



## **AGENDA**

### **Regular Planning Board Meeting**

**October 25, 2022 - 6:30 PM**

**Town Hall 101 Huntersville-Concord Road**

**Live Stream:** <https://www.youtube.com/channel/UCgqiipdJL0ywl-LZrcN5MpQ/featured>

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
  - 2.A. Consider approval of the September 27, 2022 minutes of the meeting (*Tracy Barron*)
- 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. Consider recommendation on Petition #TA22-06, a request by DDRTC Birkdale Village, LLC to increase the building height limits for hotels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district. (*Nathan Farber*)
  - 4.B. Consider recommendation on Petition #SUP22-01, a request by DDRTC Birkdale Village, LLC to exceed the building height limits for hotels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district. (*Nathan Farber*)
  - 4.C. Consider making a recommendation on Petition #R22-01, a request by DDRTC Birkdale Village, LLC to rezone +/- 8.82 acres located at the intersection of Townley Drive and Lindholm Drive (Parcels 00537157 and 00537197) from Highway Commercial Conditional District to Highway Commercial Conditional District for 350 multi-family units, 125-room hotel, 150,000 sq. ft. office, and 25,000 sq. ft. commercial. (*Brian Richards*)
  - 4.D. Consider a recommendation on Petition #R22-03, a request by Alan Spragins for Hawthorn Devco, LLC to rezone +/- 9.219 acres located at 6925 April Mist Trail (Parcel 01516113) at the corner of Beatties Ford Road and April Mist Trail from

Highway Commercial Conditional District to Neighborhood Residential Conditional District. (*Jesse James*)

- 4.E. Consider recommendation on petition #TA22-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to comply with Senate Bill 105 regarding the restriction of harmony requirements when multi-family structures are an allowable use and the development contains affordable housing units for families or individuals with incomes below 80 percent of the area median income. (*Kayleigh Mielenz*)

**5. Other Business**

**6. Adjourn**



**Town of Huntersville  
Planning Board  
October 25, 2022**

**To:** Town Board

**From:** Nathan Farber, Planner I

**Date:** October 25, 2022

**Subject:** #TA22-06

---

**EXPLAIN REQUEST:**

Consider recommendation on Petition #TA22-06, a request by DDRTC Birkdale Village, LLC to increase the building height limits for hotels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district.

**ACTION RECOMMENDED:**

Consider Recommendation

**FINANCIAL IMPLICATIONS:**

NA

**ATTACHMENTS:**

1. TA22-06 PB Staff Report Update
2. 1. Applicants Text Amendment Application
3. 2. Proposed Ordinance
4. Staff Recommended Adjustments 10 25 22
5. 4. Map of Highway Commercial Districts and existing developments

## TA22-06 – Building Height in Pedestrian Oriented Developments

### PART 1: DESCRIPTION

TA22-01 is a text amendment request by DDRTC Birkdale Village, LLC to amend Zoning Ordinance Articles 3.2.7(a) Highway Commercial district “Uses permitted with special use permits, Article 4: Building Type / Urban Workplace, Article 9.45 Hotels & Motels, and adding Article 9.63 Commercial Uses Exceeding Permitted Building Height. The applicant is proposing to allow Hotel and Commercial Uses within the Highway Commercial zoning districts pedestrian-oriented developments to exceed the maximum building height up to 145’.

### PART 2: BACKGROUND

In 1998, text amendment TA97-25 was approved and added language to create a **pedestrian-oriented development** within the Highway Commercial zoning district (Article 3.2.7(d)(4)b). The applicant proposed the text amendment in tandem with rezoning R97-23 as the basis to Birkdale Village. Currently, Birkdale Village is the **only approved pedestrian-oriented development** in Huntersville. Pedestrian-Oriented developments require mixed use buildings with parking that is wrapped by buildings to be interior of the block.

Today, DDRTC Birkdale Village, LLC, has proposed to also use this proposed text amendment in tandem with the proposed rezoning R22-01 to make changes to Birkdale Village. These changes, as proposed, would allow development within Birkdale and any other development that follows the standards of a pedestrian-oriented development in the Highway Commercial district to achieve heights taller than the originally approved three stories or 48’. The text amendment would only allow heights to increase via a special use permit and cap the height to 145’. Parking decks that are associated with the proposed development would also be capped at the lesser of 70’ or the height of the hotel or urban workplace building. Any parking deck that is exposed at any point above the surrounding adjacent structures will have to meet strict architectural requirements that aims to help blend the structure into the existing area.

### PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- **Policy LU 2.1:** Higher intensity residential uses will be focused generally within 2 miles of the I77/NC115 corridor and future activity centers in the eastern and western areas of Huntersville zoning jurisdiction.  
*STAFF COMMENT: This policy supports the text amendment as the majority of existing Highway Commercial Zoning districts are located within 2 miles of the I77/NC115 corridor. See attachment 3 for existing Highway Commercial Zoning districts.*
- **Policy LU 5.1:** Allow for more intense development only where transportation infrastructure and utilities already exist.  
*STAFF COMMENT: This policy supports the text amendment as the increase in height would only occur in the Highway Commercial district which is focused close to main arterial roads and highways.*
- **Policy LU 6.2:** Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.

STAFF COMMENT: *This policy supports the text amendment as the text amendment proposes higher intensity commercial uses within the Highway Commercial Zoning District.*

- **Policy LU 8.2:** Evaluate and strengthen incentives to encourage the achievement of higher design standards.

Consider incentives that allow applicants to demonstrate excellence in design and exceptional public benefit for projects in key areas.

- Offer flexibility using performance standards, guided by the design principles.
- Specify intended outcomes and how site or building-specific design solutions can better achieve desired outcomes.
- Evaluate incentives periodically to determine their value given shifting market and neighborhood conditions.
- Incentives that could include:
  - Modification of height limit.
  - Increase in percent of allowable attached residential.
  - Reduced parking requirements.
  - Reduced buffer yard requirements

STAFF COMMENT: *This policy supports the text amendment as Specific architectural guidelines outlined for proposed parking structures with the goal of achieving a more desirable outcome.*

- **Policy LU-11: Protect Existing Housing Stock.**

- LU 11.1: Protect and enhance the unique character of Huntersville’s neighborhoods by using planning tools to safeguard from potentially negative impacts of development and redevelopment.
  - Promote quality design and neighborhood improvements including increasing access to parks and recreation and mobility options.
  - Encourage coordination with neighborhoods to address infrastructure needs such as sidewalks and drainage.
- LU 11.2: Along existing streets, encourage new buildings to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
- LU 11.3: Study options for local housing stability programs to support existing homeowners.

STAFF COMMENT: *This policy may not support the proposed text amendment as the proposed height may not respect the building mass and scale of existing structures along existing streets. Staff did propose language that would enhance the architecture of any proposed parking decks to mitigate visual impacts.*

- **Policy LU-12.3:** Blend new development with existing neighborhoods, structures and landscapes through the use of transitions in building types and placement of open space, buffers, and other site features.

STAFF COMMENT: *This policy does not support the text amendment as a substantial increase in height may not blend new development with existing neighborhoods. Staff did propose language that would enhance the architecture of any proposed parking decks to mitigate visual impacts.*

#### PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment (Attachment 3 with **staff recommended adjustments in red**) in accordance with Part 9 below.

#### PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) did not give a recommendation on August 4<sup>th</sup> and pushed the recommendation to the following meeting on September 1<sup>st</sup>. On September 1<sup>st</sup> the HOAB recommended approval with a vote of 7-1.

**PART 6: PUBLIC HEARING**

The Public Hearing took place on October 3, 2022

**PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board is scheduled for October 25, 2022.

**PART 8: ATTACHMENTS**

1. Applicant's Text Amendment Application
2. Applicant Proposed Ordinance
3. **Staff Recommended Adjustments**
4. Map of Highway Commercial Districts and existing developments

**PART 9: STATEMENT OF CONSISTENCY – TA22-06**

| Planning Department                                                                                                                                                                                                                                                                                                                                                                             | Planning Board                                                                                                                                                                                                                                                                                                                        | Board of Commissioners                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>APPROVAL:</b> In considering the proposed amendment TA22-06, Planning Staff recommends approval based on consistency with policies LU 2.1, 5.1, 6.2, and 8.2 of the Huntersville 2040 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it applies only to Pedestrian Oriented Developments and requires a special use permit.</p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA22-06, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>                             | <p><b>APPROVAL:</b> In considering the proposed amendment TA22-06, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>                             |
| <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                                                                                                       | <p><b>DENIAL:</b> In considering the proposed amendment TA22-06, the Planning Board recommends denial based on the amendment being <b>(consistent OR inconsistent)</b> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</p> | <p><b>DENIAL:</b> In considering the proposed amendment TA22-06, the Town Board recommends denial based on the amendment being <b>(consistent OR inconsistent)</b> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</p> |



# Text Amendment Application

Date of Application 6/1/22

## 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(s): \_\_\_\_\_ Section(s): \_\_\_\_\_

See Attachment

**Current Ordinance**

See Attachment

**Proposed Text**

See Attachment

**Reason for Proposed  
Change**

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 DDRTC Birkdale Village, LLC

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

Signature  Date June 1, 2022

Title Sr. VP Development Email mike.lant@naproperties.com

Address of Applicant 1175 Peachtree St., Suite 1650 Atlanta, GA 30361

## Property Owner (if different than applicant)

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

☐ 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: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

## ATTACHMENT TO TEXT AMENDMENT

**Ordinance:** Huntersville Zoning Ordinance

**Articles/Sections:**

Article 4 – LOT & BUILDING TYPES, Urban Workplace, Permitted Height & Uses

Article 9 – CONDITIONS FOR CERTAIN USES, Article 9.45, Hotels & Motels

**Party Proposing the Amendment:** DDRTC Birkdale Village, LLC (“Owner”) is proposing this Text Amendment as the owner of the property located in the Highway Commercial District at the intersection of NC 73 and Birkdale Commons Parkway (Birkdale Village), Huntersville, North Carolina, Tax Parcel Numbers: 00537157 and 00537197

**Reason for Requested Change:**

1. The proposed amendment is consistent with the Purposes of the Huntersville Zoning Ordinance (the “Ordinance”) as set forth in Article 1.2 which states that the purpose of the zoning regulations is to encourage the most appropriate use of land throughout the corporate area in accordance with the Huntersville 2040 Community Plan (the “Community Plan”) and other adopted long-range plans for the Town of Huntersville.
2. The proposed amendment is consistent with the Goals of the Community Plan including the following:
  - a. **Activated Mixed-Use and Activity Centers.** Creation of vibrant, pedestrian-accessible mixed-use areas with restaurants, small businesses, and housing.
  - b. **Growth Management.** Focus growth near the central core and limit growth in less developed areas.
  - c. **Economic Development.** Balance the tax base, encourage entrepreneurship and attract target industries.
  - d. **Housing Options.** Encourage walkable housing options and address affordability. Improve link between new housing and adequate transportation facilities.
  - e. **Transportation.** Improve streets and sidewalks and expand transportation options.
3. The proposed amendment is consistent with the Land Use Policy Recommendations in the Community Plan by encouraging higher density development in the I-77/NC-115 corridor and Mixed-Use Centers.
4. The proposed amendment is consistent with the Economic Vitality Policy Recommendations in the Community Plan by balancing and expanding the local economy through several avenues, including, supporting job growth, encouraging existing economic assets, and leveraging partnerships to encourage economic development.

5. As set out below, the proposed amendment is consistent with the purpose of Strategic Economic Development Plan in “Section 1. Executive Summary, A. Project Background”

(“Huntersville’s purpose in developing a Strategic Economic Development Plan (SEDP) is to promote job creation, private investment and tax base expansion while maintaining a high quality of life, including preservation of the Town’s natural, scenic, cultural and historic assets.”):

- a. Helps to promote the economic health and stability of mixed-use and employment centers by allowing for smart and controlled expansion;
  - b. Benefits the existing businesses in Birkdale by maximizing the current inventory of non-residentially-zoned land;
  - c. Increases private investment and tax base expansion by utilizing current assets to attract new commercial uses, and provide tourism benefits to the Town.
  - d. Provides a high quality of life by offering commercial activities while maintaining the character of the development.
6. The proposed amendment does not allow an overall increase in the height of structures within the Highway Commercial District, but only allows an increase in the height of a structure located, at the time of construction, within a project that meets the requirements of Article 3.2.7 d) 4 b). To meet these requirements a development must be pedestrian-oriented with a system of streets and blocks that is anchored by retail, restaurant and entertainment uses. Additionally, at least one parking space per dwelling unit must be replaced in a parking deck located on the interior of the block, and at least 20% of the habitable first-floor area must be devoted to commercial uses.

This exception provides full-time population which animates the streets, supports businesses on a daily basis, and decreases the Project’s dependence on private vehicles. The maximum height of a structure in the Highway Commercial Zoning District will not be increased by the adoption of this amendment unless a development meets these strict requirements.

### **Proposed Changes to the Ordinance:**

In order to accomplish this purpose, Owner proposes the following changes to the Ordinance:

1. Add an additional provision to Article 4, “Urban Workplace, Permitted Height & Uses” as follows:
  - 5. Any structure which is located within a pedestrian-oriented development that meets the requirements of Article 3.2.7 d) 4 b), may exceed the permitted building height of the zoning district, not to exceed one hundred forty-five feet (145’), subject to a Special Use Permit, provided that:
    - a. The structure is separated by a distance of no less than three (3) times the height of the proposed structure closest to the common



lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.

- b. That all other site design requirements stated in this code are met.
- c. That vehicular access to the use will be provided only by way of a major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.

2. Add an additional paragraph .4 to Article 9.45 as follows:

.4 Any structure in which a hotel or motel is a principal or accessory use and is located within a development that meets the requirements of Article 3.2.7 d) 4 b), may exceed the permitted building height of the zoning district, not to exceed one hundred forty-five feet (145'), subject to Special Use Permit and the requirements of Article 9.45.2.

**AN ORDINANCE AMENDING ARTICLE 3.2.7(a), 4, 9.45 AND 9.63 OF THE ZONING ORDINANCE  
AMENDING THE PERMITTED BUILDING HEIGHT WITHIN PEDESTRIAN-ORIENTED DEVELOPMENT**

**(Staff recommended adjustments in Red)**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.7(a) Highway Commercial District “Uses permitted with special use permits” of the Zoning Ordinance be amended as follows:

- **commercial uses and mixed uses exceeding permitted building height, (9.63)**
- crematoriums, accessory, (9.56)
- halfway houses (9.55)
- hotels spaced less than 250’ from residential or mixed-use zones, (9.45)
- hotels exceeding permitted building height, (9.45)
- solar energy facility free-standing, minor, non-residential, (9.54)
- solar energy facility, rooftop, minor non-residential that is noticeable on a roof slope facing a street, (9.54)
- solar energy facility, minor residential as follows: located on the façade elevation facing public street or common access; or located on the roof slope above the façade of the structure facing public street or common access, (9.54)
- wind energy facility minor, accessory, (9.53)

**Section 2.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4 be amended as follows:

4. Building Type / Urban Workplace

Permitted Height and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above, and are further controlled by zoning district standards.

**Hotel, Commercial Uses and Mixed Uses in an urban workplace building type in the Highway Commercial (HC) zoning district may exceed the maximum building height, not to exceed one hundred forty-five feet (145’), subject to the provisions of Article 9.45 and 9.63 as applicable.**

**Section 3.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.45 be amended as follows:

Hotels are permitted in the Highway Commercial and Corporate Business Districts subject to the requirements below; Motels are permitted in the Corporate Business District only, subject to the requirements below:

1. Any structure in which a hotel or motel is the principal or accessory use shall be separated by a distance of at least 250 feet from any residential or mixed-use zoning district, measured from the closest point of the lot occupied by the hotel or motel to the closest point of lots in residential and mixed-use zoning districts.
2. Any structure in which a hotel or motel is the principal or accessory use is spaced less than established in 1 above shall require a special use permit subject to the following standards as well as all other standards applicable for special use permits:
  - a. Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.
  - b. That all other site design requirements stated in this code are met.
  - c. That vehicular access to the use will be provided only by way of a major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.
3. Any structure in which a hotel or motel is the principal or accessory use may exceed the permitted building height of the zoning district, not to exceed six (6) stories, subject to a Special Use Permit, and the requirements of Article 9.45.2
4. **Any structure for which a hotel is a principal or accessory use and is located within a pedestrian-oriented development that meets the requirements of Article 3.2.7(d)(4)(a) and defined in Article 12, may exceed the permitted building height of the Highway Commercial zoning district, not to exceed one hundred forty-five feet (145'), subject to the issuance of a special use permit in accordance with the requirements set forth in Article 11.4.10 and the requirements of Article 9.45.2. The height of any associated parking deck to a hotel meeting the requirements of this section shall not exceed the lesser of:**
  - (i) the height of the hotel; and
  - (ii) seventy feet (70')

**Any associated parking deck subject to the requirements of this Article 9.45.4 that is exposed at any point above adjacent structures must meet the following additional requirements:**

- a) **Complement the scale and character of nearby development.**
- b) **Have an architectural façade that blends with existing structures. The facades shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment.**

- c) For parking deck structures with open-air rooftop parking, a parapet wall of no less than four feet (4') in height as measured from the surface of the roof is required.

Notwithstanding the foregoing, The elevation of any accessory parking deck subject to the requirements of the Article 9.45.4 not fronting or visible from public streets subject to the requirements of Article 9.45(a)-(c).

**Section 4.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.63 be added to Article 9, "Conditions for Certain Uses" as follows:

**9.63 – Commercial Uses and Mixed Use Exceeding Permitted Building Height**

Any structure for which a Commercial Use and Mixed Use that is a principle or accessory use in an urban workplace building type and is located within a pedestrian-oriented development as described in Article 3.2.7(d)(4)(a) and defined in Article 12, may exceed the permitted building height of the Highway Commercial zoning district, not to exceed one hundred forty-five feet (145'), subject to the issuance of a special use permit in accordance with the requirements set forth in Article 11.4.10, provided that:

- a) The structure is separated by a distance of no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.
- b) That all other site design requirements stated in this Zoning Ordinance are met.
- c) That vehicular access to the use will be provided only by way of major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.

The height of any associated parking deck to a mixed use meeting the requirements of this section shall not exceed the lesser of:

- (i) the height of the hotel; and
- (ii) seventy feet (70')

Any associated parking deck subject to the requirements of this Article 9.63 that is exposed at any point above adjacent structures must meet the following additional requirements:

- a) Complement the scale and character of nearby development.
- b) Have an architectural façade that blends with existing structures. The facades shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment.
- c) For parking deck structures with open-air rooftop parking, a parapet wall of no less than four feet (4') in height as measured from the surface of the roof is required.

**Notwithstanding the foregoing, The elevation of any accessory parking deck subject to the requirements of the Article 9.45.4 not fronting or visible from public streets subject to the requirements of Article 9.45(a)-(c).**

**Section 5.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12.2.1 “General Definitions” of the zoning ordinance be amended as follows:

**Parking deck. An attached or detached structure composed of one or more levels or floors used primarily for the parking or storage of motor vehicles.**

**Section 6.** That these amendments shall become effective upon approval by the Town Board of Commissioners.

**Huntersville Ordinance Advisory Board:** August 4, 2022 & September 1, 2022

**Public Hearing Date:** October 3, 2022

**Planning Board Meeting:** October 25, 2022

**Town Board Meeting:** November 21, 2022

**AN ORDINANCE AMENDING ARTICLE 3.2.7(a), 4, 9.45 AND 9.63 OF THE ZONING ORDINANCE  
AMENDING THE PERMITTED BUILDING HEIGHT WITHIN PEDESTRIAN-ORIENTED DEVELOPMENT**

**(Staff recommended adjustments in Red)**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.7(a) Highway Commercial District “Uses permitted with special use permits” of the Zoning Ordinance be amended as follows:

- **commercial uses and mMixed uUses exceeding permitted building height, (9.63)**
- crematoriums, accessory, (9.56)
- halfway houses (9.55)
- hotels spaced less than 250’ from residential or mixed-use zones, (9.45)
- hotels exceeding permitted building height, (9.45)
- solar energy facility free-standing, minor, non-residential, (9.54)
- solar energy facility, rooftop, minor non-residential that is noticeable on a roof slope facing a street, (9.54)
- solar energy facility, minor residential as follows: located on the façade elevation facing public street or common access; or located on the roof slope above the façade of the structure facing public street or common access, (9.54)
- wind energy facility minor, accessory, (9.53)

**Section 2.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4 be amended as follows:

4. Building Type / Urban Workplace

Permitted Height and Uses

5. ~~Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.~~

6. ~~The height of parapet walls may vary depending upon the need to screen mechanical equipment.~~

7. ~~Building height to the ridge may vary depending on the roof pitch.~~

~~Permitted uses are indicated above, and are further controlled by zoning district standards.~~

**8.5. Hotel and Commercial Uses in an urban workplace building type allowed in the Highway Commercial (HC) zoning district may exceed the maximum building height, not to exceed one hundred forty-five feet (145’), subject to the provisions of Article 9.45 and 9.63 as applicable.**

**9.4. Building Type/ Shopfront BuildingHotel, s and Commercial Uses and Mixed Uses in an urban workplace building type in the Highway Commercial (HC) zoning district may exceed**

the maximum building height, not to exceed one hundred forty-five feet (145'), subject to the provisions of Article 9.45 and 9.63 as applicable. The height of any associated parking deck shall not exceed the lesser of (i) the height of the hotel or motel or urban workplace building; and (ii) 70'; and any parking deck that is exposed at any point above the surrounding adjacent structures must meet the following requirements,

- a) complement the scale and character of nearby development.
- b) have an architectural façade that blends with existing structures.
- c) The facades of parking structures shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment.
- d) For parking structures with rooftop open-air parking, a parapet wall a minimum of four feet in height measured from the surface of the roof is required.
- e) The parking deck elevation that is not fronting or visible from public streets does not have to comply with a-d.

**Commented [NF1]:** Not necessary as its covered through SUP 9.45 and 9.63

- 6. Mixed uses in the Highway Commercial (HC) zoning district may exceed the maximum building height, not to exceed one hundred forty-five feet (145'), subject to the provisions of Article 9.63 as applicable.

**Section 3.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.45 be amended as follows:

Hotels are permitted in the Highway Commercial and Corporate Business Districts subject to the requirements below; Motels are permitted in the Corporate Business District only, subject to the requirements below:

1. Any structure in which a hotel or motel is the principal or accessory use shall be separated by a distance of at least 250 feet from any residential or mixed-use zoning district, measured from the closest point of the lot occupied by the hotel or motel to the closest point of lots in residential and mixed-use zoning districts.
2. Any structure in which a hotel or motel is the principal or accessory use is spaced less than established in 1 above shall require a special use permit subject to the following standards as well as all other standards applicable for special use permits:
  - a. Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.
  - b. That all other site design requirements stated in this code are met.
  - c. That the proposed use will not endanger the public health and safety, not substantially reduce the value of nearby property.

d. ~~That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area.~~

e.c. That vehicular access to the use will be provided only by way of a major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.

3. Any structure in which a hotel or motel is the principal or accessory use may exceed the permitted building height of the zoning district, not to exceed six (6) stories, subject to a Special Use Permit, and the requirements of Article 9.45.2

4. Any structure for which a hotel ~~or motel~~ is a principal or accessory use and is located within a pedestrian-oriented development that meets the requirements of Article 3.2.7(d)(4)(~~ab~~) and defined in Article 12, may exceed the permitted building height of the Highway Commercial zoning district, not to exceed one hundred forty-five feet (145'), subject to the issuance of a sSpecial uUse pPermit in accordance with the requirements set forth in Article 11.4.10 a-and the requirements of Article 9.45.2. The height of any associated parking deck to a hotel meeting the requirements of this section shall not exceed the lesser of:

(i) ~~(i)~~ the height of the hotel ~~or motel~~; and

(ii) ~~(ii)~~ seventy feet (70'); and

4. Any associated parking deck subject to the requirements of this Article 9.45.4 that is exposed at any point above the surrounding adjacent structures must meet the following additional requirements, requirements:

a) ~~C~~omplement the scale and character of nearby development.

~~b)~~ Have an architectural façade that blends with existing structures.

~~c)b)~~ The facades of parking structures shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment.

~~d)c)~~ For parking deck structures with ~~rooftop~~ open-air rooftop parking, a parapet wall of no less than a minimum of four feet (4') in height as measured from the surface of the roof is required.

- e) Notwithstanding the foregoing, The elevation of any accessory parking deck subject to the requirements of the Article 9.45.4 not fronting or visible from public streets subject to the requirements of Article 9.45(a)-(c).The parking deck elevation that is not fronting or visible from public streets does not have to comply with a-d.

Commented [NF2]: Don't need anymore as its covered in 11.4.10

Commented [NF3]: Motel only allowed in CB zoning district

Commented [NF4]: This has been fixed to accurately describe pedestrian oriented developments within HW zoning district

Commented [NF5]: Change to massing for less subjectivity?

**Section 4.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.63 be added to Article 9, "Conditions for Certain Uses" as follows:

#### **9.63 – Commercial Uses and Mixed Uses Exceeding Permitted Building Height**



Any structure for which a Commercial Use and Mixed Use that is a principle or accessory use in an urban workplace or shopfront building type, which and is located within a pedestrian-oriented development that meets the requirements of as described in Article 3.2.7(d)(4)(ab) and defined in Article 12, may exceed the permitted building height of the Highway Commercial zoning district, not to exceed one hundred forty-five feet (145'), subject to the issuance of a special use permit in accordance with the requirements set forth in Article 11.4.10 to a special use permit, provided that:

- a) The structure is separated by a distance of no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.
- b) That all other site design requirements stated in this Zoning Ordinance are met.
- c) That vehicular access to the use will be provided only by way of major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.

The height of any associated parking deck to a mixed use meeting the requirements of this section shall not exceed the lesser of:

- (i) the height of the hotel; and
- (ii) seventy feet (70')

Any associated parking deck subject to the requirements of this Article 9.63 that is exposed at any point above adjacent structures must meet the following additional requirements:

- a) Complement the scale and character of nearby development.
- b) Have an architectural façade that blends with existing structures. The facades shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment.
- c) For parking deck structures with open-air rooftop parking, a parapet wall of no less than four feet (4') in height as measured from the surface of the roof is required.

Notwithstanding the foregoing, The elevation of any accessory parking deck subject to the requirements of the Article 9.45.4 not fronting or visible from public streets subject to the requirements of Article 9.45(a)-(c).

The height of any associated parking deck shall not exceed the lesser of (i) the height of the hotel or motel or urban workplace building; and (ii) 70'; and any parking deck that is exposed at any point above the surrounding adjacent structures must meet the following requirements,

- a) complement the scale and character of nearby development.
- b) have an architectural façade that blends with existing structures.
- c) The facades of parking structures shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of

**Commented [NF6]:** Change to massing for less subjectivity?

~~similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment.~~

~~d) For parking structures with rooftop open-air parking, a parapet wall a minimum of four feet in height measured from the surface of the roof is required.~~

~~e) The parking deck elevation that is not fronting or visible from public streets does not have to comply with a-d.~~

**Section 5.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12.2.1 "General Definitions" of the zoning ordinance be amended as follows:

**Parking dDeck.** An attached or detached structure composed of one or more levels or floors used primarily for the parking or storage of motor vehicles.

**Section 6.** That these amendments shall become effective upon approval by the Town Board of Commissioners.

**Huntersville Ordinance Advisory Board:** August 4, 2022 & September 1, 2022

**Public Hearing Date:** October 3, 2022

**Planning Board Meeting:** October 25, 2022

**Town Board Meeting:** November 21, 2022



# 2022 Approved Development & Major Features Map

Town of Huntersville, North Carolina



Huntersville Sphere of Influence 63.48 Sq. Miles  
Corporate Limits 42.03 Sq. Miles

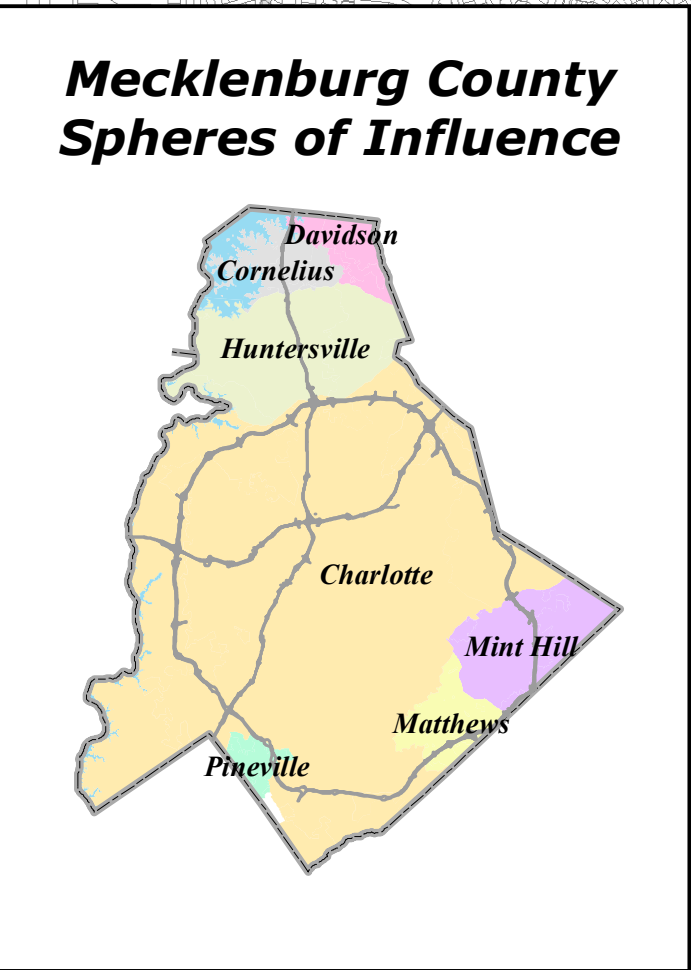
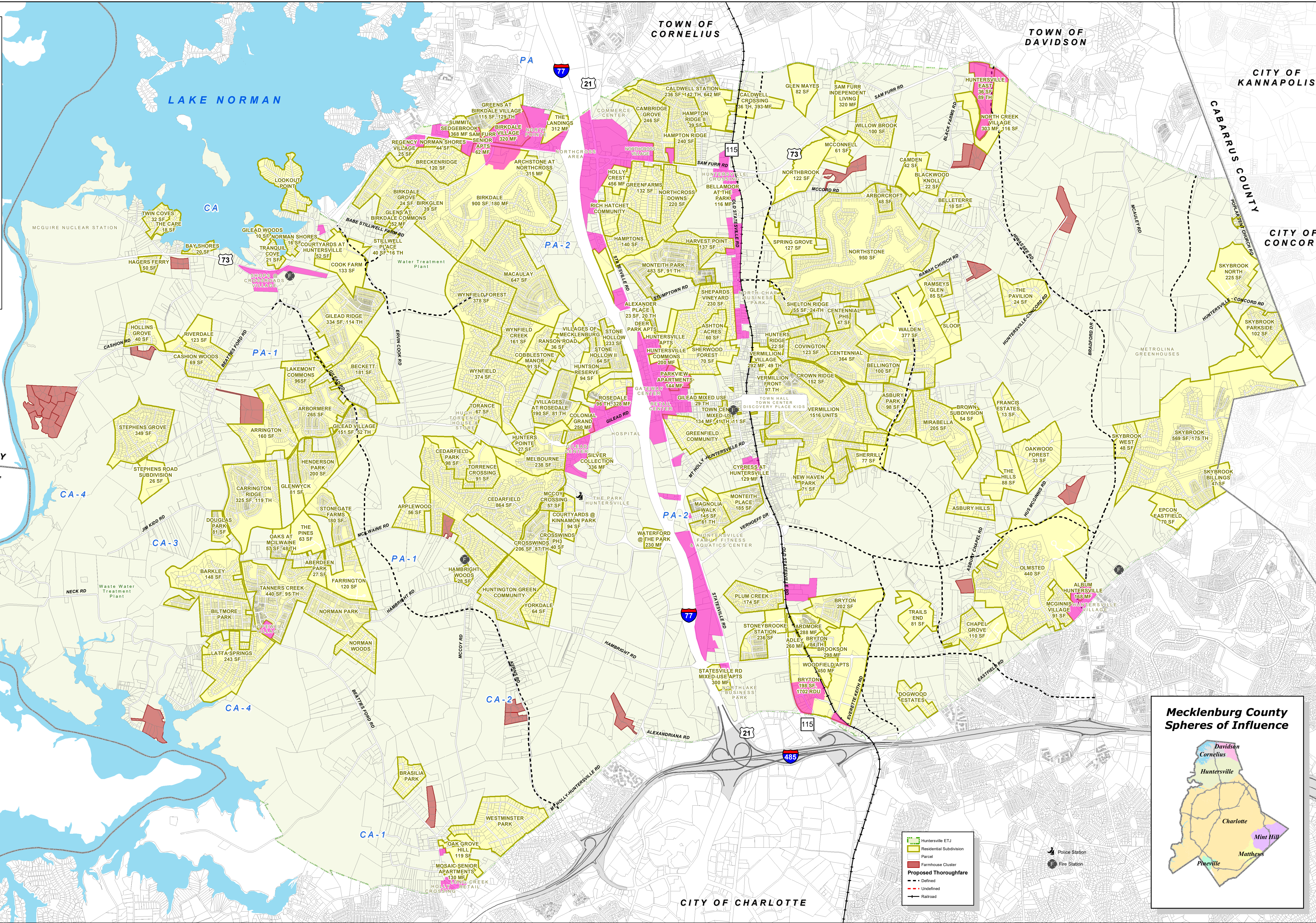
The Office of State Planning recently ranked Huntersville as one of the fastest-growing town of its size in North Carolina. This map shows some of the major influences that have fueled this growth as well as the locations of neighborhoods, parks, and other features. The Town of Huntersville continues to take proactive steps that will enable the Town to grow in an efficient manner that enhances the quality of life for residents and businesses. Traditional neighborhood design, parkland acquisition, open space preservation, and planning for rail rapid transit are just some of the major efforts underway to manage change, strengthen the Town's unique character, and support economic growth.

0 0.5 1  
Miles  
0 1,500 3,000  
Feet  
1:24,000

Revised June 27, 2022

This map was compiled from existing Mecklenburg County property parcel maps for the sole purpose of presenting information for the Town of Huntersville. This map is not to be used for the transfer of property, easements, or conveyances.

Prepared by the Town of Huntersville  
Planning Department  
101 Huntersville-Concord Road  
Huntersville, NC 28078  
(704) 875-7000  
www.huntersville.org





**Town of Huntersville  
Planning Board  
October 25, 2022**

**To:** Town Board

**From:** Nathan Farber, Planner I

**Date:** October 25, 2022

**Subject:** #SUP22-06

---

**EXPLAIN REQUEST:**

Consider recommendation on Petition #SUP22-01, a request by DDRTC Birkdale Village, LLC to exceed the building height limits for hotels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district.

**ACTION RECOMMENDED:**

Consider Recommendation

**FINANCIAL IMPLICATIONS:**

NA

**ATTACHMENTS:**

1. SUP22-01 Staff Report PB 10-25-22
2. Application
3. Site Plan
4. Summary of Staff Findings

## REQUEST:

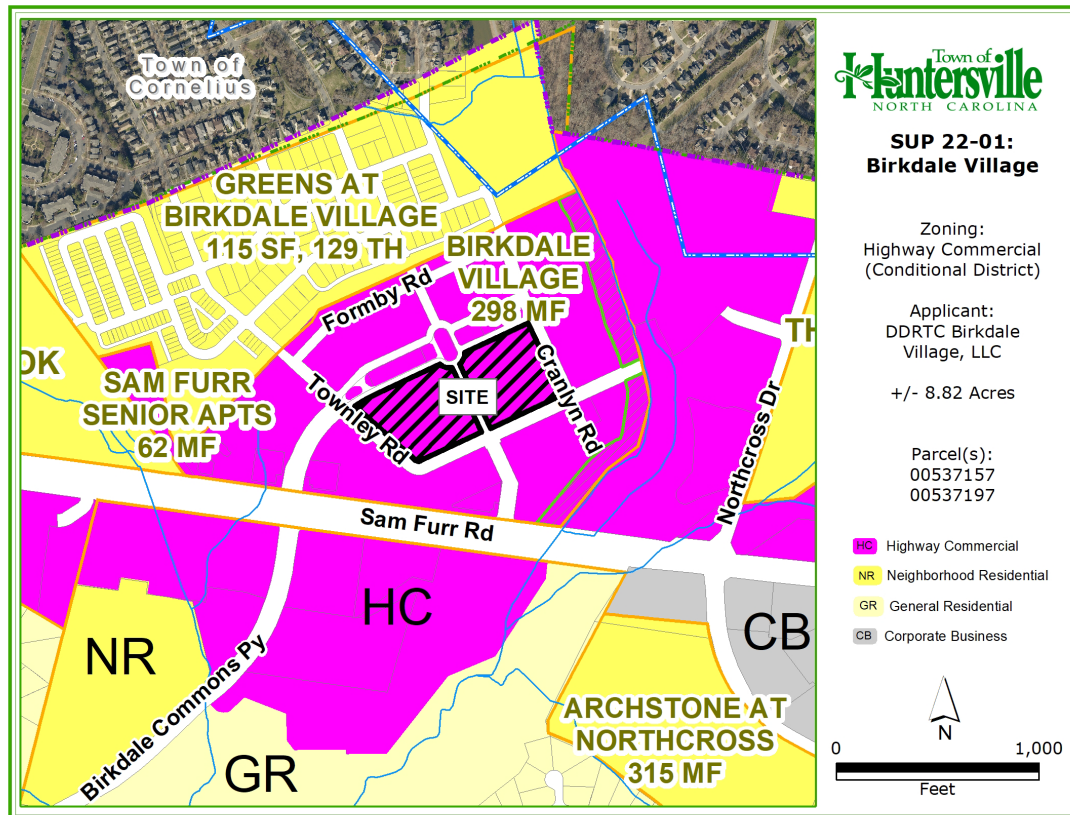
### Special Use Permit by DDRTC Birkdale Village, LLC to exceed the allowable height within the Highway Commercial Zoning District – SUP22-01

#### PART 1: DESCRIPTION

Petition #SUP22-01 is a request by DDRTC Birkdale Village, LLC to exceed the allowable height within the highway commercial zoning district at Tax parcel #s 00537157 and 00537197. The applicant has proposed to construct two 145' urban workplace buildings that will consist of a hotel and commercial use.

In accordance with Articles 9.45 and 9.63, pending the approval of Text Amendment #TA22-06, Hotels and Commercial uses in a urban workplace building type and Mixed Uses in a shopfront building type may exceed the allowable height up to 145' as long as they comply with the pedestrian-oriented development requirements of 3.2.7(d)(4)(b) and is located within the Highway Commercial zoning district. The special use permit also requires the proposed structures to be separated by a distance no less than three times the height to the closest lot line of an adjoining residential and mixed-use zone.

#### PART 2: LOCATION



### PART 3: STAFF FINDINGS

A special use permit to exceed the building height is required for the buildings highlighted below.



### APPLICABLE CRITERIA AND STAFF FINDINGS

#### Article 9.45 (HOTEL ONLY)

Hotels are permitted in the Highway Commercial and Corporate Business Districts subject to the requirements below; Motels are permitted in the Corporate Business District only, subject to the requirements below:

STAFF FINDINGS: *The proposed hotel project will be located within the Highway Commercial zoning district.*

#### Article 9.45.1

Any structure in which a hotel or motel is the principal or accessory use shall be separated by a distance of at least 250 feet from any residential or mixed-use zoning district, measured from the closest point of the lot occupied by the hotel or motel to the closest point of lots in residential and mixed-use zoning districts.

STAFF FINDINGS: *The proposed hotel is over 750' from a residential zoning district.*

#### Article 9.45.4

Any structure for which a hotel is a principal or accessory use and is located within a pedestrian-oriented development that meets the requirements of Article 3.2.7(d)(4)(a) and defined in Article 12, may exceed the permitted building height of the Highway Commercial zoning district, not to exceed one hundred forty-five feet (145'), subject to the issuance of a special use permit in accordance with the requirements set forth in Article 11.4.10 and the requirements of Article 9.45.2. The height of any associated parking deck to a hotel meeting the requirements of this section shall not exceed the lesser of: i) the height of the hotel or motel; and (ii) 70'; and Any parking deck that is exposed at any point above the surrounding adjacent structures must meet the following requirements,

- a) complement the scale and character of nearby development.
- b) have an architectural façade that blends with existing structures.
- c) The facades of parking structures shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment.
- d) For parking structures with rooftop open-air parking, a parapet wall a minimum of four feet in height measured from the surface of the roof is required.
- e) The parking deck elevation that is not fronting or visible from public streets does not have to comply with a-d.

**STAFF FINDINGS:** *The site is within a pedestrian oriented development. The applicant has not provided elevations for the Hotel or the exact height but has stated that the height would not exceed 145'. The additional parking spots will comply with the requirements of Article 3.2.7(d)(4)(a). The associated parking decks proposed height of 68' will not exceed the height of the hotel or 70' as required within this SUP. The applicant has not provided elevations of the associated parking deck but note on the site plan that all the requirements for Article 9.45.4 (a)-(e) will be followed.*

#### **Article 9.63 (WORKPLACE AND MIXED USE ONLY)**

Any structure for which a Commercial Use and Mixed Use that is a principle or accessory use in an urban workplace or shopfront building type and is located within a pedestrian-oriented development as described in Article 3.2.7(d)(4)(a) and defined in Article 12, may exceed the permitted building height of the Highway Commercial zoning district, not to exceed one hundred forty-five feet (145'), subject to the issuance of a special use permit in accordance with the requirements set forth in Article 11.4.10, provided that:

**STAFF FINDINGS:** *The proposed structures are located within the required Highway Commercial zoning district and a previously approved pedestrian-oriented development. The proposed commercial use will continue to comply with Article 3.2.7(d)(4)(a). The applicant has not provided an exact height or elevations of the proposed commercial use in an urban workplace building type but has shown that it will not exceed 145'.*

#### **Article 9.63 (a)**

The structure is separated by a distance of no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.

**STAFF FINDINGS:** *The Applicant has shown that the mixed use and workplace structures will be separated from the nearest residential zone by 689', thus exceeding the required 435' of separation. The associated parking deck will also be located 513' from the nearest residential zone.*

#### **Article 9.63 (b)**

That all other site design requirements stated in this Zoning Ordinance are met.

**STAFF FINDINGS:** *The applicant has noted that all the site design requirements of Article 3.2.7(d)(4)(a) and Article 9.45.4 will be met.*

**Article 9.63 (c)**

That vehicular access to the use will be provided only by way of major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.

STAFF FINDINGS: *The vehicular access to the use will be provided by the existing conforming streets within the approved pedestrian-oriented development.*

**Article 9.63**

The height of any associated parking deck shall not exceed the lesser of (i) the height of the hotel or motel or urban workplace building; and (ii) 70'; and any parking deck that is exposed at any point above the surrounding adjacent structures must meet the following requirements,

- a) complement the scale and character of nearby development.
- b) have an architectural façade that blends with existing structures.
- c) The facades of parking structures shall include both vertical and horizontal treatment that resembles patterns and architecture of the buildings within the development, including use of similar materials and a similar rhythm of window openings. Any openings shall be screened using decorative elements such as grillwork, louvers, green walls, or a similar treatment.
- d) For parking structures with rooftop open-air parking, a parapet wall a minimum of four feet in height measured from the surface of the roof is required.
- e) The parking deck elevation that is not fronting or visible from public streets does not have to comply with a-d.

STAFF FINDINGS: *The associated parking decks proposed height of 68' will not exceed the height of the hotel or 70' as required within this SUP. The applicant has not provided elevations of the associated parking deck but note on the site plan that all the requirements for Article 9.45.4 (a)-(e) will be followed.*

**Article 11.4.10(e)(2) (HOTEL, WORKPLACE, AND MIXED USE)**

The applicant has the burden of producing competent, material, and substantial evidence establishing that:

- i. The proposed special use will not materially endanger the public health or safety;  
STAFF FINDINGS: *All fire and state building codes will be met.*
- ii. The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity; STAFF FINDINGS: *The applicant must address this criteria.*
- iii. The proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan;  
STAFF FINDINGS: *The site is located within a mixed-use center according to the Huntersville 2040 Plan. Further, the proposed development conforms with the following 2040 Plan Policies:*

*Policy LU-1: Encourage a development pattern that follows the Future Land Use Map.*

*Policy LU-5: Focus more intense development in locations that can support growth.*

*Policy LU-6: Support a mix of land uses in key locations.*



*Policy LU-8: Emphasize form and flexibility in Mixed-Use Centers, Employment Centers, the Town Core, and Activity Centers;*

*Policy EV-1: Support a balanced economy through job growth in target industry sectors.*

- iv. The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located; and STAFF FINDINGS: *All applicable yard standards and other applicable zoning ordinance requirements in the Highway Commercial zoning districts will be met.*
- v. The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use. STAFF FINDINGS: *All applicable general and specific standards will be met.*

#### **PART 4: PLANNING STAFF RECOMENDATIONS**

Subject to the TA 22-06 approval and the applicant addressing the items noted in Part 3 above, in considering the Special Use Permit SUP 22-01, we, the Planning Staff, find that the request **could meet** all required conditions and specifications. This decision is supported by the findings listed in Part 3 above and summarized in Attachment B.

#### **PART 5: PUBLIC HEARING/FINAL ACTION**

The Special Use Permit Hearing is tentatively scheduled for November 21, 2022.

#### **PART 6: ATTACHMENTS**

Attachment A: General Application, Project Site Plan.

Attachment B : Summary of Staff Findings

#### **PART 7: Planning Board Decision Statements**

##### In Favor of the Special Use Permit

In considering the Special Use Permit SUP 22-01, we, the Planning Board, find that the request meets all required conditions and specifications. This decision is supported by the following findings:

1)

2)

Add additional statements as necessary.

Against Special Use Permit

In considering the Special Use Permit SUP22-01, we, the Planning Board, find that the request does not meet the required conditions and specifications.

(List which conditions are not being met **and the** findings which support the conditions are not being met)

1)

2)

Add additional statements as necessary.



# 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 August 30, 2022

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

Project Address 8725 Townley Road, Intersection of NC 73 and Birkdale Commons Parkway

Parcel Identification Number(s) (PIN) 00537157 and 00537197

Current Zoning District HC (CD) Proposed District (for rezoning only) \_\_\_\_\_

Property Size (acres) 8.82 +/- Street Frontage (feet) 1,651 feet & 1,544 feet

Current Land Use Commercial

Proposed Land Use(s) Office, Hotel, Multi-Family, Commercial

Is the project within Huntersville's corporate limits?  
Yes X 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.

Special Use Permit in accordance with Text Amendment 22-06 (TA 22-06).

## 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 DDRTC Birkdale Village, LLC Phone 404-946-0939  
☐ 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: Mike Lant

Title Senior VP Development Email Mike.Lant@NAProperties.com

Address of Applicant 1175 Peachtree Street, Suite 1650, Atlanta Georgia 30361

### 7. Property Owner (if different than applicant)

\*Printed Name \_\_\_\_\_ Phone \_\_\_\_\_  
☐ 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 \_\_\_\_\_ Printed Name \_\_\_\_\_

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 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

|                           |                 |              |                                |
|---------------------------|-----------------|--------------|--------------------------------|
| North American Properties | Nick Lombardo   | 404-946-0939 | nick.lombardo@naproperties.com |
| Development Firm          | Name of Contact | Phone        | Email                          |
| HensonFoley               | Jay Henson      | 704-875-1615 | jay@hensonfoley.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:          | <a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a> |



| Sheet List Table |                     |
|------------------|---------------------|
| Sheet Number     | Sheet Title         |
| C01              | COVER               |
| C02              | SURVEY              |
| C02A             | SURVEY              |
| C03              | SITE PLAN           |
| C04              | PRELIM GRADING PLAN |
| C05              | LANDSCAPE PLAN      |
| EX01             | DISTANCE EXHIBIT    |

| AN ORDINANCE AMENDING ARTICLE 3.2.7(A), 4, 9.45 AND 9.63 OF THE ZONING ORDINANCE AMENDING THE PERMITTED BUILDING HEIGHT WITHIN PEDESTRIAN-ORIENTED DEVELOPMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p><b>SECTION 1.</b> BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HUNTERSVILLE THAT ARTICLE 3.2.7(A) HIGHWAY COMMERCIAL DISTRICT "USES PERMITTED WITH SPECIAL USE PERMITS" OF THE ZONING ORDINANCE BE AMENDED AS FOLLOWS:</p> <ul style="list-style-type: none"><li><b>COMMERCIAL USES EXCEEDING PERMITTED BUILDING HEIGHT, (9.63)</b></li><li>CREMATORIUMS, ACCESSORY, (9.56)</li><li>HALFWAY HOUSES (9.55)</li><li>HOTELS SPACED LESS THAN 250' FROM RESIDENTIAL OR MIXED-USE ZONES, (9.45)</li><li>HOTELS EXCEEDING PERMITTED BUILDING HEIGHT, (9.45)</li><li>SOLAR ENERGY FACILITY FREE-STANDING, MINOR, NON-RESIDENTIAL, (9.54)</li><li>SOLAR ENERGY FACILITY, ROOFTOP, MINOR NON-RESIDENTIAL THAT IS NOTICEABLE ON A ROOF SLOPE FACING A STREET, (9.54)</li><li>SOLAR ENERGY FACILITY, MINOR RESIDENTIAL AS FOLLOWS: LOCATED ON THE FAÇADE ELEVATION FACING PUBLIC STREET OR COMMON ACCESS; OR LOCATED ON THE ROOF SLOPE ABOVE THE FAÇADE OF THE STRUCTURE FACING PUBLIC STREET OR COMMON ACCESS, (9.54)</li><li>WIND ENERGY FACILITY MINOR, ACCESSORY, (9.53)</li></ul> <p><b>SECTION 2.</b> BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HUNTERSVILLE THAT ARTICLE 4 BE AMENDED AS FOLLOWS:</p> <p>4. BUILDING TYPE / URBAN WORKPLACE</p> <p>PERMITTED HEIGHT AND USES</p> <ol style="list-style-type: none"><li>BUILDING HEIGHT SHALL BE MEASURED AS THE VERTICAL DISTANCE FROM THE HIGHEST FINISHED GRADE RELATIVE TO THE STREET FRONTAGE, UP TO THE EAVES OR THE HIGHEST LEVEL OF A FLAT ROOF.</li><li>THE HEIGHT OF PARAPET WALLS MAY VARY DEPENDING UPON THE NEED TO SCREEN MECHANICAL EQUIPMENT.</li><li>BUILDING HEIGHT TO THE RIDGE MAY VARY DEPENDING ON THE ROOF PITCH.</li><li>PERMITTED USES ARE INDICATED ABOVE, AND ARE FURTHER CONTROLLED BY ZONING DISTRICT STANDARDS.</li><li>HOTELS AND COMMERCIAL USES IN AN URBAN WORKPLACE BUILDING TYPE IN THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICT MAY EXCEED THE MAXIMUM BUILDING HEIGHT, NOT TO EXCEED ONE HUNDRED FORTY-FIVE FEET (145'), SUBJECT TO THE PROVISIONS OF ARTICLE 9.45 AND 9.63 AS APPLICABLE. THE HEIGHT OF ANY ASSOCIATED PARKING DECK SHALL NOT EXCEED THE LESSER OF (I) THE HEIGHT OF THE HOTEL OR MOTEL OR URBAN WORKPLACE BUILDING; AND (II) 70'; AND ANY PARKING DECK THAT IS EXPOSED AT ANY POINT ABOVE THE SURROUNDING ADJACENT STRUCTURES MUST MEET THE FOLLOWING REQUIREMENTS,<ol style="list-style-type: none"><li>COMPLEMENT THE SCALE AND CHARACTER OF NEARBY DEVELOPMENT.</li><li>HAVE AN ARCHITECTURAL FAÇADE THAT BLENDS WITH EXISTING STRUCTURES.</li><li>THE FAÇADES OF PARKING STRUCTURES SHALL INCLUDE BOTH VERTICAL AND HORIZONTAL TREATMENT THAT RESEMBLES PATTERNS AND ARCHITECTURE OF THE BUILDINGS WITHIN THE DEVELOPMENT, INCLUDING USE OF SIMILAR MATERIALS AND A SIMILAR RHYTHM OF WINDOW OPENINGS. ANY OPENINGS SHALL BE SCREENED USING DECORATIVE ELEMENTS SUCH AS GRILLWORK, LOUVERS, GREEN WALLS, OR A SIMILAR TREATMENT.</li><li>FOR PARKING STRUCTURES WITH ROOFTOP OPEN-AIR PARKING, A PARAPET WALL A MINIMUM OF FOUR FEET IN HEIGHT MEASURED FROM THE SURFACE OF THE ROOF IS REQUIRED.</li><li>THE PARKING DECK ELEVATION THAT IS NOT FRONTING OR VISIBLE FROM PUBLIC STREETS DOES NOT HAVE TO COMPLY WITH A.D.</li></ol></li></ol> <p><b>SECTION 3.</b> BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HUNTERSVILLE THAT ARTICLE 9.45 BE AMENDED AS FOLLOWS:</p> <p>HOTELS ARE PERMITTED IN THE HIGHWAY COMMERCIAL AND CORPORATE BUSINESS DISTRICTS SUBJECT TO THE REQUIREMENTS BELOW; MOTELS ARE PERMITTED IN THE CORPORATE BUSINESS DISTRICT ONLY, SUBJECT TO THE REQUIREMENTS BELOW:</p> <ol style="list-style-type: none"><li>ANY STRUCTURE IN WHICH A HOTEL OR MOTEL IS THE PRINCIPAL OR ACCESSORY USE SHALL BE SEPARATED BY A DISTANCE OF AT LEAST 250 FEET FROM ANY RESIDENTIAL OR MIXED-USE ZONING DISTRICT, MEASURED FROM THE CLOSEST POINT OF THE LOT OCCUPIED BY THE HOTEL OR MOTEL TO THE CLOSEST POINT OF LOTS IN RESIDENTIAL AND MIXED-USE ZONING DISTRICTS.</li><li>ANY STRUCTURE IN WHICH A HOTEL OR MOTEL IS THE PRINCIPAL OR ACCESSORY USE IS SPACED LESS THAN ESTABLISHED IN 1 ABOVE SHALL REQUIRE A SPECIAL USE PERMIT SUBJECT TO THE FOLLOWING STANDARDS AS WELL AS ALL OTHER STANDARDS APPLICABLE FOR SPECIAL USE PERMITS:<ol style="list-style-type: none"><li>ANY STRUCTURE IN WHICH A HOTEL OR MOTEL IS THE PRINCIPLE OR ACCESSORY USE SHALL BE SEPARATED BY A DISTANCE NO LESS THAN THREE (3) TIMES THE HEIGHT OF THE PROPOSED STRUCTURE CLOSEST TO THE COMMON LOT LINE OF THE ADJOINING RESIDENTIAL AND MIXED-USE ZONE, BUT IN NO CASE LESS THAN 100 FEET.</li></ol></li><li>THAT ALL OTHER SITE DESIGN REQUIREMENTS STATED IN THIS CODE ARE MET.</li><li>THAT THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH AND SAFETY, NOT SUBSTANTIALLY REDUCE THE VALUE OF NEARBY PROPERTY.</li><li>THAT THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE OBJECTIVES OF THE MOST DETAILED PLAN ADOPTED FOR THE AREA.</li><li>THAT VEHICULAR ACCESS TO THE USE WILL BE PROVIDED ONLY BY WAY OF A MAJOR OR MINOR THOROUGHFARE, OR A RETAIL/MIXED-USE LOCAL OR COLLECTOR STREET WITHIN A COMMERCIAL OR MIXED-USE PROJECT.</li><li>ANY STRUCTURE IN WHICH A HOTEL OR MOTEL IS THE PRINCIPAL OR ACCESSORY USE MAY EXCEED THE PERMITTED BUILDING HEIGHT OF THE ZONING DISTRICT, NOT TO EXCEED SIX (6) STORIES, SUBJECT TO A SPECIAL USE PERMIT, AND THE REQUIREMENTS OF ARTICLE 9.45.2</li><li>ANY STRUCTURE FOR WHICH A HOTEL OR MOTEL IS A PRINCIPAL OR ACCESSORY USE IS LOCATED WITHIN A PEDESTRIAN-ORIENTED DEVELOPMENT THAT MEETS THE REQUIREMENTS OF ARTICLE 3.2.7(D)(4)(B), MAY EXCEED THE PERMITTED BUILDING HEIGHT OF THE ZONING DISTRICT, NOT TO EXCEED ONE HUNDRED FORTY-FIVE FEET (145'), SUBJECT TO SPECIAL USE PERMIT AND THE REQUIREMENTS OF ARTICLE 9.45.2. THE HEIGHT OF ANY ASSOCIATED PARKING DECK SHALL NOT EXCEED THE LESSER OF (I) THE HEIGHT OF THE HOTEL OR MOTEL; AND (II) 70'; AND ANY PARKING DECK THAT IS EXPOSED AT ANY POINT ABOVE THE SURROUNDING ADJACENT STRUCTURES MUST MEET THE FOLLOWING REQUIREMENTS,<ol style="list-style-type: none"><li>COMPLEMENT THE SCALE AND CHARACTER OF NEARBY DEVELOPMENT.</li><li>HAVE AN ARCHITECTURAL FAÇADE THAT BLENDS WITH EXISTING STRUCTURES.</li><li>THE FAÇADES OF PARKING STRUCTURES SHALL INCLUDE BOTH VERTICAL AND HORIZONTAL TREATMENT THAT RESEMBLES PATTERNS AND ARCHITECTURE OF THE BUILDINGS WITHIN THE DEVELOPMENT, INCLUDING USE OF SIMILAR MATERIALS AND A SIMILAR RHYTHM OF WINDOW OPENINGS. ANY OPENINGS SHALL BE SCREENED USING DECORATIVE ELEMENTS SUCH AS GRILLWORK, LOUVERS, GREEN WALLS, OR A SIMILAR TREATMENT.</li><li>FOR PARKING STRUCTURES WITH ROOFTOP OPEN-AIR PARKING, A PARAPET WALL A MINIMUM OF FOUR FEET IN HEIGHT MEASURED FROM THE SURFACE OF THE ROOF IS REQUIRED.</li><li>THE PARKING DECK ELEVATION THAT IS NOT FRONTING OR VISIBLE FROM PUBLIC STREETS DOES NOT HAVE TO COMPLY WITH A.D.</li></ol></li></ol> <p><b>SECTION 4.</b> BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HUNTERSVILLE THAT ARTICLE 9.63 BE ADDED TO ARTICLE 9, "CONDITIONS FOR CERTAIN USES" AS FOLLOWS:</p> <p>9.63 - COMMERCIAL USES EXCEEDING PERMITTED BUILDING HEIGHT</p> <p>ANY COMMERCIAL USE IN AN URBAN WORKPLACE BUILDING TYPE, WHICH IS LOCATED WITHIN A PEDESTRIAN-ORIENTED DEVELOPMENT THAT MEETS THE REQUIREMENTS OF 3.2.7(D)(4)(B), MAY EXCEED THE PERMITTED BUILDING HEIGHT OF THE ZONING DISTRICT, NOT TO EXCEED ONE HUNDRED FORTY-FIVE FEET (145'), SUBJECT TO A SPECIAL USE PERMIT, PROVIDED THAT:</p> <ol style="list-style-type: none"><li>THE STRUCTURE IS SEPARATED BY A DISTANCE OF NO LESS THAN THREE (3) TIMES THE HEIGHT OF THE PROPOSED STRUCTURE CLOSEST TO THE COMMON LOT LINE OF THE ADJOINING RESIDENTIAL AND MIXED-USE ZONE, BUT IN NO CASE LESS THAN 100 FEET.</li><li>THAT ALL OTHER SITE DESIGN REQUIREMENTS STATED IN THIS ZONING ORDINANCE ARE MET.</li><li>THAT VEHICULAR ACCESS TO THE USE WILL BE PROVIDED ONLY BY WAY OF MAJOR OR MINOR THOROUGHFARE, OR A RETAIL/MIXED-USE LOCAL OR COLLECTOR STREET WITHIN A COMMERCIAL OR MIXED-USE PROJECT.</li></ol> <p>THE HEIGHT OF ANY ASSOCIATED PARKING DECK SHALL NOT EXCEED THE LESSER OF (I) THE HEIGHT OF THE HOTEL OR MOTEL OR URBAN WORKPLACE BUILDING; AND (II) 70'; AND ANY PARKING DECK THAT IS EXPOSED AT ANY POINT ABOVE THE SURROUNDING ADJACENT STRUCTURES MUST MEET THE FOLLOWING REQUIREMENTS,</p> <ol style="list-style-type: none"><li>COMPLEMENT THE SCALE AND CHARACTER OF NEARBY DEVELOPMENT.</li><li>HAVE AN ARCHITECTURAL FAÇADE THAT BLENDS WITH EXISTING STRUCTURES.</li><li>THE FAÇADES OF PARKING STRUCTURES SHALL INCLUDE BOTH VERTICAL AND HORIZONTAL TREATMENT THAT RESEMBLES PATTERNS AND ARCHITECTURE OF THE BUILDINGS WITHIN THE DEVELOPMENT, INCLUDING USE OF SIMILAR MATERIALS AND A SIMILAR RHYTHM OF WINDOW OPENINGS. ANY OPENINGS SHALL BE SCREENED USING DECORATIVE ELEMENTS SUCH AS GRILLWORK, LOUVERS, GREEN WALLS, OR A SIMILAR TREATMENT.</li><li>FOR PARKING STRUCTURES WITH ROOFTOP OPEN-AIR PARKING, A PARAPET WALL A MINIMUM OF FOUR FEET IN HEIGHT MEASURED FROM THE SURFACE OF THE ROOF IS REQUIRED.</li><li>THE PARKING DECK ELEVATION THAT IS NOT FRONTING OR VISIBLE FROM PUBLIC STREETS DOES NOT HAVE TO COMPLY WITH A.D.</li></ol> <p><b>SECTION 5.</b> BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HUNTERSVILLE THAT ARTICLE 12.2.1 "GENERAL DEFINITIONS" OF THE ZONING ORDINANCE BE AMENDED AS FOLLOWS:</p> <p><b>PARKING DECK, AN ATTACHED OR DETACHED STRUCTURE COMPOSED OF ONE OR MORE LEVELS OR FLOORS USED PRIMARILY FOR THE PARKING OR STORAGE OF MOTOR VEHICLES.</b></p> <p><b>SECTION 6.</b> THAT THESE AMENDMENTS SHALL BECOME EFFECTIVE UPON APPROVAL BY THE TOWN BOARD OF COMMISSIONERS.</p> |  |

