite a few of the most recent ones that came in and I know we will at least match that. Our proposed townhome builder is Brookline Townhomes who built some recent townhomes in Vermillion. You see those on the right and in the center. The design that you see next, we've broken up these buildings to look like larger townhomes and we really feel comfortable that this would be a great mix. We plan to go more reddish brick on a lot of these other apartments.

One of the most important things and Mayor you need to think about this, is this property has six access points. It's not funneling traffic just out to Cinnabar. We have access points at Church Street, Walters Street, Fourth Street, we are relocating Glendale and we have two on Huntersville-Concord Road. We actually are putting eastbound left-turn lanes, you already saw that. We have three turn lanes going into Cinnabar to provide movement for traffic and I clearly think reducing the speed limit there is important to 25 mph. Also, Fourth hits your roundabout. This is one of the things that timing this up with the two-way pair and Main Street, this should all happen at the same time, so we expect a lot of traffic that wants to go east towards us or Vermillion will be taking that northern or southern roundabout and coming over to our side of town. I'm currently working with you on the Church Street Extension in front of my house all the way down to Holbrooks. The connectivity that we brought to this side of town with Vermillion, even with challenged topography, is only going to be enhanced by this project.

Tree save, we are required 30 percent. We have 45 percent. The tree canopy required is zero percent. We have 20 percent. The 2.75-acre green area to the west we plan to have a trail system through it and make it walkable for the people that don't want to walk on a paved sidewalk. It hasn't gone away.

Then let's talk storm water because that was an issue on a previous project. All of our storm water treatment and detention is going underground on site and all of that will flow into existing storm water that we built in Vermillion over the last 20 years, so none of this storm water is going anywhere except to where we've already built the structures to handle it. By the way, I hadn't done it in a while, but we go to the county next week so hopefully I can finish donating a couple of more parcels to the county. If you take the greenway from where it begins up near one commercial site and go all the way to where our last donation was, just past Asbury Chapel Road, it's 2.6 miles of greenway that we will have facilitated being donated to Mecklenburg County.

A couple of minor things – the buffers, we're buffered on one side by the greenway. On Fourth Street we still have a 10' buffer. For the people on Glendale we were able to increase that buffer. Previously it

was only 10' and now it's a minimum of 30' and as much as 70'. We've eliminated the retaining wall and it should be a much more pleasant environment for the people's backyards on Glendale.

Trash pick-up, last thing I'm going to talk about. Obviously for the townhomes, it's in the alleys. Embury has a centralized location just off Walters/Seagle Street and they have services where they pick it up at the units and take it to that site.....I think they maybe impact trash compacting there so all the trash for them is handled on that site and our two commercial spots both have dumpster locations.

Commissioner Walsh said the 25 mph that you are suggesting, you aren't talking about Huntersville-Concord Road are you.

Mr. Bowman said absolutely. Gilead, the speed limit from the Post Office on into town is 25 mph. I don't see any reason why when we have residential streets you come into town you've already passed an entrance of Vermillion, you've passed two other subdivisions that really don't front the road, but right at Glendale we have housing right on the road, the apartments will be there and there's nothing that says it shouldn't be 25 mph.

Commissioner Walsh said the other question has to do with the grocer. I know Kroger or Harris Teeter.....did you look at other grocers. I assume you did, but I have never heard you say anything other than Kroger.

Mr. Bowman said Steve has done that with many grocery stores, that's his business. He talks to them every other week. Steve, if you are there if you want to chime in you can. I'm not sure if he was going to be able to chime in tonight. I've had people come up to me and I asked Steve the question, what about Trader Joes. Steve says they have a three and a five year plan and the last time I asked him the question six months ago, no where in north Mecklenburg is on their three or five year plan and they do not deviate from their plan.

Commissioner Walsh said so Publix, Whole Foods.....