# SPECIAL USE PERMIT PLAN PACKAGE

## PROPOSED

# BIRKDALE VILLAGE OFFICE / HOTEL

## HUNTERSVILLE, MECKLENBURG COUNTY, NC

REZONING(R22-01) EPM#439459

SPECIAL USE PLAN EPM#441486

OWNER/DEVELOPER:

DDRTC BIRKDALE VILLAGE, LLC

C/O NORTH AMERICAN PROPERTIES

8712 LINDHOLM DR SUITE 206

HUNTERSVILLE, NC 28078

PH: (404) 946-0939



VICINITY MAP  
SCALE: N.T.S.



### SPECIAL USE PLAN NOTES:

- S.U.P PLANS SHALL REFLECT THE APPROVED REZONING PLAN.
- ALL PROPOSED STRUCTURES SHALL COMPLY WITH REQUIREMENTS OF THE PEDESTRIAN ORIENTED DEVELOPMENT.
- S.U.P PLANS SHALL COMPLY WITH ARTICLE 3.2.7(A), 4, 9.45 AND 9.63 OF THE ZONING ORDINANCE. AMENDING THE PERMITTED BUILDING HEIGHT WITHIN PEDESTRIAN-ORIENTED DEVELOPMENT. REFERENCE TA 22-06.



**HensonFoley**  
Landscape Architecture | Civil Engineering  
121 Gilead, 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



BIRKDALE VILLAGE OFFICE/HOTEL

PIN #00537157, 00537197  
LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

COVER

### REVISIONS:

2022-10-12 1ST SUP COMMENTS

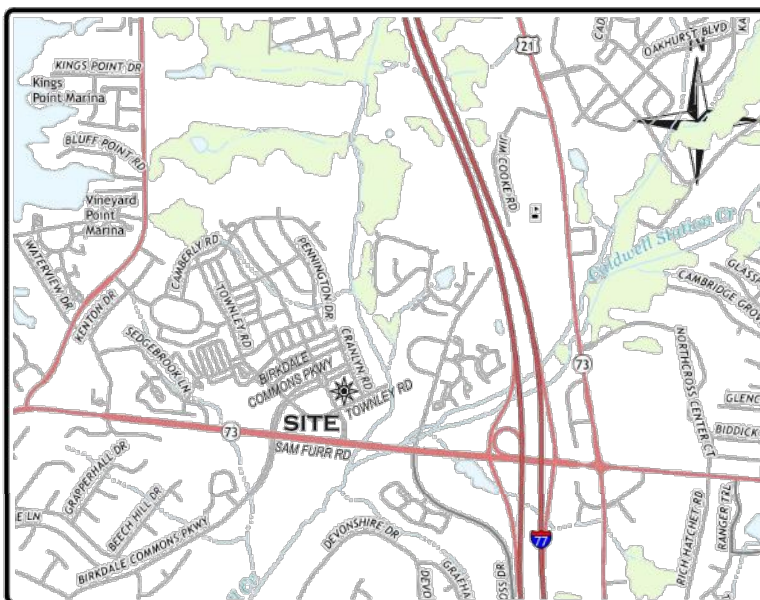
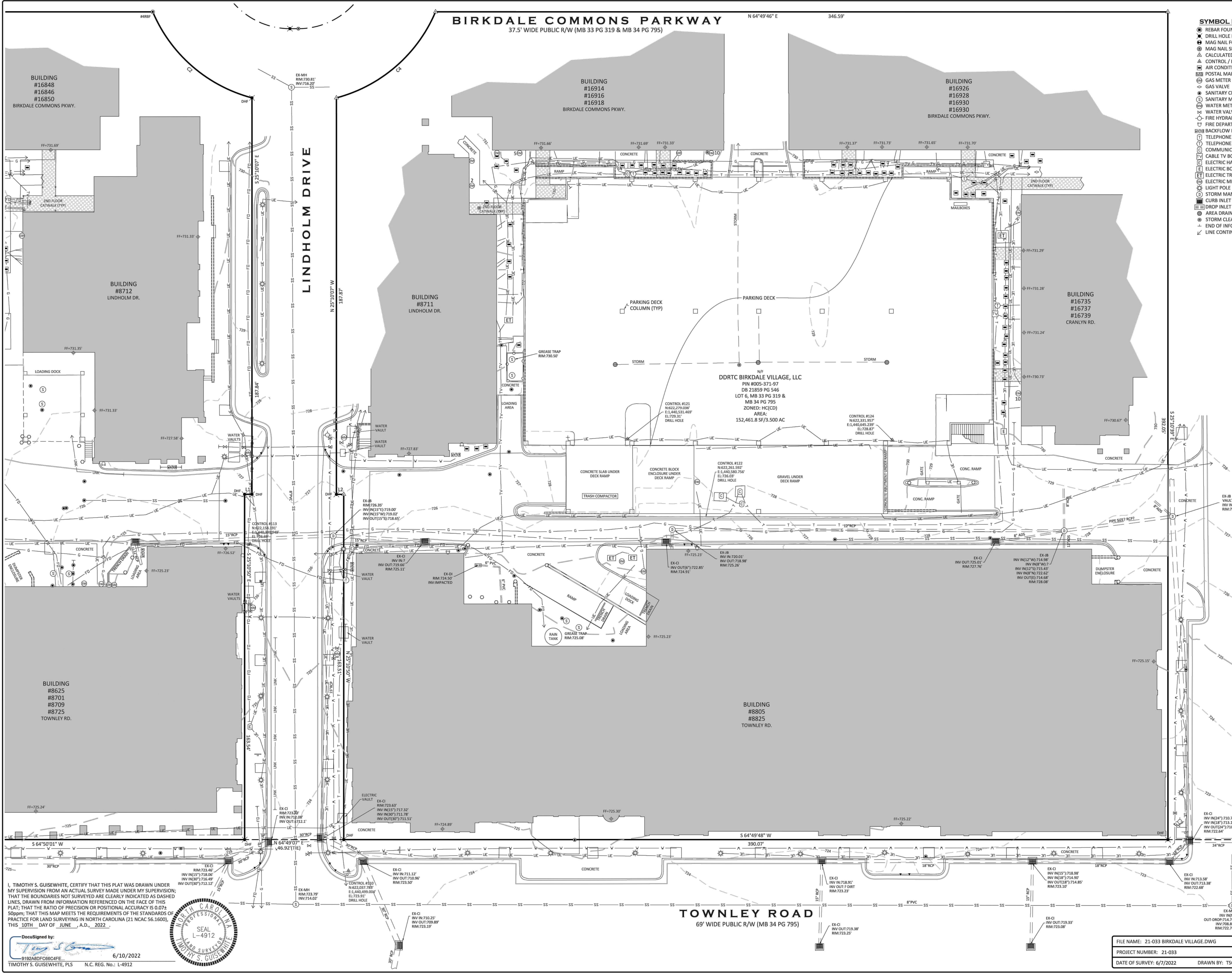
|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

|                  |               |
|------------------|---------------|
| 201 - COVER.DWG  |               |
| PROJECT NUMBER:  | 2202020       |
| DATE: 06/21/2022 | DRAWN BY: TSF |
| C01              | 5             |
| SHEET            | OF            |

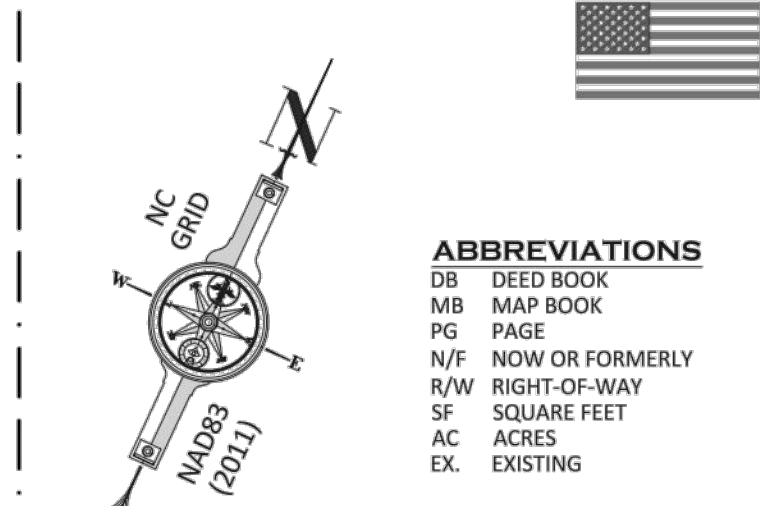
- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR 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.







- SYMBOL LEGEND**
- REBAR FOUND (RBF)
  - DRILL HOLE FOUND (DHF)
  - MAG NAIL FOUND (MNF)
  - MAG NAIL SET (MNS)
  - CALCULATED POINT (CP)
  - CONTROL / BENCHMARK
  - AIR CONDITIONER
  - POSTAL MAILBOX
  - GAS METER
  - GAS VALVE
  - SANITARY CLEAN OUT
  - SANITARY MANHOLE
  - WATER METER
  - WATER VALVE
  - FIRE HYDRANT
  - FIRE DEPARTMENT CONNECTION
  - BACKFLOW PREVENTER
  - TELEPHONE HAND HOLE
  - TELEPHONE BOX
  - COMMUNICATIONS HAND HOLE
  - CABLE TV BOX
  - ELECTRIC HAND HOLE
  - ELECTRIC BOX
  - ELECTRIC TRANSFORMER
  - ELECTRIC METER
  - LIGHT POLE
  - STORM MANHOLE
  - CURB INLET
  - STORM INLET
  - AREA DRAIN
  - STORM CLEAN OUT
  - END OF INFORMATION
  - LINE CONTINUES



- ABBREVIATIONS**
- DB DEED BOOK
  - MB MAP BOOK
  - PG PAGE
  - N/F NOW OR FORMERLY
  - R/W RIGHT-OF-WAY
  - SF SQUARE FEET
  - AC ACRES
  - EX EXISTING
- LINE LEGEND**
- PROPERTY BOUNDARY
  - ADJACENT BOUNDARY (NOT SURVEYED)
  - PROPERTY BOUNDARY TIE LINE ONLY
  - RIGHT OF WAY LINE
  - EASEMENT LINE
  - CURB AND GUTTER
  - STORM DRAIN PIPE
  - HAND RAIL
  - SANITARY SEWER PIPE
  - FIBER OPTIC MARKOUT
  - TELECOMMUNICATIONS MARKOUT
  - TELEVISION MARKOUT
  - UNDERGROUND ELECTRIC MARKOUT
  - GAS MARKOUT
  - WATERLINE MARKOUT
  - UNKNOWN UTILITY

**CURVE TABLE**

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|--------|------------|--------------|---------------|
| C1    | 688.95 | 125.80     | 125.68       | N 59°37'48" E |
| C2    | 70.50  | 64.32      | 62.11        | S 74°17'30" E |
| C3    | 20.50  | 24.07      | 22.71        | N 82°40'38" W |
| C4    | 70.50  | 64.30      | 62.09        | N 23°54'55" E |

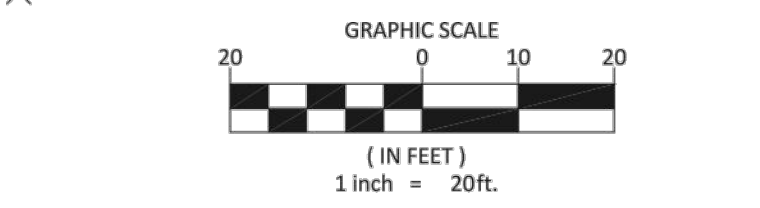
**LINE TABLE**

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 64°45'52" W | 3.49     |
| L2   | S 64°49'10" W | 3.47     |

- NOTES:**
- THIS PLAT IS NOT INTENDED FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
  - THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. GUISEWHITE PROFESSIONAL LAND SURVEYING, PC DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
  - ALL CORNERS MONUMENTED AS SHOWN.
  - BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
  - PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
  - NO NORTH CAROLINA GEODETIC SURVEY HORIZONTAL CONTROL IS LOCATED WITHIN 200' OF THIS SITE.
  - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SHOWN.
  - AREAS COMPUTED BY COORDINATE GEOMETRY.
  - THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. ALL UTILITIES SHOWN HEREON ARE SUBJECT TO VERIFICATION.
  - ANY ZONING & SETBACK INFORMATION SHOWN HEREON IS PER INFORMATION AVAILABLE AT THE TIME OF SURVEY AND IS SUBJECT TO VERIFICATION AND INTERPRETATION BY GOVERNING AUTHORITIES.

**PLAT SHOWING A BOUNDARY & TOPOGRAPHIC SURVEY**

PREPARED FOR:  
DDRTC BIRKDALE VILLAGE, LLC  
LOT 6, BIRKDALE VILLAGE - MAP 1  
(MAP BOOK 34 PAGE 795)  
TOWN OF HUNTERSVILLE  
MECKLENBURG COUNTY  
NORTH CAROLINA  
DEED REFERENCE:  
DB 21859, PG 546  
TAX PARCEL ID #005-371-97



**GUISEWHITE PROFESSIONAL LAND SURVEYING, PC**

**GPLS**

P.O. BOX 680388  
CHARLOTTE, NC 28216  
(704) 530-1700 NC FIRM #C-4411

I, TIMOTHY S. GUISEWHITE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 0.07250ppm; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600), THIS 10TH DAY OF JUNE, A.D., 2022.

DocuSigned by:  
Timothy S. Guisewhite  
9182A8DFC6E4FE  
6/10/2022  
TIMOTHY S. GUISEWHITE, PLS N.C. REG. NO. L-4912



**REVISIONS:**

| FILE NAME:      | 21-033 BIRKDALE VILLAGE.DWG |
|-----------------|-----------------------------|
| PROJECT NUMBER: | 21-033                      |
| DATE OF SURVEY: | 6/7/2022                    |
| DRAWN BY:       | TSB                         |



CONTROL #108  
N=622,187.962'  
E=1,435,768.273'  
EL:734.95'  
MAG NAIL

TOWNLEY ROAD  
69' WIDE PUBLIC R/W (MB 34 PG 795)

BIRKDALE COMMONS PARKWAY  
37.5' WIDE PUBLIC R/W (MB 33 PG 319 & MB 34 PG 795)

CONTROL #116  
N=622,291.463'  
E=1,440,090.441'  
EL:731.02'  
DRILL HOLE

CONTROL #119  
N=622,349.426'  
E=1,440,193.545'  
EL:731.46'  
DRILL HOLE

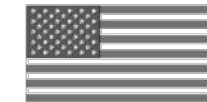
CONTROL #112  
N=622,349.882'  
E=1,440,301.896'  
EL:731.32'  
DRILL HOLE (PROPERTY CORNER)

BUILDING  
#16836  
#16838  
#16840  
#16842  
BIRKDALE COMMONS PKWY.

BUILDING  
#16848  
#16846  
#16850  
BIRKDALE COMMONS PKWY.



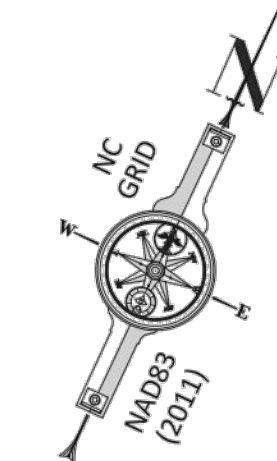
VICINITY MAP (NO SCALE)



| CURVE TABLE |         |            |              |               |
|-------------|---------|------------|--------------|---------------|
| CURVE       | RADIUS  | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
| C1          | 688.95' | 125.86'    | 125.68'      | N 59°17'40" E |
| C2          | 70.50'  | 64.32'     | 62.11'       | S 74°17'30" E |
| C3          | 20.50'  | 24.07'     | 22.71'       | N 82°40'38" W |

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | S 64°45'52" W | 3.49'    |

N/F  
DDRTC BIRKDALE VILLAGE, LLC  
PIN #005-371-97  
DB 21859 PG 546  
LOT 6, MB 33 PG 319 &  
MB 34 PG 795  
ZONED: HC(CD)  
8711 - 8715 LINDHOLM DR.  
16735 - 16739 CRANLYN RD.  
8805 - 8825 TOWNLEY RD.  
16916 - 16932 BIRKDALE COMMONS PKWY.



LINE LEGEND

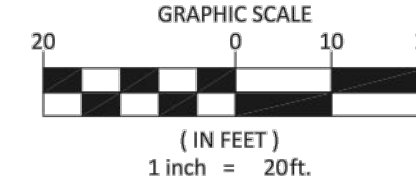
- PROPERTY BOUNDARY
- ADJACENT BOUNDARY (NOT SURVEYED)
- PROPERTY BOUNDARY TIE LINE ONLY
- RIGHT OF WAY LINE
- EASEMENT LINE
- CURB AND GUTTER
- STORM DRAIN PIPE
- HAND RAIL
- SANITARY SEWER PIPE
- FIBER OPTIC MARKOUT
- TELECOMMUNICATIONS MARKOUT
- TELEVISION MARKOUT
- UNDERGROUND ELECTRIC MARKOUT
- GAS MARKOUT
- WATERLINE MARKOUT
- UNKNOWN UTILITY

SYMBOL LEGEND

- REBAR FOUND (RFB)
- DRILL HOLE FOUND (DHF)
- MAG NAIL FOUND (MNF)
- MAG NAIL SET (MNS)
- CALCULATED POINT (CP)
- SURVEY CONTROL POINT
- AIR CONDITIONER
- POSTAL MAILBOX
- GAS METER
- GAS VALVE
- SANITARY CLEAN OUT
- SANITARY MANHOLE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- FIRE DEPARTMENT CONNECTION
- BACKFLOW PREVENTER
- TELEPHONE HAND HOLE
- TELEPHONE BOX
- COMMUNICATIONS HAND HOLE
- CABLE TV BOX
- ELECTRIC HAND HOLE
- ELECTRIC BOX
- ELECTRIC TRANSFORMER
- ELECTRIC METER
- LIGHT POLE
- STORM MANHOLE
- CURB INLET
- DROP INLET
- AREA DRAIN
- STORM CLEAN OUT
- END OF INFORMATION
- LINE CONTINUES

ABBREVIATIONS

- DB DEED BOOK
- MB MAP BOOK
- PG PAGE
- N/F NOW OR FORMERLY
- R/W RIGHT-OF-WAY
- SF SQUARE FEET
- AC ACRES
- EX EXISTING



PLAT SHOWING A  
BOUNDARY &  
TOPOGRAPHIC SURVEY

PREPARED FOR:  
DDRTC BIRKDALE VILLAGE, LLC  
LOT 5, BIRKDALE VILLAGE - MAP 1  
(MAP BOOK 34 PAGE 795)  
TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY  
NORTH CAROLINA  
DEED REFERENCE: DB 21859, PG 546  
TAX PARCEL ID #005-371-57

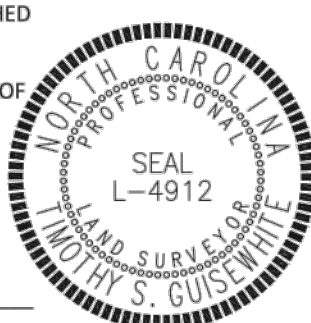
GUISEWHITE PROFESSIONAL  
LAND SURVEYING, PC

P.O. BOX 680388  
CHARLOTTE, NC 28216  
(704) 530-1700 NC FIRM #C-4411

- NOTES:
- THIS PLAT IS NOT INTENDED FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
  - THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. GUISEWHITE PROFESSIONAL LAND SURVEYING, PC DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
  - ALL CORNERS MONUMENTED AS SHOWN.
  - BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
  - PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
  - NO NORTH CAROLINA GEODETIC SURVEY HORIZONTAL CONTROL IS LOCATED WITHIN 2000' OF THIS SITE.
  - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SHOWN.
  - AREAS COMPUTED BY COORDINATE GEOMETRY.
  - THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. ALL UTILITIES SHOWN HEREON ARE SUBJECT TO VERIFICATION.
  - ANY ZONING & SETBACK INFORMATION SHOWN HEREON IS PER INFORMATION AVAILABLE AT THE TIME OF SURVEY AND IS SUBJECT TO VERIFICATION AND INTERPRETATION BY GOVERNING AUTHORITIES.

I, TIMOTHY S. GUISEWHITE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 0.072 Sdppm; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600), THIS 28TH DAY OF FEBRUARY, A.D., 2022.

Designed by:  
9102ABDFC66CAF  
TIMOTHY S. GUISEWHITE, PLS  
N.C. REG. NO.: L-4912



BUILDING  
#8625  
#8701  
#8709  
#8725  
TOWNLEY RD.

TOWNLEY ROAD  
69' WIDE PUBLIC R/W (MB 34 PG 795)

FILE NAME: 21-033 BIRKDALE VILLAGE.DWG  
PROJECT NUMBER: 21-033  
DATE OF SURVEY: XX/XX/2019  
DRAWN BY: TSG

REVISIONS:





| PARKING COUNT                                                                                                      |                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| PROJECT SCOPE                                                                                                      |                                                                                                                         |
| EXISTING PARALLEL PARKING                                                                                          | 37 PARKING SPACES                                                                                                       |
| PROPOSED PARALLEL PARKING                                                                                          | 37 PARKING SPACES                                                                                                       |
| EXISTING PARKING DECKS (REMOVED)                                                                                   | 272 PARKING SPACES                                                                                                      |
| PROPOSED PARKING DECKS                                                                                             | 962 PARKING SPACES                                                                                                      |
| TOTAL PARKING TO BE ADDED                                                                                          | 690 PARKING SPACES                                                                                                      |
| TOTAL BIRKDALE VILLAGE                                                                                             |                                                                                                                         |
| EXISTING RESIDENTIAL SF<br>(1) SPACE PER DWELLING UNIT (1 BR)<br>1.5 SPACES PER DWELLING UNIT (2+ BR)              | 164 (1 BR) X 1 = 164 SPACES<br>134 (2 BR) X 1.5 = 301 SPACES<br>22 (3 BR) X 1.5 = 33 SPACES<br>TOTAL 398 PARKING SPACES |
| REQUIRED PARKING SPACES                                                                                            |                                                                                                                         |
| PROPOSED MULTI-FAMILY RESIDENTIAL SF<br>(1) SPACE PER DWELLING UNIT (1 BR)<br>1.5 SPACES PER DWELLING UNIT (2+ BR) | 80 (2 BR) UNITS (80 X 1.5 = 120)<br>20 (3 BR) UNITS (20 X 1.5 = 30)<br>390 PARKING SPACES                               |
| TOTAL REQUIRED PARKING SPACES                                                                                      |                                                                                                                         |
| EXISTING RETAIL/RESTAURANT SF<br>(2) SPACES/1,000 SF                                                               | 342,073 SF (342,07 x 2 = 684)                                                                                           |
| REQUIRED PARKING SPACES                                                                                            | 684 PARKING SPACES                                                                                                      |
| PROPOSED RETAIL/RESTAURANT SF<br>(2) SPACES/1,000 SF                                                               | 25,000 SF (25 x 2 = 50)                                                                                                 |
| TOTAL REQUIRED PARKING SPACES                                                                                      | 50 PARKING SPACES                                                                                                       |
| EXISTING OFFICE SF<br>(2) SPACES/1,000 SF                                                                          | 150,829 SF (150,829 x 2 = 302)                                                                                          |
| REQUIRED PARKING SPACES                                                                                            | 302 PARKING SPACES                                                                                                      |
| PROPOSED OFFICE SF<br>(2) SPACES/1,000 SF                                                                          | 150,000 SF (150 x 2 = 300)                                                                                              |
| TOTAL REQUIRED PARKING SPACES                                                                                      | 300 PARKING SPACES                                                                                                      |
| PROPOSED HOTEL SF<br>80.5 SPACE PER KEY + 1 PER 500 SF OF<br>ANCILLARY USE                                         | 125 ROOMS (125X80.5 + 0 = 61)<br>25,000 SF ANCILLARY (25,000/500=50)                                                    |
| TOTAL REQUIRED PARKING SPACES                                                                                      | 113 PARKING SPACES                                                                                                      |
| TOTAL REQUIRED PARKING<br>(RESIDENTIAL + RETAIL/RESTAURANT +<br>OFFICE/HOTEL)                                      | 2,187 PARKING SPACES                                                                                                    |
| TOTAL EXISTING PARKING                                                                                             | 1,862 PARKING SPACES                                                                                                    |
| TOTAL PROVIDED PARKING<br>(WITH NEW PARKING DECKS)                                                                 | 2,552 PARKING SPACES<br>(=690 PARKING SPACES)                                                                           |

| ZONING SUMMARY                                                    |                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PREVIOUSLY APPROVED<br>GROSS AREA - MAX. ALLOWABLE<br>DEVELOPMENT | INDOOR MOVIE THEATRE/FUTURE COMMERCIAL - 75,000 SF<br>COMMERCIAL/RETAIL/RESTAURANT - 275,000 SF<br>OFFICE - 140,000 SF<br>RESIDENTIAL - 320 UNITS                                                                                                     |
| EXISTING DEVELOPMENT                                              | INDOOR THEATRE/FUTURE COMMERCIAL - 53,270 SF<br>COMMERCIAL/RETAIL/RESTAURANT - 252,090 SF<br>OFFICE - 150,829 SF<br>RESIDENTIAL - 320 UNITS                                                                                                           |
| PROPOSED DEVELOPMENT<br>(AS A PART OF THIS REZONING)              | INDOOR THEATRE/FUTURE COMMERCIAL - 53,270 SF<br>COMMERCIAL RETAIL/RESTAURANT - 277,090 SF (+25,000 SF)<br>OFFICE - 300,829 SF (+150,000 SF)<br>RESIDENTIAL - 670 UNITS (+350 UNITS)<br>HOTEL - 125 ROOMS (20,000 SF CONFERENCE) (5,000 SF RESTAURANT) |

**REZONING PETITION.** THESE REZONING NOTICES COMPRISE THE DEVELOPMENT STANDARDS (THE "DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY DORIC BIRKDALE VILLAGE, LLC (PETITIONER) AS REZONING PETITION # 222-01, & ASSOCIATED REZONING PLAN (THE "REZONING PLAN") SUBMITTED BY PETITIONER TO THE DEVELOPMENT BOARD ON THIS SITE AS BIRKDALE VILLAGE (THE "PROJECT"), DATED JULY 23, 2022 (THE "FILING DATE") IN CONNECTION WITH TAX PARCEL NUMBERS 00537157 AND 00537197 (THE "PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO AMEND THE CURRENT ZONING CLASSIFICATION OF THE REZONING PLAN (THE "CD") TO A REZONING DISTRICT AS INDICATED ON THE REZONING PLAN AND OTHERWISE PURSUANT TO THE APPLICABLE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE IN EFFECT ON THE FILING DATE (THE "ORDINANCE").

**2. DEVELOPMENT STANDARDS.** THE DEVELOPMENT STANDARDS FOR BIRKDALE VILLAGE, FILED IN CONNECTION WITH THE REZONING PETITION NO. 97-23 (THE "ORIGINAL STANDARDS") GOVERN THE DEVELOPMENT OF THE PROPERTY EXCEPT AS SPECIFICALLY NOTED OTHERWISE BY THE DEVELOPMENT BOARD. THE DEVELOPMENT STANDARDS IN COMPLIANCE WITH THE REZONING PLAN ESTABLISHES A MORE STRINGENT STANDARD(S), OR UNLESS OTHERWISE NOTED ON THE REZONING PLAN OR IN THESE DEVELOPMENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE FILING DATE OF THE H/C [CD] ZONING DISTRICT GOVERN DEVELOPMENT OF THE CHANGES PROPOSED BY THE REZONING PETITION.

**3. SCHEMATIC NATURE OF REZONING PLAN.** THE LOTS AND PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND EXACT LOCATIONS, ARCHITECTURE, SIZE, NUMBER OR QUANTITY AND CONFIGURATIONS OF LOTS, UNITS AND BUILDINGS (INCLUDING PARKING GARAGES) MAY BE MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION OF THE PROJECT. THE DEVELOPMENT STANDARDS AS SUCH INCLUDING PLAN, IS COMPATIBLE WITH THE ASSUMPTIONS SET FORTH IN THE TRAFFIC IMPACT ANALYSIS SUBMITTED WITH THE REZONING PETITION (THE "TIA").

**4. PHASING.** THE DEVELOPMENT OF THE PROPERTY AS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE PHASED; ANY PROPOSED PHASING MUST ALIGN WITH THE TIA, AND ASSOCIATED INFRASTRUCTURE AND STORMWATER IMPROVEMENTS, PROVIDED, HOWEVER, A) PETITIONER WILL COORDINATE ANY MITIGATION REQUIRED BY NCDDOT WITH THE TIA, AND B) CONSIDER THE PHASING OF THE DEVELOPMENT STANDARDS AS SUCH INCLUDING PLAN, IS COMPATIBLE WITH THE ASSUMPTIONS SET FORTH IN THE TRAFFIC IMPACT ANALYSIS SUBMITTED WITH THE REZONING PETITION (THE "TIA").

**5. VESTED RIGHTS.** THIS REZONING PLAN IS A SITE-SPECIFIC DEVELOPMENT PLAN AND APPROVAL THEREOF CONSTITUTES VESTED RIGHTS IN THE REZONING PLAN FOR A PERIOD OF FIVE YEARS PURSUANT TO THE PROVISIONS OF THE ORDINANCE AND 1600 OF THE NORTH CAROLINA GENERAL STATUTES.

**6. PERMITTED USES.** THE PROPERTY MAY BE DEVELOPED FOR USES (INCLUDING ACCESSORY USES) PERMITTED IN THE HC ZONING DISTRICT, INCLUDING HOTELS AS SHOWN ON THE REZONING PLAN, SUBJECT TO THE DEVELOPMENT STANDARDS AND ANY OTHER LAWS, ORDINANCES, PERMITS OR DECISIONS THAT MAY BE APPLIED TO THE PROPERTY. MULTIFAMILY UNITS, CONFERENCE CENTERS AND OFFICE LOTS AND SUITES AS SHOWN ON THE REZONING PLAN, THE FOLLOWING USES ARE PROHIBITED AS DESCRIBED IN THE ORIGINAL STANDARDS: ARMORIES FOR MEETINGS AND TRAINING OF MILITARY ORGANIZATIONS, AUCTION SALES, BOWSHOPS AND SECOND-HAND SALES, VOCATIONAL AND TECHNICAL SCHOOLS, BOARDING OR ROOMING HOUSES, FRATERNITIES AND BAR FRATERNITIES, ESTABLISHMENTS, SALES/COMMERCIAL OF BOATS OR MOTOR VEHICLES, OUTDOOR KENNELS, AND "FAST FOOD" RESTAURANTS, ANY LABELING ON THE REZONING PLAN OR ZONING SUMMARY MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER BUT SHALL NOT RESTRICT THE PROPERTY IN ANY MANNER. THE FOLLOWING PROVISIONS OF THESE DEVELOPMENT STANDARDS, DRIVE-UP AND WALK-UP AUTOMATED TELLER MACHINES ARE SPECIFICALLY PERMITTED SO LONG AS THEY MEET THE DESIGN REQUIREMENTS OF THE ORDINANCE.

**7. RESIDENTIAL COMPONENT.** THE ORIGINAL STANDARDS ALLOW FOR 320 MULTI-FAMILY UNITS, INCLUDING 40 LIVE/WORK UNITS CONSISTING OF RESIDENTIAL, OFFICE OR RETAIL USES, ADDITIONAL MULTI-FAMILY RESIDENTIAL DWELLINGS UNITS CONSISTING OF RESIDENTIAL, OFFICE OR RETAIL USES, AND 100 LIVE/WORK UNITS.

**8. 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 REQUIRE A REZONING OF THE PROPERTY TO A REZONING DISTRICT THAT PERMITS DRIVEWAYS AND ROAD CONNECTIONS.

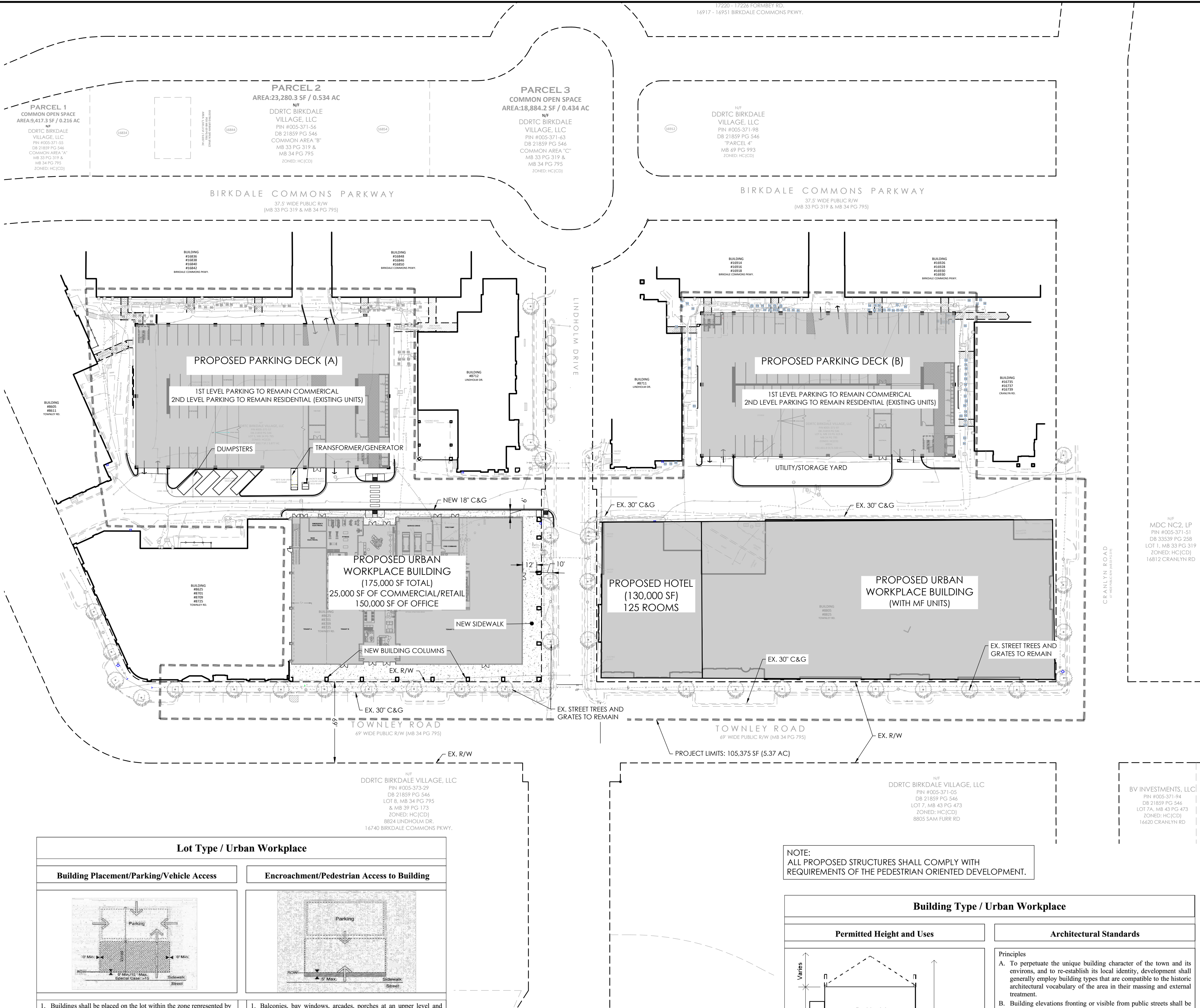
**9. SUBDIVISION.** THE PROPERTY IS ONE DEVELOPMENT AND MAY BE FURTHER WITH A REZONING TO ALLOW SEPARATE OWNERS OF INDIVIDUAL PARCELS SO LONG AS SUCH SUBDIVISION IS IN COMPLIANCE WITH APPLICABLE SUBDIVISION REGULATIONS, HOWEVER, RECOMBINATION, CONDOMINIUMIZATION, OR REDUCTION IN THE NUMBER OF PARCELS MAY OCCUR IN ACCORDANCE WITH THE REGULATIONS OF THE ORDINANCE. REQUIREMENTS THAT ARE MET BY THE PROJECT AS SUCH, SUCH AS OPEN SPACE, TREE SAVE AND IMPROVISED REQUIREMENTS, NEED NOT BE MET BY INDIVIDUAL PARCELS.

**10. AMENDMENT.** IN THE EVENT ANY PORTION OF THE PETITION IS CONVEYED TO A THIRD PARTY, PETITIONER MAY REQUEST AN AMENDMENT TO THE REZONING PLAN WITHOUT THE WRITTEN CONSENT OF ANY OTHER OWNER OF ALL OR PART OF THE PROPERTY. ANY SUCH AMENDMENT REQUESTS SUCH OWNERS CONSENT TO A CHANGE IN THE PRIVATE RESTRICTIVE COVENANTS THAT GOVERN THE PROJECT. ALL REQUIREMENTS IN CONNECTION WITH THE AMENDMENT WILL BE CALCULATED ON THE PROPERTY AS A WHOLE IN THE SAME MANNER SUCH REQUIREMENTS WERE CALCULATED AT THE TIME OF THE INITIAL APPROVAL. THIS NOTE SHALL BE SHOWN ON THE FINAL PLAN WHEN RECORDED.

**11. DESIGN ELEMENTS.**

- i. **MODIFICATION.** DESIGN ELEMENTS THAT EXCEED THE REQUIREMENTS OF THE ORDINANCE HAVE BEEN INCLUDED IN THE REZONING PLAN TO ACHIEVE EXCEPTIONAL DESIGN. TOWN BOARD APPROVAL OF THIS REZONING PLAN CONSTITUTES APPROVAL OF UNIQUE DESIGN ELEMENTS SHOWN ON THE REZONING PLAN THAT ARE MINOR MODIFICATIONS FROM THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO:
  - i. PARKING LOT CONNECTIVITY, VEHICLE AND PEDESTRIAN CONNECTIONS AND STUBS TO ADJOINING PROPERTIES AS SHOWN ON THE PLAN;
  - ii. ROCK MOUNTING;
  - iii. HEIGHT MAY NOT EXCEED THE PERMITTED BUILDING HEIGHT IN THE HC ZONING DISTRICT; PLEASE REFERENCE TEXT AMENDMENT, TIA 22-06.
  - iv. URBAN WORKPLACE BUILDINGS MAY EXCEED THE PERMITTED BUILDING HEIGHT IN THE HC ZONING DISTRICT; PLEASE REFERENCE TEXT AMENDMENT, TIA 22-06.
  - v. CONFERENCE CENTER AND OFFICE LOTS ARE INCLUDED IN THE LIST OF PERMITTED USES;
- ii. **GUIDELINES.** BUILDING ELEVATIONS WILL FOLLOW THE DESIGN GUIDELINES ESTABLISHED IN THE ORIGINAL STANDARDS, INCLUDING BUT NOT LIMITED TO:
  - i. BUILDING ENTRIES WILL BE DEFINED BY THE USE OF VARED FORMS AND/OR OTHER ARCHITECTURAL DETAILS.
  - ii. BUILDING ORIENTATION AND FACADES ALONG THE MAIN STREET (THE PROPORTION OF THE ENTRY INTO A BUILDING) WILL ALSO BE ARTICULATED THROUGH THE USE OF COLOR, PATTERNING AND OTHER ARCHITECTURAL DESIGNING.
- iii. PARKING DECKS A AND B SHALL COMPLY WITH THE PROVISIONS OF ARTICLE 9.45.41 IN ACCORDANCE WITH TEXT AMENDMENT TIA 22-06.
- iv. **YARD RESTRICTIONS.** IN EVERY INSTANCE, THE SIDE YARD, SETBACK AND REAR YARD FOR EACH PARCEL SHALL BE CALCULATED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE. THE ORDINANCE, UNDER THE PARAMETERS OF THESE MINIMUM STANDARDS, SETBACKS WILL BE UTILIZED IN A MANNER TO ENCOURAGE PEDESTRIAN ACTIVITY.
- iv. **DRIVEWAYS AND STREETS.** ALL STREETS SHALL BE PUBLIC STREETS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE. ALL STREETS AND HIGHWAY IMPROVEMENTS, TO THE EXTENT REQUIRED BY THE TIA, WILL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OVER THEIR MAINTENANCE AND OPERATION.
- v. **OPEN SPACE.** OPEN SPACE WILL BE DESIGNED TO INCORPORATE NATURAL DRAINAGE WAYS AND WOODED AREAS, THE FOLLOWING THREE SIGNIFICANT OPEN SPACES ARE TO REMAIN AS OPEN SPACES ACCORDING TO THE ORIGINAL STANDARDS:
  - i. TRANSFORM PIPELINE
  - ii. MCDOOL CREEK BUFFER
  - iii. SAN FURN FRONTAGE
- vi. **ADDITIONAL DESIGN ELEMENTS.** SIGNS AND GRAPHICS, STORM WATER MANAGEMENT AND WATERSHED PROTECTION, ENTRYWAYS, BUFFER YARDS, LANDSCAPE AREAS AND SCREENING WILL FOLLOW THE GUIDELINES OF THE ORIGINAL STANDARDS.
- vii. **ELEVATIONS AND PERSPECTIVES.** CONCEPTUAL ELEVATIONS AND PERSPECTIVES SHOWING THE GENERAL THEME OF THE ARCHITECTURE WITHIN THE PROJECT HAVE BEEN SUBMITTED WITH THE REZONING PLAN. THE ARCHITECTURAL DESIGN WITHIN THE PROJECT SHALL BE IN KEEPING WITH THIS GENERAL THEME.

| IMPERVIOUS SUMMARY - SITE                    |              |          |                          |
|----------------------------------------------|--------------|----------|--------------------------|
| ITEM                                         | SQUARE FOOT  | ACRES    | PERCENTAGE OF TOTAL SITE |
| TOTAL SITE AREA WITHIN PROJECT LIMITS        | 234,067 SF   | 5.37 AC  | N/A                      |
| EXISTING IMPERVIOUS WITHIN PROJECT LIMITS    | 232,886 SF   | 5.35 AC  | 99.50 %                  |
| PROPOSED IMPERVIOUS WITHIN PROJECT LIMITS    | 232,886 SF   | 5.35 AC  | 99.50 %                  |
| TOTAL PROPOSED PERVIOUS                      | 1,181 SF     | 0.03 AC  | 0.50 %                   |
| NET IMPERVIOUS GAIN WITHIN PROJECT LIMITS    | 0            |          |                          |
| TOTAL IMPERVIOUS ( ALL OF BIRKDALE VILLAGE ) | 1,582,970 SF | 36.34 AC |                          |

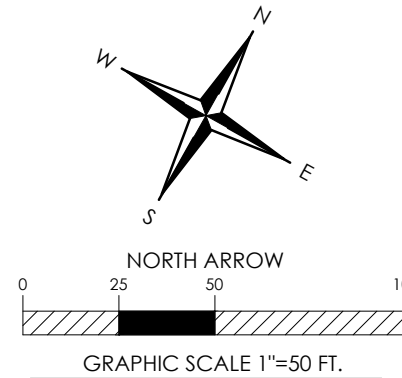


<

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|
| <p>not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.</p> <p>9. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |  |  |  |
| <p>Description:</p> <p>The workplace building may be a large structure (15,000+ square feet) and may have a single use/tenant. Office, industrial, and commercial tenants are typical. Southern mill villages often provide examples of how these buildings can reasonably coexist with other businesses and homes. Locke Mill Plaza, in Commerce is a good example with its placement at the end of prestigious Union Street. These buildings are critical to the town as employment centers and commercial service locations. The buildings will provide space for industry, large offices, as well as hotels, conference facilities, and large retail uses such as a full-service grocery</p> |  |  |  |  |
| <p>1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTRACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.</p> <p>2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.</p> <p>3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT CUTS SHALL BE REPAVED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION</p> <p>4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.</p>                                                                                                                                                               |  |  |  |  |



 **HensonFoley**  
Landscape Architecture | Civil Engineering  
121 Cilead, Huntersville, NC 28078  
p. 704.875.1615 | f. 704.875.0959 | [www.hensonfoley.com](http://www.hensonfoley.com)  
NC ENGINEERING BOARD LICENSE #: C2781  
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-299



BIRKDALE VILLAGE OFFICE/HOTEL

PIN #00537157, 00537197

LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

# SPECIAL USE PLAN

## 2022-10-12 1ST SUP COMMENTS

---

---

---

Z03 - REZONING PLAN.DWG  
PROJECT NUMBER: 222020  
DATE: 06/21/2022 DRAWN BY: TSF  
C03 5  
SHEET OF



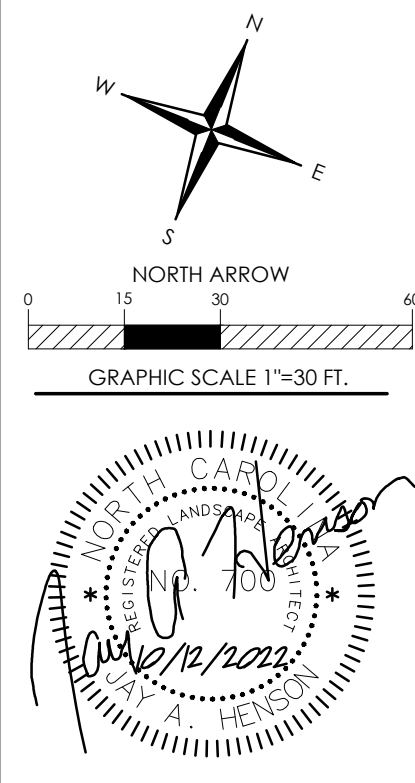
1. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES, WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING. PERMISSION MUST BE OBTAINED FROM THE AFFECTED OWNERS.
2. THE DEVELOPER SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE 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 FENCE 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 OR TOWN OF HUNTERSVILLE 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 OR THE TOWN OF HUNTERSVILLE BEFORE INSTALLATION.
7. ALL ROOF DRAINS TO CONNECT TO UNDERGROUND STORM DRAINAGE SYSTEM.

This detailed site plan illustrates the proposed development at Birkdale Commons Parkway. The plan includes the following key features and annotations:

- Proposed Parking Deck (A):** Located on the left side of the plan, featuring an ADA ramp and inlet protection.
- Proposed Parking Deck (B):** Located on the right side of the plan.
- Proposed Office Building:** A 7-story building (175,000 SF total) with 25,000 SF of commercial/retail and 150,000 SF of office space. It includes a fire command center and various tenant areas.
- Proposed Hotel:** A 12-story building (130,000 SF) with 125 rooms.
- Proposed Multi-Family Building:** A 350-unit building.
- Existing Buildings:** Several existing buildings are shown, including Building #16836, #16838, #16840, #16842, #16848, #16846, #16850, #16914, #16916, #16918, #16919, #16920, #16921, #16922, #16923, #16924, #16925, #16926, #16927, #16928, #16929, #16930, #16931, #16932, #16933, #16934, #16935, #16936, #16937, #16938, #16939, #16940, #16941, #16942, #16943, #16944, #16945, #16946, #16947, #16948, #16949, #16950, #16951, #16952, #16953, #16954, #16955, #16956, #16957, #16958, #16959, #16960, #16961, #16962, #16963, #16964, #16965, #16966, #16967, #16968, #16969, #16970, #16971, #16972, #16973, #16974, #16975, #16976, #16977, #16978, #16979, #16980, #16981, #16982, #16983, #16984, #16985, #16986, #16987, #16988, #16989, #16990, #16991, #16992, #16993, #16994, #16995, #16996, #16997, #16998, #16999, #17000, #17001, #17002, #17003, #17004, #17005, #17006, #17007, #17008, #17009, #17010, #17011, #17012, #17013, #17014, #17015, #17016, #17017, #17018, #17019, #17020, #17021, #17022, #17023, #17024, #17025, #17026, #17027, #17028, #17029, #17030, #17031, #17032, #17033, #17034, #17035, #17036, #17037, #17038, #17039, #17040, #17041, #17042, #17043, #17044, #17045, #17046, #17047, #17048, #17049, #17050, #17051, #17052, #17053, #17054, #17055, #17056, #17057, #17058, #17059, #17060, #17061, #17062, #17063, #17064, #17065, #17066, #17067, #17068, #17069, #17070, #17071, #17072, #17073, #17074, #17075, #17076, #17077, #17078, #17079, #17080, #17081, #17082, #17083, #17084, #17085, #17086, #17087, #17088, #17089, #17090, #17091, #17092, #17093, #17094, #17095, #17096, #17097, #17098, #17099, #17100, #17101, #17102, #17103, #17104, #17105, #17106, #17107, #17108, #17109, #17110, #17111, #17112, #17113, #17114, #17115, #17116, #17117, #17118, #17119, #17120, #17121, #17122, #17123, #17124, #17125, #17126, #17127, #17128, #17129, #17130, #17131, #17132, #17133, #17134, #17135, #17136, #17137, #17138, #17139, #17140, #17141, #17142, #17143, #17144, #17145, #17146, #17147, #17148, #17149, #17150, #17151, #17152, #17153, #17154, #17155, #17156, #17157, #17158, #17159, #17160, #17161, #17162, #17163, #17164, #17165, #17166, #17167, #17168, #17169, #17170, #17171, #17172, #17173, #17174, #17175, #17176, #17177, #17178, #17179, #17180, #17181, #17182, #17183, #17184, #17185, #17186, #17187, #17188, #17189, #17190, #17191, #17192, #17193, #17194, #17195, #17196, #17197, #17198, #17199, #17200, #17201, #17202, #17203, #17204, #17205, #17206, #17207, #17208, #17209, #17210, #17211, #17212, #17213, #17214, #17215, #17216, #17217, #17218, #17219, #17220, #17221, #17222, #17223, #17224, #17225, #17226, #17227, #17228, #17229, #17230, #17231, #17232, #17233, #17234, #17235, #17236, #17237, #17238, #17239, #17240, #17241, #17242, #17243, #17244, #17245, #17246, #17247, #17248, #17249, #17250, #17251, #17252, #17253, #17254, #17255, #17256, #17257, #17258, #17259, #17260, #17261, #17262, #17263, #17264, #17265, #17266, #17267, #17268, #17269, #17270, #17271, #17272, #17273, #17274, #17275, #17276, #17277, #17278, #17279, #17280, #17281, #17282, #17283, #17284, #17285, #17286, #17287, #17288, #17289, #17290, #17291, #17292, #17293, #17294, #17295, #17296, #17297, #17298, #17299, #17300, #17301, #17302, #17303, #17304, #17305, #17306, #17307, #17308, #17309, #17310, #17311, #17312, #17313, #17314, #17315, #17316, #17317, #17318, #17319, #17320, #17321, #17322, #17323, #17324, #17325, #17326, #17327, #17328, #17329, #17330, #17331, #17332, #17333, #17334, #17335, #17336, #17337, #17338, #17339, #17340, #17341, #17342, #17343, #17344, #17345, #17346, #17347, #17348, #17349, #17350, #17351, #17352, #17353, #17354, #17355, #17356, #17357, #17358, #17359, #17360, #17361, #17362, #17363, #17364, #17365, #17366, #17367, #17368, #17369, #17370, #17371, #17372, #17373, #17374, #17375, #17376, #17377, #17378, #17379, #17380, #17381, #17382, #17383, #17384, #17385, #17386, #17387, #17388, #17389, #17390, #17391, #17392, #17393, #17394, #17395, #17396, #17397, #17398, #17399, #17400, #17401, #17402, #17403, #17404, #17405, #17406, #17407, #17408, #17409, #17410, #17411, #17412, #17413, #17414, #17415, #17416, #17417, #17418, #17419, #17420, #17421, #17422, #17423, #17424, #17425, #17426, #17427, #17428, #17429, #17430, #17431, #17432, #17433, #17434, #17435, #17436, #17437, #17438, #17439, #17440, #17441, #17442, #17443, #17444, #17445, #17446, #17447, #17448, #17449, #17450, #17451, #17452, #17453, #17454, #1745

4. ALL STORM WATER CATCH BASINS, INLETS, MANHOLES, ETC. SHALL BE PERMANENTLY LABELED AS "NO DUMPING, DRAINS TO RIVER" AND INCLUDE A FISH SYMBOL.
5. SOIL FILL [GEOTECH REPORT SHALL TAKE PRECEDENCE OVER THIS SPECIFICATION IF EXISTS.]
6. FLOW, SCARIFY, BENCH, OR BREAK UP SLOPED SURFACES STEEPER THAN 1 VERTICAL TO 4 HORIZONTAL SO FILL MATERIAL WILL BOND WITH EXISTING MATERIAL.
7. PLACE AND COMPACT FILL MATERIAL IN LAYERS TO REQUIRED ELEVATIONS AS FOLLOWS:
  - 4.1. UNDER GRASS AND PLANTED AREAS, USE SATISFACTORY SOIL MATERIAL.
  - 4.2. UNDER WALKS AND PAVEMENTS, USE SATISFACTORY SOIL MATERIAL.
  - 4.3. UNDER STEPS AND RAMPS, USE ENGINEERED FILL.
  - 4.4. UNDER BUILDING SLABS, USE ENGINEERED FILL.
  - 4.5. UNDER FOOTINGS AND FOUNDATIONS, USE ENGINEERED FILL.
8. SOIL FILL ON SUBGRADES FREE OF MUD, FROST, SNOW, OR ICE.
9. SOIL MOISTURE CONTROL:
  - 5.1. REVISE PERCENTAGES IN THIS ARTICLE ACCORDING TO GEOTECHNICAL ENGINEER'S WRITTEN RECOMMENDATIONS.
  - 5.2. UNIFORMLY MOISTEN OR AGGREGATE SUBGRADE AND EACH SUBSEQUENT FILL OR BACKFILL SOIL LAYER BEFORE COMPACTION TO WITHIN 2 PERCENT OF OPTIMUM MOISTURE CONTENT.
10. DO NOT PLACE BACKFILL OR FILL SOIL MATERIAL ON SURFACES THAT ARE MUDDY, FROZEN, OR CONTAIN FROST OR ICE.
  - 6.1. REMOVE AND REPLACE, OR FILL WITH SCARIFY AND RAMP, OTHERWISE SATISFACTORY SOIL MATERIAL THAT EXCEEDS OPTIMUM MOISTURE CONTENT BY 2 PERCENT AND IS TOO WET TO COMPACT TO SPECIFIED DRY UNIT WEIGHT.
11. COMPACTION OF SOIL BACKFILLS AND FILLS
  - 6.1. PLACE BACKFILL AND FILL SOIL MATERIALS IN LAYERS NOT MORE THAN 8 INCHES (200 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT, AND NOT MORE THAN 4 INCHES (100 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HAND-OPERATED TAMPERS.
  - 6.2. PLACE BACKFILL AND FILL SOIL MATERIALS EVENLY ON ALL SIDES OF STRUCTURES TO REQUIRED ELEVATIONS, AND UNIFORMLY ALONG THE FULL LENGTH OF EACH STRUCTURE.
  - 6.3. COMPACT SOIL MATERIALS TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT ACCORDING TO ASTM D 698:
    - 6.3.1. UNDER STRUCTURES, BUILDING SLABS, STEPS, AND PAVEMENTS, SCARIFY AND RECOMPACT TOP 12 INCHES (300 MM) OF EXISTING SUBGRADE.
    - 6.3.2. COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 100 PERCENT.
    - 6.3.3. UNDER WALKWAYS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 95 PERCENT.
    - 6.3.4. UNDER TURF OR UNPAVED AREAS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 85 PERCENT.
    - 6.4. FOR UTILITY TRENCHES, COMPACT EACH LAYER OF INITIAL AND FINAL BACKFILL SOIL MATERIAL AT 95 PERCENT.

- 7.1. GRADING
- 7.1.1. GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE, FREE OF IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED.
- 7.1.2. PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES AND NEW AREAS.
- 7.1.3. CUT/OUT SLOPES, FILL LOW SPOTS, AND TRIM HIGH SPOTS TO COMPLY WITH REQUIRED SURFACE TOLERANCES.
- 7.1.4. SITE ROUGH GRADING: SLOPE GRADES TO DIRECT WATER AWAY FROM BUILDINGS AND TO PREVENT POONDING. FINISH SUBGRADES TO REQUIRED ELEVATIONS WITHIN THE FOLLOWING TOLERANCES:
  - 7.1.4.1. TURF OR UNPAVED AREAS: PLUS OR MINUS 1 INCH (25 MM).
  - 7.1.4.2. WALKS: PLUS OR MINUS 1/2 INCH (25 MM).
  - 7.1.4.3. PAVEMENTS: PLUS OR MINUS 1/2 INCH (13 MM).
- 7.1.5. GRADING INSIDE BUILDING LINES: FINISH SUBGRADE TO A TOLERANCE OF 1/2 INCH (13 MM) WHEN TESTED WITH A 10-FOOT (3-M) STRAIGHTEDGE.
8. FILL QUALITY CONTROL
- 8.1. TESTING AGENCY: OWNER WILL ENGAGE A QUALIFIED GEOTECHNICAL ENGINEERING TESTING AGENCY TO PERFORM TESTS AND INSPECTIONS.
- 8.2. ALLOW TESTING AGENCY TO INSPECT AND TEST SUBGRADES AND EACH FILL OR BACKFILL LAYER. PROCEED WITH SUBSEQUENT EARTH MOVING ONLY AFTER TEST RESULTS FOR PREVIOUSLY COMPLETED WORK COMPLY WITH REQUIREMENTS.
- 8.3. FOUNDATION AND FOOTING TESTS WILL BE PERFORMED AT LEAST ONE TEST OF EACH SOIL STRATUM WILL BE PERFORMED TO VERIFY DESIGN BEARING CAPACITIES. SUBSEQUENT VERIFICATION AND APPROVAL OF OTHER FOOTING SUBGRADES MAY BE BASED ON A VISUAL COMPARISON OF SUBGRADE WITH TESTED SUBGRADE WHEN APPROVED BY ARCHITECT.
- 8.4. TESTING AGENCY WILL TEST COMPACTION OF SOILS IN PLACE ACCORDING TO ASTM D 1556, ASTM D 2167, ASTM D 2922, AND ASTM D 2937. ALL TESTS WILL BE PERFORMED AT LEAST ONE TEST OF EACH SOIL STRATUM WILL BE PERFORMED TO VERIFY DESIGN BEARING CAPACITIES. SUBSEQUENT VERIFICATION AND APPROVAL OF OTHER FOOTING SUBGRADES MAY BE BASED ON A VISUAL COMPARISON OF SUBGRADE WITH TESTED SUBGRADE WHEN APPROVED BY ARCHITECT.
- 8.5. PAVED AND BUILDING SLAB AREAS: AT SUBGRADE AND AT EACH COMPACTED FILL AND BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 2000 SQ. FT. (186 SQ. M) OR LESS OF PAVED AREA OR BUILDING SLAB, BUT IN NO CASE FEWER THAN THREE TESTS.
- 8.6. FOUNDATION WALL BACKFILL: AT EACH COMPACTED BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 100 FEET (30 M) OR LESS OF WALL LENGTH, BUT NO FEWER THAN TWO TESTS.
- 8.7. TRENCH BACKFILL: AT EACH COMPACTED INITIAL AND FINAL BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 150 FEET (46 M) OR LESS OF TRENCH LENGTH, BUT NO FEWER THAN TWO TESTS.
- 8.8. WHEN TESTING AGENCY REPORTS THAT SUBGRADES, FILL, OR BACKFILLS HAVE NOT ACHIEVED DEGREE OF COMPACTION, RECOMPACT, SCABBY AND MOISTEN OR REGRADE TO REMOVE AND REPLACE SOIL MATERIALS TO MEET REQUIRED RECOMPACT AND RETEST UNTIL SPECIFIED COMPACTION IS OBTAINED.



**BIRKDALE VILLAGE OFFICE/HOTEL**  
PIN #00537157, 00537197  
LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

---

**PRELIM GRADING PLAN**

[illegible]

Z04 - PRELIM GRADING.DWG  
 PROJECT NUMBER: 222020  
 DATE: 06/21/2022 DRAWN BY: TSF  
 C04 OF 5  
 SHEET

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 SUBPART P, OR AS AMENDED.

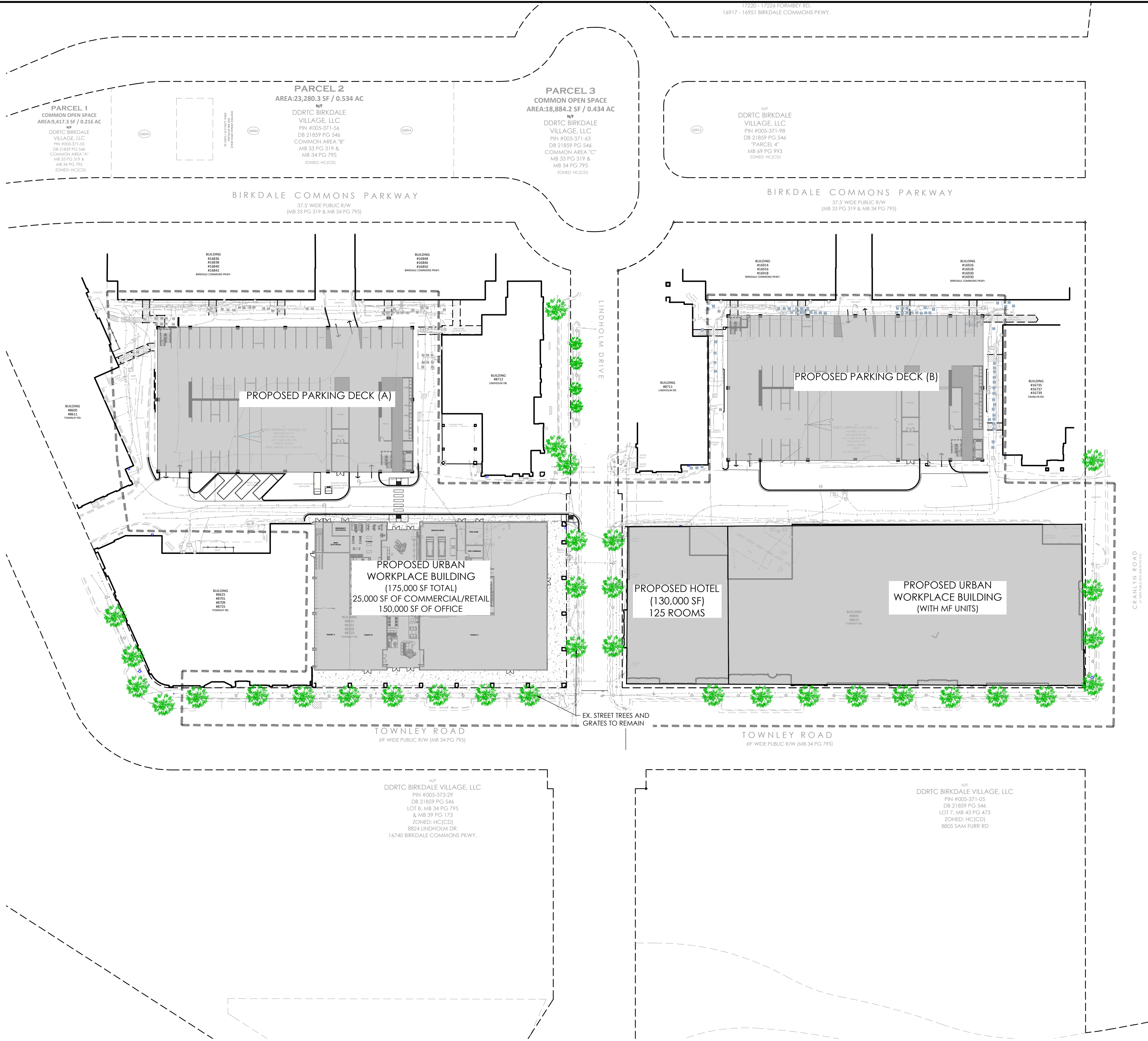




LEGEND



EXISTING STREET TREES TO REMAIN



BIRKDALE VILLAGE OFFICE/HOTEL

PIN #00537157, 00537197

LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

PRELIM LANDSCAPE PLAN

REVISIONS:

2022-10-12 1ST SUP COMMENTS

Z05 -PRELIM LANDSCAPE PLAN.DWG

PROJECT NUMBER: 222020

DATE: 06/21/2022 DRAWN BY: TSF

C05

5

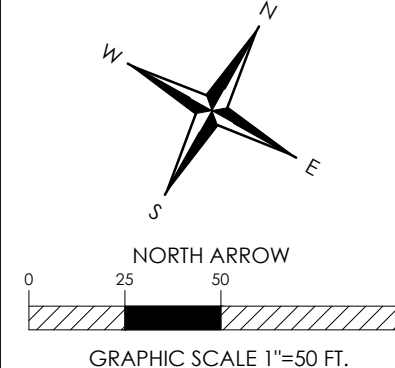
SHEET

OF

- 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.



Know what's below.  
Call before you dig.



**HensonFoley**  
Landscape Architecture | Civil Engineering  
121 Gilead, 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





PARCEL ID: 00537153  
OWNER: BIRKDALE  
VILLAGE LLC

PARCEL ID: 00537153  
OWNER: BIRKDALE  
VILLAGE LLC

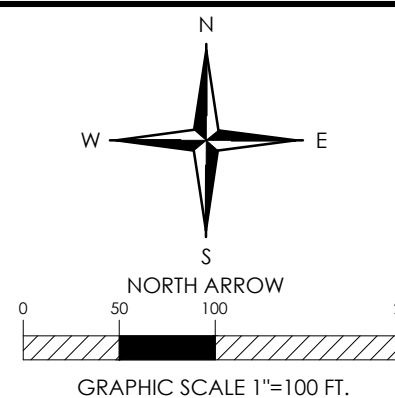
PARKING DECK  
67 FEET

OFFICE  
145 FEET

HOTEL  
145 FEET

MULTIFAMILY  
95 FEET

PARKING DECK  
67 FEET



BIRKDALE VILLAGE OFFICE/HOTEL

PIN #00537157, 00537197  
LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

DISTANCE EXHIBIT

REVISIONS:

| NO. | DATE       | DESCRIPTION      |
|-----|------------|------------------|
| 1   | 2022-10-12 | 1ST SUP COMMENTS |
|     |            |                  |
|     |            |                  |
|     |            |                  |
|     |            |                  |
|     |            |                  |
|     |            |                  |
|     |            |                  |
|     |            |                  |
|     |            |                  |

|                                |
|--------------------------------|
| EX-01 SUP EXHIBIT.DWG          |
| PROJECT NUMBER: 222020         |
| DATE: 06/21/2022 DRAWN BY: TSF |
| SHEET EX01 OF 5                |

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 SUBPART P, OR AS AMENDED.



## SUP 22-01 Summary of Staff Findings of Fact

1. The proposed hotel project will be located within the Highway Commercial zoning district.
2. The proposed hotel is over 750' from a residential zoning district.
3. The site is within a pedestrian oriented development. The applicant has not provided elevations for the Hotel or the exact height but has stated that the height would not exceed 145'. The additional parking spots will comply with the requirements of Article 3.2.7(d)(4)(a). The associated parking decks proposed height of 68' will not exceed the height of the hotel or 70' as required within this SUP. The applicant has not provided elevations of the associated parking deck but note on the site plan that all the requirements for Article 9.45.4 (a)-(e) will be followed.
4. The proposed structures are located within the required Highway Commercial zoning district and a previously approved pedestrian-oriented development. The proposed commercial use will continue to comply with Article 3.2.7(d)(4)(a). The applicant has not provided an exact height or elevations of the proposed commercial use in an urban workplace building type but has shown that it will not exceed 145'.
5. The Applicant has shown that the mixed use and workplace structures will be separated from the nearest residential zone by 689', thus exceeding the required 435' of separation. The associated parking deck will also be located 513' from the nearest residential zone.
6. The applicant has noted that all the site design requirements of Article 3.2.7(d)(4)(a) and Article 9.45.4 will be met.
7. The vehicular access to the use will be provided by the existing conforming streets within the approved pedestrian-oriented development.
8. The associated parking decks proposed height of 68' will not exceed the height of the hotel or 70' as required within this SUP. The applicant has not provided elevations of the associated parking deck but note on the site plan that all the requirements for Article 9.45.4 (a)-(e) will be followed.
9. All fire and state building codes will be met.
10. The applicant must address this criteria: **The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity;**
11. The site is located within a mixed-use center according to the Huntersville 2040 Plan. Further, the proposed development conforms with the following 2040 Plan Policies:

Policy LU-1: Encourage a development pattern that follows the Future Land Use Map.

Policy LU-5: Focus more intense development in locations that can support growth.

Policy LU-6: Support a mix of land uses in key locations.

Policy LU-8: Emphasize form and flexibility in Mixed-Use Centers, Employment Centers, the Town Core, and Activity Centers;

Policy EV-1: Support a balanced economy through job growth in target industry sectors.

12. All applicable yard standards and other applicable zoning ordinance requirements in the Highway Commercial zoning districts will be met.
13. All applicable general and specific standards will be met.



**Town of Huntersville  
Planning Board  
October 25, 2022**

**To:** Town Board

**From:** Brian Richards, Assistant Planning Director

**Date:** October 25, 2022

**Subject:** Consider making a recommendation on Petition #R22-01, a request by DDRTC Birkdale Village, LLC to rezone +/- 8.82 acres located at the intersection of Townley Drive and Lindholm Drive (Parcels 00537157 and 00537197) from Highway Commercial Conditional

---

**EXPLAIN REQUEST:**

Consider making a recommendation on Petition #R22-01, a request by DDRTC Birkdale Village, LLC to rezone +/- 8.82 acres located at the intersection of Townley Drive and Lindholm Drive (Parcels 00537157 and 00537197) from Highway Commercial Conditional District to Highway Commercial Conditional District for 350 multi-family units, 125-room hotel, 150,000 sq. ft. office, and 25,000 sq. ft. commercial.

**ACTION RECOMMENDED:**

Consider making a recommendation on Petition #R22-01, a request by DDRTC Birkdale Village, LLC to rezone +/- 8.82 acres located at the intersection of Townley Drive and Lindholm Drive (Parcels 00537157 and 00537197) from Highway Commercial Conditional District to Highway Commercial Conditional District for 350 multi-family units, 125-room hotel, 150,000 sq. ft. office, and 25,000 sq. ft. commercial.

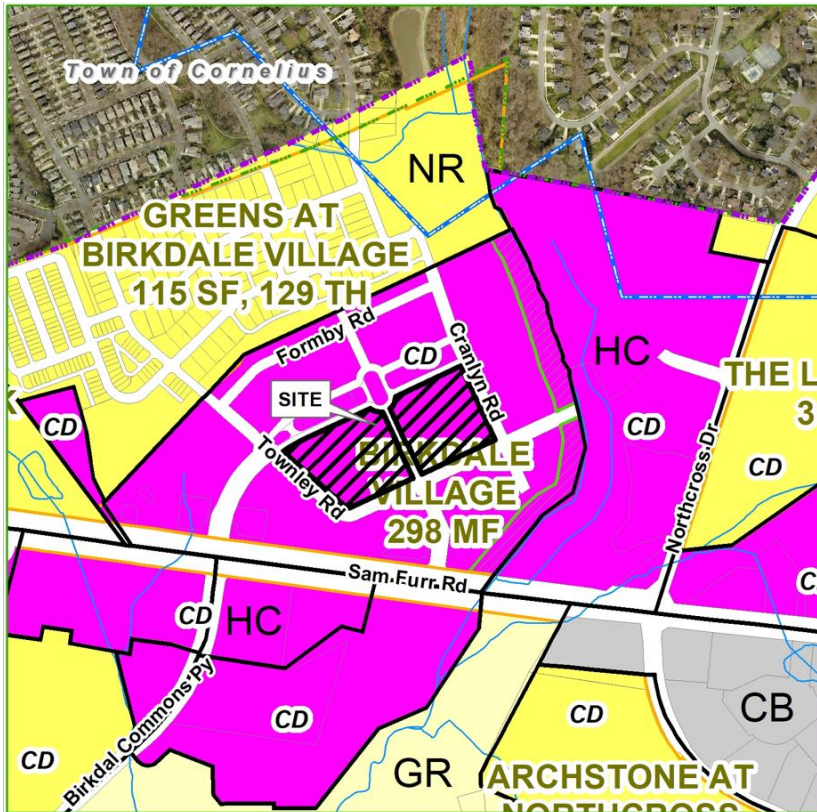
**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

1. R22-01 PB Staff Report 10-25-22
2. A - TOH\_General\_Application
3. B- R22- 01 Birkdale\_Village\_Rezoning\_Civil\_Set
4. C - Birkdale Neighborhood Meeting Report Package v.01
5. D - CMS Student Generation Birkdale Village Rezoning - R22-01
6. E - Building Facade Persepctives

## Petition R22-01 Birkdale Village

### PART 1: PROJECT SUMMARY



**Applicant:** DDRTC Birkdale Village, LLC

**Property Owner:** DDRTC Birkdale Village, LLC

**Property Address:** 8725 Townley Dr

**Project Size:** (+/-) 8.82 acres

**Parcel Numbers:** 00537157 & 00537197

**Current Zoning:** Highway Commercial Conditional District (HC-CD)

**Current Land Use:** Multifamily, Commercial, Office.

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

**Proposed Land Use:**

350 Multifamily Units, 25,000 sf Commercial, 150,000 sf Office, and a 125 Room Hotel.

1. Purpose: Rezone 8.82 acres at the intersection of Townley Dr and Lindholm Dr. from Highway Commercial Conditional District (HC-CD) to Highway Commercial Conditional District (HC-CD) for up to 350 Units Multifamily Units, 125 Room Hotel, 150,000 sf Office, and 25,000 sf Commercial.
2. Adjoining Zoning and Land Uses.
  - North: Neighborhood Residential – Greens at Birkdale Village Subdivision.
  - South: Highway Commercial – Birkdale & Birkdale Landing Developments
  - East: Highway Commercial – North Pointe Office Park.
  - West: Neighborhood Residential – Greens at Birkdale Village Subdivision.
3. A neighborhood meeting was held on September 22, 2022, and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment C).
4. Birkdale Village was originally rezoned in 1996 (R96-07) and has had two revisions (R97-23 & R01-03). A Major Sketch Plan revision was approved in 2021 and is wrapping up construction now.
5. Notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Sam Furr Rd and inside of Birkdale Village.



## PART 2: REZONING/SITE PLAN

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

- Replacement of two existing buildings with two new buildings. Building A (7 story, 150,000 sf Office, 25,000 sf Commercial) and Building B (12 story, 125 Room Hotel, 350 Multifamily Units). See site plan image below.
- Replacement of Two Existing parking decks with two new parking decks of 67' (401 spaces each – 802 total). There will be an overall increase of 530 parking spaces (2,392 total for Birkdale Village – 2,362 are required to meet Article 5).
- The new buildings and parking decks are requesting to exceed the current height limit allowed by the Zoning Ordinance (Article 4 - Urban Workplace 48'). The Applicant has filed a Text Amendment (TA 22-06 Building Height) that would increase the height allowed (buildings - 145' & parking decks – 70') via a special use permit and only in a pedestrian oriented development.



| Use                          | Currently Allowed (sf) | Existing (sf) | Proposed (sf)      | Total (sf) |
|------------------------------|------------------------|---------------|--------------------|------------|
| Indoor Movie Theatre         | 75,000                 | 53,270        | 53,270             | 53,270     |
| Commercial/Retail/Restaurant | 275,000                | 252,090       | 25,000             | 277,090    |
| Office                       | 160,000                | 150,829       | 150,000            | 300,829    |
| Multifamily Units            | 320                    | 320           | 350                | 670 Units  |
| Hotel                        | 0                      | 0             | 130,000 (125 Room) | 125 Room   |

- Urban Open Space is being provided by the existing McDowell Creek Greenway (4.62 acres) and a Promenade (0.16 acres). There are 2.2 acres of Common Open Space. All are existing and there are no changes proposed.
- There will be no impacts to the existing tree canopy or specimen tree count as part of this rezoning.
- There are no identified Heritage Trees on site.

- Building elevations for the proposed structure have not been submitted. Architectural renderings have been provided (Attachment E).
- The applicant has requested a 5-year vesting period for the Rezoning Plan. The Zoning Ordinance currently offers a 2-year vesting period (Article 2.2.3).
- Planning, Transportation, and Storm Water Engineering staff have minor rezoning plan comments outstanding that need to be addressed prior to final plan approval.

### PART 3: TRANSPORTATION ISSUES

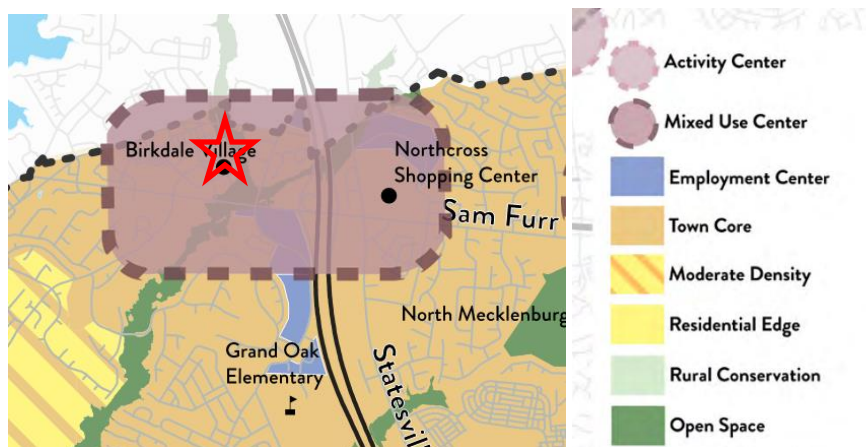
#### Traffic Impact Analysis (TIA)

Both the Town and NCDOT required a TIA. The Town deferred the TIA to NCDOT. The TIA did not recommend any additional improvements. Please note NCDOT project U-5765 is programmed for construction to begin in 2026 with Right-of Way acquisition to beginning in 2023.

### 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 2.1:** Higher intensity residential uses will be focused generally within 2 miles of the I77/NC115 corridor and future activity centers in the eastern and western areas of Huntersville zoning jurisdiction.
- **Policy LU 6.1:** A mix of land uses is encouraged in Mixed-Use Centers, Activity Centers, Employment Centers identified on the Future Land Use Map.
- **Policy LU 6.2:** Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.



- **Policy LU 7.1:** Require all new development to adhere to the following design principles: In Mixed Use Centers, Activity Centers, Town Core, and Moderate Density Areas, Streets and sidewalk are meant to be attractive and inviting. New development in these areas shall follow these principles:
  - In Mixed-Use Centers, Activity Centers, Town Core, and Moderate Density Areas, streets and sidewalks are meant to be attractive and inviting. New development in these areas shall follow these principles:
  - All buildings shall front a public street or open space.
  - Streets should be connected, have short blocks and sidewalks on both sides of streets.
  - Improve connectivity, particularly for pedestrians and vehicles.
  - Parking lots, if required, should be predominately located behind buildings screened from view and larger lots should be broken by buildings and or landscape features.
  - In lower intensity areas (including MD, RE, RC, CW) preservation of rural character and natural resources are prioritized.
  - In these areas, structures can be set back further from the road and should blend into the landscape and the scenic nature of roadways should be preserved.
- **Policy LU 8.1:** Continue to emphasize form and flexibility in development regulations for these areas.
  - The current zoning ordinance has basic form based standards with flexibility built-in. Key elements include allowing multiple types of land uses, a mix of uses, minimal setbacks, and parking requirements.
- **Policy LU 8.2:** Evaluate and strengthen incentives to encourage the achievement of higher design standards. Consider incentives that allow applicants to demonstrate excellence in design and exceptional public benefit for projects in key areas.
  - Offer flexibility using performance standards, guided by the design principles.
  - Specify intended outcomes and how site or building-specific design solutions can better achieve desired outcomes.
  - Evaluate incentives periodically to determine their value given shifting market and neighborhood conditions.
  - Incentives that could include:
    - Modification of height limit.
    - Increase in percent of allowable attached residential.
    - Reduced parking requirements.
    - Reduced buffer yard requirements
- **Policy EV 1.2:** Focus economic development in areas that support growth
  - Preserve areas suitable for business and industrial development, along with a mixture of support uses, to ensure an adequate inventory of land for future growth and development, with increases to this inventory as required. These areas should have proximity to existing or future activity centers, have access to transportation options and utility service, and offer amenities for employees.

STAFF COMMENT – The 2040 Huntersville Community Plan DOES NOT SUPPORT this project through the following sections:

- **Policy LU 5.1:** Allow for more intense development only where transportation infrastructure and utilities already exist. Staff Comment – NCDOT widening project will not begin until 2026. The widening project completion will most likely occur after the construction of the new buildings at Birkdale.
- **Policy LU-11: Protect Existing Housing Stock.**
  - **LU 11.1:** Protect and enhance the unique character of Huntersville’s neighborhoods by using planning tools to safeguard from potentially negative impacts of development and redevelopment.

- Promote quality design and neighborhood improvements including increasing access to parks and recreation and mobility options.
  - Encourage coordination with neighborhoods to address infrastructure needs such as sidewalks and drainage.
  - **LU 11.2:** Along existing streets, encourage new buildings to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
- **Policy LU 12.3:** Blend new development with existing neighborhoods, structures and landscapes through the use of transitions in building types and placement of open space, buffers, and other site features.

**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 Birkdale Village is consistent with envisioned uses and development pattern set forth in the 2040 Community Plan.

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

STAFF COMMENT:

- A Transportation Impact Analysis was not required – see Part 3 of this report.
- Charlotte Water currently provides service to the site.
- CMS Student Generation Report:

| <i>Schools Affected</i> | <i>Total Classroom Teachers</i> | <i>Building Classrooms/ Teacher Stations</i> | <i>20<sup>th</sup> Day, Enrollment (non-ec)</i> | <i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i> | <i>20<sup>th</sup> Day, Building Utilization (Without Mobiles)</i> | <i>Additional Students As a result of this development</i> | <i>Utilization As of result of this development (Without Mobiles)</i> |
|-------------------------|---------------------------------|----------------------------------------------|-------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------|
| J. V. WASHAM ELEMENTARY | 51.80                           | 39                                           | 861                                             | 648                                                            | 133%                                                               | 19                                                         | <b>135%</b>                                                           |
| BAILEY MIDDLE           | 73.65                           | 57                                           | 1370                                            | 1060                                                           | 129%                                                               | 10                                                         | <b>129%</b>                                                           |
| WILLIAM AMOS HOUGH HIGH | 117.8                           | 100                                          | 2470                                            | 2097                                                           | 118%                                                               | 14                                                         | <b>119%</b>                                                           |

- 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, or cultural resources. Staff and applicant are awaiting a final determination from the Historic Landmarks Commission. Currently the site is not encumbered by any historic easements or deed restrictions.



#### **PART 5: STAFF RECOMMENDATION**

In considering the proposed rezoning petition R22-01, Birkdale Village Staff recommends approval if Text Amendment TA 22-01 Building Height is approved, and all outstanding Staff comments are addressed. The amendment being consistent with the Huntersville 2040 Community Plan policies LU 2.1, LU 6.1, LU 7.1, LU 8.1, LU 8.2, and EV 1.2.

It is reasonable and in the public interest to amend the Zoning Ordinance because the rezoning is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan.

#### **PART 6: PUBLIC HEARING COMMENTS**

A Public Hearing was held on for October 3, 2022.

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

Planning Board is scheduled for October 25, 2022.

#### **PART 8: TOWN BOARD CONSIDERATION**

Town Board consideration is scheduled for November 21, 2022.

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

##### Attachments

- A – Rezoning Application
- B – R22-01 Rezoning Plan
- C – Neighborhood Meeting Report (September 22, 2022)
- D – CMS Student Generation
- E – Building Facade Perspectives

**PART 10: CONSISTENCY STATEMENT – R22-01 Birkdale Village**

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Planning Board                                                                                                                                                                                                                                                                                                                                                    | Board of Commissioners                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>APPROVAL: In considering the proposed rezoning petition R22-01, Birkdale Village Staff recommends approval if Text Amendment TA 22-06 Building Height is approved, and all outstanding Staff comments are addressed. The amendment being consistent with the Huntersville 2040 Community Plan policies LU 2.1, LU 6.1, LU 7.1, LU 8.1, LU 8.2, and EV 1.2.</p> <p><u><b>It is reasonable and in the public interest to amend the Zoning Ordinance because the rezoning is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan.</b></u></p> | <p>APPROVAL: In considering the proposed rezoning application R22-01, Birkdale Village, the Planning Board recommends approval based on the Plan being consistent with <u><b>(insert applicable plan reference)</b></u>.</p> <p><u><b>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</b></u></p>                   | <p>APPROVAL: In considering the proposed rezoning application R22-01, Birkdale Village, the Town Board recommends approval based on the Plan being consistent with <u><b>(insert applicable plan reference)</b></u>.</p> <p><u><b>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</b></u></p>                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>DENIAL: In considering the proposed rezoning application R22-01, Birkdale Village, the Planning Board recommends denial based on the Plan being <u><b>(consistent OR inconsistent) with (insert applicable plan reference)</b></u>.</p> <p><u><b>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</b></u></p> | <p>DENIAL: In considering the proposed rezoning application R22-01, Birkdale Village, the Town Board recommends denial based on the Plan being <u><b>(consistent OR inconsistent) with (insert applicable plan reference)</b></u>.</p> <p><u><b>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</b></u></p> |





# General Application

**INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.**

## 1. Application Type

Please indicate the type of application you are submitting. 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 03/30/2022

Name of Project Birkdale Village Rezoning Phase # (if subdivision) \_\_\_\_\_

Project Address 8725 Townley Rd, Huntersville NC 28078

Parcel Identification Number(s) (PIN) 00537157 & 00537197

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

Property Size (acres) 8.82 acres (2 parcels) Street Frontage (feet) 1,651 feet + 1,544 feet

Current Land Use Commercial

Proposed Land Use(s) Office, Hotel, Multi-Family, Commercial

Is the project within Huntersville's corporate limits?

Yes X 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.

The request is to amend the existing rezoning plans for Birkdale Village so that the owner can develop a 7-story office/commercial building, 12-story hotel, and a mixed use commercial/ residential building with 350 multifamily units. 2 new 6-story parking decks will also be added to accommodate the new development, in replacement of the existing ones.

## 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 DDRTC Birkdale Village, LLC Phone 404-946-0939  
☐ 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: Mike Lant

Title Senior VP Development Email Mike.Lant@NAProperties.com

Address of Applicant 1175 Peachtree Street, Suite 1650, Atlanta Georgia 30361

## 7. Property Owner (if different than applicant)

\*Printed Name \_\_\_\_\_ Phone \_\_\_\_\_  
☐ 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 \_\_\_\_\_ Printed Name \_\_\_\_\_

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 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

|                           |                 |              |                                |
|---------------------------|-----------------|--------------|--------------------------------|
| North American Properties | Nick Lombardo   | 404-946-0939 | nick.lombardo@naproperties.com |
| Development Firm          | Name of Contact | Phone        | Email                          |
| HensonFoley               | Jay Henson      | 704-875-1615 | jay@hensonfoley.com            |
| Design Firm               | Name of Contact | Phone        | Email                          |

## Contact Information

|                             |                   |                                                                                                                         |
|-----------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------|
| <b>Town of Huntersville</b> | Phone:            | 704-875-7000                                                                                                            |
| <b>Planning Department</b>  | Fax:              | 704-992-5528                                                                                                            |
| PO Box 664                  | Physical Address: | 105 Gilead Road, Third Floor                                                                                            |
| Huntersville, NC 28070      | Website:          | <a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a> |



| Sheet List Table |                          |
|------------------|--------------------------|
| Sheet Number     | Sheet Title              |
| Z01              | COVER                    |
| Z02              | SURVEY-EXISTING FEATURES |
| Z02A             | SURVEY-EXISTING FEATURES |
| Z03              | REZONING PLAN            |
| Z04              | PRELIM GRADING PLAN      |
| Z05              | PRELIM LANDSCAPE PLAN    |

REZONING PLAN PACKAGE

PROPOSED

BIRKDALE VILLAGE OFFICE / HOTEL

HUNTERSVILLE, MECKLENBURG COUNTY, NC

EPM#439459

R22-01

OWNER/DEVELOPER:

DDRTC BIRKDALE VILLAGE, LLC

C/O NORTH AMERICAN PROPERTIES

8712 LINDHOLM DR SUITE 206

HUNTERSVILLE, NC 28078

PH: (404) 946-0939



VICINITY MAP  
SCALE: N.T.S.



BIRKDALE VILLAGE REZONING

PIN #00537157 / 00537197  
LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

COVER

REVISIONS:

2022-08-23 1ST REZONING COMMENTS

|  |
|--|
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

|                  |               |
|------------------|---------------|
| Z01 - COVER.DWG  |               |
| PROJECT NUMBER:  | 222020        |
| DATE: 06/21/2022 | DRAWN BY: TSF |
| SHEET            | OF            |

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 SUBPART P, OR AS AMENDED.





CONTROL #108  
N=622,187.962'  
E=1,435,768.273'  
EL:734.95'  
MAG NAIL

TOWNLEY ROAD  
69' WIDE PUBLIC R/W (MB 34 PG 795)

BIRKDALE COMMONS PARKWAY  
37.5' WIDE PUBLIC R/W (MB 33 PG 319 & MB 34 PG 795)

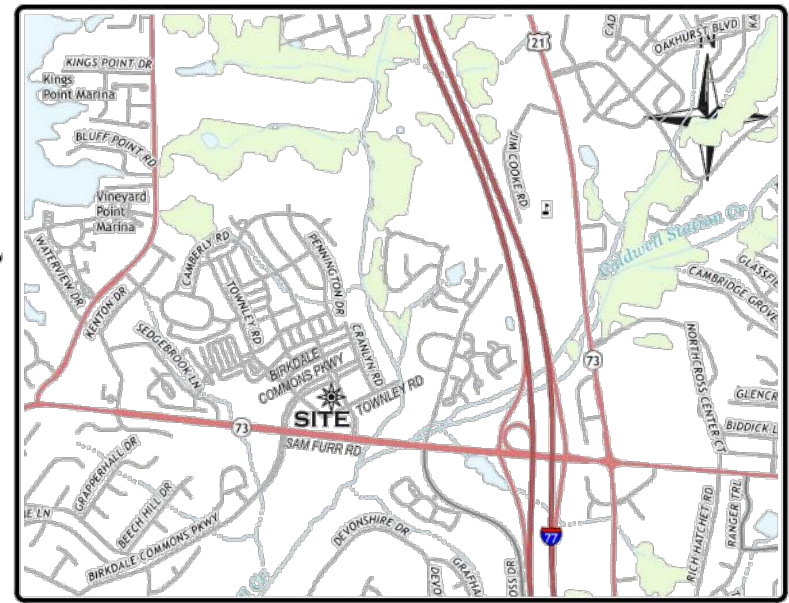
CONTROL #116  
N=622,291.463'  
E=1,440,090.441'  
EL:731.02'  
DRILL HOLE

CONTROL #119  
N=622,349.426'  
E=1,440,193.545'  
EL:731.46'  
DRILL HOLE

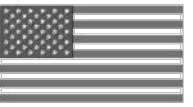
CONTROL #112  
N=622,349.882'  
E=1,440,301.896'  
EL:731.32'  
DRILL HOLE (PROPERTY CORNER)

BUILDING  
#16836  
#16838  
#16840  
#16842  
BIRKDALE COMMONS PKWY.

BUILDING  
#16848  
#16846  
#16850  
BIRKDALE COMMONS PKWY.



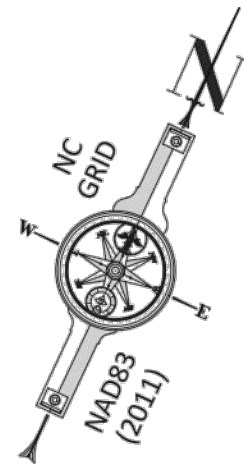
VICINITY MAP (NO SCALE)



| CURVE TABLE |         |            |              |               |
|-------------|---------|------------|--------------|---------------|
| CURVE       | RADIUS  | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
| C1          | 688.95' | 125.86'    | 125.68'      | N 59°17'40" E |
| C2          | 70.50'  | 64.32'     | 62.11'       | S 74°17'30" E |
| C3          | 20.50'  | 24.07'     | 22.71'       | N 82°40'38" W |

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | S 64°45'52" W | 3.49'    |

N/F  
DDRTC BIRKDALE VILLAGE, LLC  
PIN #005-371-97  
DB 21859 PG 546  
LOT 6, MB 33 PG 319 &  
MB 34 PG 795  
ZONED: HC(CD)  
8711 - 8715 LINDHOLM DR.  
16735 - 16739 CRANLYN RD.  
8805 - 8825 TOWNLEY RD.  
16916 - 16932 BIRKDALE COMMONS PKWY.



LINE LEGEND

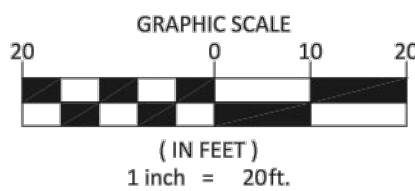
|     |                                  |
|-----|----------------------------------|
| --- | PROPERTY BOUNDARY                |
| --- | ADJACENT BOUNDARY (NOT SURVEYED) |
| --- | PROPERTY BOUNDARY TIE LINE ONLY  |
| --- | RIGHT OF WAY LINE                |
| --- | EASEMENT LINE                    |
| --- | CURB AND GUTTER                  |
| --- | STORM DRAIN PIPE                 |
| --- | HAND RAIL                        |
| --- | SANITARY SEWER PIPE              |
| --- | FIBER OPTIC MARKOUT              |
| --- | TELECOMMUNICATIONS MARKOUT       |
| --- | TELEVISION MARKOUT               |
| --- | UNDERGROUND ELECTRIC MARKOUT     |
| --- | GAS MARKOUT                      |
| --- | WATERLINE MARKOUT                |
| --- | UNKNOWN UTILITY                  |

SYMBOL LEGEND

|   |                            |
|---|----------------------------|
| ● | REBAR FOUND (RFB)          |
| ✕ | DRILL HOLE FOUND (DHF)     |
| ⊙ | MAG NAIL FOUND (MNF)       |
| ⊙ | MAG NAIL SET (MNS)         |
| △ | CALCULATED POINT (CP)      |
| ⊙ | SURVEY CONTROL POINT       |
| ⊙ | AIR CONDITIONER            |
| ⊙ | POSTAL MAILBOX             |
| ⊙ | GAS METER                  |
| ⊙ | GAS VALVE                  |
| ⊙ | SANITARY CLEAN OUT         |
| ⊙ | SANITARY MANHOLE           |
| ⊙ | WATER METER                |
| ⊙ | WATER VALVE                |
| ⊙ | FIRE HYDRANT               |
| ⊙ | FIRE DEPARTMENT CONNECTION |
| ⊙ | BACKFLOW PREVENTER         |
| ⊙ | TELEPHONE HAND HOLE        |
| ⊙ | TELEPHONE BOX              |
| ⊙ | COMMUNICATIONS HAND HOLE   |
| ⊙ | CABLE TV BOX               |
| ⊙ | ELECTRIC HAND HOLE         |
| ⊙ | ELECTRIC BOX               |
| ⊙ | ELECTRIC TRANSFORMER       |
| ⊙ | ELECTRIC METER             |
| ⊙ | LIGHT POLE                 |
| ⊙ | STORM MANHOLE              |
| ⊙ | CURB INLET                 |
| ⊙ | DROP INLET                 |
| ⊙ | AREA DRAIN                 |
| ⊙ | STORM CLEAN OUT            |
| ⊙ | END OF INFORMATION         |
| ⊙ | LINE CONTINUES             |

ABBREVIATIONS

|     |                 |
|-----|-----------------|
| DB  | DEED BOOK       |
| MB  | MAP BOOK        |
| PG  | PAGE            |
| N/F | NOW OR FORMERLY |
| R/W | RIGHT-OF-WAY    |
| SF  | SQUARE FEET     |
| AC  | ACRES           |
| EX  | EXISTING        |



PLAT SHOWING A  
BOUNDARY &  
TOPOGRAPHIC SURVEY

PREPARED FOR:  
DDRTC BIRKDALE VILLAGE, LLC  
LOT 5, BIRKDALE VILLAGE - MAP 1  
(MAP BOOK 34 PAGE 795)  
TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY  
NORTH CAROLINA  
DEED REFERENCE: DB 21859, PG 546  
TAX PARCEL ID #005-371-57

GUISEWHITE PROFESSIONAL  
LAND SURVEYING, PC

**GPLS**

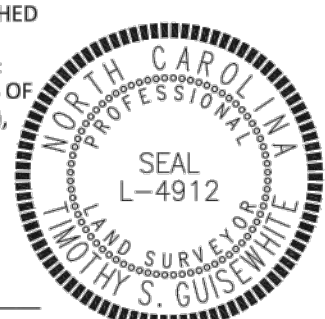
P.O. BOX 680388  
CHARLOTTE, NC 28216  
(704) 530-1700 NC FIRM #C-4411

NOTES:

1. THIS PLAT IS NOT INTENDED FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. GUISEWHITE PROFESSIONAL LAND SURVEYING, PC DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
3. ALL CORNERS MONUMENTED AS SHOWN.
4. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
5. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
6. NO NORTH CAROLINA GEODETIC SURVEY HORIZONTAL CONTROL IS LOCATED WITHIN 2000' OF THIS SITE.
7. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SHOWN.
8. AREAS COMPUTED BY COORDINATE GEOMETRY.
9. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. ALL UTILITIES SHOWN HEREON ARE SUBJECT TO VERIFICATION.
10. ANY ZONING & SETBACK INFORMATION SHOWN HEREON IS PER INFORMATION AVAILABLE AT THE TIME OF SURVEY AND IS SUBJECT TO VERIFICATION AND INTERPRETATION BY GOVERNING AUTHORITIES.

I, TIMOTHY S. GUISEWHITE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 0.07250ppm; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600), THIS 28TH DAY OF FEBRUARY, A.D., 2022.

Designed by:  
9102ABDFC66CAF...  
TIMOTHY S. GUISEWHITE, PLS  
N.C. REG. NO.: L-4912



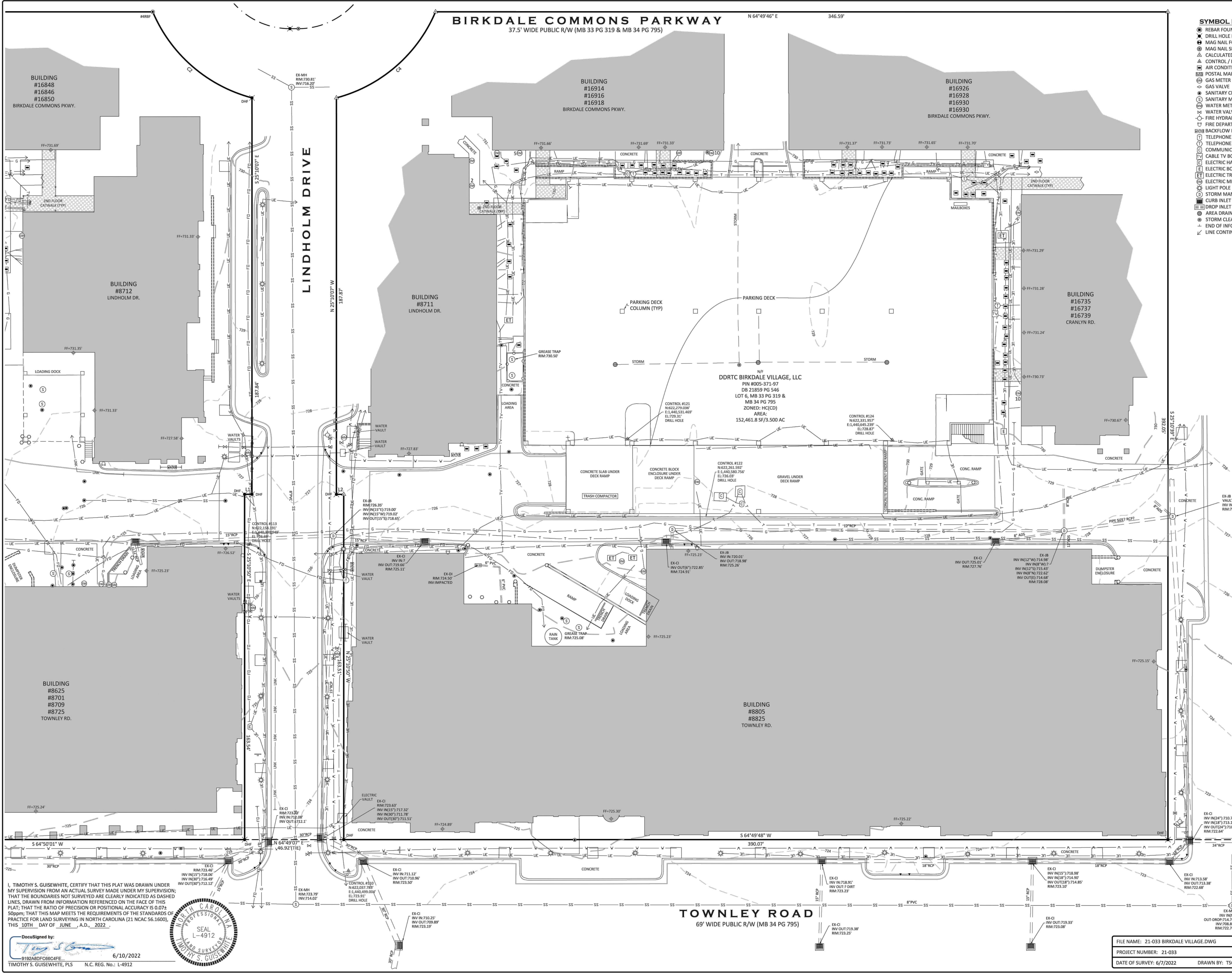
BUILDING  
#8625  
#8701  
#8709  
#8725  
TOWNLEY RD.