Mr. Bowman said Publix and..... they are all in Huntersville. You have three grocery stores within 1-1/4 miles – Publix, Harris Teeter and Food Lion and Whole Foods. Earthfare has an empty building. I can't imagine somebody who wanted to come to town wouldn't go after the Earthfare empty building.

Commissioner Walsh said as you know I live in Vermillion and it would be nice not to have to go all the way to Rosedale to do grocery shopping.

Mr. Bowman said it's been my Moby Dick for 20 years and I've been going after the whale and it hasn't happened. That doesn't mean that I'm going to quit. I have three or four other locations and Drew has laid a grocery store in that would work even after this is gone and not necessarily in the mill village. I'm not going to say where because I might irritate somebody who might be a property owner and we are not going to approach anybody until we have a grocery store that says I want to be there because we set the table for them. We gave them a big enough grocery store that they could go up to 76,000 sq. ft. or they could go down to 48,000 sq. ft. They had everything to choose from, it was set up for them and any other grocer would look at the same size building. They just don't like this side of the tracks, and yes they did go into Cornelius with all that high intensity development up there, but we weren't able to make it happen.

Commissioner Phillips said I was wondering if you had contacted Wegmans at all. I hear from constituents quite a bit that they would like Wegman's up here.

Mr. Bowman said Wegmans needs to be near the interstate and Sam Furr. If you put them up where Whole Foods is whatever, they go there, it's a gigantic site. It's more like a COSTCO it's so big.

Steve Vermillion said we had numerous conversations with Wegmans. They are interstate driven and anything that they ultimately might do in North Mecklenburg will be an interstate location. We've had a lot of conversation with Lowes Food and could not get them over the hump in terms of being as far off the interstate as we were given the current locations of both the Publix and the Harris Teeter and I will tell you that I don't think I can tell you who, but I do know that the Earthfare store has been leased to a grocery store as late as last week. We've talked to every grocery store that we know that might have any interest at all and have made just no progress at all to get somebody to move forward anytime in the near future.

Commissioner Phillips said regarding the speed limit reduction, that would be done via the state, not the Town, correct.

Mr. Bowman said I think it's both. Stephen probably can answer that.

Mr. Trott said I believe both the Town and the state would have to adopt an ordinance to change the speed limit on Huntersville-Concord.

Commissioner Phillips said as somebody who's tried to get a speed limit lowered in the past, the state is a little hard to work with, so if the state were to decline it, would you be open to the traffic signal like the Mayor has suggested.

Mr. Bowman said it doesn't warrant a traffic signal. That would be the last thing they would give me.

Mr. Vermillion said I think what Nate is saying is that the state has to approve the signal and given that in the past a lot of developers just put up signals anywhere, the state has got regulations now to where you cannot put a stoplight up without their approval and it goes hand-in-hand with the TIA that may or may not require the traffic signal be put in.

Commissioner Phillips said have any conversations been had at the state level by chance.

Mr. Bowman said I'm going to leave that up to Stephen. I think it's a non-starter with them. The traffic counts aren't high enough and when I say warrants, that's a term.....I'm not a traffic engineer but it has to be warranted.

Commissioner Phillips said just even the speed reduction in general, I'm just asking if you guys have started.....

Mr. Bowman said I brought that up to the Town when we talked about the pedestrian crossing, so I'm all for that.

Commissioner Munger said in our packet we have a CMS page that lists the impacts this proposed development will have on the area school utilization rates. It could push Blythe Elementary from 110

percent to 112 percent and North Meck High School from 114 percent to 115 percent. At the bottom of the page it says Applicants are encouraged to contact us in advance of their project submittals to inform CMS of their prospective impacts and discuss mitigation alternatives. Did you have a chance to do that.