TOWNLEY ROAD  
69' WIDE PUBLIC R/W (MB 34 PG 795)

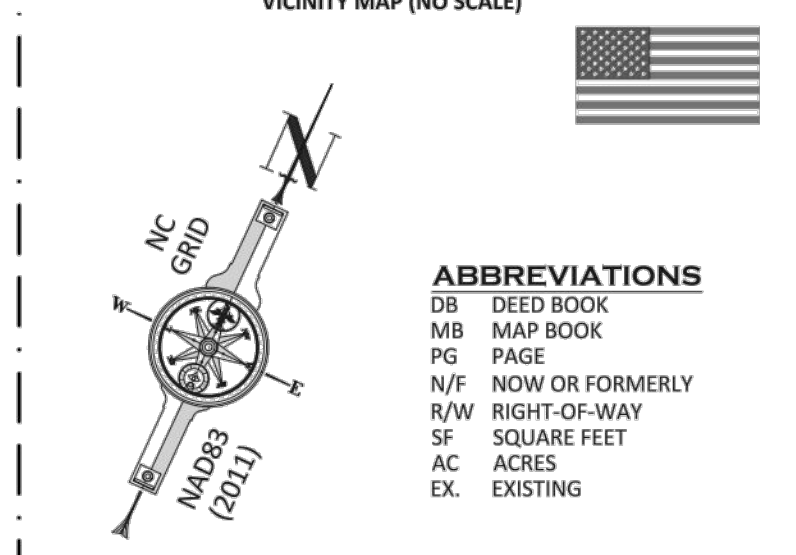
FILE NAME: 21-033 BIRKDALE VILLAGE.DWG  
PROJECT NUMBER: 21-033  
DATE OF SURVEY: XX/XX/2019  
DRAWN BY: TSG

REVISIONS:





- SYMBOL LEGEND**
- REBAR FOUND (RBF)
  - DRILL HOLE FOUND (DHF)
  - MAG NAIL FOUND (MNF)
  - MAG NAIL SET (MNS)
  - CALCULATED POINT (CP)
  - CONTROL / BENCHMARK
  - AIR CONDITIONER
  - POSTAL MAILBOX
  - GAS METER
  - GAS VALVE
  - SANITARY CLEAN OUT
  - SANITARY MANHOLE
  - WATER METER
  - WATER VALVE
  - FIRE HYDRANT
  - FIRE DEPARTMENT CONNECTION
  - BACKFLOW PREVENTER
  - TELEPHONE HAND HOLE
  - TELEPHONE BOX
  - COMMUNICATIONS HAND HOLE
  - CABLE TV BOX
  - ELECTRIC HAND HOLE
  - ELECTRIC BOX
  - ELECTRIC TRANSFORMER
  - ELECTRIC METER
  - LIGHT POLE
  - STORM MANHOLE
  - CURB INLET
  - STORM INLET
  - AREA DRAIN
  - STORM CLEAN OUT
  - END OF INFORMATION
  - LINE CONTINUES



**ABBREVIATIONS**

|     |                 |
|-----|-----------------|
| DB  | DEED BOOK       |
| MB  | MAP BOOK        |
| PG  | PAGE            |
| N/F | NOW OR FORMERLY |
| R/W | RIGHT-OF-WAY    |
| SF  | SQUARE FEET     |
| AC  | ACRES           |
| EX  | EXISTING        |

**CURVE TABLE**

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING  |
|-------|--------|------------|--------------|----------------|
| C1    | 688.95 | 125.80     | 125.80       | N 59° 57' 48\" |
| C2    | 70.50  | 64.32      | 62.11        | S 74° 17' 30\" |
| C3    | 20.50  | 24.07      | 22.71        | N 82° 40' 38\" |
| C4    | 70.50  | 64.30      | 62.09        | N 23° 54' 55\" |

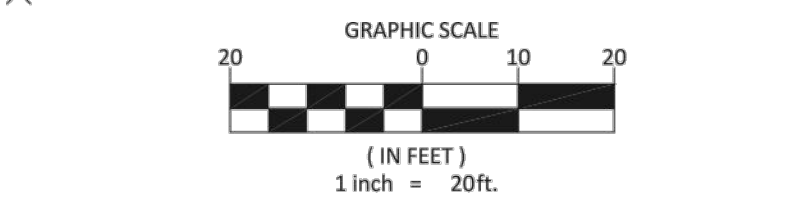
**LINE TABLE**

| LINE | BEARING        | DISTANCE |
|------|----------------|----------|
| L1   | S 64° 45' 52\" | 3.49     |
| L2   | S 64° 49' 10\" | 3.47     |

- NOTES:**
- THIS PLAT IS NOT INTENDED FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
  - THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. GUISEWHITE PROFESSIONAL LAND SURVEYING, PC DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
  - ALL CORNERS MONUMENTED AS SHOWN.
  - BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
  - PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
  - NO NORTH CAROLINA GEODETIC SURVEY HORIZONTAL CONTROL IS LOCATED WITHIN 200' OF THIS SITE.
  - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SHOWN.
  - AREAS COMPUTED BY COORDINATE GEOMETRY.
  - THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. ALL UTILITIES SHOWN HEREON ARE SUBJECT TO VERIFICATION.
  - ANY ZONING & SETBACK INFORMATION SHOWN HEREON IS PER INFORMATION AVAILABLE AT THE TIME OF SURVEY AND IS SUBJECT TO VERIFICATION AND INTERPRETATION BY GOVERNING AUTHORITIES.

**PLAT SHOWING A BOUNDARY & TOPOGRAPHIC SURVEY**

PREPARED FOR:  
DDRTC BIRKDALE VILLAGE, LLC  
LOT 6, BIRKDALE VILLAGE - MAP 1  
(MAP BOOK 34 PAGE 795)  
TOWN OF HUNTERSVILLE  
MECKLENBURG COUNTY  
NORTH CAROLINA  
DEED REFERENCE:  
DB 21859, PG 546  
TAX PARCEL ID #005-371-97



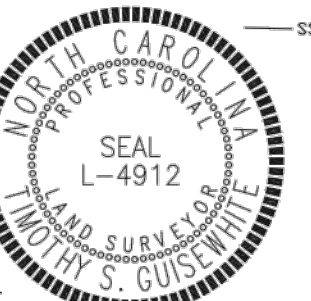
**GUISEWHITE PROFESSIONAL LAND SURVEYING, PC**

**GPLS**

P.O. BOX 680388  
CHARLOTTE, NC 28216  
(704) 530-1700 NC FIRM #C-4411

I, TIMOTHY S. GUISEWHITE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 0.072 50ppm; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600), THIS 10TH DAY OF JUNE, A.D., 2022.

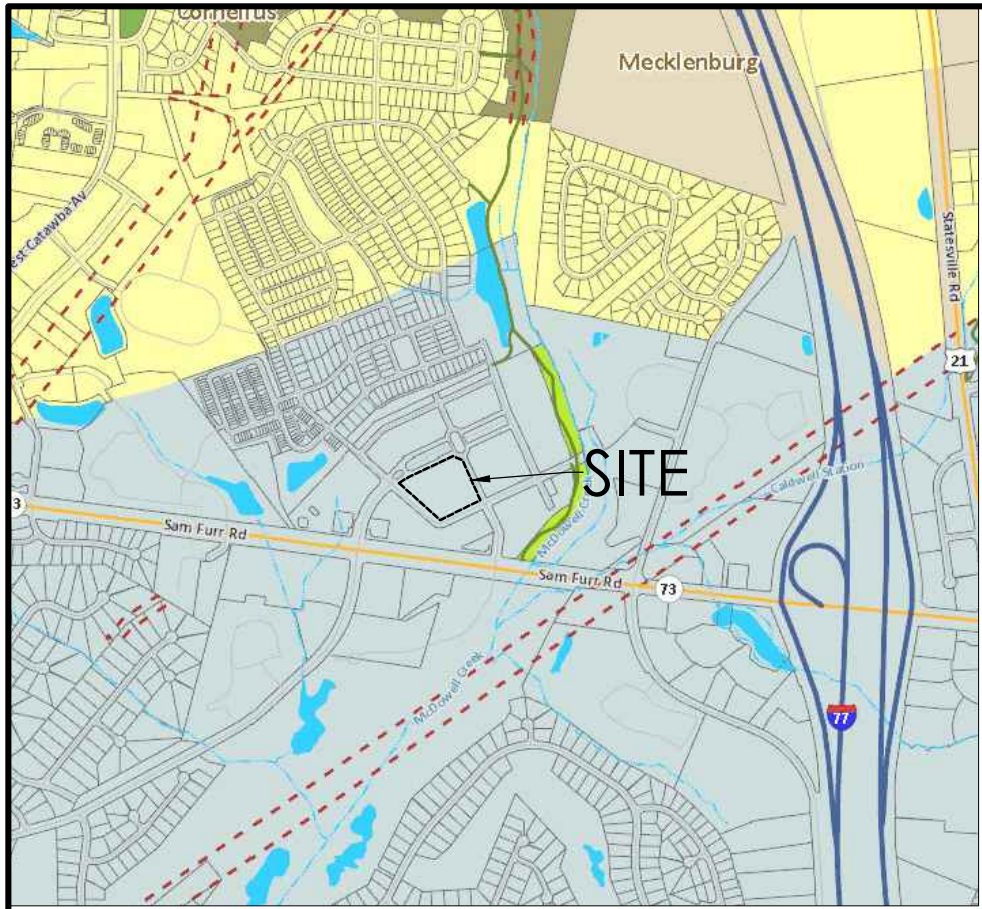
DocuSigned by:  
Timothy S. Guisewhite  
9182A8DFC6C4FE  
6/10/2022  
TIMOTHY S. GUISEWHITE, PLS N.C. REG. NO. L-4912



**REVISIONS:**

| FILE NAME:      | 21-033 BIRKDALE VILLAGE.DWG |
|-----------------|-----------------------------|
| PROJECT NUMBER: | 21-033                      |
| DATE OF SURVEY: | 6/7/2022                    |
| DRAWN BY:       | TSB                         |





## VICINITY MAP SCALE: N.T.S.



### SITE DATA

|                                                                                |                                                                                                                                                                     |
|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LOCATION: LINDHOLM DR AND TOWNLEY RD<br>HUNTERSVILLE, MECKLENBURG COUNTY 28078 |                                                                                                                                                                     |
| (PIN#00537157.00537197)                                                        |                                                                                                                                                                     |
| CURRENT ZONING: HC (CD)                                                        | PROPOSED ZONING: HC (CD)                                                                                                                                            |
| CURRENT USE: COMMERCIAL                                                        | PROPOSED USE: COMMERCIAL, OFFICE HOTEL, MULTIFAMILY                                                                                                                 |
| CONTACT: HENSONFOLEY (JAY HENSON)<br>704-875-1615                              |                                                                                                                                                                     |
| <b>ITEM</b>                                                                    | <b>PROVIDED</b>                                                                                                                                                     |
| TOTAL BIRKDALE VILLAGE AREA                                                    | 53.39 AC (2,325,668 SF)                                                                                                                                             |
| PARCEL/PROJECT ACREAGE                                                         | 8.82 AC (384,199 SF)                                                                                                                                                |
| REDEVELOPED AREA                                                               | 5.37 AC (234,067 SF)                                                                                                                                                |
| PRINCIPAL USE(S)                                                               | OFFICE, RETAIL, HOTEL, MULTIFAMILY DWELLINGS                                                                                                                        |
| LOT & BUILDING TYPE                                                            | SHOP FRONT BUILDING                                                                                                                                                 |
| MAX. BUILDING HEIGHT                                                           | URBAN WORKPLACE BUILDING (WITH OFFICE) - 145'<br>HOTEL - 145'<br>URBAN WORKPLACE BUILDING (WITH MF UNITS) - 95'<br>PARKING DECK (A) - 67'<br>PARKING DECK (B) - 67' |
| ZONING DISTRICT                                                                | HC-CD (REZONING CASE #R01-03)                                                                                                                                       |
| OVERLAY DISTRICT                                                               | PA-2 MTN ISLAND LAKE WATERSHED                                                                                                                                      |
| PERCENT IMPERVIOUS ALLOWED                                                     | HIGH DENSITY - 70%                                                                                                                                                  |
| PERCENT IMPERVIOUS SHOWN                                                       | NO NET GAIN WITHIN PROJECT AREA                                                                                                                                     |
| BUILD TO LINE                                                                  | 0' - 15' SIDE & REAR - 0'                                                                                                                                           |
| CORNER SETBACK                                                                 | REPLICATE FRONTAGE CONDITIONS                                                                                                                                       |
| WATERSHED                                                                      | McDOWELL                                                                                                                                                            |
| FEMA MAP NUMBER                                                                | 3710465100K                                                                                                                                                         |
| FEMA EFFECTIVE DATE                                                            | 09/02/2015                                                                                                                                                          |
| SOIL TYPE                                                                      | CeD2, CeB2                                                                                                                                                          |

### PARKING COUNT

| PROJECT SCOPE                                                                                                 |                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| EXISTING PARALLEL PARKING                                                                                     | 37 PARKING SPACES                                                                                                       |
| PROPOSED PARALLEL PARKING                                                                                     | 37 PARKING SPACES                                                                                                       |
| EXISTING PARKING DECKS                                                                                        | 272 PARKING SPACES                                                                                                      |
| PROPOSED PARKING DECKS                                                                                        | 802 PARKING SPACES                                                                                                      |
| TOTAL PARKING TO BE ADDED                                                                                     | 530 PARKING SPACES                                                                                                      |
| TOTAL BIRKDALE VILLAGE                                                                                        |                                                                                                                         |
| EXISTING RESIDENTIAL SF<br>@ 1.5 SPACES PER DWELLING UNIT (1 BR)<br>1.5 SPACES PER DWELLING UNIT (2+ BR)      | 164 (1 BR) X 1 = 164 SPACES<br>134 (2 BR) X 1.5 = 201 SPACES<br>22 (3 BR) X 1.5 = 33 SPACES<br>TOTAL 398 PARKING SPACES |
| PROPOSED MULTI-FAMILY RESIDENTIAL SF<br>@ 1.5 SPACES PER DWELLING UNIT<br>TOTAL REQUIRED PARKING SPACES       | 350 UNITS (350 X 1.5 = 525)<br>525 PARKING SPACES                                                                       |
| EXISTING RETAIL/RESTAURANT SF<br>@ 2 SPACES/1,000 SF<br>REQUIRED PARKING SPACES                               | 342,073 SF (342,073 X 2 = 684)<br>684 PARKING SPACES                                                                    |
| PROPOSED RETAIL/RESTAURANT SF<br>@ 2 SPACES/1,000 SF<br>TOTAL REQUIRED PARKING SPACES                         | 25,000 SF (25 X 2 = 50)<br>50 PARKING SPACES                                                                            |
| EXISTING OFFICE SF<br>@ 2 SPACES/1,000 SF<br>TOTAL REQUIRED PARKING SPACES                                    | 150,829 SF (150,829 X 2 = 302)<br>302 PARKING SPACES                                                                    |
| PROPOSED OFFICE SF<br>@ 2 SPACES/1,000 SF<br>TOTAL REQUIRED PARKING SPACES                                    | 150,000 SF (150 X 2 = 300)<br>300 PARKING SPACES                                                                        |
| PROPOSED HOTEL SF<br>@ 0.5 SPACES PER KEY + 1 PER 500 SF OF<br>ANCILLARY USE<br>TOTAL REQUIRED PARKING SPACES | 125 ROOMS (125X0.5 + 0 = 63)<br>25,000 SF ANCILLARY (25,000/500=50)<br>113 PARKING SPACES                               |
| TOTAL REQUIRED PARKING SPACES<br>(RESIDENTIAL + RETAIL/RESTAURANT +<br>OFFICE+HOTEL)                          | 2,372 PARKING SPACES                                                                                                    |
| TOTAL EXISTING PARKING                                                                                        | 1,862 PARKING SPACES                                                                                                    |
| TOTAL PROVIDED PARKING<br>(WITH NEW PARKING DECKS)                                                            | 2,392 PARKING SPACES<br>(+530 PARKING SPACES)                                                                           |

### ZONING SUMMARY

|                                                                   |                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PREVIOUSLY APPROVED<br>GROSS AREA - MAX. ALLOWABLE<br>DEVELOPMENT | INDOOR MOVIE THEATRE/FUTURE COMMERCIAL - 75,000 SF<br>COMMERCIAL/RETAIL/RESTAURANT - 275,000 SF<br>OFFICE - 160,000 SF<br>RESIDENTIAL - 320 UNITS                                                                                                     |
| EXISTING DEVELOPMENT                                              | INDOOR THEATRE/FUTURE COMMERCIAL - 53,270 SF<br>COMMERCIAL/RETAIL/RESTAURANT - 252,090 SF<br>OFFICE - 150,829 SF<br>RESIDENTIAL - 320 UNITS                                                                                                           |
| PROPOSED DEVELOPMENT<br>(AS A PART OF THIS REZONING)              | INDOOR THEATRE/FUTURE COMMERCIAL - 53,270 SF<br>COMMERCIAL/RETAIL/RESTAURANT - 277,090 SF (+25,000 SF)<br>OFFICE - 300,829 SF (+150,000 SF)<br>RESIDENTIAL - 670 UNITS (+350 UNITS)<br>HOTEL - 125 ROOMS (20,000 SF CONFERENCE) (5,000 SF RESTAURANT) |

### REZONING NOTES

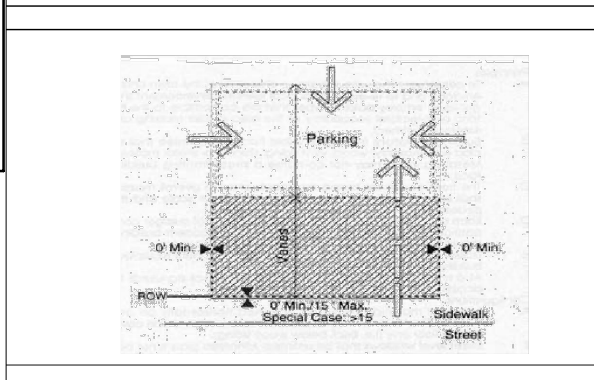
- REZONING PETITION.** THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS (THE "DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY DORTC BIRKDALE VILLAGE, LLC ("PETITIONER") AS REZONING PETITION # R22-01, & ASSOCIATED REZONING PLAN (THE "REZONING PLAN") FOR THAT APPROXIMATELY 53.39 ACRE TRACT OF LAND IDENTIFIED ON THIS SITE AS BIRKDALE VILLAGE (THE "PROJECT"), DATED JULY 23, 2022 (THE "FILING DATE") IN CONNECTION WITH TAX PARCEL NUMBERS 00537157 AND 00537197 (THE "PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO AMEND THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY OF HC (CD) HIGHWAY COMMERCIAL ZONING DISTRICT AS INDICATED ON THE REZONING PLAN AND OTHERWISE PURSUANT TO THE APPLICABLE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE IN EFFECT ON THE FILING DATE (THE "ORDINANCE").
- DEVELOPMENT STANDARDS.** THE DEVELOPMENT STANDARDS FOR BIRKDALE VILLAGE, FILED IN CONNECTION WITH THE REZONING PETITION NO. 97-23 (THE "ORIGINAL STANDARDS") GOVERN THE DEVELOPMENT OF THE PROPERTY EXCEPT AS SPECIFICALLY NOTED FOR THE PROPERTY IN THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN. UNLESS THE REZONING PLAN ESTABLISHES A MORE STRINGENT STANDARD, OR UNLESS OTHERWISE NOTED ON THE REZONING PLAN OR IN THESE DEVELOPMENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE FILING DATE FOR THE HC (CD) ZONING DISTRICT GOVERN DEVELOPMENT OF THE CHANGES PROPOSED BY THE REZONING PLAN.
- SCHEMATIC NATURE OF REZONING PLAN.** THE LOTS AND PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND EXACT LOCATIONS, ARCHITECTURE, SIZE, NUMBER OR QUANTITY AND CONFIGURATIONS OF LOTS, UNITS AND BUILDINGS (INCLUDING PARKING GARAGES) MAY BE MODIFIED DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT SO LONG AS SUCH MODIFICATION IS COMPATIBLE WITH THE ASSUMPTIONS SET FORTH IN THE TRAFFIC IMPACT ANALYSIS SUBMITTED WITH THE REZONING PETITION (THE "TIA").
- PHASING.** THE DEVELOPMENT OF THE PROPERTY AS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE PHASED; ANY PROPOSED PHASING MUST ALIGN WITH THE TIA, AND ASSOCIATED INFRASTRUCTURE AND STORMWATER IMPROVEMENTS PROVIDED; HOWEVER, A PETITIONER WILL COORDINATE ANY MITIGATION REQUIRED BY NC DOT WITH NC DOT; BY SEQUENCING OF CONSTRUCTION TO MINIMIZE DISRUPTION OF SURROUNDING BIRKDALE VILLAGE IS PERMITTED; AND C) EACH PHASE OR SEQUENCE OF IMPROVEMENTS IN THE PROJECT WILL MEET ALL ORDINANCE REQUIREMENTS, UTILITIES, INFRASTRUCTURE AND GRADING SHALL BE DELIVERED TO EACH INDIVIDUAL PHASE AS EACH IS DEVELOPED.
- VESTED RIGHTS.** THIS REZONING PLAN IS A SITE-SPECIFIC DEVELOPMENT PLAN AND APPROVAL THEREOF CONSTITUTES VESTED RIGHTS IN THE REZONING PLAN FOR A PERIOD OF FIVE YEARS PURSUANT TO THE PROVISIONS OF THE ORDINANCE AND 160D OF THE NORTH CAROLINA GENERAL STATUTES.
- PERMITTED USES.** THE PROPERTY MAY BE DEVELOPED FOR USES (INCLUDING ACCESSORY USES) PERMITTED IN THE HC ZONING DISTRICT, INCLUDING HOTELS AS SHOWN ON THE REZONING PLAN, SUBJECT TO THE DEVELOPMENT STANDARDS ASSOCIATED WITH SUCH USES. PERMITTED USES SHALL INCLUDE, BUT NOT BE LIMITED TO: CONFERENCE CENTERS AND OFFICE LOTS AND SUITES AS SHOWN ON THE REZONING PLAN. THE FOLLOWING USES ARE PROHIBITED AS DESCRIBED IN THE ORIGINAL STANDARDS: ARMORIES FOR MEETINGS AND TRAINING OF MILITARY ORGANIZATIONS, AUCTION SALES, PAWNSHOPS AND SECOND-HAND SALES, VOCATIONAL AND TECHNICAL SCHOOLS, BOARDING OR ROOMING HOUSES, FRATERNAL OR CLUB FACILITIES, ADULT ESTABLISHMENTS, SALES/SERVICE/RENTAL OF BOATS OR MOTOR VEHICLES, OUTDOOR KENNELS, AND "FAST FOOD" RESTAURANTS, ANY LABELING ON THE REZONING PLAN OR ZONING SUMMARY 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 STANDARDS, DRIVE-UP AND WALK-UP AUTOMATED TELLER MACHINES ARE SPECIFICALLY PERMITTED SO LONG AS THEY MEET THE DESIGN REQUIREMENTS OF THE ORDINANCE.
- RESIDENTIAL COMPONENT.** THE ORIGINAL STANDARDS ALLOW FOR 320 MULTI-FAMILY UNITS, INCLUDING 50 LIVERWORK UNITS CONSISTING OF RESIDENTIAL, OFFICE OR RETAIL USES. ADDITIONAL MULTI-FAMILY RESIDENTIAL DWELLING UNITS SHALL BE ALLOWED, NOT TO EXCEED 350 ADDITIONAL MULTI-FAMILY UNITS.
- 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.
- SUBDIVISION.** THE PROPERTY IS ONE DEVELOPMENT AND MAY BE FURTHER WITHOUT A REZONING TO ALLOW SEPARATE OWNERS OF INDIVIDUAL PARCELS SO LONG AS SUCH SUBDIVISION IS IN COMPLIANCE WITH APPLICABLE SUBDIVISION REGULATIONS. HOWEVER, RECOMBINATION, CONDOMINIALIZATION, OR REDUCTION IN THE NUMBER OF PARCELS MAY OCCUR IN ACCORDANCE WITH THE REGULATIONS OF THE ORDINANCE. REQUIREMENTS THAT ARE MET BY THE PROJECT AS A WHOLE, SUCH AS OPEN SPACE, TREE SAVE AND IMPERVIOUS REQUIREMENTS, NEED NOT BE MET BY INDIVIDUAL PARCELS.
- AMENDMENT.** IN THE EVENT ANY PORTION OF THE PROPERTY IS CONVEYED TO A THIRD PARTY, PETITIONER MAY REQUEST AN AMENDMENT TO THE REZONING PLAN WITHOUT THE WRITTEN CONSENT OF ANY OTHER OWNER OF ALL OR ANY PORTION OF THE PROPERTY UNLESS SUCH AMENDMENT REQUIRES SUCH OWNER'S CONSENT TO A CHANGE IN THE PRIVATE RESTRICTIVE COVENANTS THAT GOVERN THE PROJECT. ALL REQUIREMENTS IN CONNECTION WITH THE AMENDMENT WILL BE CALCULATED ON THE PROPERTY AS A WHOLE IN THE SAME MANNER SUCH REQUIREMENTS WERE CALCULATED AT THE TIME OF THE INITIAL APPROVAL. THIS NOTE SHALL BE SHOWN ON THE FINAL PLAN WHEN RECORDED.
- DESIGN ELEMENTS.**
  - MODIFICATION.** DESIGN ELEMENTS THAT EXCEED THE REQUIREMENTS OF THE ORDINANCE HAVE BEEN INCLUDED IN THIS REZONING PLAN TO ACHIEVE EXCEPTIONAL DESIGN. TOWN BOARD APPROVAL OF THIS REZONING PLAN CONSTITUTES APPROVAL OF UNIQUE DESIGN ELEMENTS SHOWN ON THE REZONING PLAN THAT ARE MINOR MODIFICATIONS FROM THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO:
    - PARKING LOT CONNECTIVITY.** VEHICULAR AND PEDESTRIAN CONNECTIONS AND STUBS TO ADJOINING PROPERTIES AS SHOWN ON THE PLAN;
    - BLOCK LENGTH;**
    - HOTEL HEIGHT** MAY EXCEED THE PERMITTED BUILDING HEIGHT IN THE HC ZONING DISTRICT; PLEASE REFERENCE TEXT AMENDMENT, TA 22-06.
    - URBAN WORKPLACE BUILDING** MAY EXCEED THE PERMITTED BUILDING HEIGHT IN THE HC ZONING DISTRICT;
    - CONFERENCE CENTER AND OFFICE LOTS** ARE INCLUDED IN THE LIST OF PERMITTED USES;
    - GUIDELINES.** BUILDING ELEVATIONS WILL FOLLOW THE DESIGN GUIDELINES ESTABLISHED IN THE ORIGINAL STANDARDS, INCLUDING BUT NOT LIMITED TO:
      - BUILDING ENTRANCES** WILL BE DEFINED BY THE USE OF VARIOUS FORMS AND/OR OTHER ARCHITECTURAL DETAILS. PRIMARY ELEVATIONS (I.E. ELEVATIONS ALONG A PRIMARY STREET OR THE PRINCIPAL POINT OF ENTRY INTO A BUILDING) WILL ALSO BE ARTICULATED THROUGH THE USE OF COLOR, PATTERNING AND OTHER ARCHITECTURAL DESIGNING.
    - PARKING DECKS** WILL RELATE TO THE BUILDING ELEVATIONS IN SCALE AND CHARACTER UTILIZING SIMILAR MATERIALS AND FACADE articulation. THE STREET EDGE OF THE PARKING DECKS WILL BE SCREENED WITH LANDSCAPE ACCORDING TO THE ORDINANCE.
    - YARD RESTRICTIONS.** IN EVERY INSTANCE, THE SIDE YARD, SETBACK AND REAR YARD FOR EACH PARCEL DEVELOPED WITHIN THE PROJECT SHALL COMPLY WITH AT LEAST THE MINIMUM STANDARDS OF THE ORDINANCE. WITHIN THE PARAMETERS OF THESE MINIMUM STANDARDS, SETBACKS WILL BE UTILIZED IN A MANNER TO ENCOURAGE PEDESTRIAN ACTIVITY.
    - DRIVEWAYS AND STREETS.** ALL STREETS SHALL BE PUBLIC STREETS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE. ALL STREETS AND HIGHWAY IMPROVEMENTS, TO THE EXTENT REQUIRED BY THE TIA, WILL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OVER THEIR MAINTENANCE AND OPERATION.
    - OPEN SPACE.** OPEN SPACE WILL BE DESIGNED TO INCORPORATE NATURAL DRAINAGE WAYS AND WOODED AREAS. THE FOLLOWING THREE SIGNIFICANT OPEN SPACES ARE TO REMAIN AS OPEN SPACES ACCORDING TO THE ORIGINAL STANDARDS:
      - TRANSCO PIPELINE
      - MC DOWELL CREEK BUFFER
      - SAM FURR FRONTAGE
    - ADDITIONAL DESIGN ELEMENTS.** SIGNS AND GRAPHICS, STORM WATER MANAGEMENT AND WATERSHED PROTECTION, ENTRYWAYS, BUFFER YARDS, LANDSCAPE AREAS AND SCREENING WILL FOLLOW THE GUIDELINES OF THE ORIGINAL STANDARDS.

### IMPERVIOUS SUMMARY - SITE

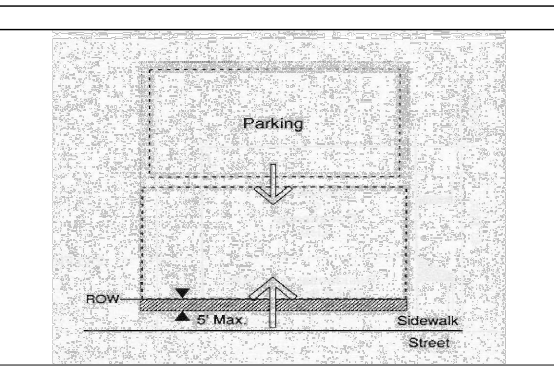
| ITEM                                         | SQUARE FOOT  | ACRES    | PERCENTAGE OF TOTAL SITE |
|----------------------------------------------|--------------|----------|--------------------------|
| TOTAL SITE AREA WITHIN PROJECT LIMITS        | 234,067 SF   | 5.37 AC  | N/A                      |
| EXISTING IMPERVIOUS WITHIN PROJECT LIMITS    | 232,886 SF   | 5.35 AC  | 99.50 %                  |
| PROPOSED IMPERVIOUS WITHIN PROJECT LIMITS    | 232,886 SF   | 5.35 AC  | 99.50 %                  |
| TOTAL PROPOSED PERVIOUS                      | 1,181 SF     | 0.03 AC  | 0.50 %                   |
| NET IMPERVIOUS GAIN WITHIN PROJECT LIMITS    | 0            |          |                          |
| TOTAL IMPERVIOUS ( ALL OF BIRKDALE VILLAGE ) | 1,582,970 SF | 36.34 AC |                          |

### Lot Type / Urban Workplace

#### Building Placement/Parking/Vehicle Access



#### Encroachment/Pedestrian Access to Building



- Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind street right-of-way (ROW). Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
- Building facades shall be generally parallel to frontage property lines. The facade shall be determined by the massing of the building.
- Parking shall be located primarily to the rear of the building; sideyard parking shall occupy no more than 35% of the primary frontage line and shall not be placed in any sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified.
- Points of permitted access to the parking indicated by arrows.
- Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
- Parking areas on adjacent lots shall be connected wherever practical.
- Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the right-of-way.
- Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principal structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.
- Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

#### Description:

The workplace building may be a large structure (15,000+ square feet) and may have a single use/tenant. Office, industrial, and commercial tenants are typical. Southern mill villages often provide examples of how these buildings can reasonably coexist with other businesses and homes. Locke Mill Plaza, in Concord, provides a good example with its placement at the end of prestigious Union Street. These buildings are critical to the town as employment centers and commercial service locations. The buildings will provide space for industry, large offices, as well as hotels, conference facilities, and large retail uses such as a full-service grocery store. Where possible, structures shall be designed to maximize site use and to keep front yards as large as possible.

#### Special Conditions:

- Buildings in all locations should relate the principal facade to the sidewalk and public space of the street.
- Setback at street corners will generally replicate frontage conditions. Side setbacks on a minor street may be less than the front dimension.
- Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. For example, squares or rectilinear defined plazas within building setback areas can act as focal points for pedestrians.

- 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.



### Z03 - REZONING PLAN.DWG

PROJECT NUMBER: 222020  
DATE: 06/21/2022 DRAWN BY: TSF

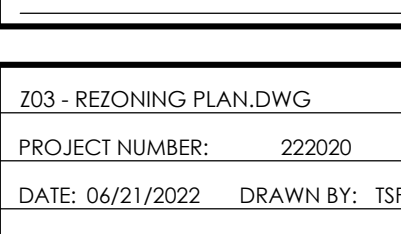
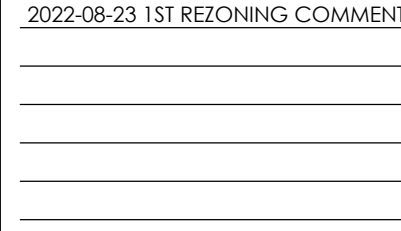
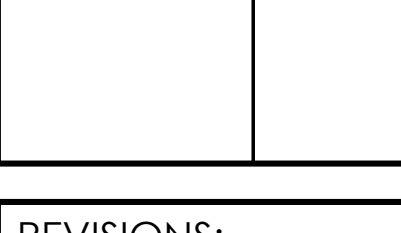
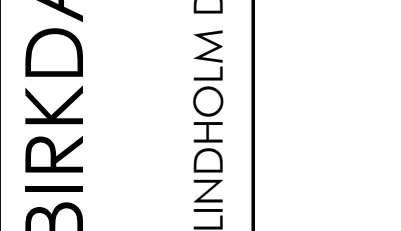
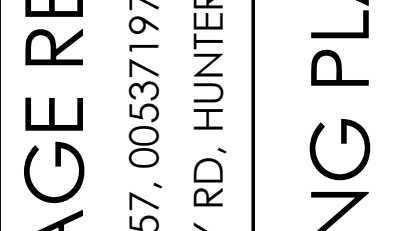
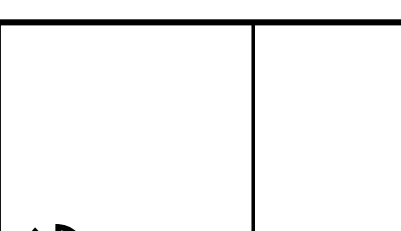
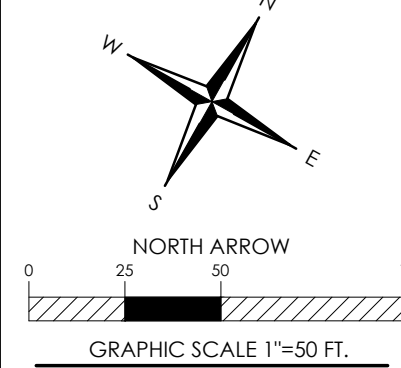
SHEET 5 OF 5

## BIRKDALE VILLAGE REZONING

PIN #00537157.00537197

LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

## REZONING PLAN





GENERAL NOTES:

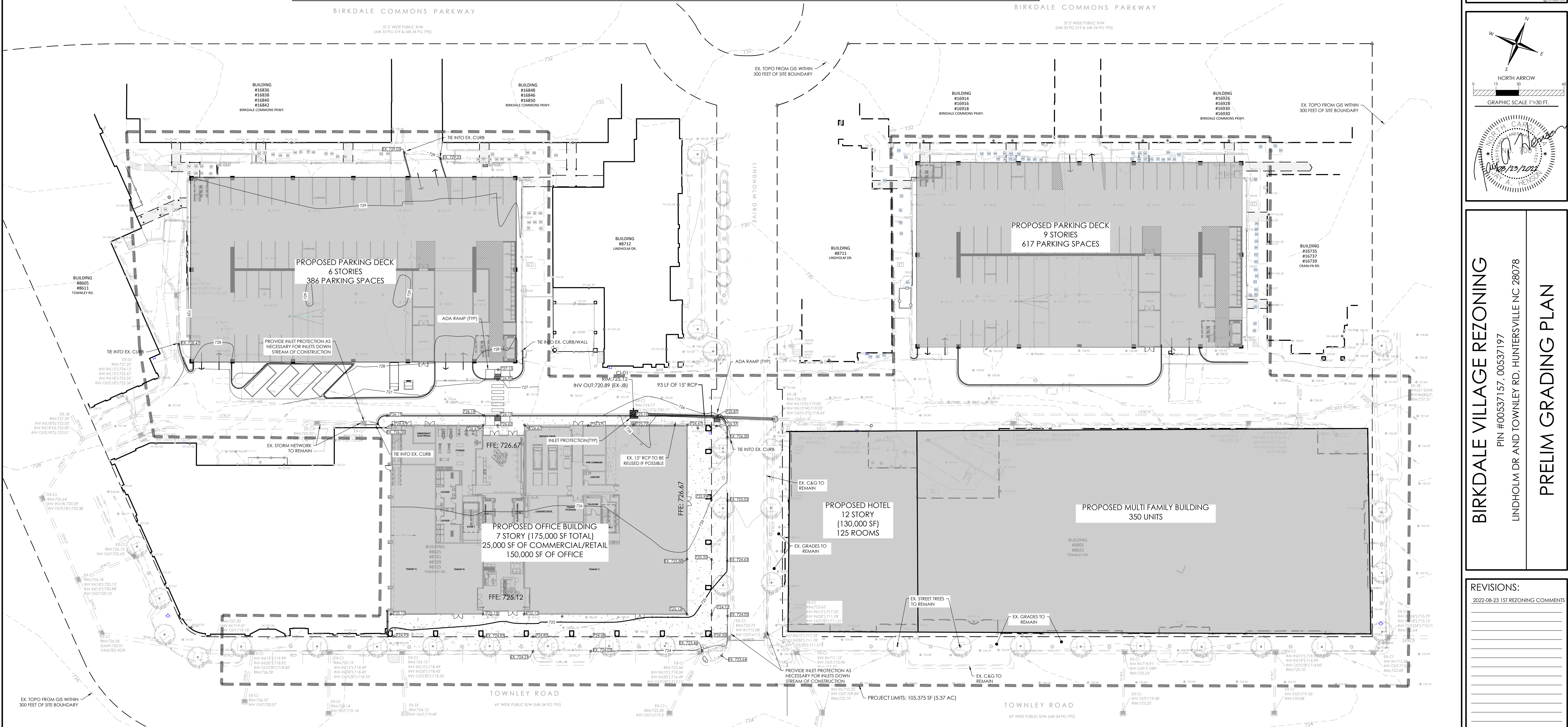
- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED OWNERS.
- THE DEVELOPER SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE CHANNEL AND BANKS OF THE STREAM ALL DEBRIS, LOGS, TIMBER, JUNK AND OTHER ACCUMULATIONS.
- COMMUNITY ENCROACHMENT LINE MUST BE MARKED AND MAINTAINED ON SITE UNTIL FINAL GRADING IS COMPLETED.
- 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.
- THE MECKLENBURG COUNTY OR TOWN OF HUNTERSVILLE ENGINEERING DEPARTMENT HAS NOT REVIEWED THE STRUCTURAL STABILITY OF ANY RETAINING WALLS ON THE SITE AND DOES NOT ASSUME RESPONSIBILITY FOR THEM.
- 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.
- ALL ROOF DRAINS TO CONNECT TO UNDERGROUND STORM DRAINAGE SYSTEM.

NOTE: ALL SPOT ELEVATIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED

GENERAL NOTES:

- ALL STORM WATER CATCH BASINS, INLETS, MANHOLES, ETC. SHALL BE PERMANENTLY LABELED AS "NO DUMPING, DRAINS TO RIVER" AND INCLUDE A FISH SYMBOL.
- SOIL FILL (GEOTECH REPORT SHALL TAKE PRECEDENCE OVER THIS SPECIFICATION IF EXISTS).
- FLOW, SCARIFY, BENCH, OR BREAK UP SLOPED SURFACES STEEPER THAN 1 VERTICAL TO 4 HORIZONTAL SO FILL MATERIAL WILL BOND WITH EXISTING MATERIAL.
- PLACE AND COMPACT FILL MATERIAL IN LAYERS TO REQUIRED ELEVATIONS AS FOLLOWS:
  - UNDER GRASS AND PLANTED AREAS, USE SATISFACTORY SOIL MATERIAL.
  - UNDER WALKS AND PAVEMENTS, USE SATISFACTORY SOIL MATERIAL.
  - UNDER STEPS AND RAMPS, USE ENGINEERED FILL.
  - UNDER BUILDING SLABS, USE ENGINEERED FILL.
  - UNDER FOOTINGS AND FOUNDATIONS, USE ENGINEERED FILL.
  - PLACE SOIL FILL ON SUBGRADES FREE OF MUD, FROST, SNOW, OR ICE.
- SOIL MOISTURE CONTROL
  - REVISE PERCENTAGES IN THIS ARTICLE ACCORDING TO GEOTECHNICAL ENGINEER'S WRITTEN RECOMMENDATIONS.
  - UNIFORMLY MOISTEN OR AERATE SUBGRADE AND EACH SUBSEQUENT FILL OR BACKFILL SOIL LAYER BEFORE COMPACTION TO WITHIN 2 PERCENT OF OPTIMUM MOISTURE CONTENT.
  - DO NOT PLACE BACKFILL OR FILL SOIL MATERIAL ON SURFACES THAT ARE MUDDY, FROZEN, OR CONTAIN FROST OR ICE.
  - REMOVE AND REPLACE, OR SCARIFY AND AIR DRY, OTHERWISE SATISFACTORY SOIL MATERIAL THAT EXCEEDS OPTIMUM MOISTURE CONTENT BY 2 PERCENT AND IS TOO WET TO COMPACTION TO SPECIFIED DRY UNIT WEIGHT.
- COMPACTION OF SOIL BACKFILLS AND FILLS
  - PLACE BACKFILL AND FILL SOIL MATERIALS IN LAYERS NOT MORE THAN 8 INCHES (200 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT, AND NOT MORE THAN 4 INCHES (100 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HAND-OPERATED TAMPERS.
  - PLACE BACKFILL AND FILL SOIL MATERIALS EVENLY ON ALL SIDES OF STRUCTURES TO REQUIRED ELEVATIONS, AND UNIFORMLY ALONG THE FULL LENGTH OF EACH STRUCTURE.
  - COMPACT SOIL MATERIALS TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT ACCORDING TO ASTM D 698:
    - UNDER STRUCTURES, BUILDING SLABS, STEPS, AND PAVEMENTS, SCARIFY AND RECOMPACT TOP 12 INCHES (300 MM) OF EXISTING SUBGRADE AND EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 100 PERCENT.
    - UNDER WALKWAYS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 95 PERCENT.
    - UNDER TURF OR UNPAVED AREAS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 85 PERCENT.
    - FOR UTILITY TRENCHES, COMPACT EACH LAYER OF INITIAL AND FINAL BACKFILL SOIL MATERIAL AT 95 PERCENT.

- GRADING
  - GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE, FREE OF IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED.
  - PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES AND NEW GRADES.
  - CUT OUT SOFT SPOTS, FILL LOW SPOTS, AND TRIM HIGH SPOTS TO COMPLY WITH REQUIRED SURFACE TOLERANCES.
  - SITE ROUGH GRADING: SLOPE GRADES TO DIRECT WATER AWAY FROM BUILDINGS AND TO PREVENT PONDING. FINISH SUBGRADES TO REQUIRED ELEVATIONS WITHIN THE FOLLOWING TOLERANCES:
    - TURF OR UNPAVED AREAS: PLUS OR MINUS 1 INCH (25 MM).
    - WALKS: PLUS OR MINUS 1/2 INCH (13 MM).
    - PAVEMENTS: PLUS OR MINUS 1/2 INCH (13 MM).
  - GRADING INSIDE BUILDING LINES: FINISH SUBGRADE TO A TOLERANCE OF 1/2 INCH (13 MM) WHEN TESTED WITH A 10-FOOT (3-M) STRAIGHTEDGE.
- FIELD QUALITY CONTROL
  - TESTING AGENCY: OWNER WILL ENGAGE A QUALIFIED GEOTECHNICAL ENGINEERING TESTING AGENCY TO PERFORM TESTS AND INSPECTIONS.
  - ALLOW TESTING AGENCY TO INSPECT AND TEST SUBGRADES AND EACH FILL OR BACKFILL LAYER. PROCEED WITH SUBSEQUENT EARTH MOVING ONLY AFTER TEST RESULTS FOR PREVIOUSLY COMPLETED WORK COMPLY WITH REQUIREMENTS.
  - FOOTING SUBGRADE: AT FOOTING SUBGRADES, AT LEAST ONE TEST OF EACH SOIL STRATUM WILL BE PERFORMED TO VERIFY DESIGN BEARING CAPACITIES. SUBSEQUENT VERIFICATION AND APPROVAL OF OTHER FOOTING SUBGRADES MAY BE BASED ON A VISUAL COMPARISON OF SUBGRADE WITH TESTED SUBGRADE WHEN APPROVED BY ARCHITECT.
  - TESTING AGENCY WILL TEST COMPACTION OF SOILS IN PLACE ACCORDING TO ASTM D 1556, ASTM D 2147, ASTM D 2922, AND ASTM D 2937, AS APPLICABLE. TESTS WILL BE PERFORMED AT THE FOLLOWING LOCATIONS AND FREQUENCIES:
    - PAVED AND BUILDING SLAB AREAS: AT SUBGRADE AND AT EACH COMPACTED FILL AND BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 2000 SQ. FT. (186 SQ. M) OR LESS OF PAVED AREA OR BUILDING SLAB, BUT IN NO CASE FEWER THAN THREE TESTS.
    - FOUNDATION WALL BACKFILL: AT EACH COMPACTED BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 100 FEET (30 M) OR LESS OF WALL LENGTH, BUT NO FEWER THAN TWO TESTS.
    - TRENCH BACKFILL: AT EACH COMPACTED INITIAL AND FINAL BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 150 FEET (46 M) OR LESS OF TRENCH LENGTH, BUT NO FEWER THAN TWO TESTS.
  - WHEN TESTING AGENCY REPORTS THAT SUBGRADES, FILLS, OR BACKFILLS HAVE NOT ACHIEVED DEGREE OF COMPACTION SPECIFIED, SCARIFY AND MOISTEN OR AERATE, OR REMOVE AND REPLACE SOIL MATERIALS TO DEPTH REQUIRED; RECOMPACT AND RETEST UNTIL SPECIFIED COMPACTION IS OBTAINED.

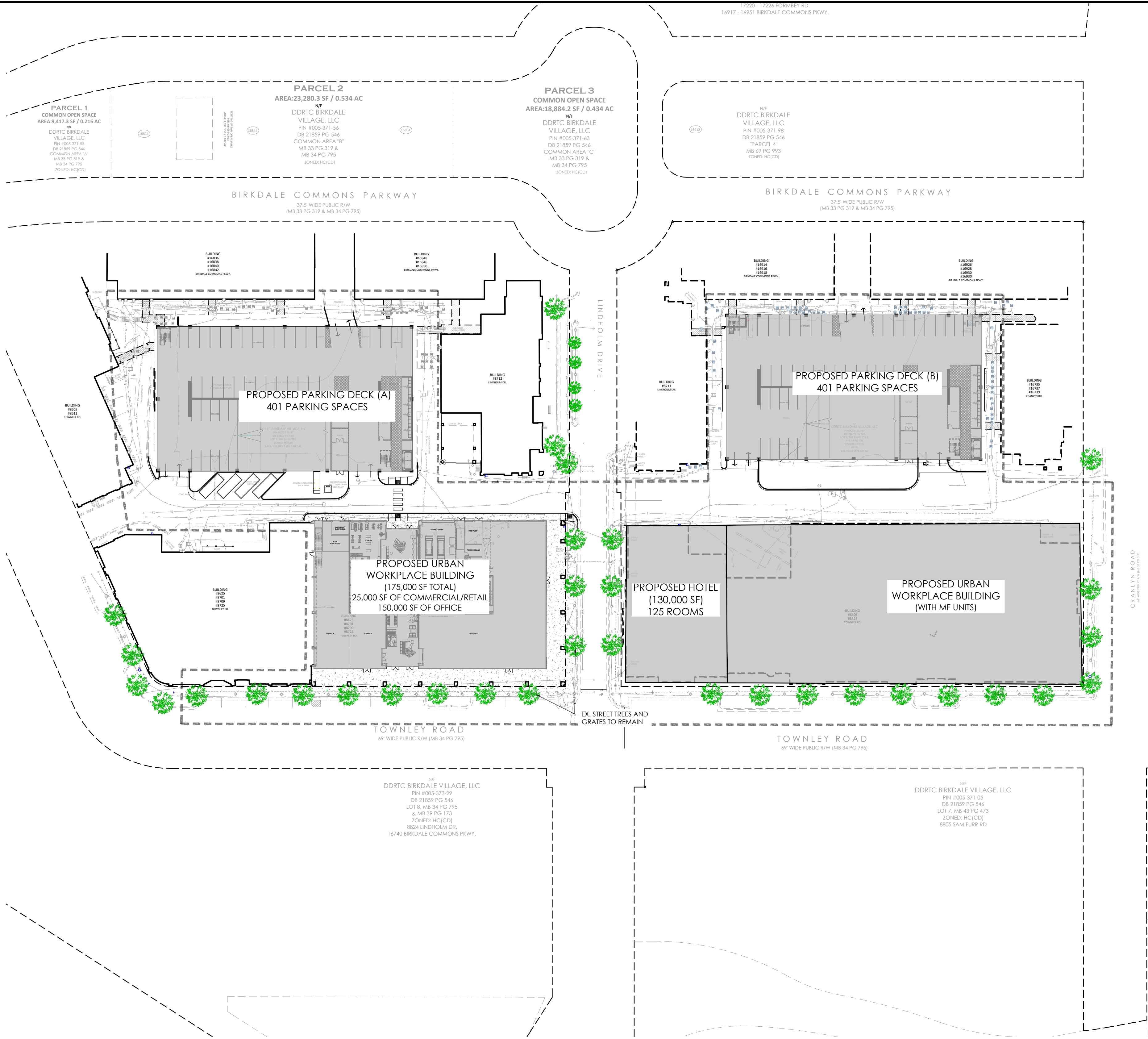




LEGEND



EXISTING STREET TREES TO REMAIN



- 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.



Know what's below.  
Call before you dig.

BIRKDALE VILLAGE REZONING

LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

PIN #00537157, 00537197

PRELIM LANDSCAPE PLAN

REVISIONS:

2022-08-23 1ST REZONING COMMENTS

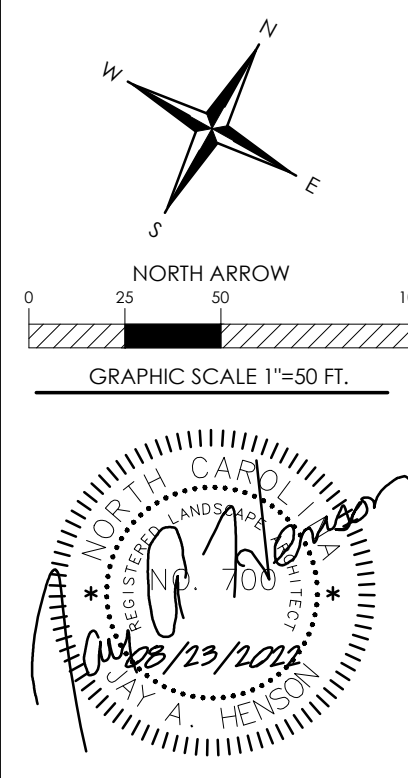
Z05 -PRELIM LANDSCAPE PLAN.DWG

PROJECT NUMBER: 222020

DATE: 06/21/2022 DRAWN BY: TSF

Z05 OF 5  
SHEET

**HensonFoley**  
Landscape Architecture | Civil Engineering  
121 Gilead, 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





## **Birkdale Village Rezoning**

### **Neighborhood Meeting Report**

Date: September 22, 2022

Time: 6:00pm-7:45pm

Location: Dellwood Community Center, 508 Dellwood Drive, Huntersville, North Carolina 28078

**Applicants and the neighborhood attendees discussed the following comments and questions:**

#### **General Comments**

- There are traffic and congestion issues in Birkdale Village and the surrounding residences
  - Sam Furr/Highway 73 traffic
  - Lindholm Drive traffic
  - Formby Rd. traffic
  - Delivery truck traffic
  - Landscaper traffic
  - Cut through traffic in the Greens, specifically Pennington Dr.
  - Potential connection to Northcross Dr. with Townley Rd. extension
  - Traffic can be overwhelming sometimes and make it hard to leave the neighborhood
- Music volume on the speakers in Birkdale is too high, also change music selection
- Light pollution from the new buildings
- Current security of the property needs to be upgraded
- The design of the new buildings should be in keeping with the aesthetic and character of Birkdale Village
- The office building is very nice, and could be better if there were some design elements that fit with the original design
- Parking issues
  - Developer could remove some parking on Formby Rd. to make it more inviting to residents and visitors
- Neighbors would like to see the TIA and traffic count data
- Neighbors would like to see the future roadway improvement plans for the Sam Furr/Highway 73 corridor
- I love this project and the plans look great, I am just worried about traffic and congestion
- Birkdale is a little village, and the new buildings might change that
- Birkdale's original design was as a *Neotraditional* aesthetic with European-like streets

#### **Questions**

##### **\*Answers in bold**

1. Where will deliveries be made to the new buildings?
  - **There are alleyways to the rear of the new buildings where deliveries will be made.**
2. Can you design the office building and other structures to conform to the theme and design of the current Birkdale Village?
  - **The developer will explore options to better fit the aesthetic. Final design will be reviewed by Staff.**

3. Did the TIA consider the development of the Birkdale Golf Club across Highway 73?
  - **Yes, the Birkdale Golf Club is an approved plan and was included in the TIA calculations.**
4. Did the TIA consider the construction on Birkdale Commons Parkway during their traffic count?
  - **The TIA process includes traffic counts from a number of intersections and these intersections were designated by NCDOT.**
5. Can the developer remove parallel parking on certain streets (specifically Formby and other narrow roads) to allow for a more inviting pedestrian experience?
  - **This is public parking on a public street that the developer does not control.**
6. Is there a project on the books for the Townley Rd. extension to Northcross Dr.?
  - **This extension to Northcross Dr. has been contemplated for about 17 years. There is no official/definitive date on when this will occur.**
7. Can the developer give money to the Town to expedite the construction of the bridge connection to Northcross Drive?
  - **Developer will explore solutions with the Town, NCDOT, and landowners.**
8. With the scheduled improvements to Sam Furr/Highway 73, how much more capacity will the roads have? Can we see the documents related to NCDOT's plans?
  - **Significantly more capacity, turning Hwy 73 into a superstreet and other traffic alleviating measures will reduce the current stress on traffic in the area. Primarily traffic will be routed to Northcross Dr. to avoid gridlock at the I-77 Interchange.**
  - **NCDOT's plans are available on their website and are included in the Neighborhood Meeting presentation.**
9. What is the current parking ratio for Birkdale (parking spots per dwelling unit)?
  - **Current parking ratio is about 4.5, and after construction of the additional buildings the ratio will remain at about 4.5. However, on weekday evenings and weekends when the office tenants are not there, the ratio will increase due to the additional supply of 400 spots to the general public.**
10. What can the developer do to limit cut through traffic on Townley and Pennington?
  - **These are public roads, but the developer can explore options with the Town and NCDOT.**
11. Will parking in the new parking decks be free?
  - **Yes.**
12. Can the developer add no parking signs in areas where there are congestion issues?
  - **If it is a public street then most likely not, but developer can look into solutions.**
13. How will the NCDOT improvement projects line up with the new development?
  - **NCDOT improvements to Sam Furr/73 are scheduled for 2025-2026. The office building is at least 5 years out and the multi-family component/hotel would be completed after that. The NCDOT improvements and the construction of the new buildings coincide with each other based on the current schedule.**
14. If NCDOT plans get delayed will the Birkdale improvements be delayed?
  - **No, but the right of way acquisition process and easement acquisition process are currently underway for the Sam Furr/73 improvements.**
15. Can the developer tie construction of this project to the NCDOT improvements?