Mr. Bowman said no, I haven't. When we did Centennial we sold a piece of that land to CMS with the intent of having a neighborhood school for Centennial in Vermillion and it was the size that it could be an elementary and a junior high and nothing has happened. Again, the county went out and bought land on Stumptown across from the Methodist Church next to Monteith Park and you see nothing happened there. The other avenue that people aren't thinking about since the schools won't listen to North Mecklenburg or developers, is the private school system, the charter school system and both of Drew's kids go to Bonnie Cone Classical Academy which is on Asbury Chapel Road. I think there are viable other alternatives in the number of students it's going to create and I'm just not in a political position to make Charlotte-Mecklenburg Schools spend the money they should in North Mecklenburg.

Commissioner Munger said I happen to be a resident in Vermillion and I'm trying to understand what was the purpose of presenting the declarations and covenants and restrictions. Are you suggesting that I have no right to object to any new Vermillion development.

Mr. Bowman said no, essentially I wanted to put it on record before anybody bought in here since this is going to be a long-term project. None of that could probably hold up in any court. It's never been enforced. I've had any number of people from Vermillion come to neighborhood meetings and object. I really want it shown that this was never going to be a one and done project, that there were going to be many phases. This project started before Jack. We've probably been before every Town Board at least once or twice since you've been here. I just wanted to make that point that this was never promised this is what it's going to be forever. There were always going to be changes based on the market and as the neighborhood group.

Commissioner Munger said from my perspective, and this is merely what I'm hearing and I know it may have not been the message that you were trying to convey, but it was very much a message of I need to [inaudible] you into silence and submission and I did not appreciate that tone that came out of that particular presentation.

Commissioner Bales said did you take a look at Lidl, have you reached out to them.

Mr. Bowman said we met with Lidl. We designed three locations for them. We were actually talking to Charles Guignard a little bit about putting it right downtown across from Discovery Place. We showed them a place out on Stumptown Road. We showed them over in Vermillion and they basically at that point had walked away from any number of stores and all of a sudden they show up in Cornelius. We had numerous meetings with them when they first came out. Jill Swain was involved with them as Mayor, so I tried every avenue I could to get a grocery store.

Commissioner Bales said when I look at the revisions to this plan and the non-residential space goes from 165,000 and drops down to 22,000, that simply flies in the face of what this Board, the past Board when we sold you the property, it flies in the face of what we were looking to accomplish. I for one am not supportive of a reduction of commercial space down to 22,000 sq. ft. It just seems to fly in the face of what we were looking to accomplish when we sold you the property.

Mr. Bowman said we've spent 4-1/2 years trying to accomplish what we set out to do and it's failed. The marketplace speaks. We could just have vacant land out there that nobody comes to. It's going to be difficult to fill up maybe 22,000 sq. ft. in this market. I led you down that path because I was gung-ho for it and by the way 160,000 we threw the kitchen sink in there just in case it was highly successful.

Ms. Bales said well then Mr. Bowman, I am quite saddened and frustrated and bothered that you sold us something that you couldn't deliver and that at the end of the day.....I don't get very riled up, but this one bugs me quite a bit I will freely admit publicly. It is frustrating to think that you were very convincing that you could pull this off and now we sit here where we are and it's not okay. And I need you to hear that it's not okay.

Commissioner Boone said I have two questions to ask you. I'm looking at R16-12 that was approved and I guess it's the northwest corner where there was going to be a brewery and the water tower is pictured on that site plan. The site plan R20-05 might show it, but I just can't read it, the font is very low. Is the water tower going to remain.

Mr. Bowman said yes.

Commissioner Boone said I would have to echo on what Commissioner Bales said. I raised my hand back when this project was approved hoping that this would relieve a lot of our traffic congestion where you don't have to go across the interstate to buy groceries and I guess frustration and disappointment are the two words that come to my mind.