- **This agreement cannot be made as it would eliminate the opportunity for the developer to market the buildings to prospective tenants.**
16. When will all the NCDOT improvements to Sam Furr/Highway 73 be complete?
- **The improvements are scheduled for 2025-2026, right of way and easement acquisition are currently underway.**
17. What if there is another pandemic? Will this development continue?
- **Difficult to predict.**
18. Are there plans to expand Northcross Dr. and Westmoreland Rd.?
- **Yes, Northcross Drive will extend and connect to Westmoreland Rd., there are also traffic alleviation plans that will direct more traffic to Northcross Dr. and away from the I-77 Interchange.**
19. What is the timeline for the construction of the office, hotel, and multi-family?
- **The office and hotel are planned first, and that construction is at least 5 years out, financing will take at least 1-2 years from now to complete so the timeline is not set in stone. The multi-family component would begin after that.**
20. While NCDOT is constructing improvements to Northcross Dr. (including the roundabout) can they also construct the connection bridge to Townley Rd. at the same time?
- **Can explore options with NCDOT and the Town.**
21. Regal just went bankrupt, will this impact the Regal at Birkdale?
- **This will not impact the movie theater at Birkdale.**
22. Will the office building look like a 12-story building?
- **The office building's first floor is retail (height of 20 ft.), second floor conference center (height of 20 ft.), and 5 floors of class-A office space above (height of 15 ft. each).**
23. Did North American Properties build the office building in Avalon?
- **Yes.**
24. How many rooms are in the hotel?
- **125 rooms.**
25. What brand of hotel? Will it be a 4 or 5 star/higher quality hotel?
- **Will be a boutique hotel, 4 stars, similar to a Moxy or AC by Marriot or a Tempo by Hilton.**
26. What about the hotel across the street?
- **This hotel is lower quality and is currently on hold.**
27. What will this do for air quality? Will this create smog?
- **Developer is following all environmental requirements/regulations.**
28. Will there be apartments in the new buildings?
- **Yes, there are plans for 350 1 & 2-bedroom apartments.**
29. What are the prices for the new apartments? What about the old apartments
- **Current prices for 1-bedroom is about \$1600/month but will be closer to \$2000/month when completed, 2-bedroom apartments are closer to \$2500/month and could be higher once completed.**
  - **The older apartments are being renovated in line with the quality of the new apartments.**
30. Has the developer thought about doing condos instead of apartments?

- **There is not a demand for condos in this area and it doesn't make financial sense.**
31. What does class-A office mean?
- **Everything is higher quality, the materials used, interior furnishings and amenities are of a higher/highest standard.**
32. Why is there so much glass on the office building?
- **Office tenants require the large windows, especially in a class-A office.**
33. What about the remote/work from home movement, will this make the office building obsolete? Is there a market for this type of office?
- **There is a demand for this type of office in Huntersville. Currently Huntersville has no class-A office space available. With the proximity to Lake Norman this is a great location for this type of office.**
34. Can the developer put the office building across the street near the Birkdale Golf Club?
- **The developer does not own this land.**
35. Is Red Rocks being demolished? Is there a building going on top of Red Rocks?
- **Red Rocks is staying, they are upgrading and adding more outdoor seating. There is nothing going on top of Red Rocks.**
36. Where will the conference center be located?
- **Located on the second floor of the office building.**
37. What is going on top of Total Wine?
- **Nothing is going on top of Total Wine.**
38. Is the office building in the picture longer than the current Barnes & Noble building?
- **No, the perspective of the picture made it seem that way.**
39. How will the developer limit light pollution at night?
- **All the buildings are smart buildings and lights will turn off at night.**
40. How will the developer ensure that the greenery on the building will last and not die?
- **This is included in the developer's rezoning plans and is part of the rezoning requirement.**
41. Where are the parking decks located?
- **They will stay at their current location but will be upgraded to increase the number of parking spots.**
42. How is this hotel allowed to build up to 12 stories when the hotel across the street could only do 6?
- **These are two very different development, Birkdale is able to ask for this increase in height due to its density and size.**
43. There is another hotel across from Kenton Place, how will this impact the new Birkdale hotel?
- **This is a different type of hotel that will attract a different type of clientele.**
44. How tall will the buildings be?
- **The 7-story office building and the hotel will be around the same height (145'), the multi-family urban workplace building will be 75', and the parking garages will be 67'.**
45. Is the multi-family building as tall as the hotel?
- **No, hotel is 145' and multi-family is 75'.**
46. Is there currently a height limit in Birkdale?
- **Yes Birkdale has a current limit of 48'.**
47. Is Birkdale zoned as an urban center?



- **Yes.**
48. Will there be new designated delivery zones for delivery trucks?
- **Delivery trucks will use the current alleyways behind the new office building and the hotel/multi-family.**
49. Will there be any electric vehicle charging stations?
- **Yes, there will be infrastructure to support electric charging stations based on demand.**
50. Will there be dedicated electric/normal bike lanes?
- **There will not be dedicated bike lanes, but the new traffic pattern around Birkdale should calm the traffic enough for bikers and drivers to share the road safely.**
51. Can the developer do something to ensure that the firepit area is safe?
- **The firepit is designed to code and has a remote on-off switch. Only on-site personnel will be able to start the fireplace. Security routinely monitors the area.**
52. Will the rooftop beer garden be safe? Will drunk people fall over the sides or down the steps?
- **Yes, this beer garden will meet all the necessary standards.**
53. Will there be any escalators or elevators?
- **Where necessary, elevators will be placed in buildings. There are no plans for any escalators to reach the rooftop bar.**
54. Will there be a new wine bar?
- **Yes, Foxcroft Wine.**
55. How many more apartments will be constructed?
- **350.**
56. Is the Cheesecake Factory a new tenant?
- **Cannot say, there is no signed contract.**
57. Has North American Properties done anything like this before?
- **Yes, this is what North American Properties does. They did this in Alpharetta, Georgia with Avalon and have done similar projects in Atlanta and in Kentucky among others.**
58. Is there a phase 2 to this project?
- **This was just on the PowerPoint for labeling purposes, the “first phase” is the \$20 million refurbishment of the current Birkdale Village and the “second phase” would be the construction of the office building, hotel, and multi-family.**
59. When can the neighbors get a good look at the design and configuration of the hotel and multi-family component?
- **The neighbors will be kept in the loop regarding design plans as the development approval process continues.**
60. Are the plans done for this project?
- **These are concepts plans, the fully rendered architectural drawings would be completed after approval of the rezoning due to costs.**
61. Once the detailed plans are done do they go back to the Town Board for review or is that something that Planning Staff handles?
- **Staff handles the review of the construction documents and finalized plans to ensure that they meet all Town and other requirements.**
62. Will the building follow any of the green initiatives?
- **Yes, the building will incorporate green building initiatives.**

63. Is this a finalized design for the hotel and apartments?
- **No, these are just example images to show the quality and potential design of the buildings.**
64. Do you know what the parking garages will look like?
- **Portions that can be seen from the public ROW will blend in with the aesthetic of the adjacent building. There are guidelines that the developer must follow to ensure this.**
65. What is the developer asking for in the zoning amendment?
- **Developer is asking to change the height of the buildings to allow for these new uses.**
66. How much more height is the developer requesting for the parking decks?
- **The developer is adding 4 levels to the parking decks, totaling 6 levels each.**
67. What are the logistics for the staging areas related to the construction of these new buildings?
- **Office construction would begin first, Barnes & Noble will be demolished and the parking area directly in front will be used as staging area for that construction. Similarly with the hotel and multi-family, once demolition happens the adjacent parking areas will be used as staging areas.**
68. What buildings will be torn down?
- **Barnes & Noble is leaving, they no longer have stores of this size (24,000 square feet), this will be demolished for the office building. The building that houses Girl's Supply and the Dick's building will be demolished for the hotel and multi-family. The parking garages will be demolished and rebuilt to modern standards.**
69. Are Girl's Supply and Dick's leaving?
- **Yes, they will be leaving at some point in the future.**
70. Could we get a Trader Joe's or grocer into the development?
- **Developer would love to get Trader Joe's or another grocer in the development. They are exploring options.**
71. What is going where the Gap is?
- **A new tenant.**
72. What is the ratio of dining options to retail options?
- **Developer wants to have about 40-50% dining options.**
73. What is the cost of valet parking? Where are the cars parked for valet?
- **Valet parking is \$15, and the cars are parked in the bottom floor of one of the parking decks.**
74. What is the price tag for all these new buildings?
- **\$240 million.**



# NEIGHBORHOOD MEETING

## SIGN IN SHEET

September 22, 2022, 6:00pm to 7:00pm

Birkdale Village Rezoning

Location: Dellwood Community Center, 508 Dellwood Drive, Huntersville, North Carolina 28078

| Name            | Address                             | Phone Number   | Email Address                |
|-----------------|-------------------------------------|----------------|------------------------------|
| Helleen Archer  | 8107 Tansley Rd Huntersville        | 704-987-3677   |                              |
| Nathan Farber   | TOH                                 | 704-764-2237   | nfarber@huntersville.org     |
| Jon Boggiano    | 17318 Ingleswood Ln<br>Huntersville | 704 996 8565   | jonboggiano@gmail.com        |
| Fetsje Goettsch | 8114 Strandhill Rd.                 | 704-517-8110   | fetsje.goettsch@gmail.com    |
| Leslie Brown    | 8322 Brickle Ln                     | (313) 282-3724 | LNBrown201@gmail.com         |
| BREAN HARRISON  | 17212 BRIDGETON LANE                | 704-576-5102   | BGHTARLES09@YAHOO.COM        |
| Chris Boggiano  | 8720 Kimberly Rd Hville             | 201-600-5977   | christian.boggiano@gmail.com |
| Jenifer Takings | Tannton Place Rd                    | 704-999-2915   | jltakings@gmail.com          |
| Helen Mason     | 17025 Carlton Way Rd                | 704 647 1432   | ygagnapper@gmail.com         |
| Kitty Giese     | 9525 Devonshire Dr                  | 704-502-5656   | Kitty@KittyGiese.com         |
|                 |                                     |                |                              |

# NEIGHBORHOOD MEETING

## SIGN IN SHEET

September 22, 2022, 6:00pm to 7:00pm

Birkdale Village Rezoning

Location: Dellwood Community Center, 508 Dellwood Drive, Huntersville, North Carolina 28078

| Name             | Address              | Phone Number | Email Address             |
|------------------|----------------------|--------------|---------------------------|
| Gay C. Rudisill  | 19204 Bridgeton Lane | 704-646-9547 | rudisill@yahoo.com        |
| Linda Barnes     | 17021 Bridgeton Lane | 206 713 6122 | lba2828926@aol.com        |
| Sydney Zarsadiaz | 17303 Inglewood Ln.  | 704-343-1414 | SydneyZarsadiaz@gmail.com |
| Randy Moose      | 17216 Bridgeton Ln   | 704 609 4734 | rhmoose@roadrunner.com    |
| Kim Zarsadiaz    | 17303 Inglewood      | 704 621 7711 | Kim.lake.realty@gmail.com |
|                  |                      |              |                           |
|                  |                      |              |                           |
|                  |                      |              |                           |
|                  |                      |              |                           |
|                  |                      |              |                           |



# NEIGHBORHOOD MEETING

## SIGN IN SHEET

September 22, 2022, 6:00pm to 7:00pm

Birkdale Village Rezoning

Location: Dellwood Community Center, 508 Dellwood Drive, Huntersville, North Carolina 28078

| Name                 | Address                                          | Phone Number | Email Address           |
|----------------------|--------------------------------------------------|--------------|-------------------------|
| Jill Brown           | 8361 Brick Ln, Huntersville                      | 734-717-4834 | Brown1331@TWC.COM       |
| Thomas Wright        | 8203 Strandhill Rd Huntersville                  | 704-608-1222 | newright9@gmail.com     |
| TERRI GAAR           | 17332 Villanova Ave.<br>17432 Calverton Rd.      | 205-960-1111 | tmgaar@gmail.com        |
| David Peete          | TOH                                              | 704-766-2216 | dpeete@huntersville.org |
| Pierre McCork        | 8712 Lindholm Dr.                                |              |                         |
| Nick O'Shaughnessy   | 8217 PARKTON GATE DR                             | 704 506 4149 | nickodent@gmail.com     |
| Mark Keener          | 8142 EVANSTON FALLS RD                           | 704-608-8142 | Keener.mark@gmail.com   |
| Daryl + Karen Poppen | 17018 Gorton Wy Rd                               | 209-202-5976 | dpoppen@att.net         |
| MAGGIE PARK          | 8313 STRANDHILL RD                               | 704-492-9583 | mepark6@hotmail.com     |
| Sharon Bond          | 8124 PARKTON GATE DR.                            | 301-351-1703 | shawabond@gmail.com     |
| Dawn Snow            | 8132 EVANSTON FALLS RD<br>HUNTERSVILLE, NC 28078 | 704-577-6785 | rdsnow82@gmail.com      |



BIRKDALE  
VILLAGE

# Rezoning 22-01 Conditional Rezoning

OFFICE, HOTEL, COMMERCIAL, MULTI-FAMILY, PARKING GARAGES





# PHASE 1 - \$20 Million Project

Community Garden & Dog Park

Warby Parker

Good Wurst

Beer Garden

Concierge  
& Valet

Stage and  
LED Screen

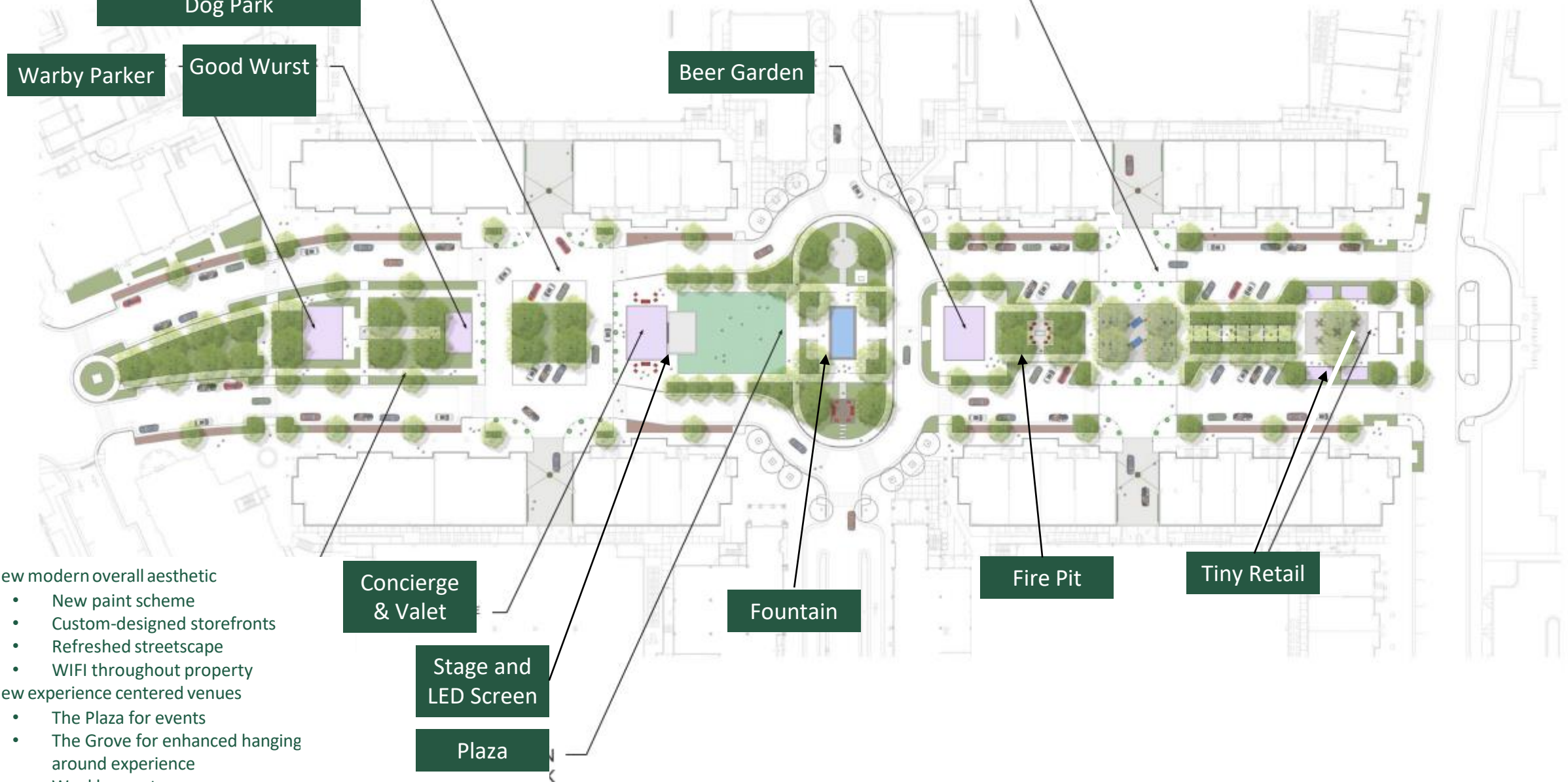
Plaza

Fountain

Fire Pit

Tiny Retail

- New modern overall aesthetic
  - New paint scheme
  - Custom-designed storefronts
  - Refreshed streetscape
  - WIFI throughout property
- New experience centered venues
  - The Plaza for events
  - The Grove for enhanced hanging around experience
  - Weekly events



# Parking in Birkdale Village: Guest Comments

Follow up is there any plans to improve parking with the amount of extra people showing up parking must be a nightmare

I have no idea! 😬 there's no more parking...

. All this new stuff makes no difference unless they fix the parking problem. If they don't fix that everything they do is for nothing. Still going to have the same congestion problems.

When will new owners fix the parking issues

Would love to come if we could find parking that was taken away

Yeah, won't be coming back to Birkdale anytime soon. More congestion and no parking. Catering to who?

They just keep removing parking areas so you can valet. You're not South Park.

Unfortunately good luck finding parking

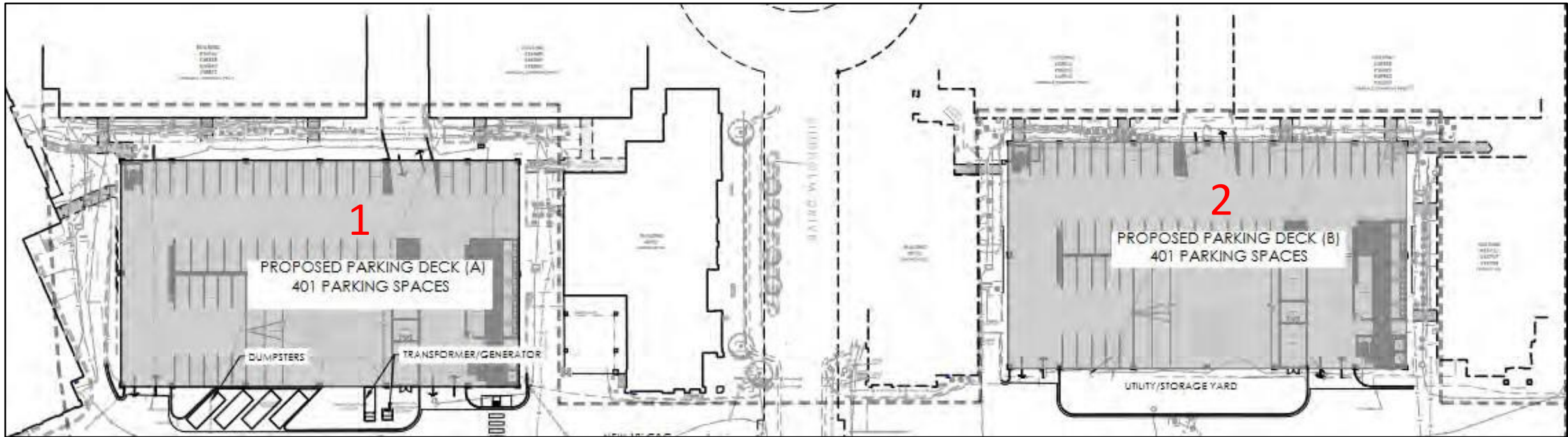
What a horrible idea. There's not enough parking today. Trying to change Birkdale too much.

Ah Yes ! The congestion, the increase of traffic onto streets already busy busy, and OMG – parking will be an even BIGGER problem ! ! Is there any realistic planning effort going into this "PLAN" or are residents and shoppers just supposed to "tolerate" the problems and troubles that will result ? ?





# Parking in Birkdale Village: Upgraded Parking Garages



## DECK #1

Enlarged to park 400 new spaces for the Office Building  
All office parking spaces are available for public use after 5pm  
and on weekends

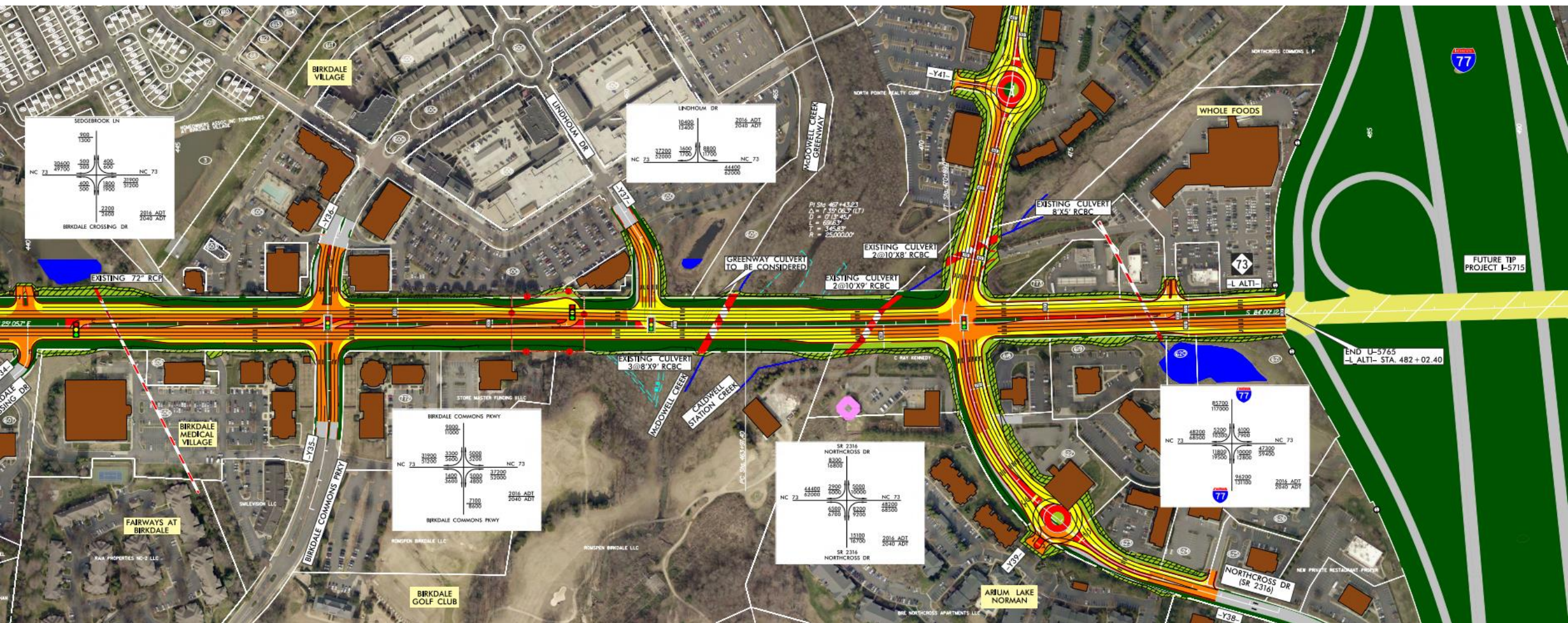
## DECK #2

Enlarged to park the additional Multi Family units.  
Approx 150 spaces for Hotel and Conference Center for  
public use.





# NCDOT Highway 73 Improvements







# NORTH AMERICAN PROPERTIES

Development Experience – Making Places to Hang Out



















**BIRKDALE**  
VILLAGE

# NEW AND UPGRADED TENANT MIX

## **New Additions**

- Foxcroft Wine Co.
- Morelia Gourmet Paletas
- The Good Wurst Co.
- Warby Parker
- Beck on Broad
- Cosmo Gypsy
- Icebox Cryotherapy
- Green Brothers Juice Co.
- Apricot Lane
- Girl Supply
- Lovesac
- Brown Bag Seafood
- Sephora
- Locals in small retail buildings

## **Upgrading Current Location**

- Brixx Pizza
- EeZ Fusion & Sushi
- Midwood Smokehouse
- Red Rocks Café
- Savory Spice



- 86-acre mixed-use destination
- Best-in-class retailers
- Numerous dining options
- Movie theater
- Full-service hotel with conference center
- Luxury apartments and single-family residences
- Class-A office space

## Nationally renowned Mixed-Use Development





# What makes a great Mixed-Use Development



Connectivity



Activity



Food and Beverage



Programming



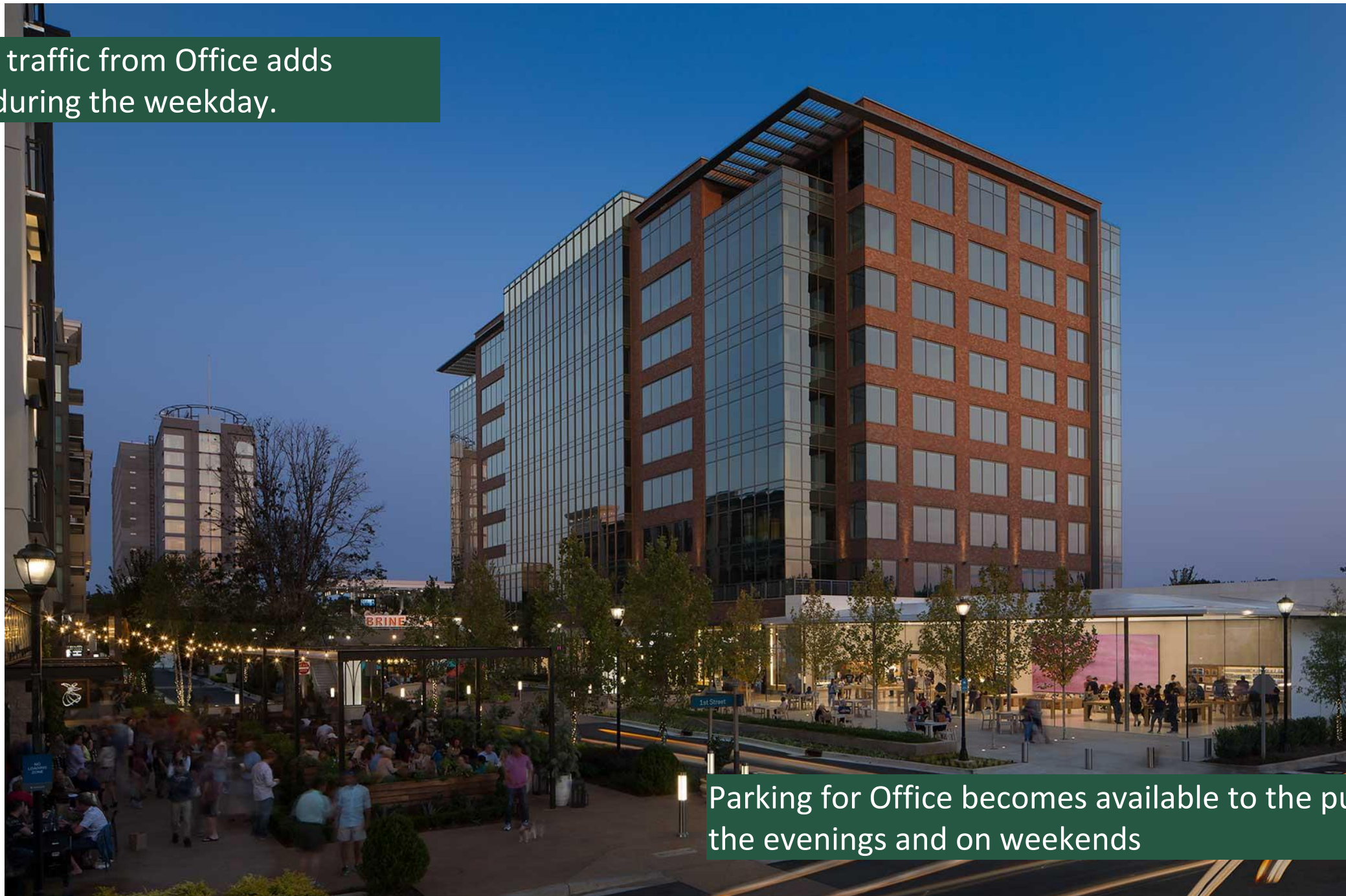




Daytime traffic goes home  
Nighttime traffic comes home



Daytime traffic from Office adds activity during the weekday.



Parking for Office becomes available to the public in the evenings and on weekends





# Parking Upgrades





# Parking in Birkdale Village: Guest Comments

Follow up is there any plans to improve parking with the amount of extra people showing up parking must be a nightmare

I have no idea! 😬 there's no more parking...

. All this new stuff makes no difference unless they fix the parking problem. If they don't fix that everything they do is for nothing. Still going to have the same congestion problems.

When will new owners fix the parking issues

Would love to come if we could find parking that was taken away

Yeah, won't be coming back to Birkdale anytime soon. More congestion and no parking. Catering to who?

They just keep removing parking areas so you can valet. You're not South Park.

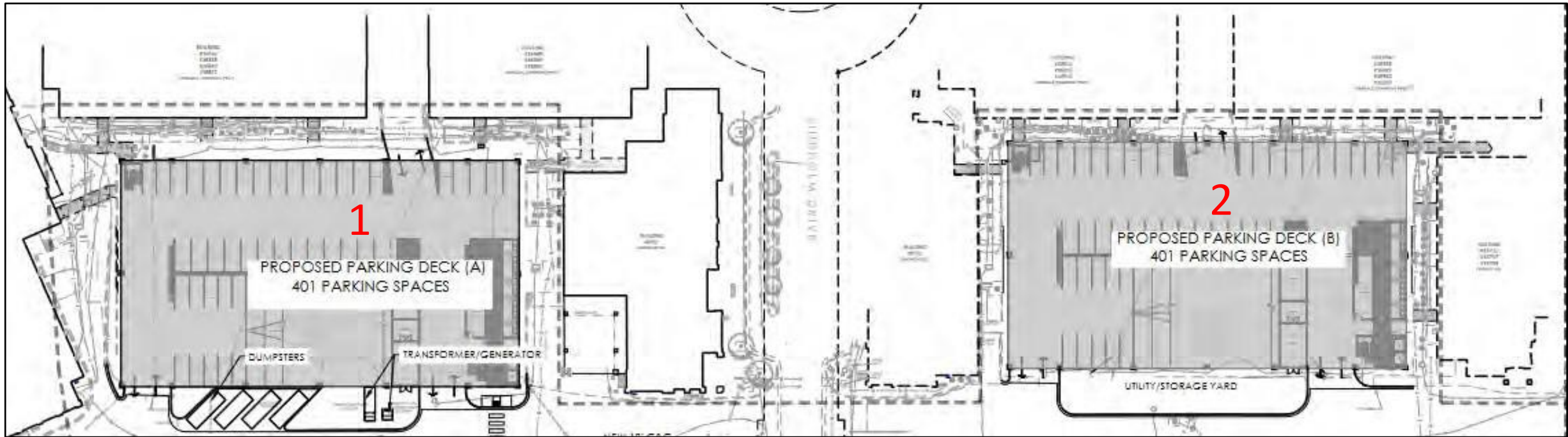
Unfortunately good luck finding parking

What a horrible idea. There's not enough parking today. Trying to change Birkdale too much.

Ah Yes ! The congestion, the increase of traffic onto streets already busy busy, and OMG – parking will be an even BIGGER problem ! ! Is there any realistic planning effort going into this "PLAN" or are residents and shoppers just supposed to "tolerate" the problems and troubles that will result ? ?



# Parking in Birkdale Village: Upgraded Parking Garages



## DECK #1

Enlarged to park 400 new spaces for the Office Building  
All office parking spaces are available for public use after 5pm  
and on weekends

## DECK #2

Enlarged to park the additional Multi Family units.  
Approx 150 spaces for Hotel and Conference Center for  
public use.







# Design Concepts











## Office/Conference Center Concept





 Office/Conference Center Concept





## Hotel Concepts



Full service, Boutique type, similar to Moxxy or AC by Marriott or Tempo by Hilton



Hotel Concepts





1- & 2- bedroom units  
Few families with children



## Mixed- Use Urban Workplace Concept







Smart Home Features  
Nest thermostats  
Tiled showers  
Granite / Quartz counter tops  
Upgraded Appliance package  
Electronic entry locks

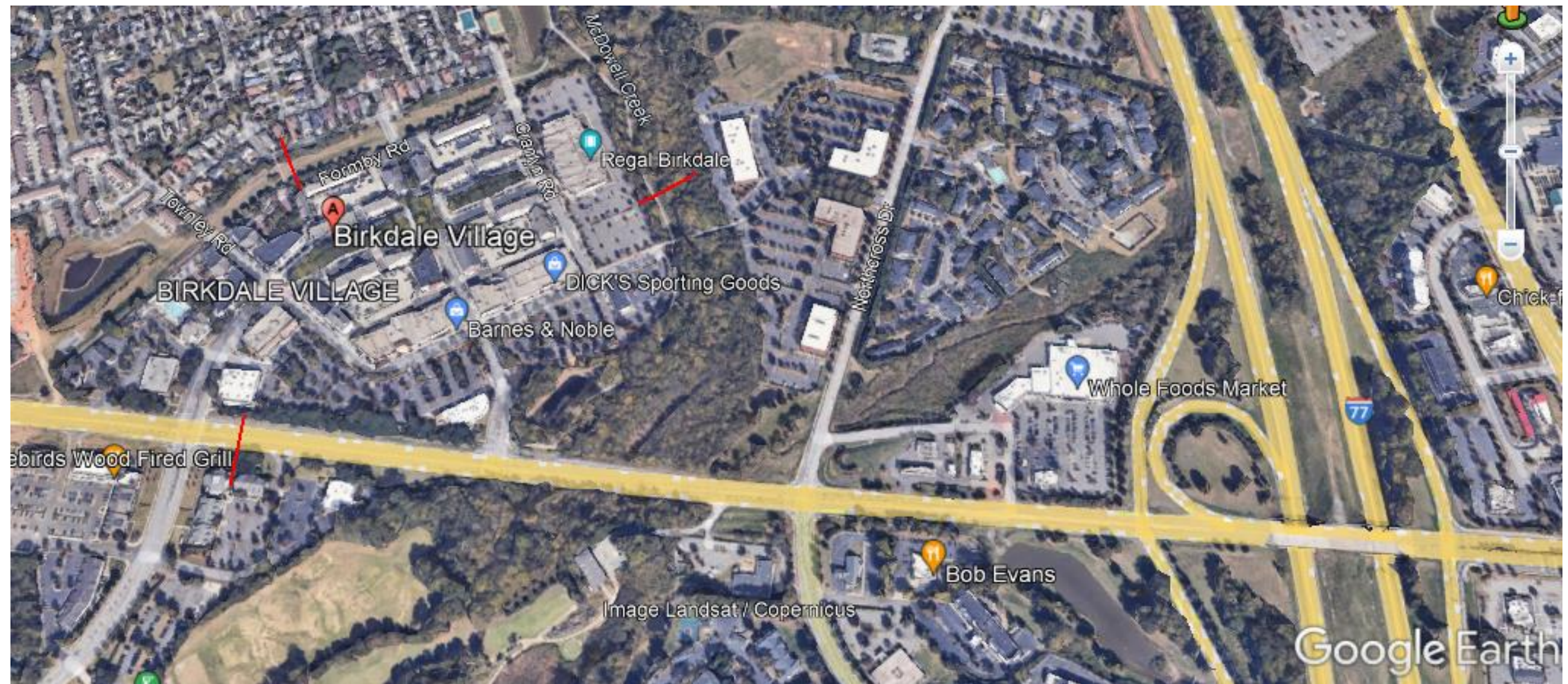




# Location

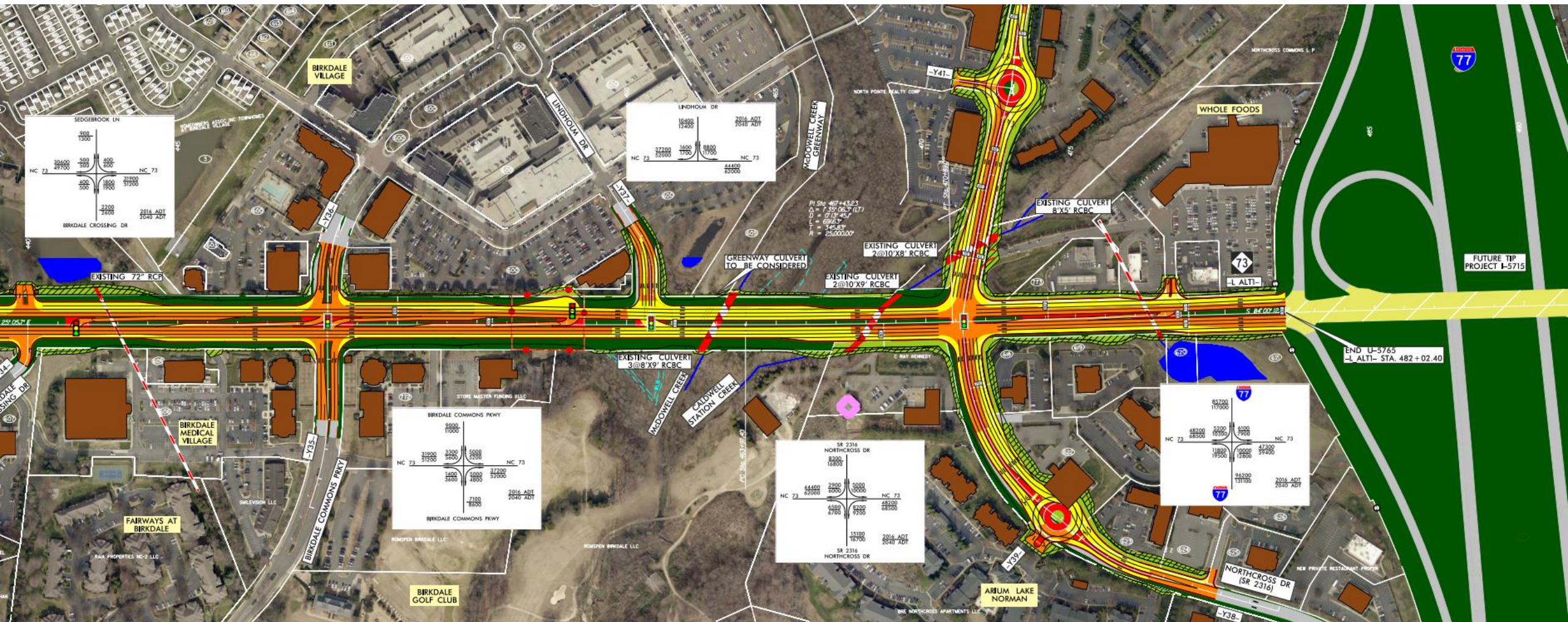








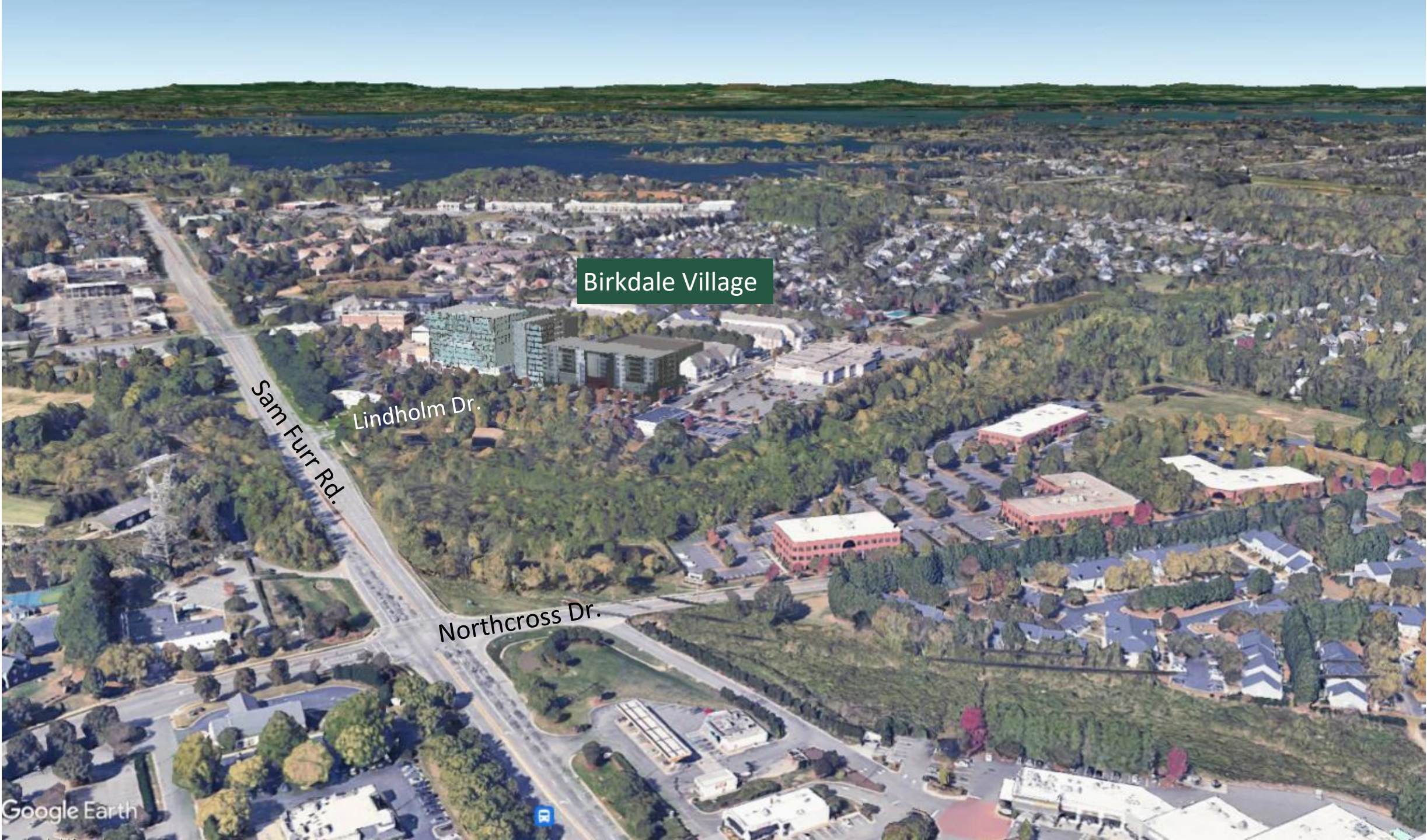
# NCDOT Highway 73 Improvements











Birkdale Village

Sam Furr Rd.

Lindholm Dr.

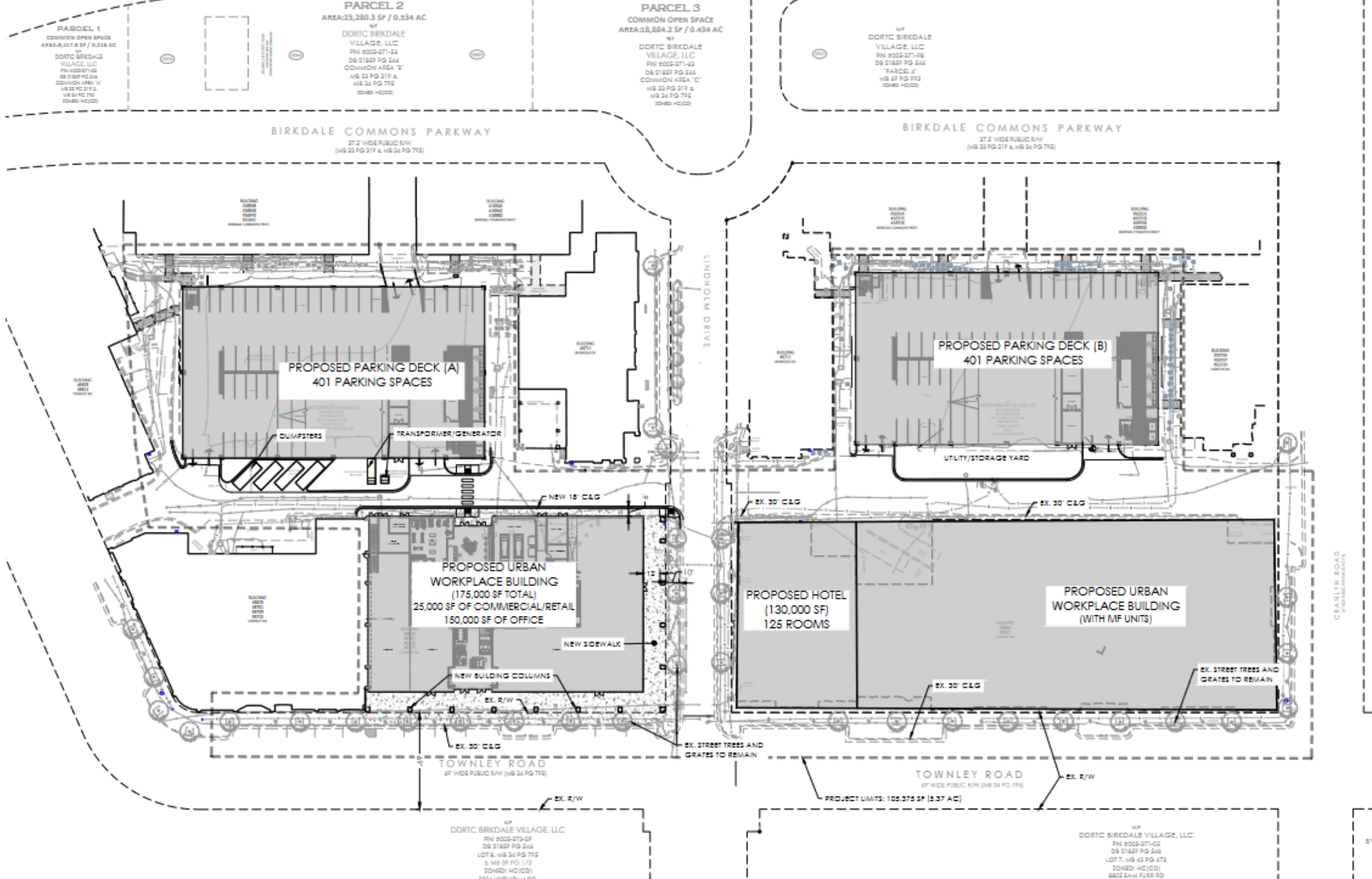
Northcross Dr.





Office Building









# IMPLAN Economic Study





BIRKDALE  
VILLAGE

# IMPLAN STUDY: Economic Benefits

- IMPLAN is an economic impact assessment software program based in Huntersville, NC.
- Their local-level input-output models can estimate the economic impact from everything, including:
  - New firms moving to the area
  - Recreation/tourism
  - Commercial/Industrial development
  - Residential development

IMPLAN users in the region include:

- |                                                       |                             |
|-------------------------------------------------------|-----------------------------|
| ▪ Lake Norman Economic Development Commission (EDC)   | ▪ City of Miami             |
| ▪ City of Greensboro                                  | ▪ City of Sacramento        |
| ▪ Pitt County Development Commission (Greenville, NC) | ▪ University of Chapel Hill |
| ▪ Asheville, NC Area Chamber of Commerce              | ▪ University of Asheville   |
| ▪ Birmingham Airport Authority                        | ▪ University of Charlotte   |
|                                                       | ▪ Clemson University        |



# IMPLAN – Types of Benefits in Huntersville



**Direct Benefits** - Financial resources spent to build; including materials and labor



**Indirect Benefits** - Architectural and engineering services, appliance stores, employment services



**Induced Benefits** - Spending from people employed as a result of the development (restaurants and health care)







|          | Construction Benefits for Huntersville (28078) |
|----------|------------------------------------------------|
| Direct   | \$258,000,000.00                               |
| Indirect | \$1,633,559.22                                 |
| Induced  | \$726,873.80                                   |
| Total    | <u>\$260,360,433.02</u>                        |





|          | Employment Benefits for Huntersville (28078) |
|----------|----------------------------------------------|
| Direct   | \$210,316,781.85                             |
| Indirect | \$1,644,167.85                               |
| Induced  | \$68,232.37                                  |
| Total    | <u>\$212,029,182.07</u>                      |



BIRKDALE  
VILLAGE

Thank you.







ESTD 1954

**NORTH AMERICAN  
PROPERTIES**

September 7, 2022

SUBJECT: Notice of neighborhood meeting for information related to a Conditional Rezoning of approximately 8.82 acres on the northwest side of the intersection at Lindholm Drive and Townley Road, Huntersville, NC. The parcels are 005-371-57 and 005-371-97. The property owner and Applicant of the subject parcels is the DDRTC Birkdale Village, LLC.

To Whom It May Concern:

Recipients of this letter meet the notification requirements of the Town of Huntersville as being adjacent landowners with at least a portion of their properties located within 250 ft. of the subject properties, and neighborhood organizations registered with the Town of Huntersville within 2,000 ft. of any portion of the rezoning site. The purpose of the meeting is to provide an opportunity for the Applicant/Developer to describe the proposed project and to answer any questions you may have. The Applicant/Developer is requesting approval from the Town to amend the existing rezoning plans for Birkdale Village to accommodate revisions to its existing mixed-use development including new upgraded parking decks and two urban workplace buildings and a hotel to replace existing buildings.

MEETING DETAILS:

6:00 P.M. to 7:00 P.M.

Thursday, September 22, 2022

Dellwood Community Center

508 Dellwood Drive

Huntersville, NC 28078

You are welcome to attend the above-mentioned neighborhood meeting. There will be an opportunity to ask questions about the proposed subdivision.

Sincerely,

Mike Lant, Senior VP Development  
DDRTC Birkdale Village, LLC

**EXHIBIT A**  
**Owners/Adjacent Owners to Parcel Numbers:**  
**00537157 & 00537197**

|                                                                                                                                                                                                         |                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PARCEL 00537157, 00537154, 00537197, 00537161, 00537329, 00537105, 00537402<br><br>DDRTC BIRKDALE VILLAGE LLC<br>C/O NORTH AMERICAN PROPERTIES<br>8712 LINDHOLM DR<br>STE 206<br>HUNTERSVILLE, NC 28078 | PARCEL 00537151<br><br>MDC NC2 LP<br>C/O REALTY INCOME CORPORATION<br>2424 RIDGE RD<br>ROCKWALL, TX 75087                                                                           |
| PARCEL 00537194<br><br>BV INVESTMENTS LLC<br>177 OCEAN LANE DR<br>UNIT 408<br>KEY BISCAINE, FL 33149                                                                                                    | PARCEL 00537114, 00537112, 00537113, 00537156, 00537163, 00537155<br><br>DDRTC BIRKDALE VILLAGE LLC<br>C/O DEVELOPERS REALTY CORP<br>3300 ENTERPRISE PARKWAY<br>BEACHWOOD, OH 44122 |
| GREENS AT BIRKDALE VILLAGE,<br>PROPERTY OWNERS ASSOC INC<br>919 NORLAND RD<br>CHARLOTTE, NC 28205                                                                                                       | TOWNHOMES AT BIRKDALE VILLAGE<br>HOMEOWNERS ASSOC INC<br>1819 SARDIS RD NORTH UNIT 330<br>CHARLOTTE, NC 28270                                                                       |
| GREENS AT BIRKDALE VILLAGE,<br>PROPERTY OWNERS ASSOC INC<br>C/O HENDERSON PROPERTIES<br>919 NORLAND RD<br>CHARLOTTE, NC 28205                                                                           | THE GREENS AT BIRKDALE VILLAGE<br>PROPERTY OWNERS ASSOC<br>5970 FAIRVIEW RD<br>STE 710<br>CHARLOTTE, NC 28210                                                                       |
| TOWNHOMES AT BIRKDALE VILLAGE<br>HOMEOWNERS ASSOC INC<br>3030 LATROBE DR<br>CHARLOTTE, NC 28270                                                                                                         | GREENS AT BIRKDALE VILLAGE<br>PROPERTY OWNERS ASSOC INC<br>4055 FISH POND RD<br>SALISBURY, NC 28146                                                                                 |
| STRATFORD FOREST<br>COMMUNITY ASSOCIATION INC<br>8905 SHADOW FOREST CR<br>CORNELIUS, NC 28031                                                                                                           | CSP COMMUNITY OWNER LLC<br>C/O CAMDEN SEDGEBROOK<br>PO BOX 27329<br>HOUSTON, TX 77227                                                                                               |
| THE LANDINGS APARTMENTS LLC<br>1400 BATTLEGROUND AVE SUITE 201<br>GREENSBORO, NC 27408                                                                                                                  |                                                                                                                                                                                     |



**Town of Huntersville: 8725 Townley Rd  
Birkdale Village Rezoning – R22-01**

**IMPACT OF THE PROPOSED DEVELOPMENT**

*Proposed Housing Units:* 350 multi- family units

*CMS Planning Area:* North

*Average Student Yield per Unit:* 0.1225

This development may add 43 students to the schools in this area.

The following data is as of 20<sup>th</sup> Day of the 2021-22 school year.

| <i>Schools Affected</i> | <i>Total Classroom Teachers</i> | <i>Building Classrooms/ Teacher Stations</i> | <i>20<sup>th</sup> Day, Enrollment (non-ec)</i> | <i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i> | <i>20<sup>th</sup> Day, Building Utilization (Without Mobiles)</i> | <i>Additional Students As a result of this development</i> | <i>Utilization As of result of this development (Without Mobiles)</i> |
|-------------------------|---------------------------------|----------------------------------------------|-------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------|
| J. V. WASHAM ELEMENTARY | 51.80                           | 39                                           | 861                                             | 648                                                            | 133%                                                               | 19                                                         | <b>135%</b>                                                           |
| BAILEY MIDDLE           | 73.65                           | 57                                           | 1370                                            | 1060                                                           | 129%                                                               | 10                                                         | <b>129%</b>                                                           |
| WILLIAM AMOS HOUGH HIGH | 117.8                           | 100                                          | 2470                                            | 2097                                                           | 118%                                                               | 14                                                         | <b>119%</b>                                                           |

The total estimated capital cost of providing the additional school capacity for this new development is \$1,632,000; calculated as follows:

Elementary School: **19**x \$34,000 = \$646,000

Middle School: **10**x \$37,000 = \$370,000

High School: **14**x \$44,000 = \$616,000

**RECOMMENDATION**

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

Elevations & Perspectives are conceptual which show the general theme of the architecture within the project. Final architecture shall be in keeping with this general theme.