Mayor Aneralla said I actually consider you a friend, we've gotten to know each other quite a bit over the last 5 or so years and I think you've done some really great work. The frustration is this was supposed to be a destination community. I'm not going to say like Birkdale Village, but maybe like Antiquity where other people come and for that we allowed 400+ apartments and townhomes. Now this is not a destination, this is just a living community. There's nothing for those people to do. Obviously we hope they will walk downtown and go to the Blythe Building because that will be a restaurant/brewer and maybe there'll be another restaurant or some other commercial, so I think that's the frustration of at least the Board members that approved of this sale several years ago and the fact there was a high degree of confidence that this could be pulled off and it's not and I think you are going to get that from a lot of the east side citizens, because that's what they were sold that we'll get some more apartments and townhomes but we're going to get some destination shopping and whatever that looks like. I talked to you two or three months ago and I believe it's a heavy lift right now and I think my sense is the Board would probably like to see considerable more commercial in and around the project.

Bill Conger, 13942 Cinnabar Place, said basically you just kind of summed up my feelings and a lot of our neighbors. We were okay with the project as it was expressed a couple of years ago thinking that this is going to add to the community, not just for Vermillion but the whole east side, and by losing any type of commercial space or what not, but it is just more traffic, it's more headaches for everybody in the area, so seeing a massive apartment complex wipes out any opportunity for future growth and things that better the community versus just more apartments. I just wanted to put that on record that as a resident and a lot of the neighbors are not too happy with just a straight up apartment complex. I totally understand the need for the density if it's going to be supported with other outparcels there that bring people to the area or bring businesses to the area, but once that's developed there's nothing left and I will also add I have lived in Vermillion for 21 years, one of the first residents in the neighborhood. I grew up in the northern Virginia/DC area and I've seen Charlotte and Huntersville and the surrounding

areas go through the same things that northern Virginia area went through as a kid and it's happening here. All these developments are being built up on these tiny little country roads and while you say a traffic light isn't necessary right now at Vermillion, almost everyone of these neighborhoods in the next five years is going to need a traffic light because nobody is going to be able to get out whether you reduce the speed to 25 mph or not. So these types of things when you add this density really needs to be taken into consideration so you've got the density side without any real benefits to the people that are already out here the loss of any type of commercial space or future development for that, that's kind of disappointing.

Charles Gelsanliter, 201 Third Street, said my property is right adjacent to the property of this project. Basically, we did a RFP back in 2015 to sell this and the taxpayers aren't getting with this proposal what we did with the approved proposal. I wanted to state that. I'm in agreement with that. My main concern, because I live on Third Street and the neighborhood people that live on Walters Street with this future connection that goes up through the project, your intent I know it's on the scheduled projects down the road, is to widen Walters Street and what's shown on the project now there's a proposed 64' right-of-way and this right-of-way ends, the road stops right at the property line, and there's a neighbor that lives right behind me and if you extend this road in the future basically the right-of-way would go right through my barn and right down the middle of my driveway. I already live on a corner lot at Third and Steele Street and to have three roads on either side of my property and then to have this development right behind my property, it's just.....and then if you extend Walters street all the way down to Huntersville-Concord Road you are taking out all these people's residences that live along Walters Street, the roads are already to the houses now, so to widen it you are just causing more problems for the homeowners that live there now. If there's something that can be done of not having an extension through Walters Street into this would be great, because you put it on Walters Street traffic that wants to go into those residences or even the proposed plan before that, all the traffic is going to come off Huntersville-Concord Road and it's going to go down Walters Street. They are not going to drive all the way down to the Cinnabar entrance and I don't know what Church Street.....if they are going to close Church Street or not in future plans and then also if you have a connection down S. Church Street to Holbrooks.....traffic on 115 backs up and the future taking Church all the way up through Seagle and I think in the future vision is to take it all the way up to McCord Road, that's just going to be a major headache for everyone that lives in those residences.

Lee Hallman, 100 Cambridge Road and savedowntownhuntersville.com, said it's good to see you finally getting frustrated with the old bait with retail and switch to residential model, even flustered. High density in downtown. The answer to a question that no one but a developer is asking.....how can I make a quick profit from the property I just bought from the Town or about apartments, the solution to a problem that doesn't exist. Why aren't there more people living on top of each other in our quaint downtown. The Planning Board and the Town Board need to stop riding the high-density horse. That horse pulled up years ago and Norfolk Southern put it down. Planning based on a downtown transit center is not in the public interest, it was when the red line was a possibility but no longer. There's no plausible reason to continue to force high density housing into downtown. We all watched the last Planning Board meeting when our Town Planning Director drew a line on Polaris, from the railroad crossing on N. Church Street, a lot no more than 20' wide, to the tip of the North State project as justification for density. In our one on one meeting most of you recognized that a commuter rail is a financial burden and highly unlikely to happen in the Lake Norman area. So, what then is the transit center, a CATS park and ride, a garage for hoverboards and jetpacks. A couple of you claim to be development visionaries for the town. What does that transit center look like to you. Any further advancement of projects of this.....are of your own person doing not that of the community via your

own vision or your own financial interest. Just how many Planning and Town Board members own property downtown. Of those, how many live in the downtown area. Inflicting your will on the Town is not only selfish, it will cause irreparable harm for years to come. I don't need to remind you that this year is an election year. We have a couple of thousand residents standing behind us. Several of you funding your campaign signs requires real estate developers and lawyers donation. We are paying attention and connecting the dots.

Ingrid Hooks, 107 Hunters Ridge Road, said I've held a volunteer position with the Town's Public Art Commission and I remain an active member of our community. It is an understatement that I love this town and I want to see it evolve into a vibrant accessible area that we all want to be excited about. There will always be growing pains with this type of vision and I think we have all seen the pros and cons of such growth. For those of us who put down roots in your downtown, we've all been waiting to see it evolve into a work, play and live area. What was once Anchor Mill, now Vermillion Village, was a promising mixed-use development of housing, shopping and recreation space. That has now turned into a super nice apartment complex placed in the middle of an established neighborhood along an already high traffic Huntersville-Concord Road. Not one current resident who has invested time, money and energy in Huntersville will benefit from this. Originally, there was a promise of a grocery store, restaurants, retail, gas station, which would have created more traffic issues, but there would have been some benefit for the surrounding neighbors both new and old. As it stands this new proposal will bring only headaches for those of us who like to come and go, having to schedule around traffic patterns in order to go to the store or take our kids to their appointments. Here are a few take a ways from the published proposal. The proposed reclassification is not consistent with the overall character of existing developments in the immediate vicinity of this property. The overall proposed density for Vermillion Village is 12 units per acre, which is higher than your other developments. Town policy says higher density is allowed ¼ mile from the commuter line rail line, the problem is there's no future commuter rail line. This is some strange loophole that could be applied to just about anywhere and at any time. The rail line that is currently going through town has not, is not and will not be used for any kind of commuter purpose. There's also many issues that seem to be glossed over in the proposal from the amount of students that we added into the school system, which relieves overcrowding, to parking pad length issues, all the outstanding traffic issues, unit pricing is unclear just to name a few, but all this is irrelevant since this is not the type of development that's in line with the Town's vision. To suggest that this is a multi-use development isn't just a stretch, it's a downright justification for a builder to get what he wants. I'm not a litigator, I'm not a developer and I don't have a degree in government studies, obviously I'm not a speech writer, but I do feel that I'm representing the typical resident who doesn't want to see the Town make a common mistake of more is better when it comes to development. We need to embrace our town's uniqueness along the ability to grow which is in the best interest of its current residents, not the interest of the developer lining his pockets.

Mayor Aneralla noted that e-mailed comments will be accepted for 24 hours after the meeting is adjourned.

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

OTHER BUSINESS

None

CONSENT AGENDA

Commissioner Boone made a motion to approve the Consent Agenda. Commissioner Walsh seconded motion.

Mayor Aneralla called for a roll call vote.

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

The following items on the Consent Agenda were approved:

- Minutes of the December 7, 2020 Regular Town Board Meeting.
- Town Board Meeting Schedule for 2021. *Meeting Schedule attached hereto as Exhibit No. 4.*

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the 1st day of March 2021.