**Town of Huntersville  
Planning Board  
October 25, 2022**

**To:** Town Board

**From:** Jesse James, Senior Planner

**Date:** October 25, 2022

**Subject:**

---

**EXPLAIN REQUEST:**

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

1. R22-03 Staff Report
2. A-Rezoning Application
3. B-Rezoning CD Rezoning Plans
4. C-Charlotte Willingness to Serve Letter
5. D-Neighborhood Meeting Report
6. E-TIA Determination
7. F-RBB-07-015 Court Case

**Town of Huntersville  
Town Board  
October 25, 2022**

**To:** Town Board

**From:** Jesse James, Senior Planner

**Date:** October 25, 2022

**Subject:**

---

**EXPLAIN REQUEST:**

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

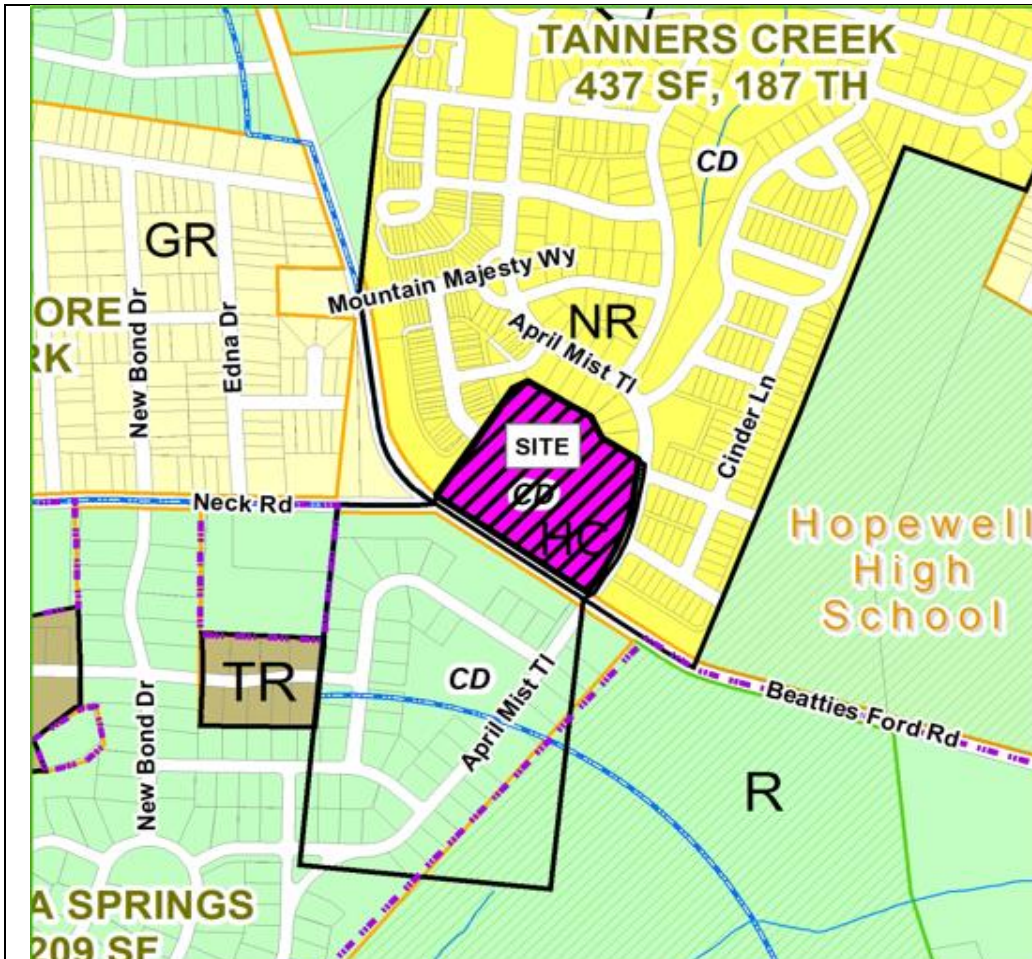
**ATTACHMENTS:**

1. R22-03 Staff Report
2. A-Rezoning Application
3. B-Rezoning CD Rezoning Plans
4. C-Charlotte Willingness to Serve Letter
5. D-Neighborhood Meeting Report
6. E-TIA Determination
7. F-RBB-07-015 Court Case



## Petition R22-03 Huntersville Retirement Residence

### PART 1: PROJECT SUMMARY



**Applicant:** Alan Spragins, Hawthorn Devco, LLC  
**Property Owner:** Same  
**Property Address:** 6925 April Mist Trail  
**Project Size:** (+/-) 9.219 Acres  
**Parcel Numbers:** 01516113  
**Current Zoning:** Highway Commercial Conditional District (HC-CD)  
**Current Land Use:** Vacant  
**Proposed Zoning:** Neighborhood Residential Conditional District (NR-CD)  
**Proposed Land Use:** Congregate Housing 148 unit

1. Purpose: Rezone 9.219-acres at 6925 April Mist Trail at the corner of Beatties Ford Road and April Mist Trail from Highway Commercial-Conditional District(HC-CD) to Neighborhood Residential-Conditional District(NR-CD) to accommodate for a proposed 3-story, 148 unit congregate senior living development. NR is being proposed for its proximity to adjacent NR zoning and its permitted use allowance of congregate housing.
2. Congregate Housing is not a permitted land use in the Highway Commercial District. The use is permitted in NR with the Civic building type. Congregate housing is defined as dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes. Hawthorn's Huntersville Retirement Residence concept includes services for meal preparation, housekeeping, scheduled activities, transportation, and other amenities not typically provided at typical market rate non-age restricted apartment development.
3. The parcel was originally Zoned HC-CD by Mecklenburg County and approved for a mixed use development in 1991. In 2006 the land owner petitioned the Town to swap the vested rights and zoning under this parcel for another parcel at the corner of Beatties Ford Road and Hambright Road with petitions R06-01 and R06-14. These were approved by the Town and later in 2007 Court Filing RBB-07-015 Barringer, et al Vs. Latta Village Rezoning reversed this approval to revert all vesting and zoning back to the original HC-CD and vested plan within its original approval.
4. Adjoining Zoning and Land Uses.

North: Neighborhood Residential Conditional District– Single Family Residential

South: Rural Conditional District- Single Family Residential

East: Neighborhood Residential Conditional District- Single Family Residential

West: Neighborhood Residential Conditional District- Multi-Family Attached Residential.

5. A neighborhood meeting was held on Tuesday, August 30, 2022 and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment D).
6. 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 Beatties Ford Road, April Mist Trail and Cane Branch Way.

## PART 2: REZONING/SITE PLAN



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

- The proposal is for a single building three story Congregate Housing senior living development with 148 units fronting April Mist Trail.
- Article 3.2.4(d) states that “1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by **varying the massing of buildings to reduce perceived scale and volume.**” The applicant has proposed to break up the building massing with modulating building walls and varying roof pitches. This is seen most clearly by the proposed site plan above and the elevation provided below.





**(A) VIEW FROM APRIL MIST TRAIL LOOKING SOUTH WEST**  
SCALE: N.T.S.

- Article 4: Lot Building Types-(Civic) states: "In most cases, the build-to line will range from 0 to 25 feet behind street ROW. Special site conditions such as topography, lot width, or provision of a **green or plaza will permit a larger building setback.**" The applicant has proposed a plaza seen below along the public frontage on April Mist trail to allow for an increased setback.



- The 100 foot natural buffer prescribed in the Beatties Ford Road Corridor Small Area Plan(SAP) have been provided in the plan as well as a the addition of a 10 foot wide multi-purpose path that is a critical element of the approved SAP.
- Minimum Tree Preservation (canopy tree save) for Neighborhood Residential is 10%. The applicant is proposing to save 20.69% of the existing canopy.
- Minimum Tree Preservation (specimen tree save) for Neighborhood Residential is 10%. The Rezoning Plan saves 10% of existing specimen trees.
- There are no identified Heritage Trees on site.

- Planning, Transportation, and Storm Water Engineering staff have minor site plan comments outstanding that need to be addressed prior to final plan approval.
- No Ordinance Modifications are proposed. The applicant is working out one minor street tree placement detail along April Mist Trail that currently does not meet the ordinance, however, the applicant has agreed to meet, or exceed the street tree placement requirements and ask for no modifications to the ordinance.

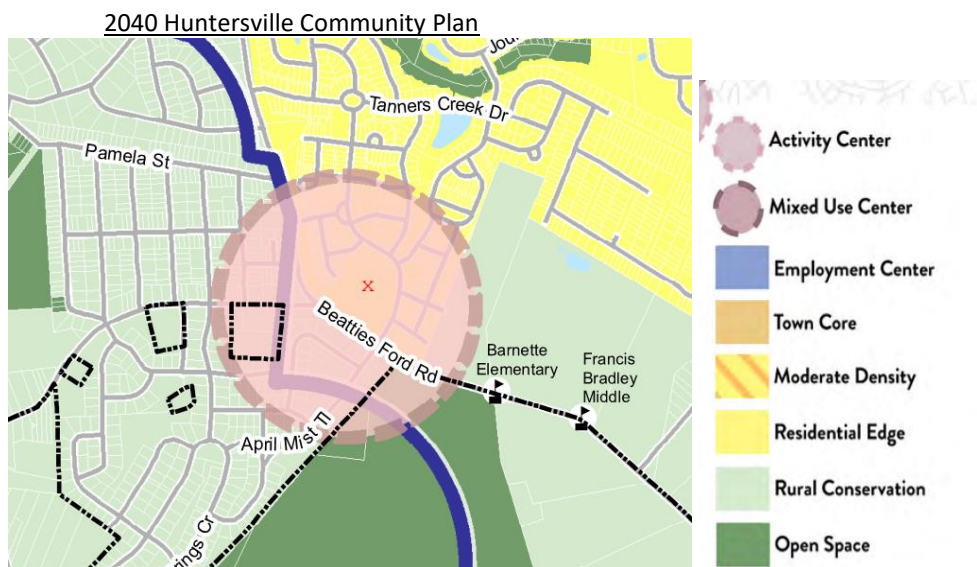
### PART 3: TRANSPORTATION ISSUES

#### Traffic Impact Analysis (TIA)

The Application for Determination was submitted on 6/1/22 and is based on a 150 residential unit congregate care facility. No TIA is required.

### 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”.

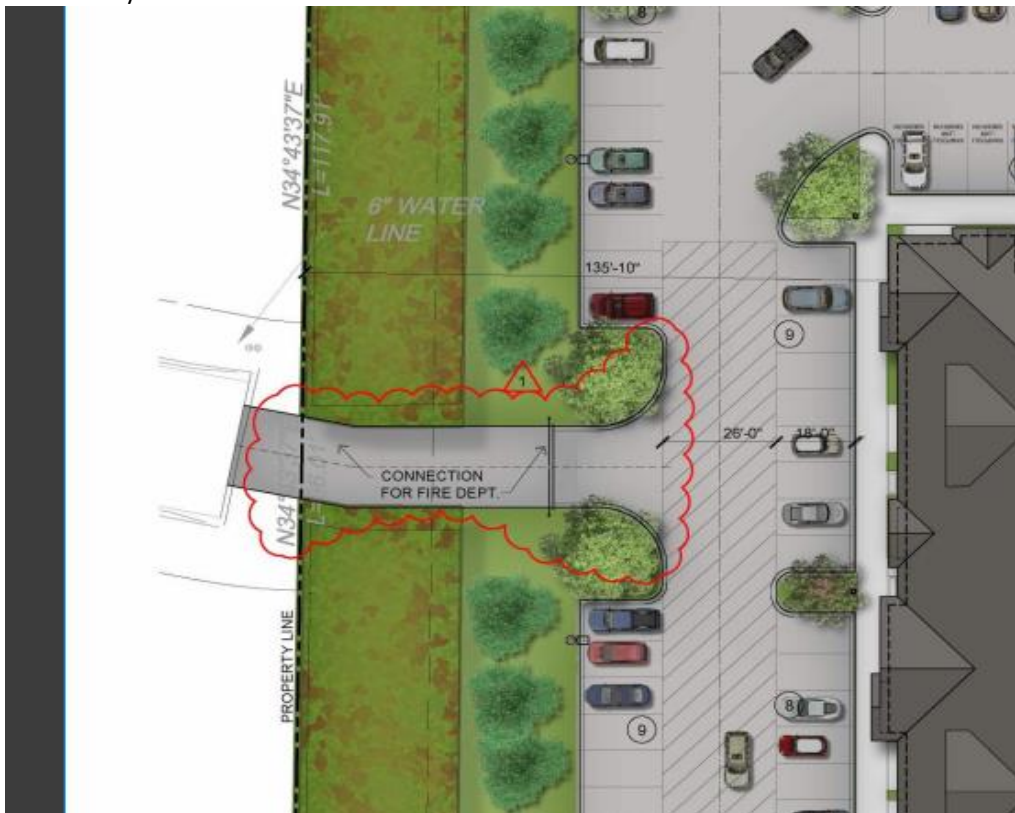


**STAFF COMMENT** – Staff finds the proposed use/project is **consistent** with the following policies of the 2040 Huntersville Community Plan:

- **Policy LU 2.1: Higher intensity residential uses will be focused generally within 2 miles of the I77/NC115 corridor and *future activity centers in the eastern and western areas of Huntersville zoning jurisdiction.***  
Comment: This project will provide a higher intensity residential use in the activity center shown above on the 2040 Community Plan Future Land Use map.



- **Policy LU 10.5: Facilitate the creation of and provide guidelines for senior and age-restricted housing.**
  - New, larger-scale senior housing structures (e.g. congregate care facilities, apartments and condos) should be located within Mixed-Use Centers, **Activity Centers**, or the Town Core future land use areas and should have a maximum height of 4 stories.
  - Comment: This project is being proposed in an Activity Center according to the Future Land Use Map.
- **Policy EOS-6: Preserve elements of rural character.**
  - EOS 6.1: Enforce existing standards and evaluate new design standards to **preserve the character of scenic country roads.**
  - McCauley Road, Black Farms Road, **Beatties Ford Road**, and Ramah Church Road have been identified as scenic resources and should have corridor-specific design controls that **preserve scenic beauty.**
  - Current regulations require a preserved buffer of trees in some areas and open space requirements encourage the protection of key features, such as views, fields and historical structures.
  - Additional controls might include viewshed protections, additional landscaping buffers or open space or screening requirements, use restrictions, density restrictions, or higher setbacks along the roadway.
  - Planned roadway improvements should be evaluated for adherence to previous planning efforts
  - For instance, **the planned cross-section for Beatties Ford Road includes a 100ft buffer and multi-use trail**
  - Comment: This proposal includes a 100ft buffer along Beatties Ford Road and a 10ft multi use trail/path.
- **Policy PS-5: Coordinate with the police and fire department to address public safety issues related to the design of the built environment.**
  - PS 5.1: Work with the fire department on the design of new streets and neighborhoods
  - Ensure adequate clearance for fire engines
  - Comment: Although this project does not create new public streets, the proposal does increase fire access to the adjacent Cane Branch Way local street system through the proposed development to allow for fire/public safety connectivity.



- **Beatties Ford Road Corridor Small Area Plan- Corridor Design and Open Space and Preservation Recommendations.**

Comment- Plan calls for multi-purpose trails and 100 foot buffers along Beatties Ford Road, which this proposal provides.

**Staff Comment-** Staff finds the proposed use ***not consistent*** with the following policies of the 2040 Huntersville Community Plan:

- **Policy LU-6: Support a mix of land uses in key locations.**

LU 6.1: A mix of land uses is encouraged in Mixed Use Centers, Activity Centers, Employment Centers identified on the Future Land Use Map.

Comment: This proposal does not support the mix of land uses in the subject Activity Center mentioned previously. The addition of this project with the pairing of the adjacent single family and townhome uses within it takes away the commercial land use aspect of a mix of land uses. This project does, however, add an element of diversifying the housing options in that region of town by opening options for senior living. Furthermore, commercial uses generally locate at the intersection of two thoroughfares, this property does not. The property has been zoned to allow for commercial uses since 1991 and no commercial development has occurred since then.

**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 Huntersville Retirement Residence is consistent with the overall character of the surrounding area. The preservation of the one-hundred-foot natural buffer along Beatties Ford Road allows the area in the vicinity of this property to keep its rural, visual appeal intact. This project also increases the diversity of housing options in the area.

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

STAFF COMMENT:

There is no indication this project will have a negative impact on public facilities and or 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 R22-03, Huntersville Retirement Residence, staff recommends approval as submitted as the proposal is consistent with the Huntersville 2040 Community Plan policies LU 2.1, 10.5, EOS-6, and PS-5.1 as well as the design recommendations within the Beatties Ford Road Corridor Small Area Plan. Although this project does not provide the mix of land uses detailed in Policy LU-6 by removing commercial uses in this Activity Center, it does diversify the housing option and further, it is consistent with the surrounding neighborhood’s character by preserving the rural landscape of the Beatties Ford Road Corridor.



#### **PART 6: PUBLIC HEARING COMMENTS**

A Public Hearing was held on October 6, 2022. Public comments were in favor of the rezoning (see Public Hearing Minutes, Youtube Video live hearing starting at 15:20 mark). There was discussion regarding the emergency access to Cane Branch Way and the possibility of a sidewalk connecting that access to Beatties Ford Road's proposed sidewalk. There was also discussion regarding the storm pond and how this would be accessed for maintenance. Both discussion items have been taken into consideration by the applicant.

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

Planning Board Meeting is scheduled for October 25, 2022.

#### **PART 8: TOWN BOARD RECOMMENDATION**

Town Board Meeting is scheduled for November 21, 2022.

#### **PART 9: ATTACHMENTS**

- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C – Charlotte Willingness To Serve Letter
- D – Neighborhood Meeting Report (8-30-22)
- E- TIA Determination
- F- RBB-07-015 Court Filing Summary

**PART 10: CONSISTENCY STATEMENT – R22-03 Huntersville Retirement Residence**

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Planning Board                                                                                                                                                                                                                                                                                                                                                                     | Board of Commissioners |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <p>APPROVAL: In considering the proposed rezoning petition R22-03, Huntersville Retirement Residence, staff recommends approval as submitted as the proposal is consistent with the Huntersville 2040 Community Plan policies LU 2.1, 10.5, EOS-6, and PS-5.1 as well as the design recommendations within the Beatties Ford Road Corridor Small Area Plan. Although this project does not provide the mix of land uses detailed in Policy LU-6 by removing commercial uses in this Activity Center, it does diversify the housing option and further, it is consistent with the surrounding neighborhood's character by preserving the rural landscape of the Beatties Ford Road Corridor.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because it is consistent with the envisioned future land use of the area by adding a diversity of housing to the neighborhood while matching the current landscape of the area.</u></b></p> | <p>APPROVAL: In considering the proposed rezoning application R22-03, Huntersville Retirement Residence, the Planning Board recommends approval based on the Plan being consistent with <b><u>(insert applicable plan reference)</u></b>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>                   | <p>APPROVAL:</p>       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>DENIAL: In considering the proposed rezoning application R22-03, Huntersville Retirement Residence, the Planning Board recommends denial based on the Plan being <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p> | <p>DENIAL:</p>         |





# General Application

**INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.**

## 1. Application Type

Please indicate the type of application you are submitting. 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 June 30, 2022

Name of Project Huntersville Retirement Residence Phase # (if subdivision) \_\_\_\_\_

Project Address 6925 April Mist Trail

Parcel Identification Number(s) (PIN) 01516113

Current Zoning District Highway Commercial Proposed District (for rezoning only) Neighborhood Residential

Property Size (acres) 9.219 acres Street Frontage (feet) \_\_\_\_\_

Current Land Use Vacant

Proposed Land Use(s) Congregate Housing

Is the project within Huntersville's corporate limits?

Yes X 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.

150 suite senior congregate housing, see attached project narrative for more information

## 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 Hawthorn Devco, LLC Contact: Kristi Neznanski Phone 503-399-1090

☐ 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] \* Printed Name: Alan Spragins

Title COO Email Contact: KNeznanski@HawthornCG.com

Address of Applicant 2260 McGilchrist Street SE Salem, OR 97302

\*Alan Spragins, Chief Operating Officer of CP HRG REIT, LLC, the General Partner of Hawthorn IL Propco LP, the sole Member of Hawthorn Devco, LLC

## 7. Property Owner (if different than applicant)

\*Printed Name \_\_\_\_\_ Phone \_\_\_\_\_

☐ 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 \_\_\_\_\_ Printed Name \_\_\_\_\_

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 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

|                    |                   |              |                               |
|--------------------|-------------------|--------------|-------------------------------|
| Hawthorn Devco LLC | Kristi Neznanski  | 503-400-9239 | KNeznanski@HawthornCG.com     |
| Development Firm   | Name of Contact   | Phone        | Email                         |
| Timmons Group      | Brian Crutchfield | 704-227-1563 | Brian.Crutchfield@timmons.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:          | <a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a> |



# HUNTERSVILLE RETIREMENT RESIDENCE

6925 APRIL MIST TRAIL HUNTERSVILLE, NC

PID - 0156113

EPM; 438995

DATED: JUNE 29, 2022



**PROPERTY OWNER:**

LATTA VILLAGE LLC,  
701 CRESTDALE DR  
MATTHEWS NC 28105

**DEVELOPER/  
CONTRACT PURCHASER:**

HAWTHORN DEVCO LLC  
CONTACT: KRISTI NEZNANSKI  
2260 MCGILCHRIST ST SE  
SALEM, OR 97302  
503-400-9239

**ARCHITECT:**

LENITY ARCHITECTURE, INC  
3150 KETTLE COURT SE  
SALEM, OREGON 97301  
503-399-1090

**LANDSCAPE ARCHITECT:**

LENITY ARCHITECTURE, INC  
3150 KETTLE COURT SE  
SALEM, OREGON 97301  
503-399-1090

**CIVIL ENGINEER:**

TIMMONS GROUP  
610 EAST MOREHEAD STREET, SUITE  
250 CHARLOTTE, NC 28202  
704-227-1563

**ARCHITECTURAL SHEET INDEX:**

- A0.0 COVER SHEET
- A1.1 SITE PLAN
- A1.2 SITE EXHIBIT - NEIGHBOR DIMENSIONS
- A1.3 SITE EXHIBIT - SECTION AND MISC. DETAILS
- A2.1 FIRST FLOOR PLAN
- A2.2 SECOND FLOOR PLAN
- A2.3 THIRD FLOOR PLAN
- A4.1 EXTERIOR RENDERINGS
- A4.2 EXTERIOR RENDERINGS
- A4.3 EXTERIOR RENDERINGS
- A4.4 EXTERIOR RENDERINGS
- A4.5 EXTERIOR RENDERINGS
- A4.6 EXTERIOR RENDERINGS
- A5.1 EXTERIOR ELEVATIONS

**LANDSCAPE SHEET INDEX:**

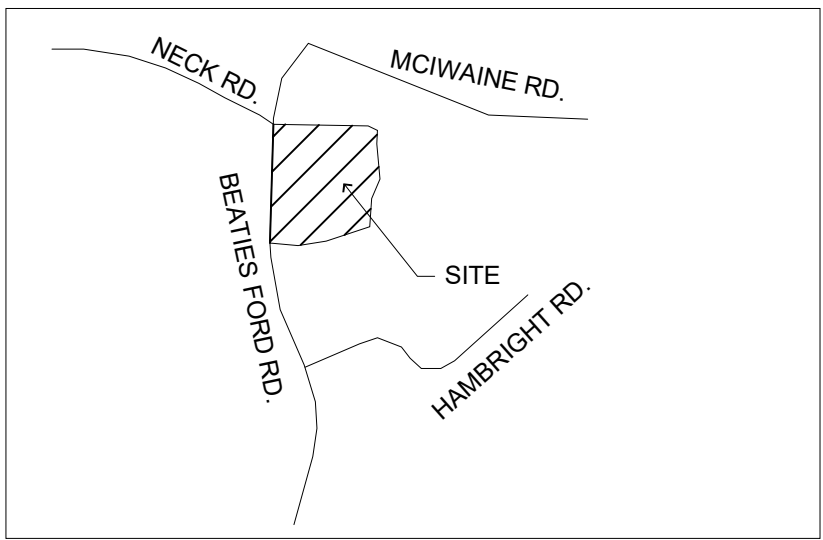
- L1.1 LANDSCAPE PLAN

**ELECTRICAL SHEET INDEX:**

- ES.0 SITE PHOTOMETRICS
- ES.1 SITE PHOTOMETRICS

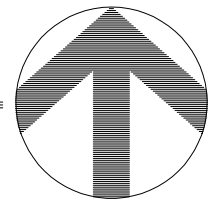
**CIVIL SHEET INDEX:**

- RZ-000 COVER SHEET
- RZ-100 SURVEY
- RZ-101 TREE SAVE PLAN
- RZ-200 SITE PLAN
- RZ-300 GRADING & STORMWATER PLAN
- RZ-301 PRE-DEVELOPMENT DRAINAGE MAP
- RZ-302 POST-DEVELOPMENT DRAINAGE MAP
- RZ-400 VEHICLE MANEUVERING PLAN



**VICINITY MAP**

NOT TO SCALE  
DATE: 06/29/2022  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022

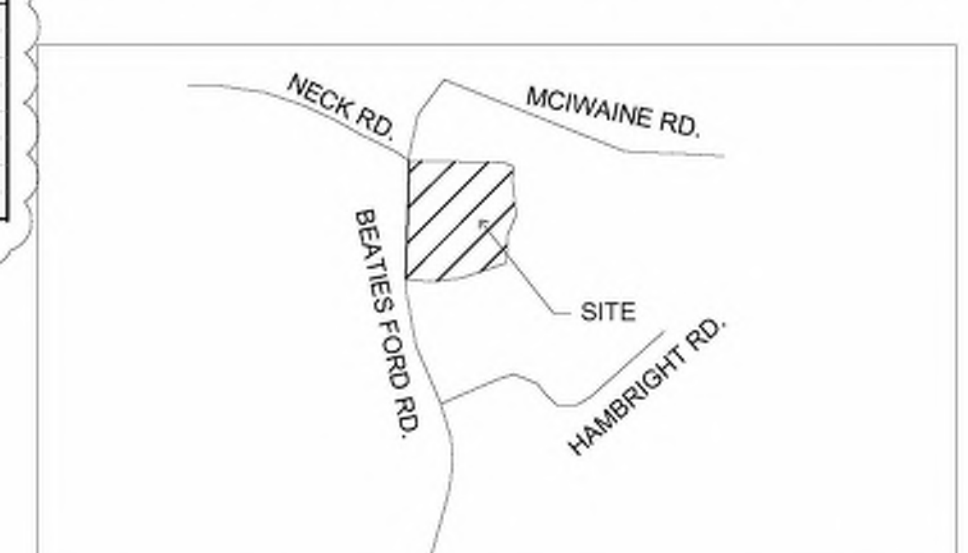






| SITE AREA BREAKDOWN:       |                         |
|----------------------------|-------------------------|
| RETIREMENT BUILDING:       | 52,503 SQ. FT. (14.0%)  |
| GARAGE BUILDINGS:          | 4,629 SQ. FT. (0.1%)    |
| BUILDINGS FOOTPRINT TOTAL: | 57,132 SQ. FT. (14.1%)  |
| PATIOS / WALKS:            | 53,906 SQ. FT. (13.5%)  |
| DRIVES / PARKING:          | 66,922 SQ. FT. (16.7%)  |
| OPEN SPACE:                | 223,891 SQ. FT. (55.7%) |
| TOTAL:                     | 401,526 SQ. FT. (100%)  |

## HUNTERSVILLE, NC



### VICINITY MAP

NOT TO SCALE

#### Site Information

Site Address: 11824 Beatties Ford Road  
Parcel Number: #01516113  
Parcel Area: 9.2178 Acres (401,526 SF)

#### Land Use Summary

Jurisdiction: Town of Huntersville  
Mecklenburg County  
Watershed Overlay: PA-1  
Existing Zoning: HC (CD) Highway Commercial  
Proposed Zoning: NR (CD) Neighborhood Residential  
Proposed Use: Congregate Housing (Civic Use)  
Proposed Units: 148 suites

#### Development Summary

|                          | Required                                       | Proposed                                                                     |
|--------------------------|------------------------------------------------|------------------------------------------------------------------------------|
| Front build-to-line:     | 0' to 25' behind ROW*                          | E 55'-1" / S 144'-4"                                                         |
| Side Yard Setback:       | NA, see buffers                                | 135'-10"                                                                     |
| Rear Yard Setback:       | NA, see buffers                                | 184'-2"                                                                      |
| Perimeter Buffers:       | 30'-0" Min for Civic use abutting residential  | E 32'-11", N 37'-5 1/2", W 61'-6", 100'-0" from Beatties Ford Road           |
| Tree Save Area:          | 10% of total site area (existing and planted)  | 87,163 sq ft 21.7%                                                           |
| Building Height:         | 45'-0" Max<br>4 stories Max                    | 30'-6" +/-<br>3 stories                                                      |
| Building Square Footage: | no Max                                         | 170,421 sq ft +/-                                                            |
| Building Coverage:       | no Max                                         | 56,807 sq ft +/-                                                             |
| Landscaped Area:         | no Min                                         | 131,453 sq ft                                                                |
| Impervious Area:         | Per PA-1:<br>70% Max Built-Up<br>Area with BMP | 177,635 sq ft 44%                                                            |
| Open Space:              | Open Space Buffer                              | 100' Open Space Buffer adjacent to Beatties Ford Road                        |
| Auto Parking**:          | No Minimum for Congregate Housing              | 123 Standard Spaces<br>05 ADA spaces<br>15 Garage Spaces<br>143 Total Spaces |
| Auto Parking Ratio:      | NA                                             | .9 spaces/suite                                                              |

|                                   |                     |
|-----------------------------------|---------------------|
| Tree Preservation                 | 401,526 s.f.        |
| Site Area:                        | 40,153 s.f.         |
| Tree Preservation required (10%): | 87,163 s.f. (21.7%) |
| Urban Open Space Area             |                     |
| Paved Area:                       | 31,733 s.f.         |
| Landscaped Area:                  | 15,997 s.f.         |
| Urban Open Space area:            | 18,170 s.f.         |
| Site Landscape Area:              | 131,453 s.f.        |
| Total Site Permeable Area:        | 223,891 s.f.        |
| % Site Permeable Area:            | 55.7%               |

Street trees proposed will be spaced 40 ft. o.c. max.

\*Article 6 Landscape Criteria:

- Parking lot perimeters are planted with a continuous row of evergreen shrubs planted 4 ft. o.c.
- Trees planted to line the parking lot; large canopy trees spaced 40 ft. o.c. or small trees spaced 30 ft. o.c.
- Perimeter planting strips shall be 10 ft. min. wide and parking interior planters shall be 8 ft. wide and 200 sq. ft. min. in area.

### SITE PLAN

DATE: 08/29/2022  
1" = 30'

CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022



**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

A1.1

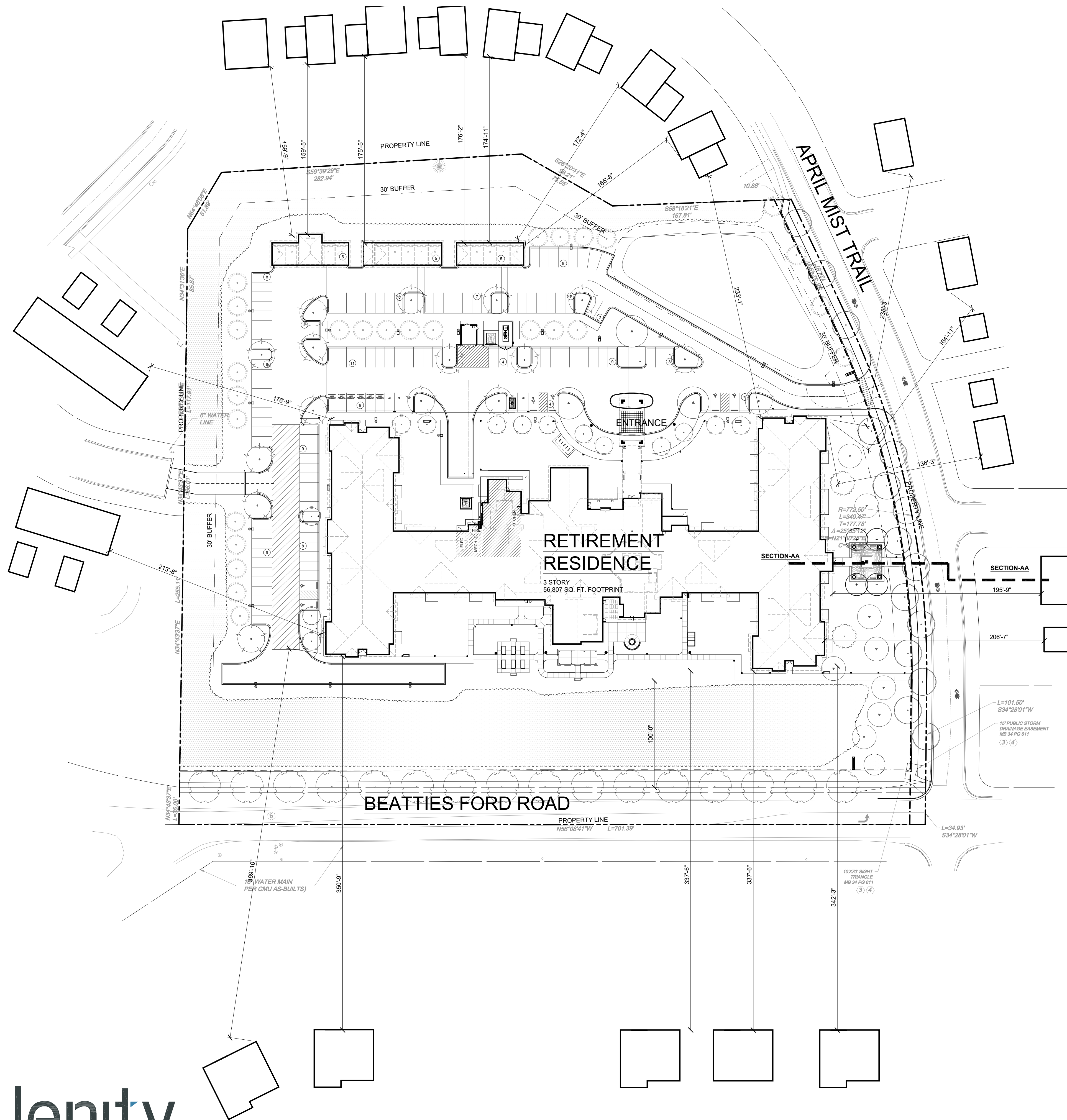
**lenity**  
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

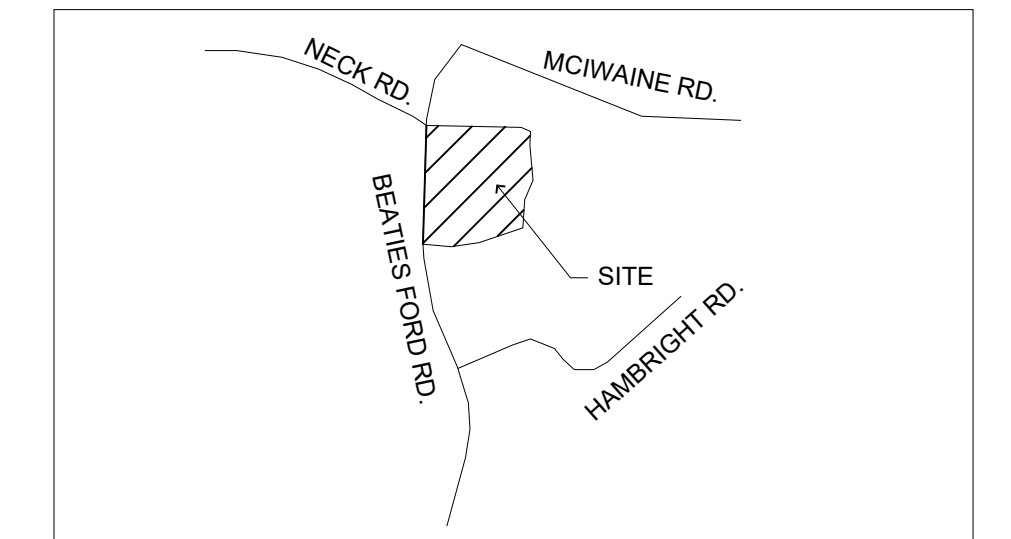
# Huntersville Retirement Residence

Huntersville, NC

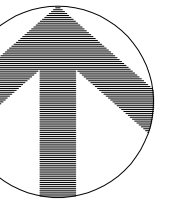




## HUNTERSVILLE, NC

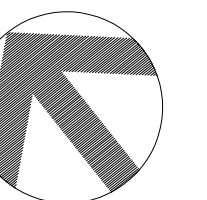
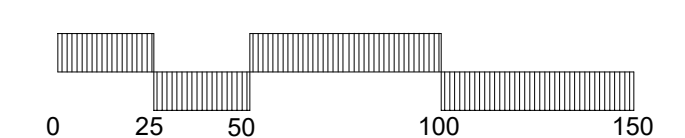


VICINITY MAP  
NOT TO SCALE



## SITE EXHIBIT - NEIGHBOR DIMENSIONS

DATE: 06/29/2022  
1" = 50'  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022



**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

A1.2

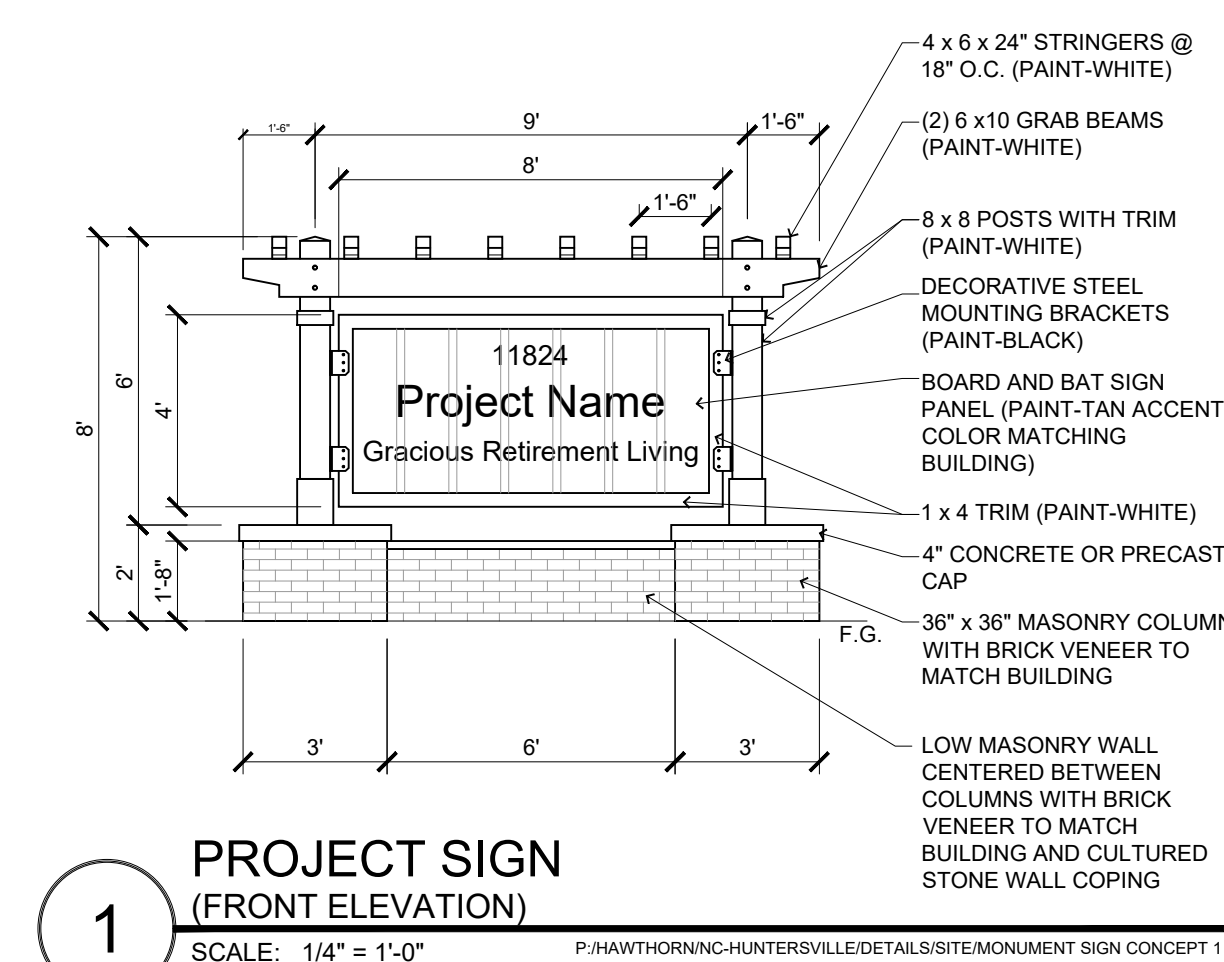
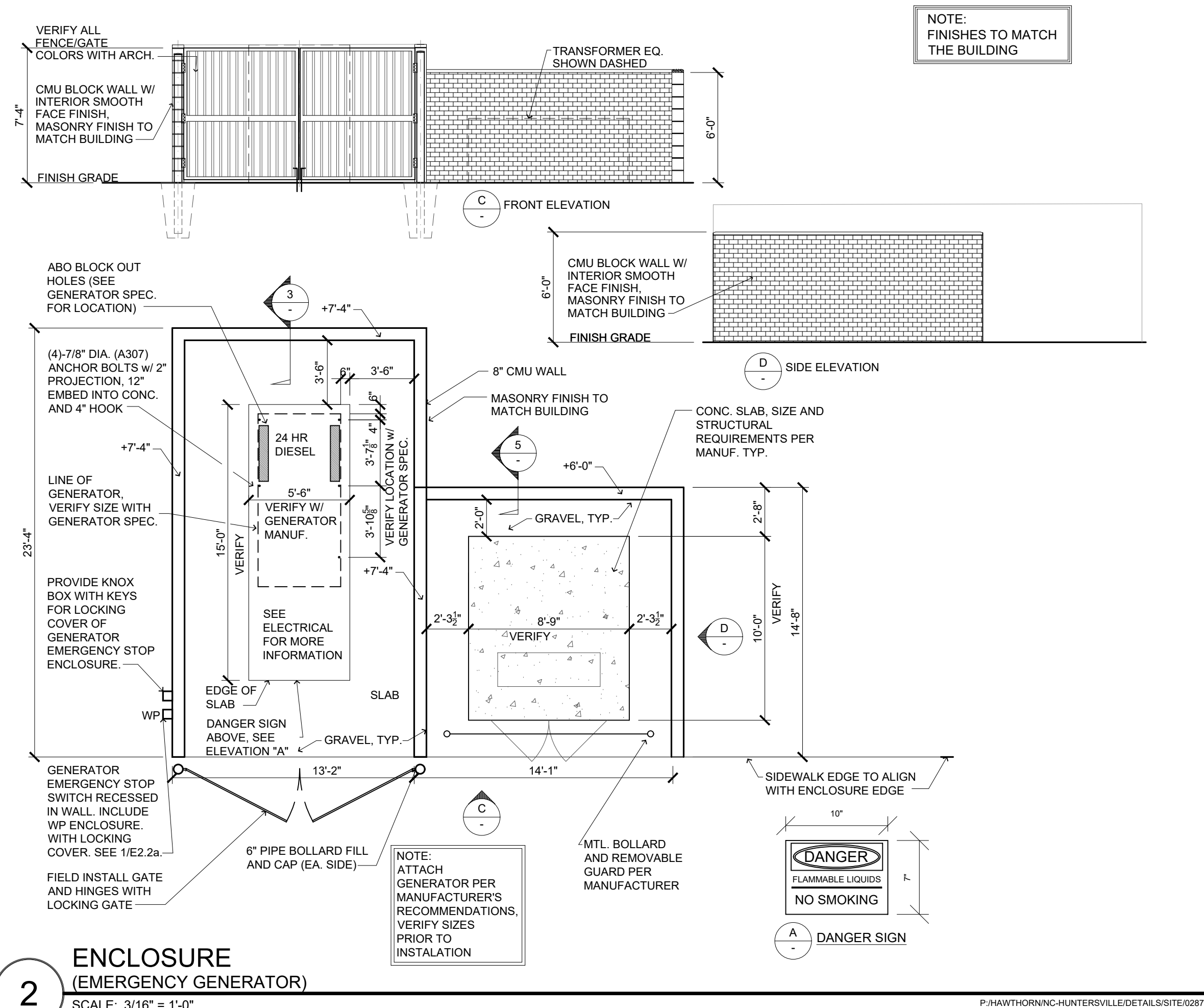
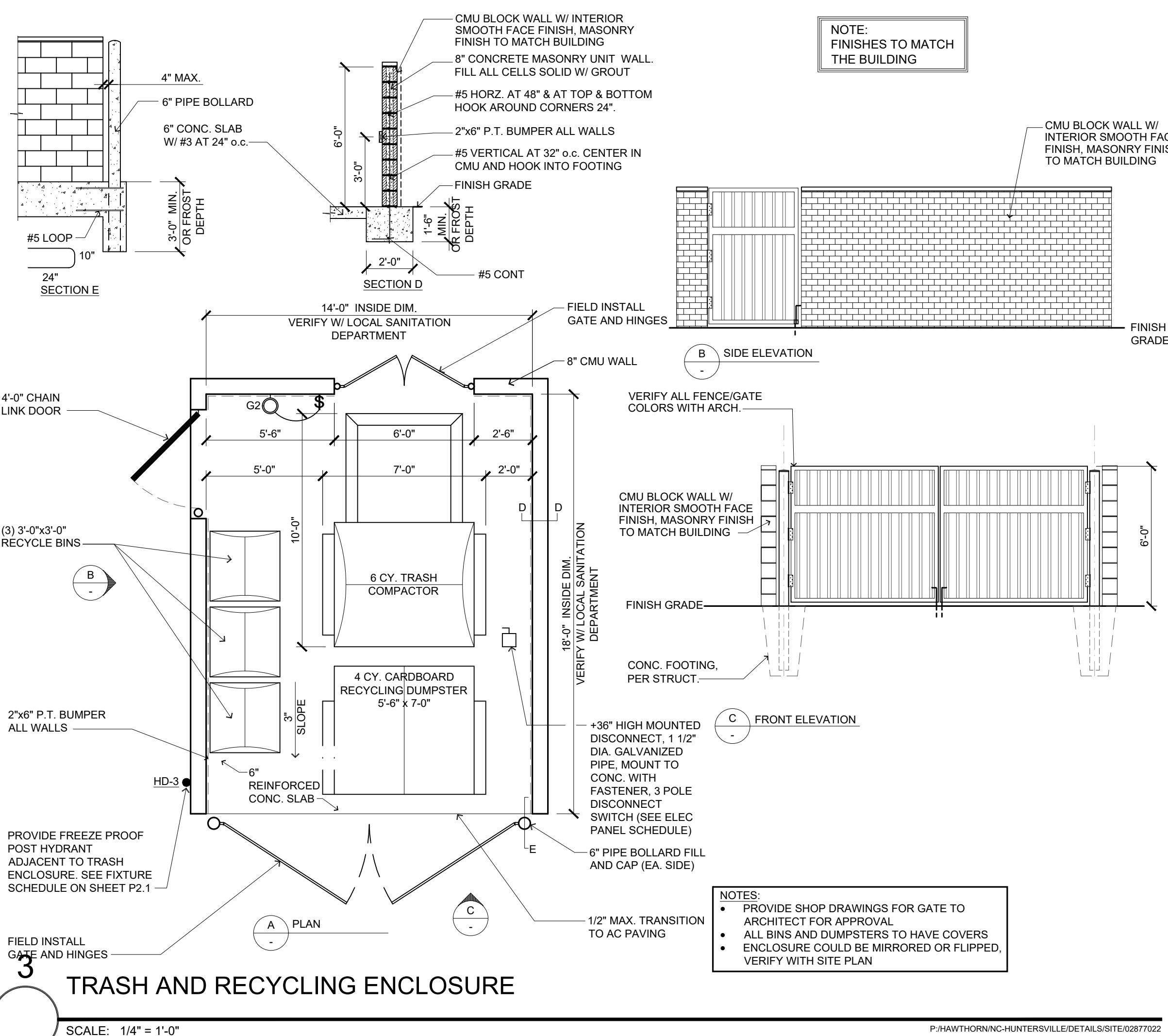
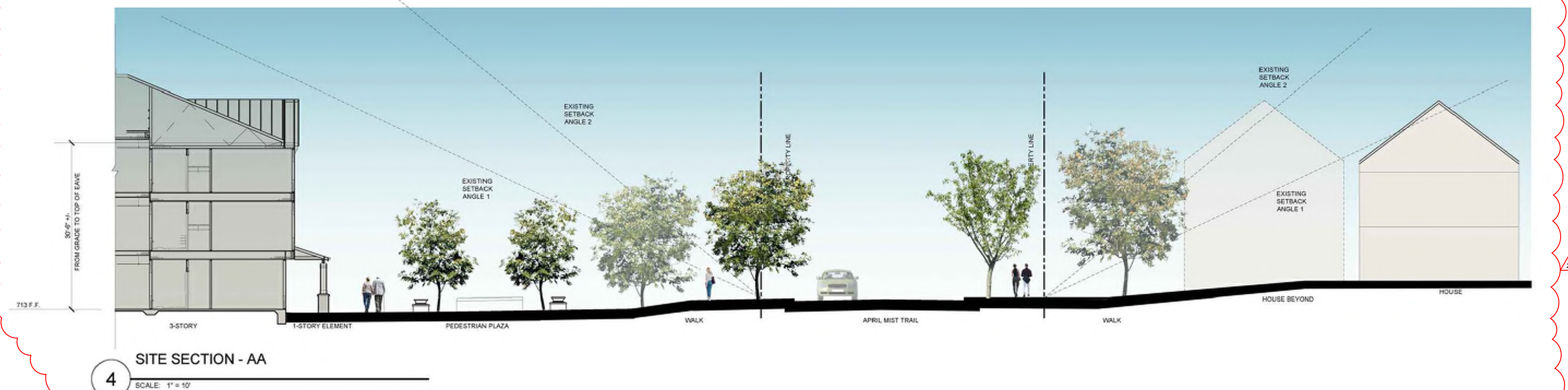
**lenity**  
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

# Huntersville Retirement Residence

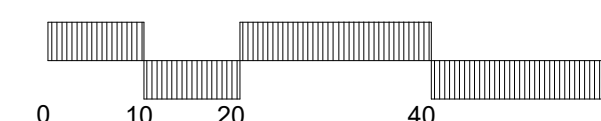
Huntersville, NC



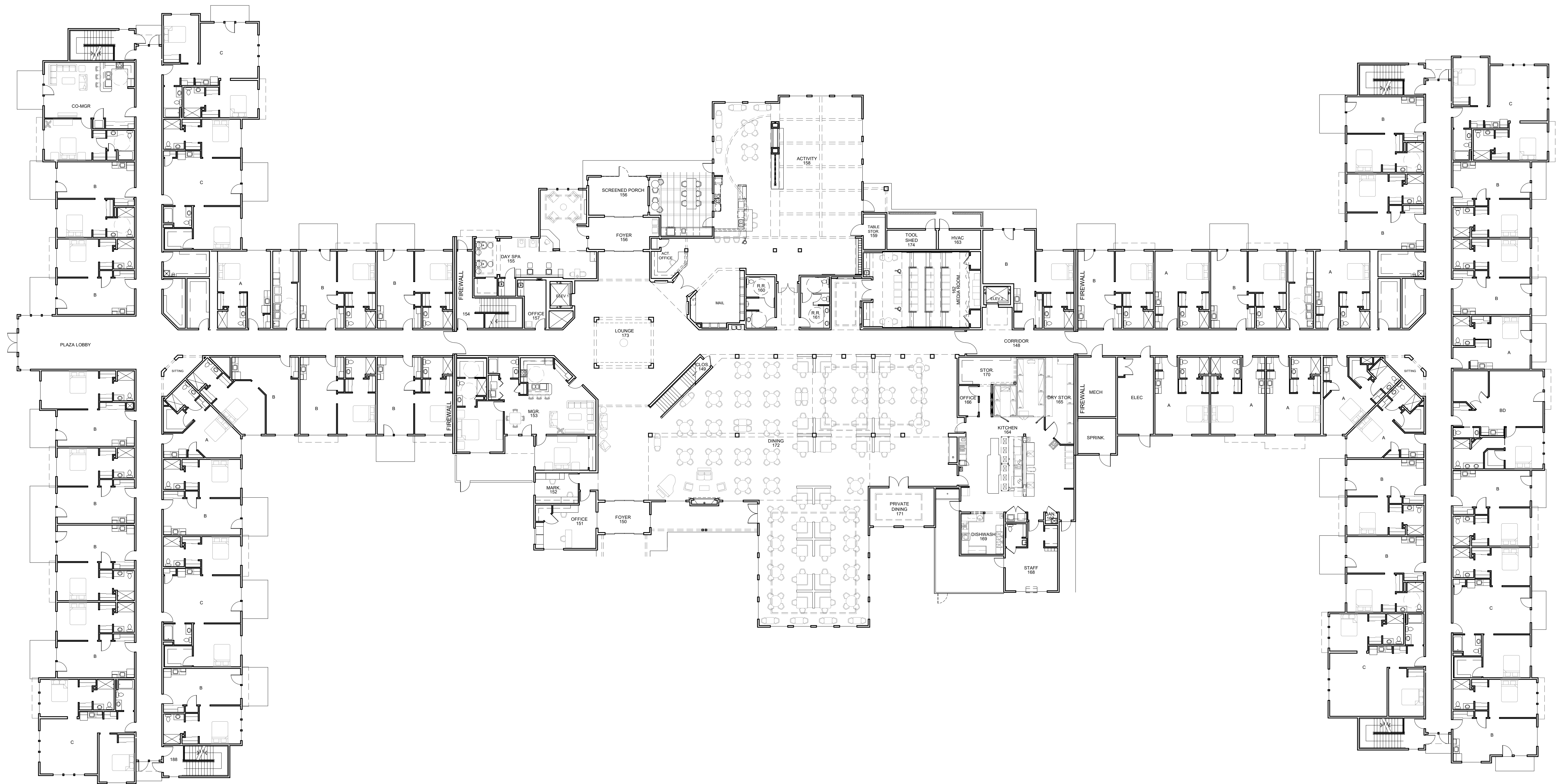


## SITE EXHIBIT - SECTION AND MISC DETAILS

DATE: 06/29/2022  
1" = 20'  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022

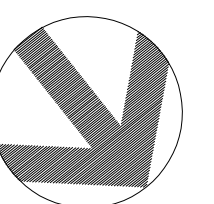






# FIRST FLOOR PLAN

DATE: 06/29/2022  
SCALE: 1/16" = 1'-0"  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022



**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

A2.1

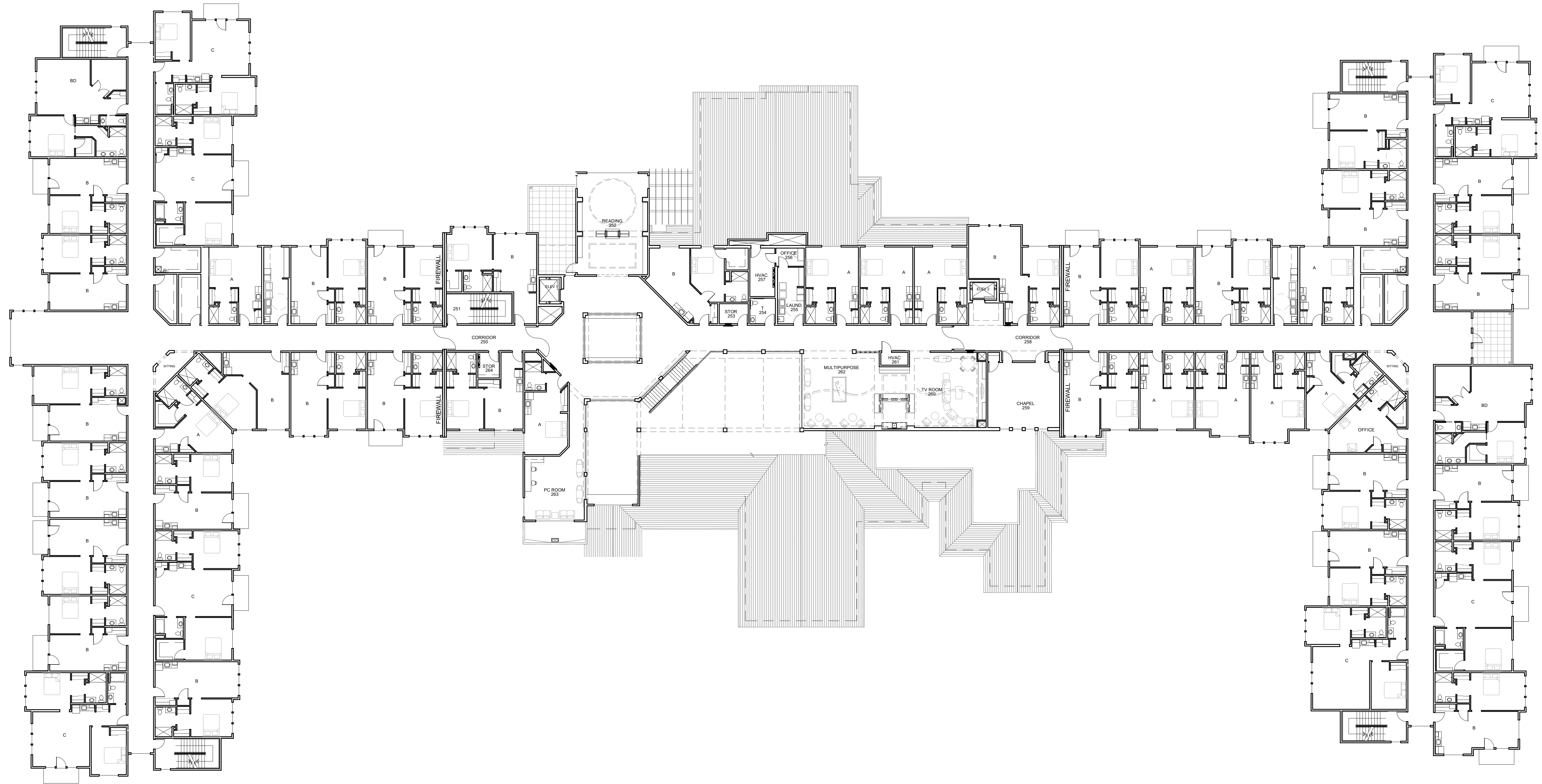
**lenity**  
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

## Huntersville Retirement Residence

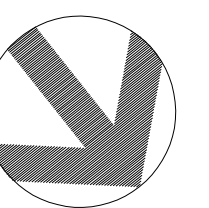
Huntersville, NC





## SECOND FLOOR PLAN

DATE: 06/29/2022  
SCALE: 1/16" = 1'-0"  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022



**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

**lenity**  
architecture, inc.

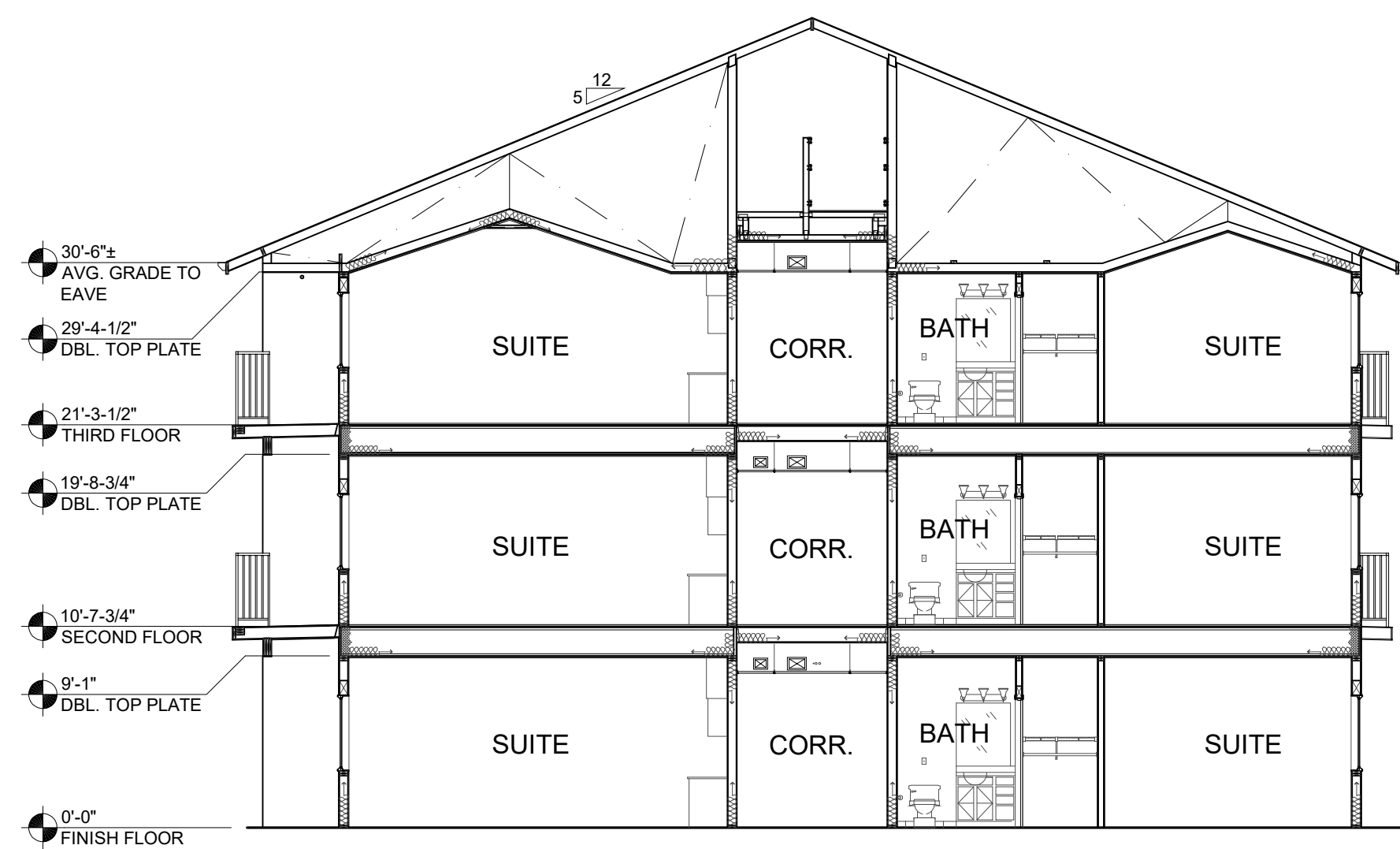
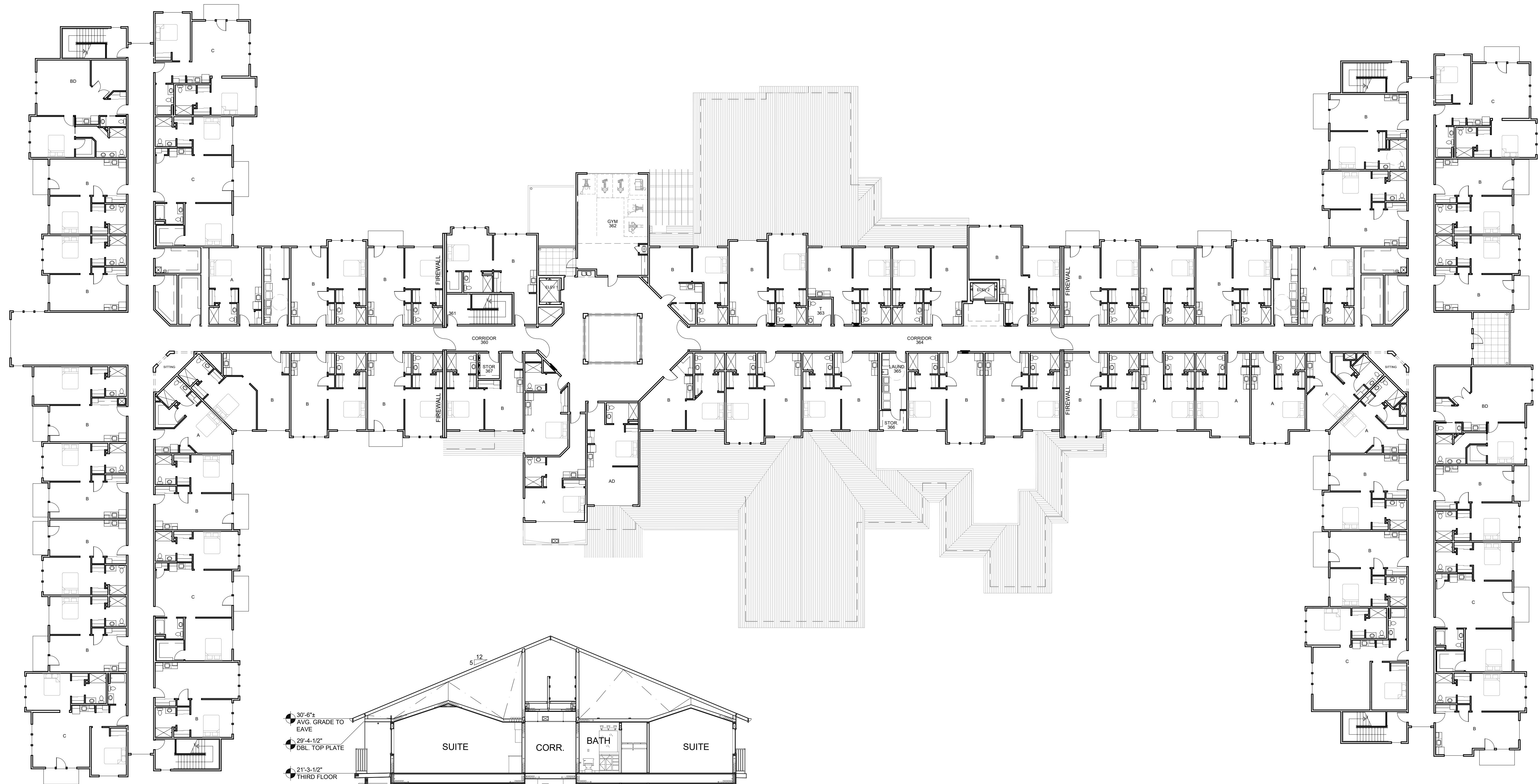
3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

# Huntersville Retirement Residence

Huntersville, NC

A2.2



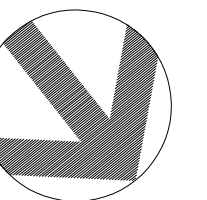


**BUILDING SECTION**

SCALE: 1/8" = 1'-0"

**THIRD FLOOR PLAN**

DATE: 06/29/2022  
SCALE: 1/16" = 1'-0"  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022



**lenity**  
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

# Huntersville Retirement Residence

Huntersville, NC

**HAWTHORN**  
SENIOR LIVING

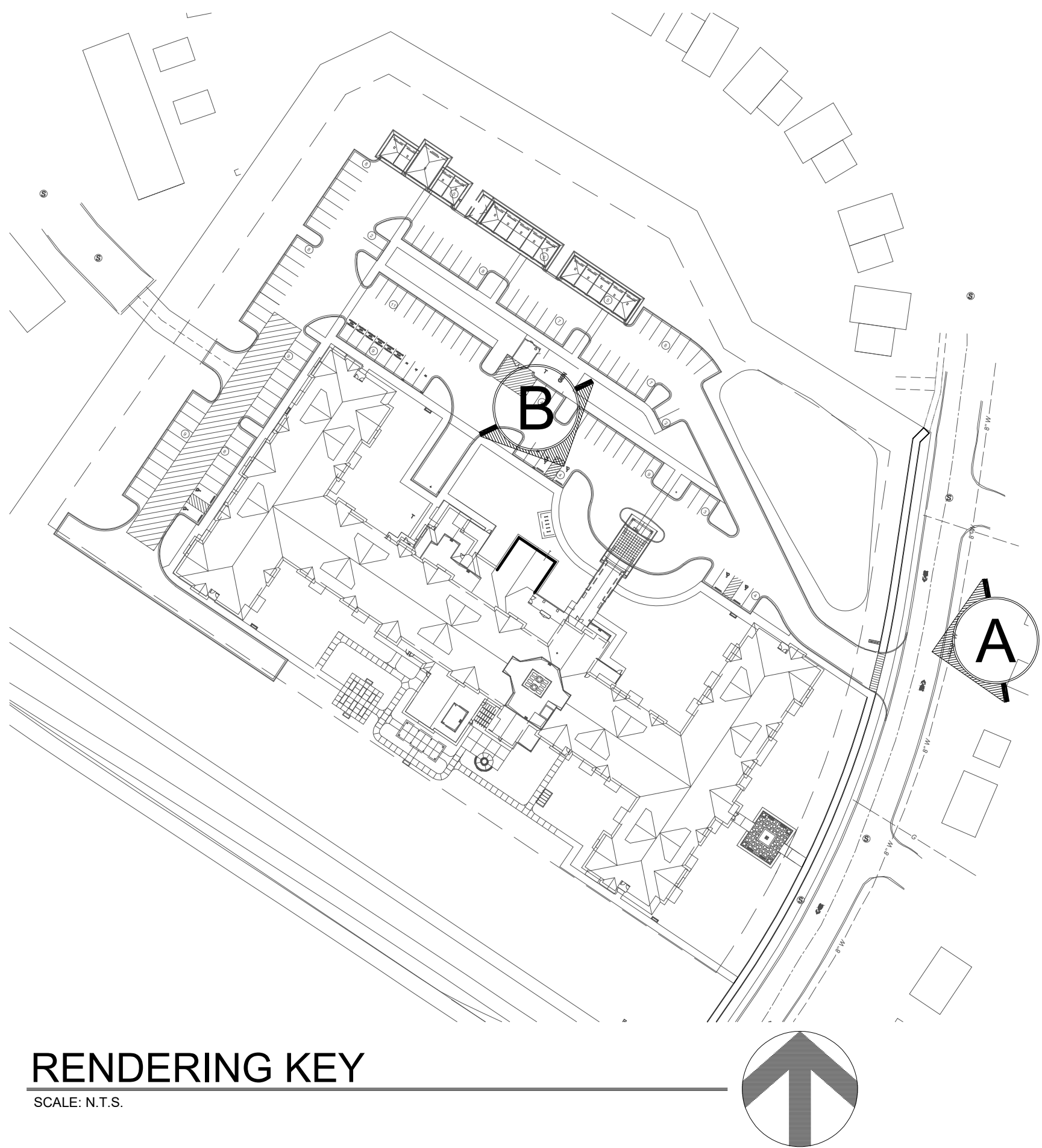
9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

A2.3





**A** VIEW FROM APRIL MIST TRAIL LOOKING SOUTH WEST  
SCALE: N.T.S.



**B** FRONT ENTRY LOOKING SOUTH EAST  
SCALE: N.T.S.

NOTE: LANDSCAPING  
REVISED PER COMMENTS

**EXTERIOR RENDERINGS**

DATE: 06/29/2022  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022

**HAWTHORN**  
SENIOR LIVING

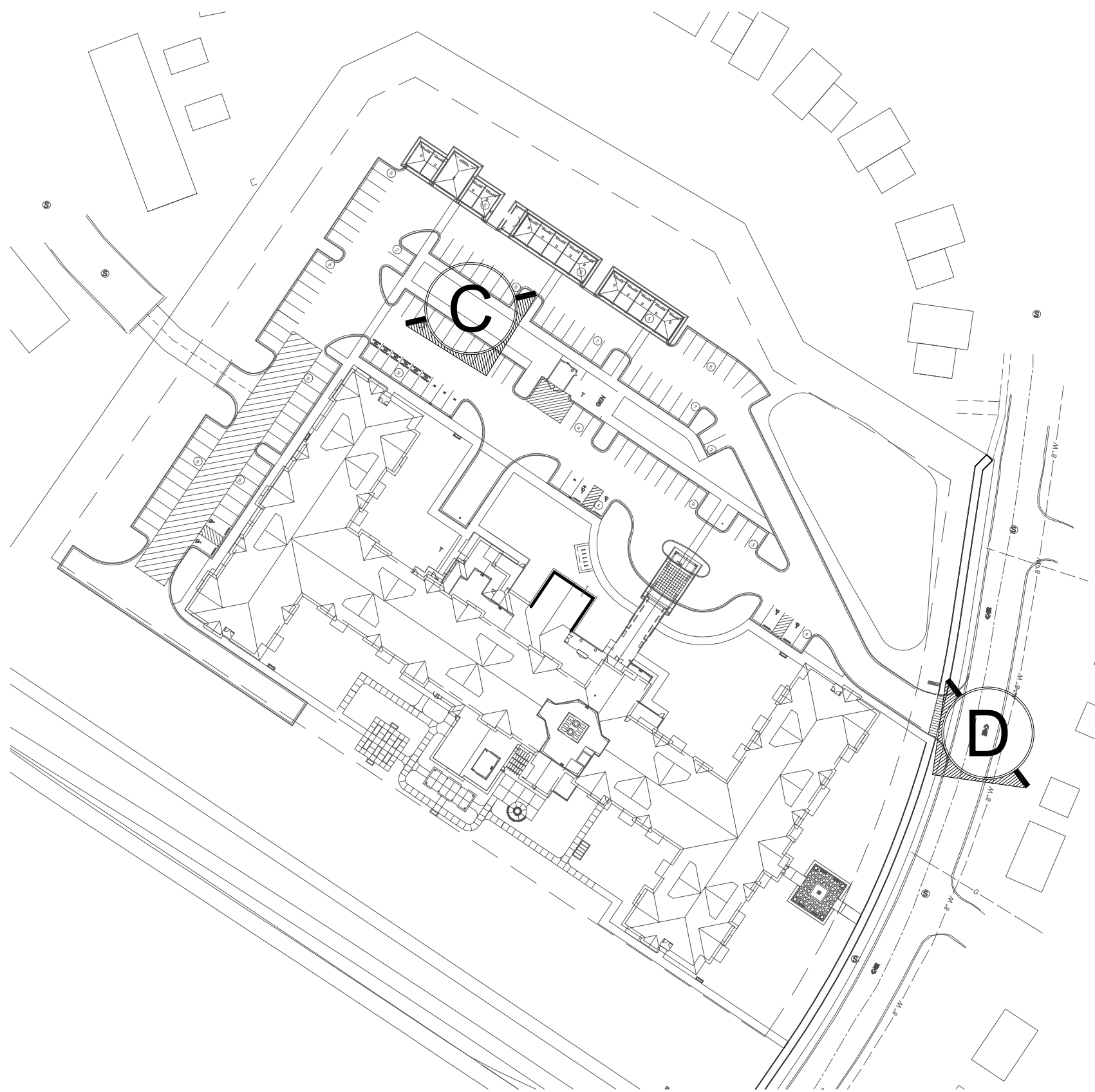
9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

A4.1

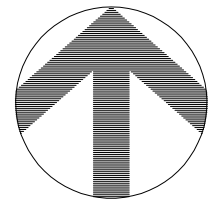




**C** FRONT FACADE LOOKING SOUTH EAST  
SCALE: N.T.S.



**RENDERING KEY**  
SCALE: N.T.S.



**D** C WING FACADE LOOKING SOUTH WEST  
SCALE: N.T.S.

NOTE: LANDSCAPING  
REVISED PER COMMENTS

**EXTERIOR RENDERINGS**

DATE: 06/29/2022  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022

**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

A4.2

**lenity**  
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

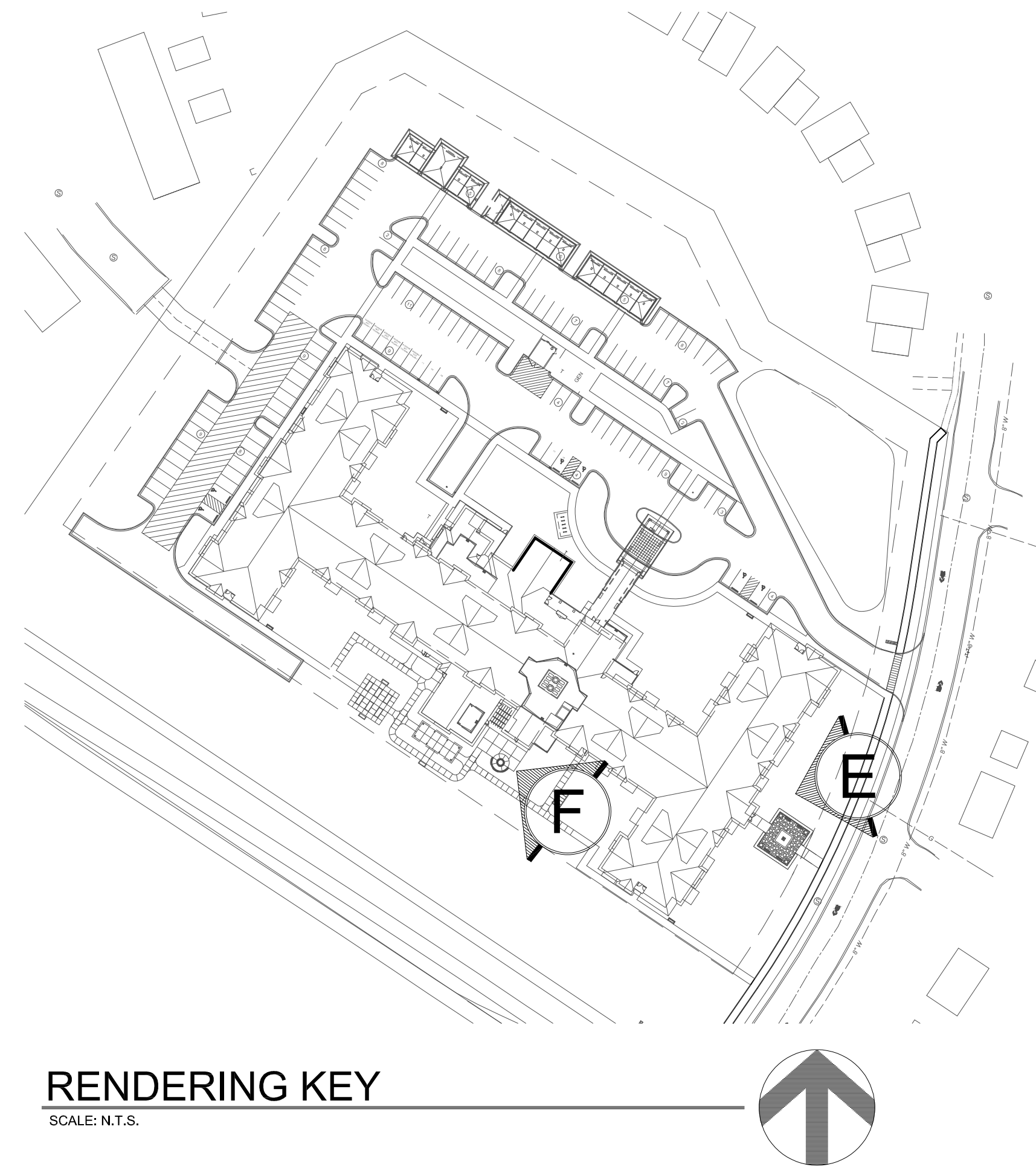
# Huntersville Retirement Residence

Huntersville, NC





**E** ENTRY PLAZA LOOKING SOUTH WEST  
SCALE: N.T.S.



**RENDERING KEY**  
SCALE: N.T.S.



**F** FIRE PIT AREA LOOKING NORTH WEST  
SCALE: N.T.S.

NOTE: LANDSCAPING  
REVISED PER COMMENTS

#### EXTERIOR RENDERINGS

DATE: 06/29/2022  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022

**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

A4.3

**lenity**  
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

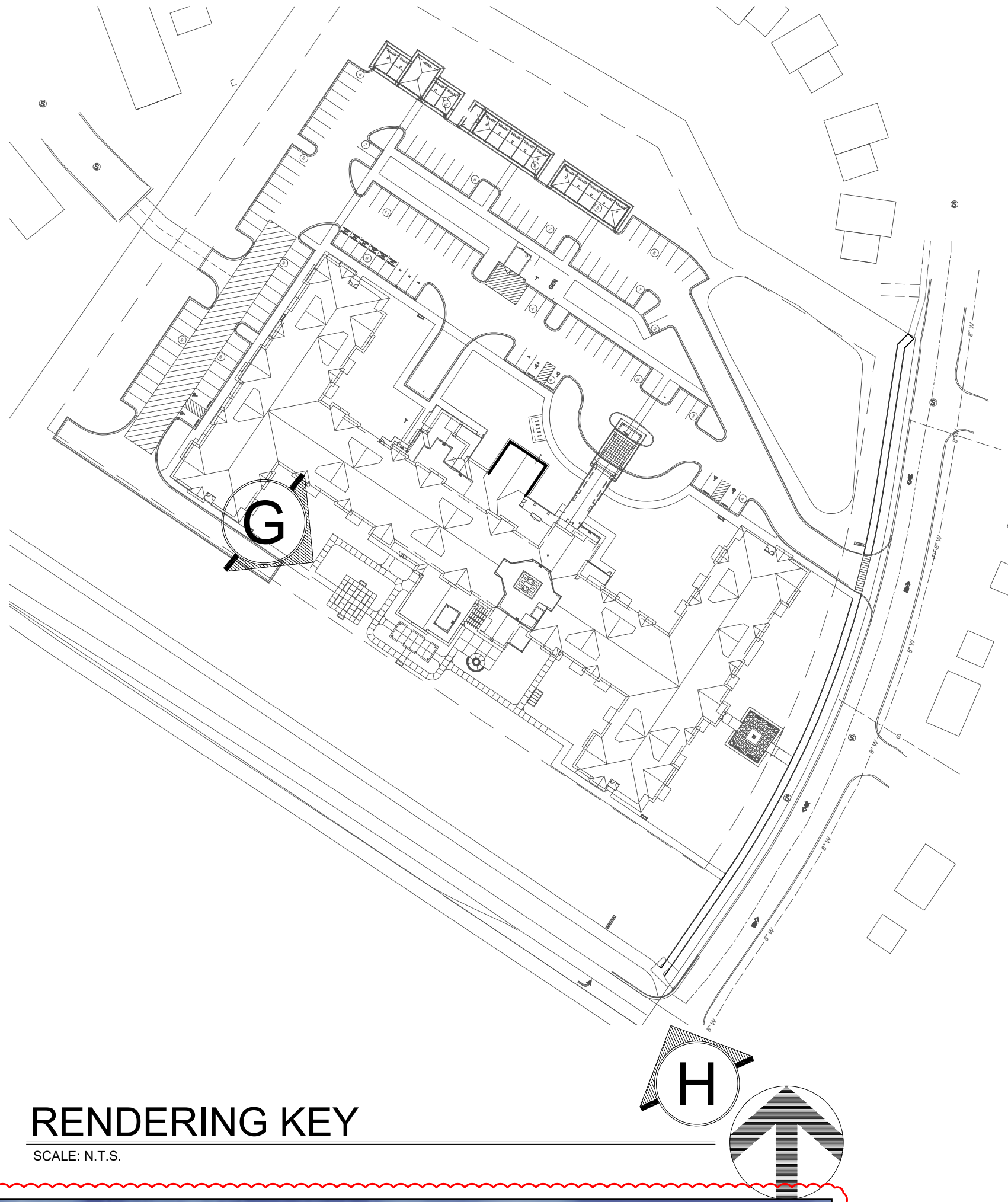
# Huntersville Retirement Residence

Huntersville, NC

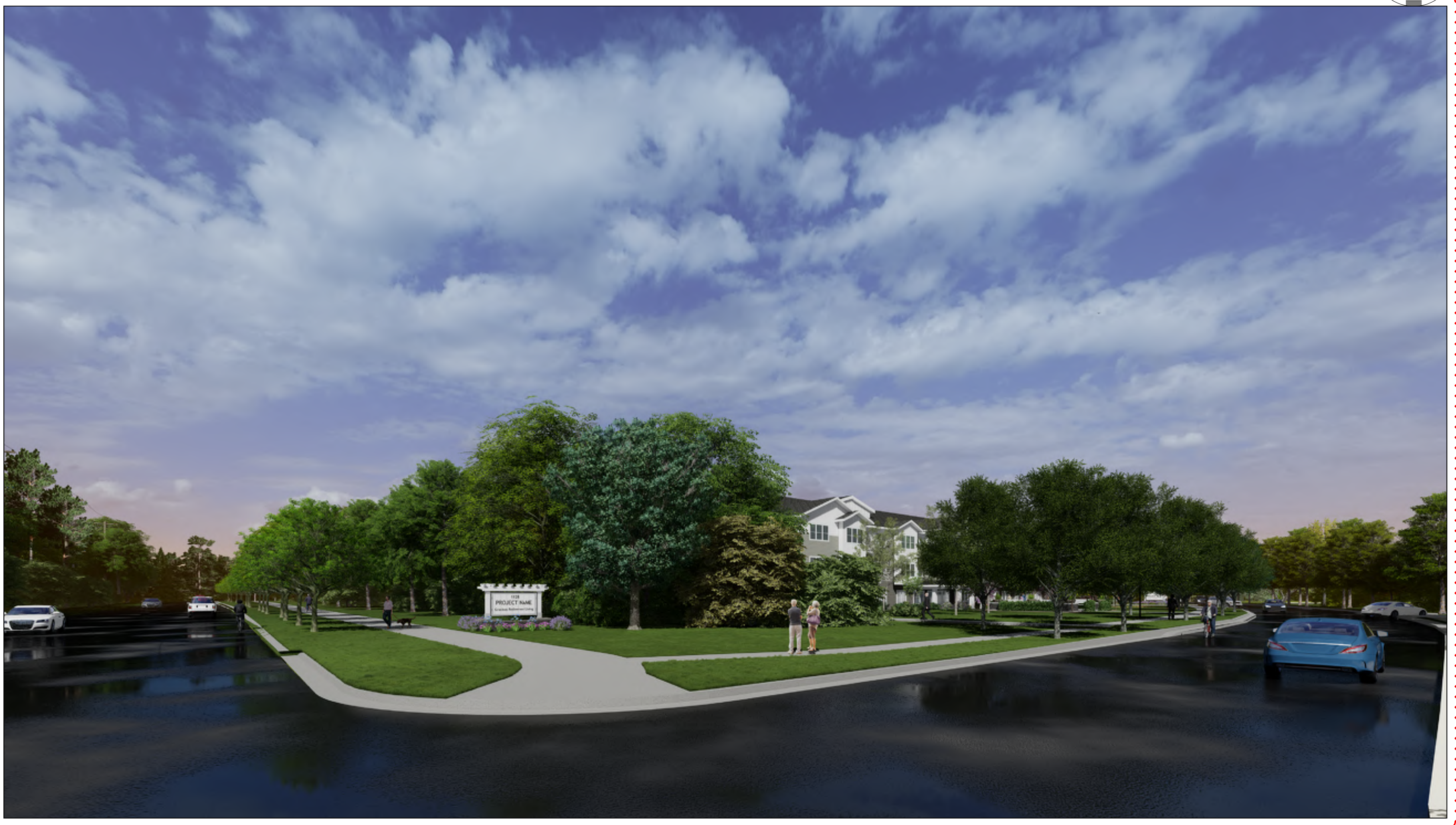




**G** REAR FACADE LOOKING SOUTH EAST  
SCALE: N.T.S.



**RENDERING KEY**  
SCALE: N.T.S.



**H** CORNER OF BEATTIES FORD RD. & APRIL MIST TRAIL LOOKING NORTH WEST  
SCALE: N.T.S.

NOTE: LANDSCAPING  
REVISED PER COMMENTS

**EXTERIOR RENDERINGS**

DATE: 06/29/2022  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022

**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

A4.4

**lenity**  
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

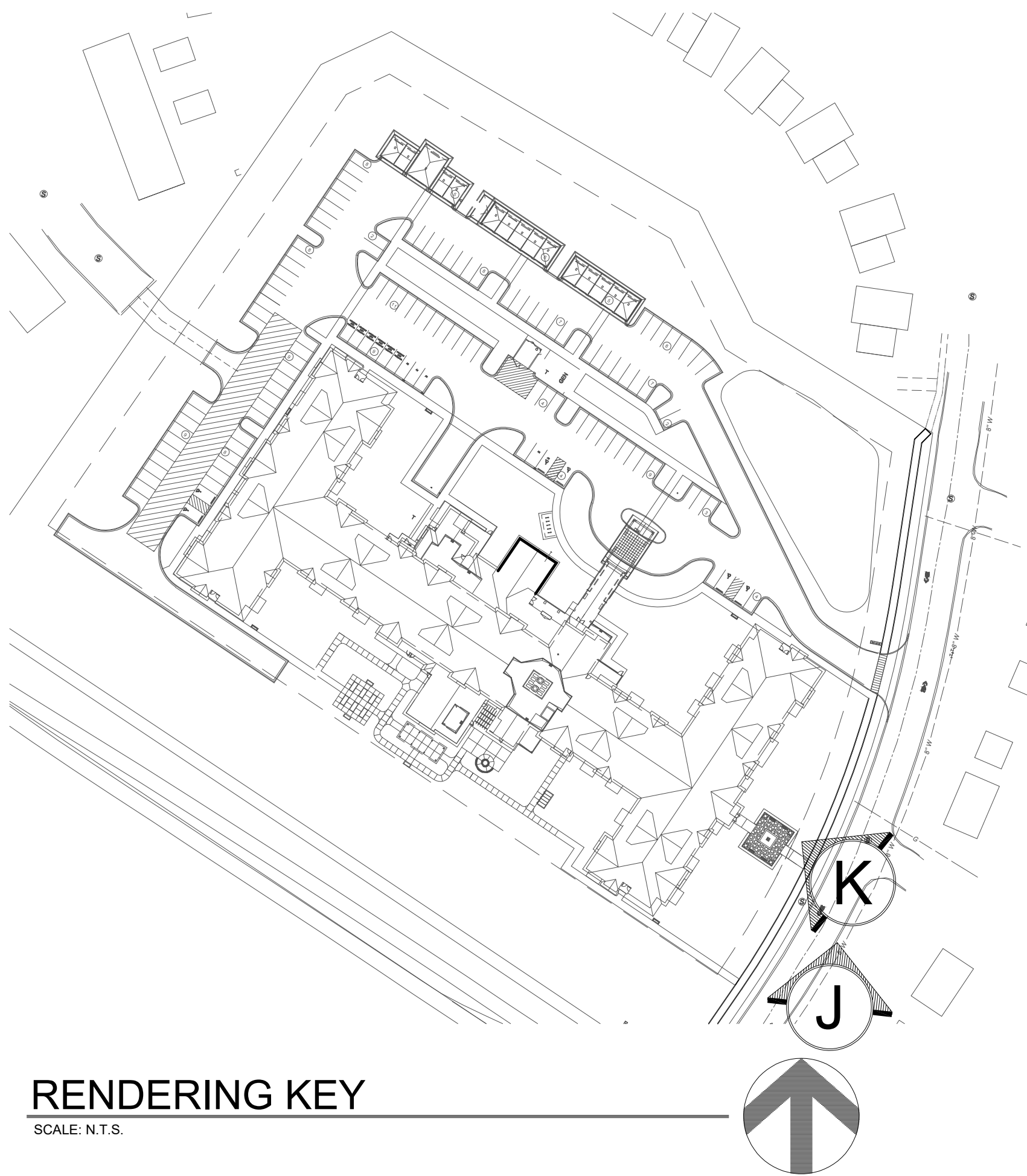
# Huntersville Retirement Residence

Huntersville, NC





**J** VIEW OF APRIL MIST TRAIL LOOKING NORTH EAST  
SCALE: N.T.S.



**RENDERING KEY**  
SCALE: N.T.S.



**K** PEDESTRIAN PLAZA LOOKING NORTH WEST  
SCALE: N.T.S.

NOTE: LANDSCAPING  
REVISED PER COMMENTS

**EXTERIOR RENDERINGS**

DATE: 06/29/2022  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022

**HAWTHORN**  
SENIOR LIVING

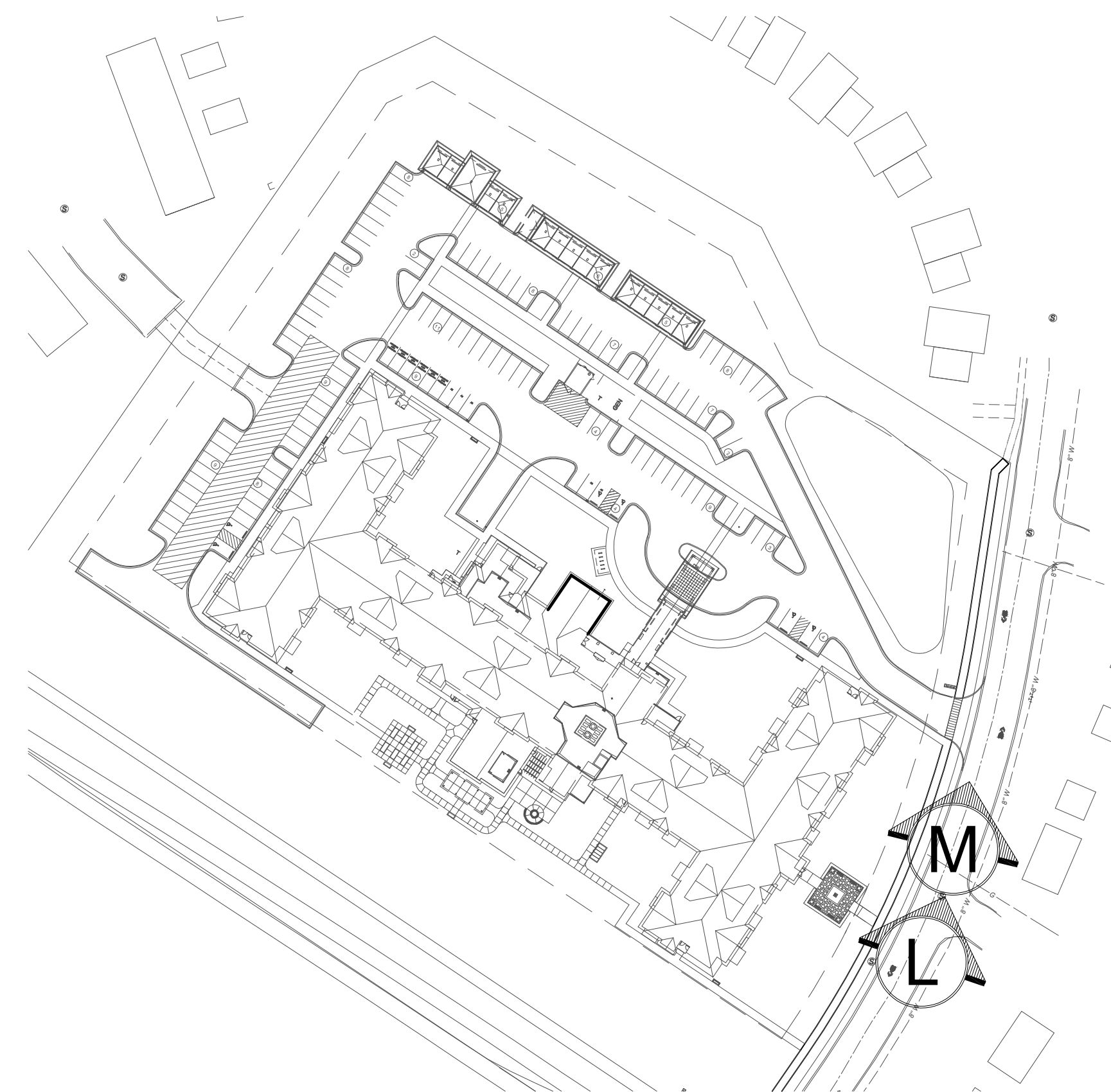
9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

A4.5

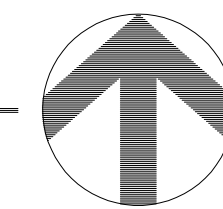




**L** APRIL MIST TRAIL LOOKING NORTH EAST  
SCALE: N.T.S.



**RENDERING KEY**  
SCALE: N.T.S.



**M** VIEW OF APRIL MIST TRAIL LOOKING NORTH EAST  
SCALE: N.T.S.

NOTE: LANDSCAPING  
REVISED PER COMMENTS

## EXTERIOR RENDERINGS

DATE: 06/29/2022  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022

**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

A4.6

**lenity**  
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

# Huntersville Retirement Residence

Huntersville, NC





**A FRONT (NORTH EAST) ELEVATION**

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)



**B WING B (SOUTH EAST) ELEVATION**

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)



**C WING B (NORTH WEST) ELEVATION**

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)



**D REAR (SOUTH WEST) ELEVATION**

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)



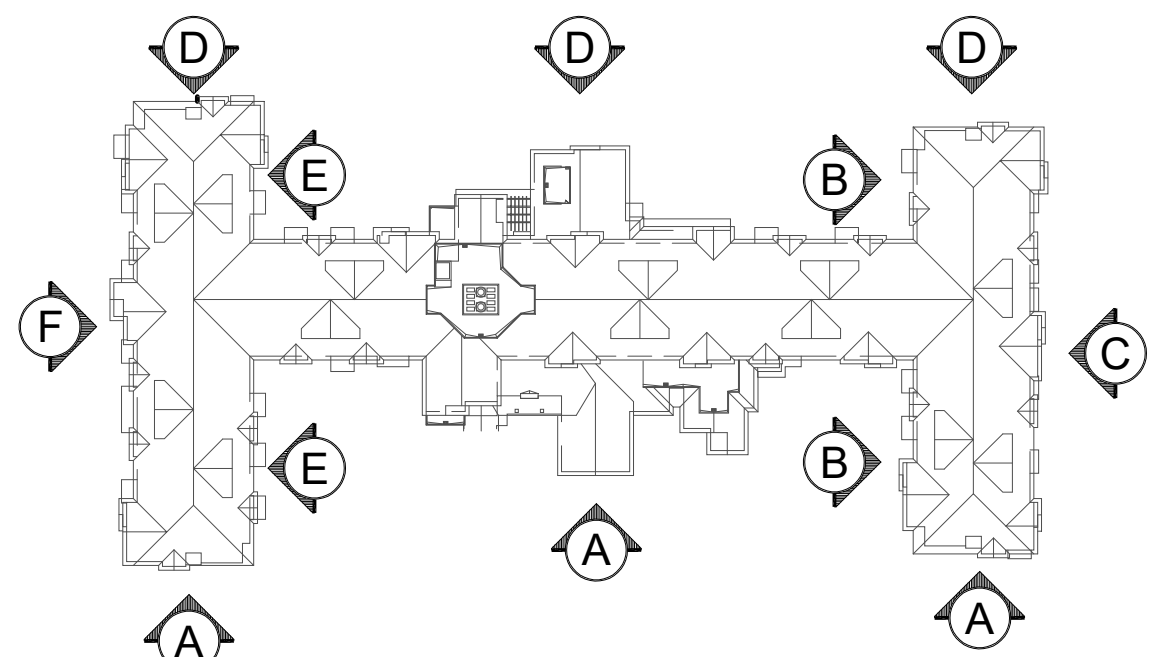
**E WING C (NORTH WEST) ELEVATION**

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)



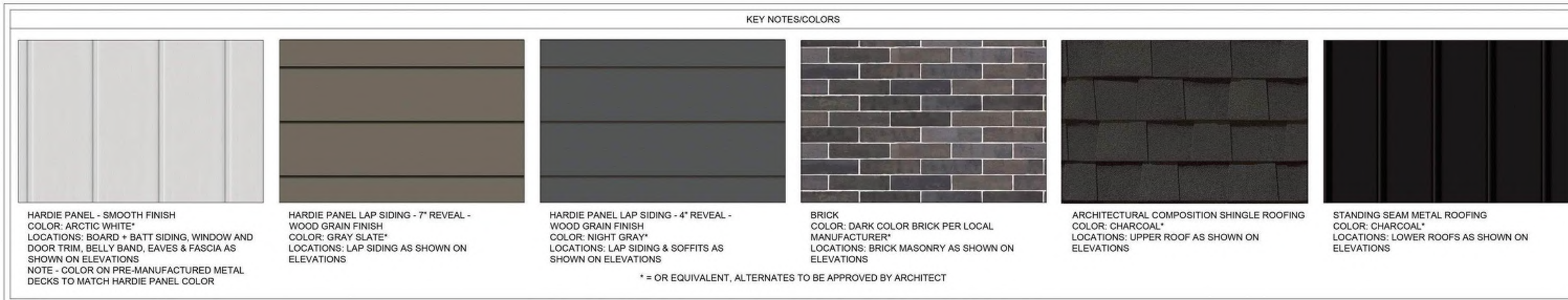
**F WING C (SOUTH EAST) ELEVATION**

SCALE : 1/16" = 1'-0" (TYP. ALL DRWG'S THIS SHEET U.O.N.)



**ELEVATION KEY**

SCALE: N.T.S.



## EXTERIOR ELEVATIONS

DATE: 06/29/2022  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022

**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

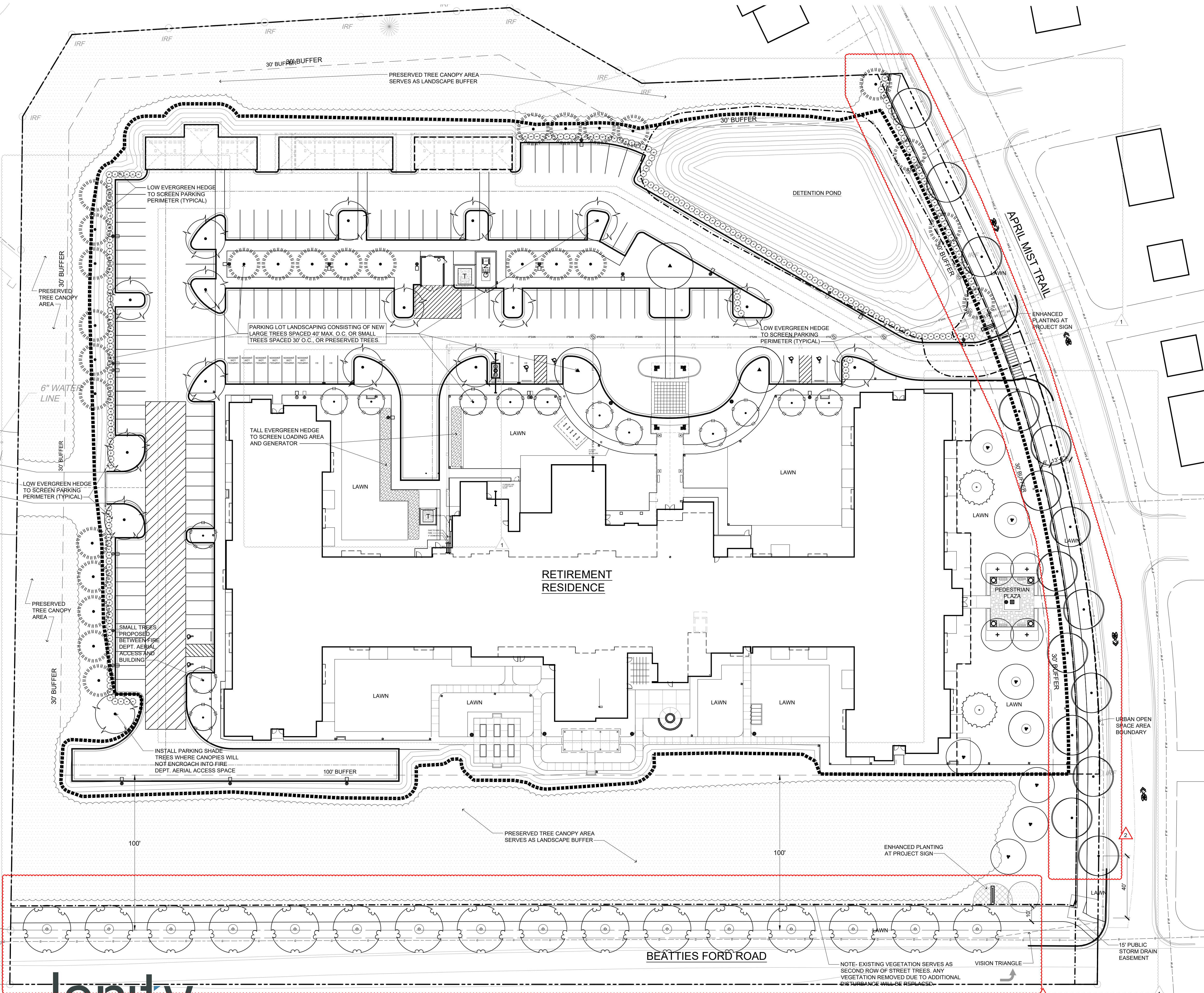
A5.1

**lenity**  
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

**Huntersville Retirement Residence**  
Huntersville, NC



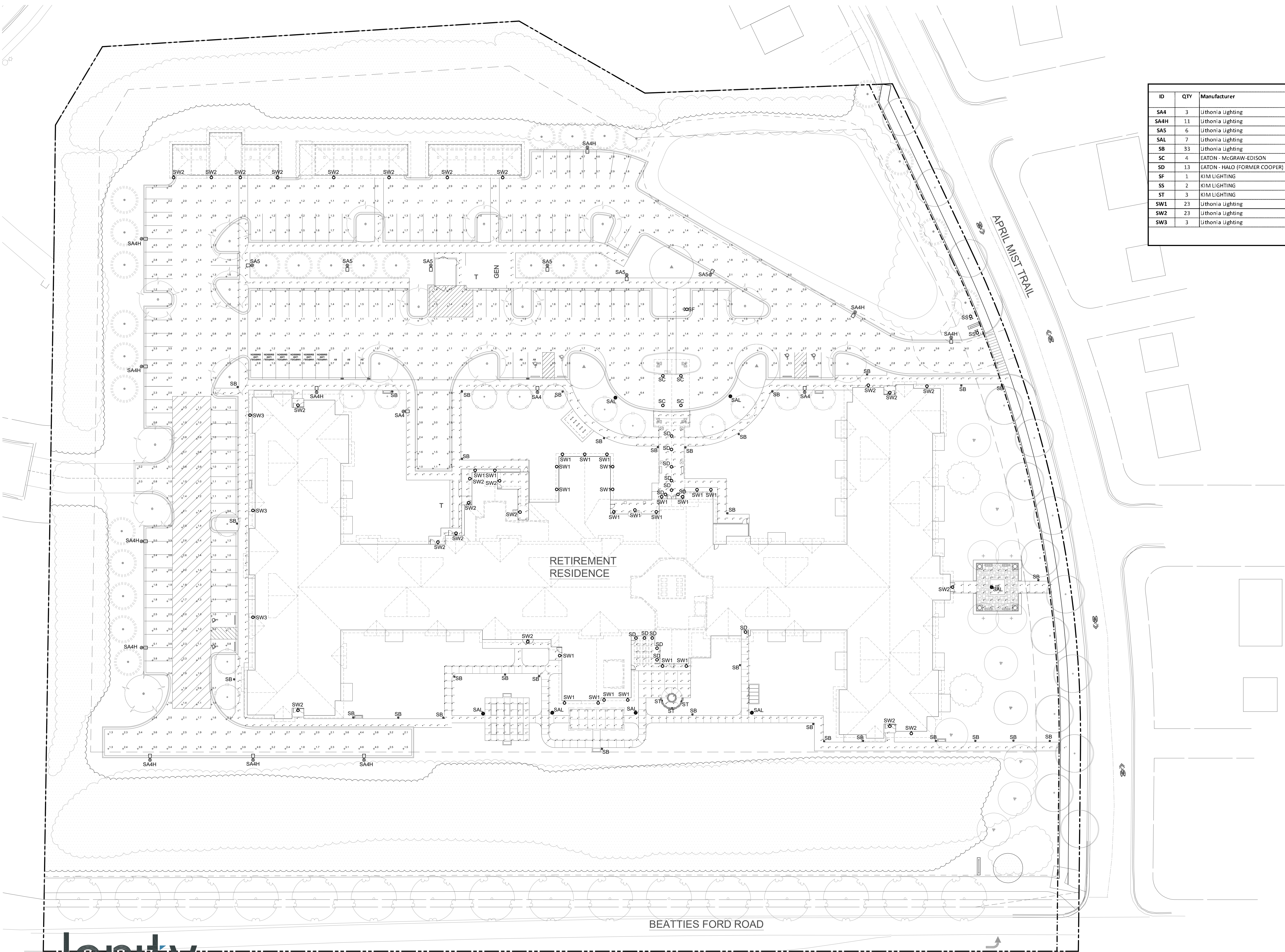


### Planting Legend

| Botanical Name / Common Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Dec. / Evg.         | Quantity | Size / Comments                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------|---------------------------------------------------|
| Street Tree: (Beatties Ford Road)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |          |                                                   |
| Ginkgo biloba 'Autumn Gold'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Deciduous           | 16       | 2" caliper x 8-10 ft. B&B Standard (40' o.c.)     |
| Autumn Gold Maidenhair Tree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                     | 1        |                                                   |
| Street Tree: (April Mist Trail)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |          |                                                   |
| Quercus phellos                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Deciduous           | 15       | 2" caliper x 8-10 ft. B&B Standard (30' o.c.)     |
| Willow Oak                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                     | 2        |                                                   |
| Note: Street tree locations are subject to change during construction plan phase to satisfy the Town's Engineering Standards and Procedures Manual. Install 5 ft. min. from underground utility lines.                                                                                                                                                                                                                                                                                                                                                       |                     |          |                                                   |
| Large Maturing Trees:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                     |          |                                                   |
| Acer x freemanii                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Deciduous           | 3        | 2" caliper x 8-10 ft. B&B Standard                |
| Freeman Maple                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |          |                                                   |
| Cytisoma japonica                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Evergreen           | 26       | 2" caliper x 8-10 ft. B&B Low-branching           |
| Japanese Cryptomeria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     | 2        |                                                   |
| Ostrya virginiana                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Deciduous           | 16       | 2" caliper x 8-10 ft. B&B Standard                |
| Eastern Hop Hornbeam                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |          |                                                   |
| Small Maturing Trees:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                     |          |                                                   |
| Cercis canadensis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Deciduous           | 4        | 2" caliper x 8-10 ft. B&B Standard- small tree    |
| Eastern Redbud                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |          |                                                   |
| Chionanthus virginicus                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Deciduous           | 13       | 2" caliper x 8-10 ft. B&B Natural Form            |
| Fringe Tree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                     |          |                                                   |
| Lagerstroemia 'Sioux'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Deciduous           | 14       | 2" caliper x 8-10 ft. B&B Standard                |
| Sioux Crape Myrtle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |          |                                                   |
| Magnolia grandiflora 'Little Gem'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Evergreen           | 2        | 2" caliper x 8-10 ft. B&B/Container Low-branching |
| Little Gem Magnolia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |          |                                                   |
| Note: Tree symbols are reduced in scale in Legend                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |          |                                                   |
| Shrub/Vine Plant List:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                     |          |                                                   |
| Abelia x grandiflora 'Kaleidoscope'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |          | 3 gal. container 18" min. height                  |
| Kaleidoscope Abelia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |          |                                                   |
| Buxus microphylla 'Winter Gem'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |          | 12-15" B&B low hedge                              |
| Winter Gem Boxwood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |          |                                                   |
| Camellia sasanqua                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |          | 3 gal. container 24" min. height                  |
| Camellia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                     |          |                                                   |
| Cleyera japonica                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |          | 3 gal. container 36" min. height                  |
| Cleyera                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                     |          |                                                   |
| Cornus sericea baileyi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                     |          | 3 gal. container 24" min. height                  |
| Redtwig Dogwood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |          |                                                   |
| Diervilla sessilifolia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                     |          | 3 gal. container 18" min. height                  |
| Southern Bush-honeysuckle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |          |                                                   |
| Distylium 'Blue Cascade'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                     |          | 3 gal. container 24" min. height                  |
| Blue Cascade Evergreen Distylium                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |          |                                                   |
| Gardenia japonica 'Klein's Hardy'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |          | 3 gal. container 18" min. height                  |
| Gardenia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                     |          |                                                   |
| Hydrangea quercifolia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                     |          | 3 gal. container 24" min. height                  |
| Oakleaf Hydrangea                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |          |                                                   |
| Ilex crenata 'Sky Pencil'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |          | 7 gal. container 42" min. height                  |
| Sky Pencil Holly                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |          |                                                   |
| Ilex glabra 'Compacta'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                     |          | B&B or container 24" min. height                  |
| Compact Inkberry Holly                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                     |          |                                                   |
| Itea virginica 'Henry's Garnet'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |          | 3 gal. container 24" min. height                  |
| Sweetspire                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                     |          |                                                   |
| Juniperus chinensis 'Hetzi's Columnaris'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                     |          | 7 gal. container 48" min. height                  |
| Hetzi's Columnar Juniper                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                     |          |                                                   |
| Juniperus procumbens                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |          | 3 gal. container ground cover                     |
| Garden Juniper                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |          |                                                   |
| Loropetalum chinense 'Chang's Ruby'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |          | 3 gal. container 18" min. height                  |
| Chang's Ruby Loropetalum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                     |          |                                                   |
| Mahonia eurybracteata 'Soft Caress'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |          | 3 gal. container 18" min. height                  |
| Soft Caress Mahonia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |          |                                                   |
| Myrica cerifera                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |          | 7 gal. container 48" min. height                  |
| Southern Wax Myrtle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |          |                                                   |
| Osmanthus fragrans                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |          | 7 gal. container 48" min. height                  |
| Tea Olive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |          |                                                   |
| Picea glauca albertiana 'Conica'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |          | 36" B&B Full & Symmetrical                        |
| Dwarf White Spruce (native)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                     |          |                                                   |
| Rhaphiolepis umbellata 'Minor'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |          | B&B or container 24" min. height                  |
| Dwarf Yeddo Hawthorn                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |          |                                                   |
| Rhododendron spp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |          | 3 gal. container 24" min. height                  |
| Azalea                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                     |          |                                                   |
| Rosa spp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |          | 3 gal. container 18" min. height                  |
| Carpet / Drill / Knock-out Roses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |          |                                                   |
| Sarcococca humilis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |          | 3 gal. container 12" min. height                  |
| Fragrant Valley Sweetbox                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                     |          |                                                   |
| Grasses / Perennials:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                     |          |                                                   |
| Astilbe x arendsi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |          | 1 gal. container                                  |
| Astilbe                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                     |          |                                                   |
| Carex morrowii 'Ice Dance'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                     |          | 1 gal. container                                  |
| Variegated Japanese Sedge                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |          |                                                   |
| Coreopsis grandiflora 'Sunray'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |          | 1 gal. container                                  |
| Sunray Coreopsis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |          |                                                   |
| Cytisium falcatum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |          | 1 gal. container                                  |
| Holly Fern                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                     |          |                                                   |
| Hemerocallis spp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |          | 1 gal. container                                  |
| Daylily                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                     |          |                                                   |
| Heuchera hybrids                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |          | 1 gal. container                                  |
| Alum Root                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |          |                                                   |
| Iberis sempervirens                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |          | 1 gal. container                                  |
| Evergreen Candytuft                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |          |                                                   |
| Liriope muscari                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |          | 1 gal. container                                  |
| Blue Lily Turf                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |          |                                                   |
| Muhlenbergia capillaris                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                     |          | 1 gal. container                                  |
| Pink Muhly Grass                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |          |                                                   |
| Pennisetum alopecuroides 'Little Bunny'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                     |          | 1 gal. container                                  |
| Little Bunny Fountain Grass                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                     |          |                                                   |
| Ground Covers:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |          |                                                   |
| Trachelospermum asiaticum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |          | 1 gal. @ 36" o.c. triangularly spaced             |
| Asian Jasmine                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |          |                                                   |
| Detention Basin Native Seed Mix                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |          | Hydroseed mix                                     |
| Lawn Areas- Geo Zoysia Grass                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |          | Sod and/or Seed TBD                               |
| Annual Flowers by season                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                     |          | 4" Pots @ 9" o.c. triangularly spaced             |
| Spring-Summer-Fall rotations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |          |                                                   |
| Notes:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                     |          |                                                   |
| 1. An automated permanent irrigation system shall be installed using SMART Technology, providing 100% coverage to all landscaped areas. Irrigation Contractor/Installer shall submit a Design/Build Irrigation Plan to Landscape Architect for approval. Provide 4 ft. high Tree Protection fencing around Critical Root Zones of all trees or tree groups to be preserved. Tree Protection fencing to be installed and inspected prior to any land disturbance and to remain in place throughout entire construction activity period. Refer to Civil Plans. |                     |          |                                                   |
| 2. All shrub/ground cover beds to receive a 3" layer of aged shredded hardwood mulch.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                     |          |                                                   |
| 3. Parking Perimeter Screen Planting 2 ft. evergreen shrubs planted 4 ft. o.c. Mature height of 4 ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                     |          |                                                   |
| Tree Preservation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 401,526 s.f.        |          |                                                   |
| Site Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 40,153 s.f.         |          |                                                   |
| Tree Preservation required (10%):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 97,163 s.f. (21.7%) |          |                                                   |
| Tree Preservation area provided:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |          |                                                   |
| Urban Open Space Area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3173 s.f.           |          |                                                   |
| Paved Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 15,997 s.f.         |          |                                                   |
| Landscape Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 19,170 s.f.         |          |                                                   |
| Urban Open Space area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 131,453 s.f.        |          |                                                   |
| Site Landscape Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |          |                                                   |
| Total Site Pervious Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 223,891 s.f.        |          |                                                   |
| % Site Pervious Area :                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 55.7%               |          |                                                   |



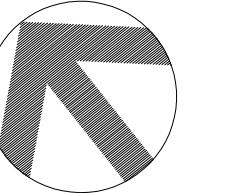
| FIXTURE SCHEDULES |     |                              |                              |      |                 |       |
|-------------------|-----|------------------------------|------------------------------|------|-----------------|-------|
| ID                | QTY | Manufacturer                 | Catalog Number               | Lamp | Lumens Per Lamp | Watts |
| SA4               | 3   | Lithonia Lighting            | DSX0 LED P4 40K T4M MVOLT    | 1    | 10335           | 92    |
| SA4H              | 11  | Lithonia Lighting            | DSX0 LED P4 40K T4M MVOLT HS | 1    | 8020            | 92    |
| SA5               | 6   | Lithonia Lighting            | DSX0 LED P4 40K T5W MVOLT    | 1    | 10889           | 92    |
| SAL               | 7   | Lithonia Lighting            | RADPT P2 40K SYM             | 1    | 5169            | 38    |
| SB                | 33  | Lithonia Lighting            | DSXB LED 16C 700 40K SYM     | 1    | 3009            | 39    |
| SC                | 4   | EATON - MCGRAW-EDISON        | LRC-B64-4-LED-E1-WST         | 1    | 8123            | 88    |
| SD                | 13  | EATON - HALO (FORMER COOPER) | SLD612940WH                  | 1    | 1000            | 15    |
| SF                | 1   | KIM LIGHTING                 | CFL-WF-214K50                | 1    | 4178            | 35    |
| SS                | 2   | KIM LIGHTING                 | CFL-NF-214K50                | 1    | 4212            | 34    |
| ST                | 3   | KIM LIGHTING                 | EL807/9L4K/KIT               | 1    | -1              | 10    |
| SW1               | 23  | Lithonia Lighting            | OLLWD LED P1 40K MVOLT       | 1    | 576             | 9     |
| SW2               | 23  | Lithonia Lighting            | WPX1 LED P1 40K Mvolt        | 1    | 1568            | 11    |
| SW3               | 3   | Lithonia Lighting            | WDGEZ LED P4 40K 70CRI T4M   | 1    | 4714            | 47    |



NOTE: LIGHTING REVISED DUE TO  
SITE PLAN REVISIONS.

SITE PHOTOMETRIC

DATE: 06/29/2022  
1" = 30'  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022



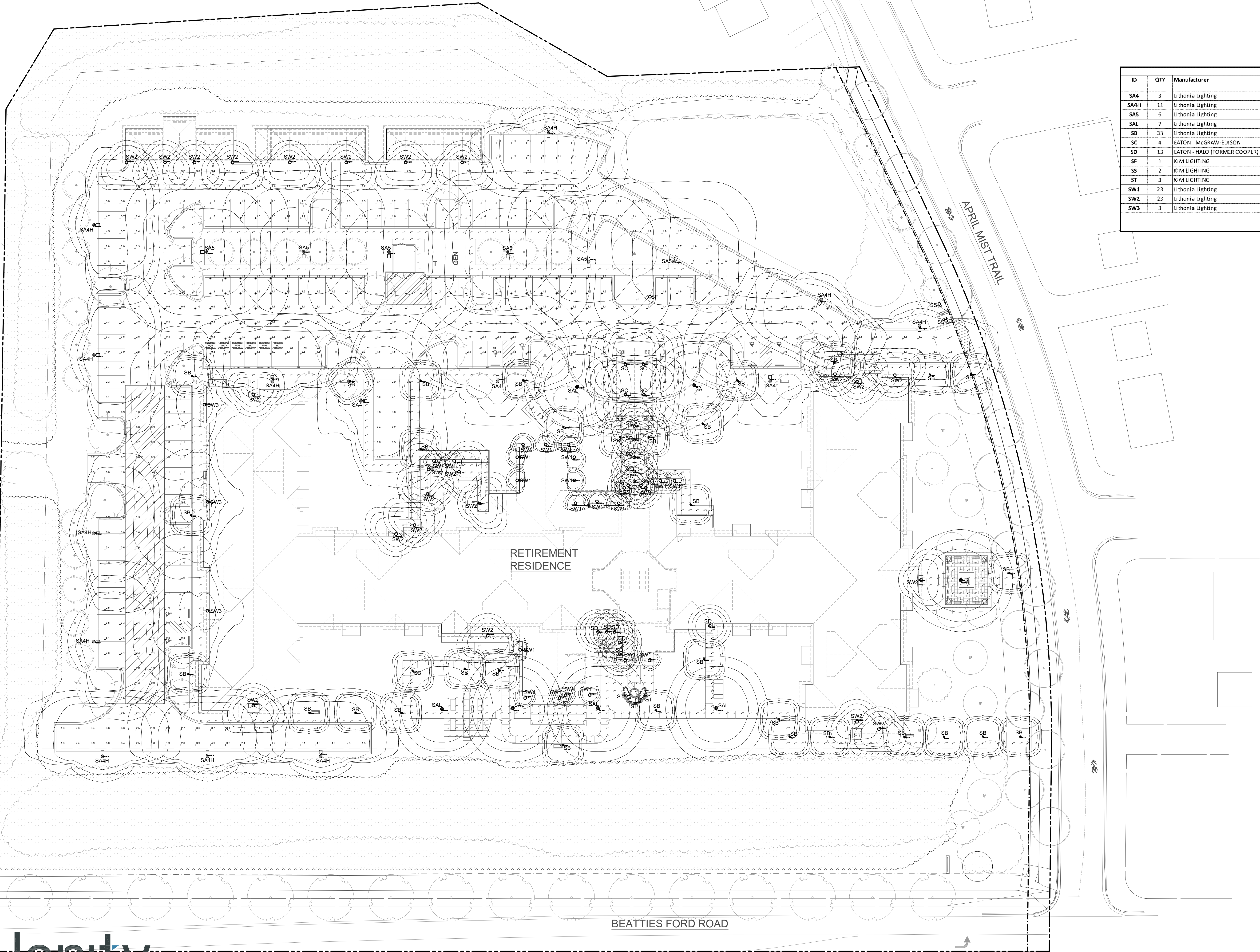
**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

ES.0



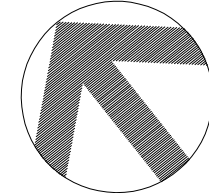
| FIXTURE SCHEDULES |     |                              |                              |      |                 |       |
|-------------------|-----|------------------------------|------------------------------|------|-----------------|-------|
| ID                | QTY | Manufacturer                 | Catalog Number               | Lamp | Lumens Per Lamp | Watts |
| SA4               | 3   | Lithonia Lighting            | DSX0 LED P4 40K T4M MVOLT    | 1    | 10335           | 92    |
| SA4H              | 11  | Lithonia Lighting            | DSX0 LED P4 40K T4M MVOLT HS | 1    | 8020            | 92    |
| SA5               | 6   | Lithonia Lighting            | DSX0 LED P4 40K T5W MVOLT    | 1    | 10889           | 92    |
| SAL               | 7   | Lithonia Lighting            | RADPT P2 40K SYM             | 1    | 5169            | 38    |
| SB                | 33  | Lithonia Lighting            | DSXB LED 16C 700 40K SYM     | 1    | 3009            | 39    |
| SC                | 4   | EATON - McGRAW-EDISON        | LRC-B64-4-LED-E1-WST         | 1    | 8123            | 88    |
| SD                | 13  | EATON - HALO (FORMER COOPER) | SLD612940WH                  | 1    | 1000            | 15    |
| SF                | 1   | KIM LIGHTING                 | CFL-WF-214K50                | 1    | 4178            | 35    |
| SS                | 2   | KIM LIGHTING                 | CFL-NF-214K50                | 1    | 4212            | 34    |
| ST                | 3   | KIM LIGHTING                 | EL807/9L4K/KIT               | 1    | -1              | 10    |
| SW1               | 23  | Lithonia Lighting            | OLLWD LED P1 40K MVOLT       | 1    | 576             | 9     |
| SW2               | 23  | Lithonia Lighting            | WPX1 LED P1 40K Mvolt        | 1    | 1568            | 11    |
| SW3               | 3   | Lithonia Lighting            | WDGEZ LED P4 40K 70CRI T4M   | 1    | 4714            | 47    |



NOTE: LIGHTING REVISED DUE TO  
SITE PLAN REVISIONS.

SITE PHOTOMETRIC

DATE: 06/29/2022  
1" = 30'  
CURRENT SUBMISSION:  
REVISION 2 - 09/26/2022



**HAWTHORN**  
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200  
Vancouver, WA 98662-8210  
(360) 213-1550 Fax (360) 213-1540

ES.1

**lenity**  
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301  
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

# Huntersville Retirement Residence

Huntersville, NC



| DRAWING INDEX                      |         |
|------------------------------------|---------|
| TITLE                              | DRAWING |
| COVER SHEET                        | RZ-000  |
| SURVEY                             | RZ-100  |
| TREE SAVE PLAN                     | RZ-101  |
| SITE PLAN                          | RZ-200  |
| GRADING PLAN                       | RZ-300  |
| PRE-DEVELOPMENT DRAINAGE AREA MAP  | RZ-301  |
| POST-DEVELOPMENT DRAINAGE AREA MAP | RZ-302  |
| VEHICLE MANEUVERING PLAN           | RZ-400  |

| DRAWING INDEX                      |         |
|------------------------------------|---------|
| TITLE                              | DRAWING |
| COVER SHEET                        | RZ-000  |
| SURVEY                             | RZ-100  |
| TREE SAVE PLAN                     | RZ-101  |
| SITE PLAN                          | RZ-200  |
| GRADING PLAN                       | RZ-300  |
| PRE-DEVELOPMENT DRAINAGE AREA MAP  | RZ-301  |
| POST-DEVELOPMENT DRAINAGE AREA MAP | RZ-302  |
| VEHICLE MANEUVERING PLAN           | RZ-400  |



VICINITY MAP  
SCALE: N.T.S.

# REZONING SITE PLAN PACKAGE PROPOSED

## HUNTERSVILLE RETIREMENT RESIDENCE

TOWN OF HUNTERSVILLE, NC  
MECKLENBURG COUNTY, NC



VICINITY  
SCALE

## DEVELOPER

HAWTHORN DEVCO LLC  
2260 MCGILCHRIST STREET SE  
SALEM, OREGON 97302  
CONTACT: KRISTI NEZNANSKI  
PHONE: (503) 400-9239  
EMAIL: kneznanski@hawthorncg.com

## ARCHITECT

LENITY ARCHITECTURE, INC.  
3150 KETTLE COURT SE  
SALEM, OR 97301  
CONTACT: DANIEL PANTOVICH  
PHONE: (503) 399-1090  
EMAIL: danp@lenityarchitecture.com

# CIVIL ENGINEERING

TIMMONS GROUP  
610 EAST MOREHEAD STREET, SUITE 250  
CHARLOTTE, NORTH CAROLINA 28202  
CONTACT: BRIAN CRUTCHFIELD  
PHONE: (704) 602-8600  
FAX: (704) 376-1076  
EMAIL: [brian.crutchfield@timmons.com](mailto:brian.crutchfield@timmons.com)



1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPAIRED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CITY OF CHARLOTTE SPECIFICATIONS.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



# HUNTERSVILLE RETIREMENT RESIDENCE

TOWN OF HUNTERSVILLE, NORTH CAROLINA

COVER SHEET

|           |        |
|-----------|--------|
| JOB NO.   | 52389  |
| SHEET NO. | RZ-000 |

THIS DRAWING PREPARED AT THE  
**CHARLOTTE OFFICE**  
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202  
TEL 704.602.8600 FAX 704.376.1076 [www.timmons.com](http://www.timmons.com)  
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

| REVISION DESCRIPTION         |
|------------------------------|
| ADDRESS TOWN OF HUNTERSVILLE |
| ADDRESS TOWN OF HUNTERSVILLE |

| DATE      |
|-----------|
| 8/16/2022 |
| 9/23/2022 |

DATE  
30 JUNE 2022

DRAWN BY  
*R.SAMUELS*

DESIGNED BY  
*J. DOLAN*

CHECKED BY  
B. CRUTCHFIELD

SCALE  
AS SHOWN

These plans and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, inclusive, but not limited to, construction, bidding, and/or construction starting without the advance written consent of TIMMONS GROUP.



S:\0452386-Hawthorn-Survey\DWG\SheetCD02-100 - SURVEY.dwg [Printed on 6/26/2022 11:55 PM] by Jason Dabiri

NOTES:

- 1) SURVEY PREPARED WITH THE USE OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER GB22006765, DATED FEB 2, 2022
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- 5) RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.
- 6) BASIS OF BEARING SHOWN HEREON IS NC GRID NAD83 (2011).
- 7) BOUNDARY INFORMATION IS BASED IN PART, ON DEEDS AND MAPS OF RECORD, AND BY AN ACTUAL FIELD SURVEY BY THIS FIRM.
- 8) NO EVIDENCE OF RECENT GRADING OR CONSTRUCTION ON THE SUBJECT PROPERTY.
- 9) NO EVIDENCE OF RECENT ROADWAY OR SIDEWALK WORK OTHER THAN THE NEW DRIVEWAY ENTRANCE, NO PLANS FOR PROPOSED STREET OR RIGHT OF WAY CHANGES WERE FOUND.
- 10) EXISTING ZONING HC (CD) HIGHWAY COMMERCIAL
- 11) THIS SITE LIES IN ZONE X, AREA OF MINIMAL FLOODING ACCORDING TO FLOOD INSURANCE RATE MAP 3710452900K, EFFECTIVE DATE 3/2/2009.
- 12) LOCATION OF UNDERGROUND WATERLINE, FORCEMAIN AND GAS LINES PLOTTED BY UTILITY RECORDS.
- 13) CONTOUR INTERVAL IS 1 FOOT
- 14) VERTICAL DATUM = NAVD 88

REFERENCES

DB, 23744, PG. 611  
MB, 35, PG. 781  
MB, 42, PG. 971

THE FOLLOWING INFORMATION WAS USED TO PERFORM GPS SURVEY:

- (1) CLASS OF SURVEY: "CLASS A"
- (2) POSITIONAL ACCURACY: 0.04"
- (3) TYPE OF GPS FIELD PROCEDURE: NCVRS
- (4) DATE OF SURVEY: 3/22/2022
- (5) DATUM/EPOCH: NAD83 (2011) - EPOCH 2010.00
- (6) PUBLISHED/FIXED-CONTROL USE: NCVRS
- (7) GEOID MODEL: 2012 (CONUS)
- (8) COMBINED GRID FACTOR(S): 0.999845783
- (9) UNITS: US SURVEY FEET

PROPERTY DESCRIPTION

BEING MECKLENBURG COUNTY PARCEL 01516113, PROPERTY OF LATTA VILLAGE LLC AS RECORDED IN DEED BOOK 23744 PAGE 167

BEGINNING AT A POINT IN THE CENTER OF BEATTIES FORD ROAD, SAID POINT BEING THE PROJECTION OF THE EASTERN LINE OF THE TANNERS CREEK HOMEOWNERS ASSOCIATION PROPERTY AS SHOWN ON MAP BOOK 35 PAGE 781 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY, THENCE WITH LINE OF TANNERS CREEK HOMEOWNERS ASSOCIATION AND THE TERMINUS OF CANE BRANCH WAY RIGHT OF WAY N 34° 43' 37" E PASSING THROUGH A SET IRON ROD AT 35.00 FEET FOR A TOTAL DISTANCE OF 474.04 FEET TO A SET IRON ROD AT THE SOUTHEASTERN CORNER OF THE TANNERS CREEK HOMEOWNERS ASSOCIATION PROPERTY AS RECORDED IN MAP BOOK 42 PAGE 971, THENCE WITH SAID PROPERTY TWO (2) COURSES: 1.) N 34° 31' 36" E FOR A DISTANCE OF 85.87 FEET TO A FOUND IRON ROD, 2.) N 64° 48' 08" E FOR A DISTANCE OF 61.89 FEET TO A FOUND IRON ROD AT THE SOUTHWESTERN CORNER OF LOT 230 OF MAP BOOK 42 PAGE 971 OF THE MECKLENBURG COUNTY PUBLIC REGISTRY, THENCE WITH SAID LOT AND LOTS 231 THROUGH 237 OF THE SAME MAP BOOK AND PAGE THREE (3) COURSES: 1.) S 59° 39' 29" E FOR A DISTANCE OF 282.94 FEET TO A FOUND IRON ROD, 2.) S 28° 20' 41" E FOR A DISTANCE OF 98.21 FEET TO A FOUND IRON ROD, 3.) S 58° 18' 21" E FOR A DISTANCE OF 156.93 FEET TO A SET IRON ROD AT THE WESTERN RIGHT OF WAY OF APRIL MIST TRAIL, THENCE WITH SAID RIGHT OF WAY FOUR (4) COURSES: 1.) S 58° 18' 21" E FOR A DISTANCE OF 19.88 FEET TO A POINT, 2.) S 08° 32' 49" W FOR A DISTANCE OF 124.87 FEET TO A FOUND IRON ROD, 3.) WITH A CURVE TURNING TO THE RIGHT HAVING A RADIUS OF 772.50 FEET, AND ARC LENGTH OF 349.47 FEET AND WHOSE LONG CHORD BEARS S 21° 30' 25" W FOR A DISTANCE OF 346.50 FEET TO A FOUND IRON ROD, 4.) S 34° 28' 01" W PASSING THROUGH A SET IRON ROD AT 101.50 FEET FOR A TOTAL DISTANCE OF 136.43 FEET TO A POINT IN THE CENTERLINE OF BEATTIES FORD ROAD, THENCE WITH SAID ROAD N 56° 08' 41" W A DISTANCE OF 701.39 FEET TO THE POINT OF BEGINNING, CONTAINING 401,581 SQUARE FEET OR 9.215 ACRES OF LAND, MORE OR LESS.

| LEGEND |                                                 |  |                                       |
|--------|-------------------------------------------------|--|---------------------------------------|
|        | IFP - IRON PIPE FOUND                           |  | MH DRAINAGE                           |
|        | IRF - IRON ROD FOUND                            |  | MH SANITARY                           |
|        | IRS - IRON ROD SET                              |  | MH ELECTRIC                           |
|        | CP - COMPUTED EASEMENT POINT                    |  | MH TELEPHONE                          |
|        | CMP - CONCRETE MONUMENT                         |  | MW WATER                              |
|        | MNP - MAG NAIL FOUND                            |  | STORM INLET                           |
|        | CP - COMPUTED POINT                             |  | ELECTRIC BOX                          |
|        | BFP - BACKFLOW PREVENTER                        |  | TELEPHONE PEDESTAL                    |
|        | WVA - WATER VAULT                               |  | CABLE TV PEDESTAL                     |
|        | TCB - TRAFFIC CONTROL BOX                       |  | SIGN                                  |
|        | PVA - POWER VAULT                               |  | ELECTRIC METER                        |
|        | UVA - UTILITY VAULT                             |  | WATER METER                           |
|        | WFL - WETLAND FLAG                              |  | WATER VALVE                           |
|        | RCP - REINFORCED CONCRETE PIPE                  |  | FIRE HYDRANT                          |
|        | CMP - CORRUGATED METAL PIPE                     |  | POWER POLE                            |
|        | VCP - VITRIFIED CLAY PIPE                       |  | HDPE - HIGH DENSITY POLYETHYLENE PIPE |
|        | DIP - DUCTILE IRON PIPE                         |  | FES - FLARED END SECTION              |
|        | MKG - GAS MARKER                                |  | MNP - FIBER OPTIC MARKER              |
|        | TYP - TELEVISION PEDESTAL                       |  | SIGP - SIGNAL POLE                    |
|        | HVAC - HEATING VENTILATION AND AIR CONDITIONING |  | LSA - LANDSCAPED AREA                 |
|        | R/W - RIGHT-OF-WAY                              |  | P/L - PROPERTY LINE                   |
|        | C/L - CENTERLINE                                |  | NTS - NOT TO SCALE                    |
|        | GV - GAS VALVE                                  |  | CB - CATCH BASIN                      |
|        | GI - GRATE INLET                                |  | YI - YARD INLET                       |
|        | CI - CURB INLET                                 |  | ED - EDGE OF PAVING                   |
|        | TBC - TOP BACK OF CURB                          |  | DB - DEED BOOK                        |
|        | PB - PLAT BOOK                                  |  | PG - PAGE                             |
|        | SF - SQUARE FEET                                |  | XXXX - SITE ADDRESS                   |
|        | UCA TV - PAINTED CABLE TV LINE                  |  | SPRINKLER BOX                         |
|        | SPRINKLER HEAD                                  |  | SPRINKLER VALVE                       |
|        | GAS TEST LOCATION                               |  | GAS METER                             |
|        | GAS VALVE                                       |  | FLAG POLE                             |
|        | TREE                                            |  | BOLLARD                               |
|        | BOREHOLE                                        |  | AC UNIT                               |
|        | MAILBOX                                         |  | CLEAN OUT                             |
|        | GUY                                             |  | HANDICAP PARKING                      |
|        | WELL                                            |  | MONITORING WELL                       |
|        | ROOF DRAIN                                      |  | WATER SPOUT                           |
|        | DEED LINE                                       |  | LINE NOT SURVEYED                     |
|        | STORM LINE                                      |  | SANITARY LINE                         |
|        | FENCE                                           |  | OVERHEAD POWER LINE                   |
|        | PAINTED GAS LINE                                |  | PAINTED POWER LINE                    |
|        | PAINTED STORM LINE                              |  | PAINTED TELEPHONE LINE                |
|        | PAINTED WATER LINE                              |  | EDGE OF TREE LINE                     |
|        | PAINTED FIBER OPTIC LINE                        |  | PAINTED CABLE TV LINE                 |



EXCEPTIONS FROM SCHEDULE B PART 2

1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART 1 - REQUIREMENTS ARE MET, NOT A SURVEY MATTER.
2. THE LIEN OF ALL TAXES FOR THE YEAR 2022 AND THEREAFTER, WHICH ARE NOT YET DUE AND PAYABLE, NOT A SURVEY MATTER.
3. BUILDING RESTRICTION LINES, EASEMENTS, AND ANY OTHER MATTERS SHOWN ON MAP OR PLAT RECORDED IN MAP BOOK 34, PAGE 611, AS SHOWN ON SURVEY.
4. EASEMENTS AND RIGHT(S)-OF-WAY FOR ROADS OR PUBLIC/PRIVATE UTILITIES, AS SHOWN ON SURVEY, OBSERVED AND MADE AVAILABLE TO THIS FIRM ONLY.
5. TITLE TO THAT PORTION OF THE LAND WITHIN THE BOUNDS OF BEATTIES FORD ROAD AND APRIL MIST TRAIL, AS SHOWN ON SURVEY.
6. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION AS TENANTS UNDER UNRECORDED LEASES, NOT A SURVEY MATTER.
7. ANY DISCREPANCY, CONFLICT, MATTER AFFECTING ACCESS, SHORTAGE IN AREA OR BOUNDARY LINES, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OVERLAP, SETBACK, EASEMENT OR CLAIMS OF EASEMENT, RIPARIAN RIGHT, AND TITLE TO LAND WITHIN ROADS, WAYS, RAILROADS, WATERCOURSES, BURIAL GROUNDS, MARSHES, DREDGED OR FILLED AREAS OR LAND BELOW THE MEAN HIGH-WATER MARK OR WITHIN THE BOUNDS OF ANY ADJOINING BODY OF WATER, OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY A CURRENT INSPECTION AND ACCURATE AND COMPLETE LAND SURVEY OF THE LAND, AS SHOWN ON SURVEY.
8. DISCREPANCIES, VARIANCES, SHORTAGES OR OVERAGES IN THE ACREAGE OF THE LAND, NONE.
9. STATUTORY LIENS OF MECHANICS, LABORERS AND MATERIALMEN THAT HAVE PERFORMED OR FURNISHED LABOR, PROFESSIONAL DESIGN OR SURVEYING SERVICES, OR FURNISHED MATERIALS OR RENTAL EQUIPMENT OF WHICH NO NOTICE APPEARS OF RECORD. (NOTE: THIS EXCEPTION WILL BE DELETED ONLY UPON RECEIPT OF DOCUMENTATION SATISFACTORY TO THE COMPANY SATISFYING THE REQUIREMENTS ADDRESSING LIENS FOR LABOR, SERVICES, MATERIALS OR RENTAL EQUIPMENT SET OUT IN SCHEDULE B-1 OF THIS COMMITMENT.) NOT A SURVEY MATTER.

ALTA/NSPS LAND TITLE SURVEY OF  
11824 BEATTIES FORD RD  
HUNTERSVILLE, NORTH CAROLINA  
SURVEYED FOR: HAWTHORN, DEVCO, LLC

| CITY OF HUNTERSVILLE | MECKLENBURG CO., N.C. |
|----------------------|-----------------------|
| Date: 5/24/22        | Scale: 1"= 50'        |
| Sheet 1 of 1         | J.N.: 52389           |
| Drawn by: TJ         | Checked by: MM        |
| Revised:             |                       |

TIMMONS GROUP

HUNTERSVILLE RETIREMENT RESIDENCE

TOWN OF HUNTERSVILLE, NORTH CAROLINA

SURVEY

JOB NO.  
52389

SHEET NO.  
RZ-100

THIS DRAWING PREPARED AT THE

CHARLOTTE OFFICE  
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202  
TEL 704.602.8600 FAX 704.376.1076 www.timmons.com  
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

DATE  
30 JUNE 2022

DRAWN BY  
R.SAMUELS

DESIGNED BY  
J. DOLAN

CHECKED BY  
B.CRUTCHFIELD

SCALE  
AS SHOWN

REVISION DESCRIPTION

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

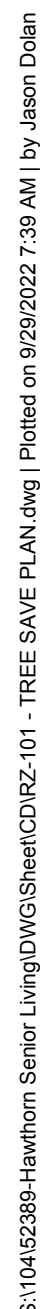
ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS







FIRE NOTES

1. FIRE DEPARTMENT ACCESS ROAD SHALL BE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,000 LBS.
2. FIRE DEPARTMENT ACCESS ROAD THAT EXCEEDS 150' SHALL PROVIDE AN APPROVED TURNAROUND.
3. TURN RADIUS 30' INSIDE AND 42' OUTSIDE.
4. FIRE APPARATUS ACCESS ROADS SHALL NOT HAVE A SLOPE GREATER THAN 10%.
5. FIRE APPARATUS ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE SURFACED 50 AS TO PROVIDE ALL-WEATHER DRIVING CAPABILITIES. CPO'S LARGEST TRUCKS (LUDOR COMPANIES) HAVE A GROSS VEHICLE WEIGHT (GVW) OF 80,000 LBS.
6. FIRE APPARATUS ACCESS ROADS SHALL BE WITHIN 200 FEET OF ALL EXTERIOR WALLS OF SPRINKLERED BUILDINGS AND 150 FEET OF ALL EXTERIOR WALLS OF NON-SPRINKLERED BUILDINGS.
7. AN APPROVED FIRE HYDRANT SHALL BE LOCATED WITHIN 750 FEET FROM THE MOST REMOTE POINT OF ALL BUILDINGS, AND MEASURED 'AS THE TRUCK TRAVELS'.
8. THE FIRE DEPARTMENT CONNECTION (FDC) SHALL NOT BE GREATER THAN 50 FEET FROM A FIRE DEPARTMENT ACCESS ROAD.

SITE PLAN NOTES

1. ALL UTILITIES ARE TO BE UNDERGROUND.
2. ALL DIMENSIONS ARE AT 90 DEGREES UNLESS OTHERWISE NOTED.
3. CONTRACTOR SHALL ESTABLISH AND VERIFY POINT OF BEGINNING (P.O.B.) AND STAKE SITE AS INDICATED ON CONSTRUCTION DOCUMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
4. NOTIFY TIMMONS GROUP IMMEDIATELY OF ANY DISCREPANCIES.
5. ALL DIMENSIONS ARE TO FACE OF CURB OR CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL DETAILS SHALL BE CONSTRUCTED IN STRICT COMPLIANCE WITH SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
7. ALL RADI SHALL BE 4'-0" (B.O.C.) UNLESS OTHERWISE NOTED.
8. SIGHT TRIANGLES INDICATED ARE THE MINIMUM REQUIRED.
9. ALL SIDEWALKS SHALL BE 5'-0" UNLESS OTHERWISE NOTED.
10. ALL CURB AND GUTTER SHALL BE 7'-0" STANDARD UNLESS OTHERWISE NOTED.
11. STOP SIGNS SHALL BE R-1 36"x36" ON PUBLIC STREETS.
12. NO OBSTRUCTION OF PUBLIC ROW OR SIDEWALK WILL BE ALLOWED. NO PARKING IS ALLOWED OVER PUBLIC SIDEWALKS.
13. NO DEMOLITION LANDFILLS ALLOWED ON SITE.
14. THE PURPOSE OF THE STORM DRAINAGE EASEMENT (SIDE) IS TO PROVIDE STORM WATER CONVEYANCE. STRUCTURES OR ANY OTHER OBJECT WHICH MAY IMPED STORM WATER FLOW OR SYSTEM MAINTENANCE ARE PROHIBITED. MAINTENANCE OF THE SIDE SHALL BE THE RESPONSIBILITY OF THE OWNER.

14. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
15. IN ORDER TO ASSURE PROPER DRAINAGE, KEEP A MINIMUM OF 0.5% SLOPE ON THE CURB.
16. SUBSURFACE DRAINAGE FACILITIES MAY BE REQUIRED IN THE STREET RIGHT-OF-WAY IF DEEMED NECESSARY BY THE INSPECTOR.
17. 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.
18. IN ROLLING AND HILLY TERRAINS, SWEEPING OF THE STONE BASE AND/OR APPLICATION OF A TACK COAT MAY BE REQUIRED NEAR INTERSECTIONS. THESE REQUIREMENTS WILL BE ESTABLISHED BY THE INSPECTOR AND BASED ON LOCAL CONDITIONS.
19. AS-BUILTS FOR ALL APPLICABLE DETENTION STRUCTURES AND BMP MEASURES ARE REQUIRED. AS-BUILTS ARE TO INCLUDE LATITUDE AND LONGITUDE FOR CENTER OF MEASURE, AND INLETS AND OUTLETS OF ALL STRUCTURES. ELEVATIONS AND DIMENSIONS ARE REQUIRED FOR ALL MEASURED.
20. PRIOR TO CO, SURVEYOR SEALED AS-BUILT DRAWINGS OF ALL WATER QUALITY BMP'S AND DETENTION SYSTEMS MUST BE PROVIDED.
21. NO COMBUSTIBLES SHALL BE BROUGHT ONTO THE SITE UNTIL THE INSPECTOR CONFIRMS THAT ALL ACCESS ROADS COMPLY AND WATER QUALITY IS OPERATIONAL. COORDINATE ALL CURB AND STREET GRADES IN INTERSECTION WITH INSPECTOR.
22. STREET TREE LOCATIONS ARE SUBJECT TO CHANGE DURING CONSTRUCTION PLAN PHASE TO SATISFY THE TOWNS ENGINEERING STANDARDS AND PROCEDURES MANUAL.

ADDITIONAL SITE PLAN NOTES

1. COORDINATE ALL CURB AND STREET GRADES IN INTERSECTION WITH INSPECTOR.
2. DIRECT VEHICULAR ACCESS OUTSIDE OF CONSTRUCTION ENTRANCE TO SITE IS PROHIBITED DURING CONSTRUCTION.
3. ALL NECESSARY PERMANENT SIDEWALK AND UTILITY EASEMENTS SHALL BE RECORDED WITH MECKLENBURG COUNTY.
4. THE PROPERTY IS LOCATED INSIDE THE TOWN OF HUNTERSVILLE CORPORATE TOWN LIMITS. THE APPROPRIATE NCDOT ENCROACHMENT AGREEMENT WILL BE SUBMITTED FOR THE PROPOSED SIDEWALK ALONG BEATTIES FORD ROAD.
5. RIGHT-OF-WAY CLOSURES LONGER THAN 20 DAYS REQUIRE A RW LEASE AGREEMENT WHICH WILL BE SUBMITTED TO THE TOWN OF HUNTERSVILLE FOR REVIEW AND APPROVAL.
6. THE PROPERTY IS LOCATED INSIDE THE TOWN OF HUNTERSVILLE CORPORATE TOWN LIMITS. THE APPROPRIATE NCDOT ENCROACHMENT AGREEMENT WILL BE SUBMITTED FOR THE PROPOSED SIDEWALK ALONG BEATTIES FORD ROAD.
7. THE APPROPRIATE NCDOT ENCROACHMENT AGREEMENT WILL BE SUBMITTED FOR THE PROPOSED SIDEWALK ALONG BEATTIES FORD ROAD.

SITE PLAN LEGEND

|     |                       |      |
|-----|-----------------------|------|
| --- | R/W, PROPERTY LINE    | -/-  |
| --- | 1' - 6" CURB & GUTTER | C800 |
| +   | STOP SIGN             | -/-  |
| +   | STREET SIGN           | -/-  |
| ○   | LIGHT-DUTY ASPHALT    | C801 |
| ○   | HEAVY-DUTY ASPHALT    | C801 |
| ○   | HEAVY-DUTY CONCRETE   | C801 |
| ○   | CONCRETE SIDEWALK     | C801 |

| ITEM                              | SQUARE FOOT | ACRES   | PERCENTAGE OF TOTAL SITE |
|-----------------------------------|-------------|---------|--------------------------|
| TOTAL SITE AREA                   | 401,526 SF  | 9.22 AC | 100.00%                  |
| EXISTING IMPERVIOUS               | 3,730 SF    | 0.09 AC | 1.00%                    |
| EXISTING IMPERVIOUS TO BE REMOVED | 3,730 SF    | 0.09 AC | 1.00%                    |
| PROPOSED BUILDING (BUA)           | 54,178 SF   | 1.24 AC | 13.45%                   |
| PROPOSED ASPHALT (BUA)            | 56,169 SF   | 1.29 AC | 14.00%                   |
| PROPOSED CONCRETE (BUA)           | 34,497 SF   | 0.79 AC | 8.57%                    |
| TOTAL BUA                         | 144,844 SF  | 3.32 AC | 36.02%                   |
| TOTAL PERVIOUS                    | 256,682 SF  | 5.90 AC | 63.98%                   |

ZONING CODE SUMMARY

1. SITE ADDRESS: 6025 APRIL MIST TRAIL, HUNTERSVILLE, NC 28026
2. PARCEL ID: 0151113
3. SITE AREA: 9,2178 AC (401,526 SF)
4. ZONING: EXISTING ZONING: HC (CD) HIGHWAY COMMERCIAL  
PROPOSED ZONING: NR (CD) NEIGHBORHOOD RESIDENTIAL
5. UNIT COUNT: PROPOSED: 151 SUITES
6. BUILDING HEIGHT: ALLOWED: 45'-0" MAX HEIGHT  
PROPOSED: 43'-6" HEIGHT
7. SETBACKS: NO SETBACKS  
FRONT BUILD TO LINE: BEATTIES FORD ROAD: 0' - 25' (ADDED PLAZA)  
APRIL MIST TRAIL: 0' - 25' (ADDED PLAZA)  
REAR YARD: 15'-0' PROVIDED  
184'-2" PROVIDED
8. REQUIRED BUFFER: 30' MIN FOR CIVIC USE ABUTTING RESIDENTIAL  
30' PROVIDED  
100' PROVIDED FROM BEATTIES FORD RD.
9. PROPOSED USE: CONGREGATE HOUSING (CIVIC USE)
10. WATERSHED OVERLAY DISTRICT: MCOWELL WATERSHED MOUNTAIN ISLAND LAKE PROTECTED AREA (PA-1)
11. FEMA FIRM: PANEL 310451700K DATED 8/02/2015  
PARCEL IS LOCATED IN ZONE 'X' OF THE FEMA FLOOD ZONE AND THE COMMUNITY FLOOD ZONE.
12. PARKING REQUIREMENTS: REQUIRED PARKING: NO MINIMUM REQUIRED  
PARKING PROVIDED: 143 TOTAL SPACES  
STANDARD: 123 SPACES  
ACCESSIBLE: 5 SPACES  
GARAGE: 15 SPACES (6 VAN)  
VANPOOL / LOW EMISSION: 6 SPACES  
ELECTRIC VEHICLE (EV): 5 SPACES
13. OPEN SPACE: REQUIRED OPEN SPACE: NO MINIMUM COMMON OPEN SPACE  
PROVIDED OPEN SPACE: 100' (ADJACENT TO BEATTIES FORD RD)

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.

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.

SIGNAGE

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

PARKING

- BUILDING - 54,178 SF
- NO MINIMUM PARKING REQUIREMENTS
- SPACES REQUIRED = NO MINIMUM
- SPACES PROVIDED = 124 SPACES TOTAL SPACES
- REQUIRED ADA SPACES = 5 SPACES
- PROVIDED ADA SPACES = 5 SPACES
- GARAGE = 15 SPACES (6 VAN)
- VANPOOL / LOW EMISSION = 6 SPACES
- ELECTRIC VEHICLE (EV) = 5 SPACES
- NO STACKING, PARKING OR QUEUING WILL TAKE PLACE ON THE STREET OR PUBLIC RIGHT OF WAY.
- PARKING LOT WILL CONFORM WITH ARTICLE 6 OF THE TOWN OF HUNTERSVILLE ORDINANCE.

WATER / SEWER / UTILITIES

- WATER AVAILABLE ON APRIL MIST TRAIL.
- SEWER AVAILABLE FROM EXISTING MH ON APRIL MIST TRAIL.
- GARBAGE SERVICES WILL BE PROVIDED IN A DUMPSTER FACILITY ON SITE.

DUMPSTER ENCLOSURE

- DUMPSTER TO BE HIDDEN BY OPAQUE FENCE OR WALL OF SUFFICIENT HEIGHT TO SCREEN THE BIN. INSTALLATION WILL COMPLY WITH ARTICLE 6 OF ZONING ORDINANCE.

LIGHTING

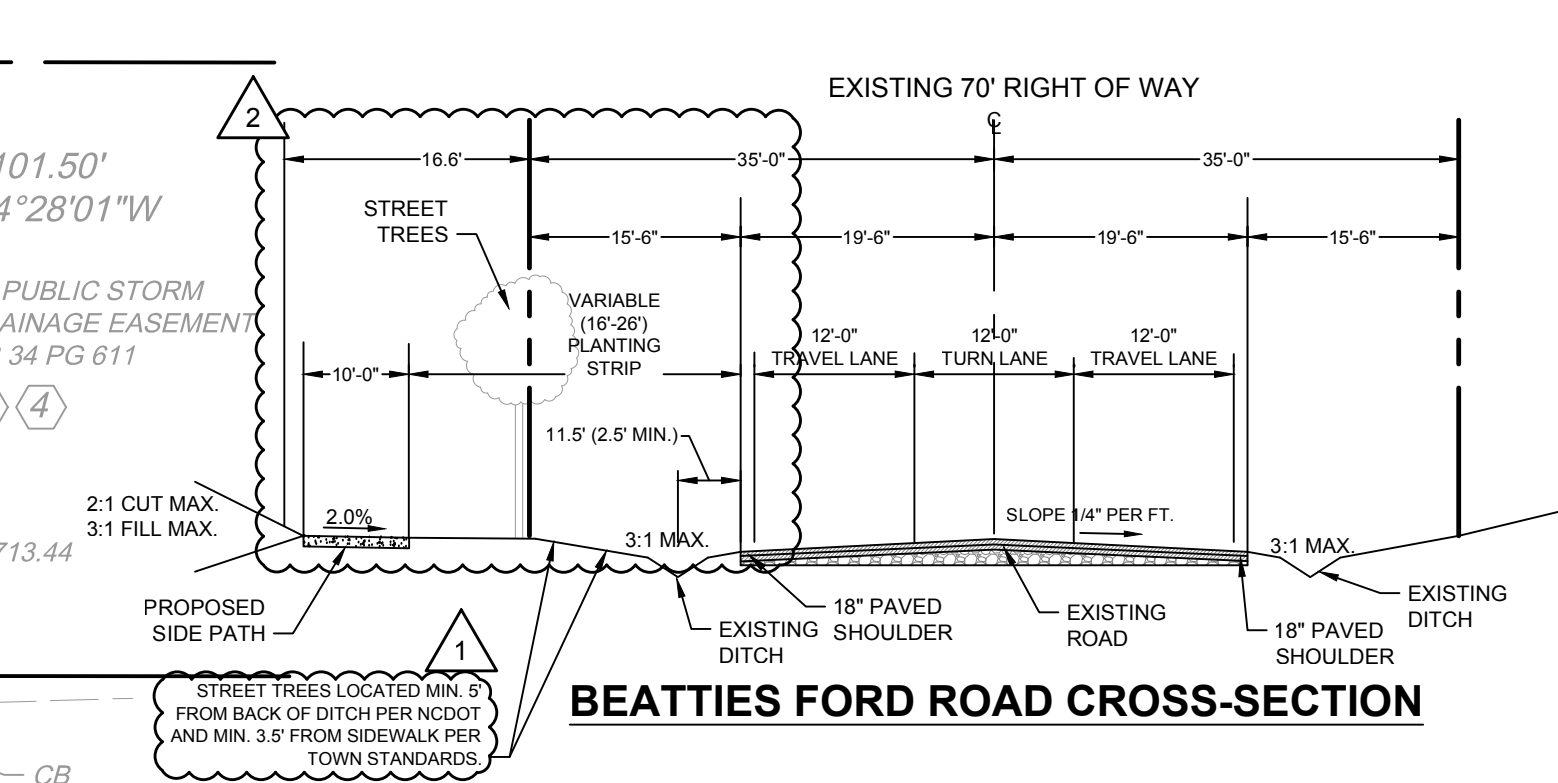
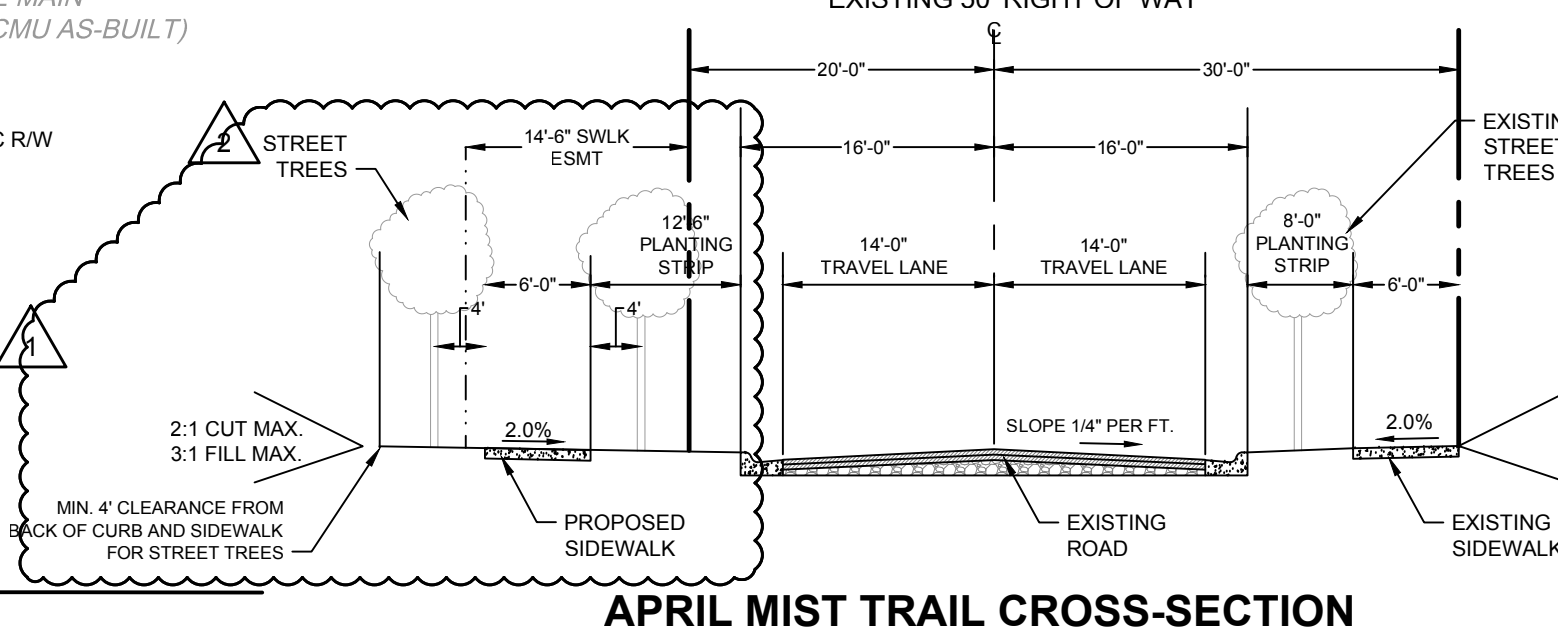
- THE LIGHTING FOR THIS PROJECT WILL MEET THE REQUIREMENTS OF 8.26.

ENVIRONMENTAL

- EROSION CONTROL PLANS WILL COMPLY WITH CURRENT ORDINANCES AND BE APPLIED FOR DURING THE COMMERCIAL SITE PLAN PROCESS.
- WATER QUALITY, POST CONSTRUCTION, AND STORM WATER MANAGEMENT WILL COMPLY WITH THE CURRENT ORDINANCES AND BE APPLIED FOR DURING THE SITE PLAN PROCESS.
- ADDITIONAL STORMWATER DETENTION WILL BE PROVIDED THAT EXCEEDS THE TOWN REQUIREMENTS. THE 25-YR STORM WILL BE DETAINED WITHIN THE BMP TO MEET CURRENT PEAK RUNOFF CONDITIONS.

BUFFERS/LANDSCAPING

- BUFFER YARDS SHALL BE PLANTED IN ACCORDANCE WITH ARTICLE 7.5 OF THE ZONING ORDINANCE. THE BUFFER WILL BE NATURAL, UNDISTURBED WOODED AREAS, AND SUPPLEMENTED IF AN OPAQUE BUFFER IS NOT CREATED WITH EXISTING VEGETATION PER ARTICLE 9.5 OF THE ORDINANCES.



1. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN ETC. AS NECESSARY TO MAINTAIN SAFETY TO THE PUBLIC.
3. ALL PAYMENTS FOR OUT-OF-TOWN TRAVEL ARE TO BE REIMBURSED TO THE TOWN OF HUNTERSVILLE BY THE CONTRACTOR.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. DIMENSIONS WILL BE ACCORDING TO DATA TYPING/STANDARD PART 108 SURVEY P. 108 AS APPLICABLE.

TIMMONS GROUP

HUNTERSVILLE RETIREMENT RESIDENCE

TOWN OF HUNTERSVILLE, NORTH CAROLINA

SITE LAYOUT PLAN

THIS DRAWING PREPARED AT THE  
CHARLOTTE OFFICE  
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202  
TEL 704.602.8600 FAX 704.376.1076 www.timmons.com  
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION  
ADDRESS TOWN OF HUNTERSVILLE COMMENTS  
ADDRESS TOWN OF HUNTERSVILLE COMMENTS

DATE  
09/16/2022  
09/23/2022

DRAWN BY  
R.SAMUELS

DESIGNED BY  
J. DOLAN

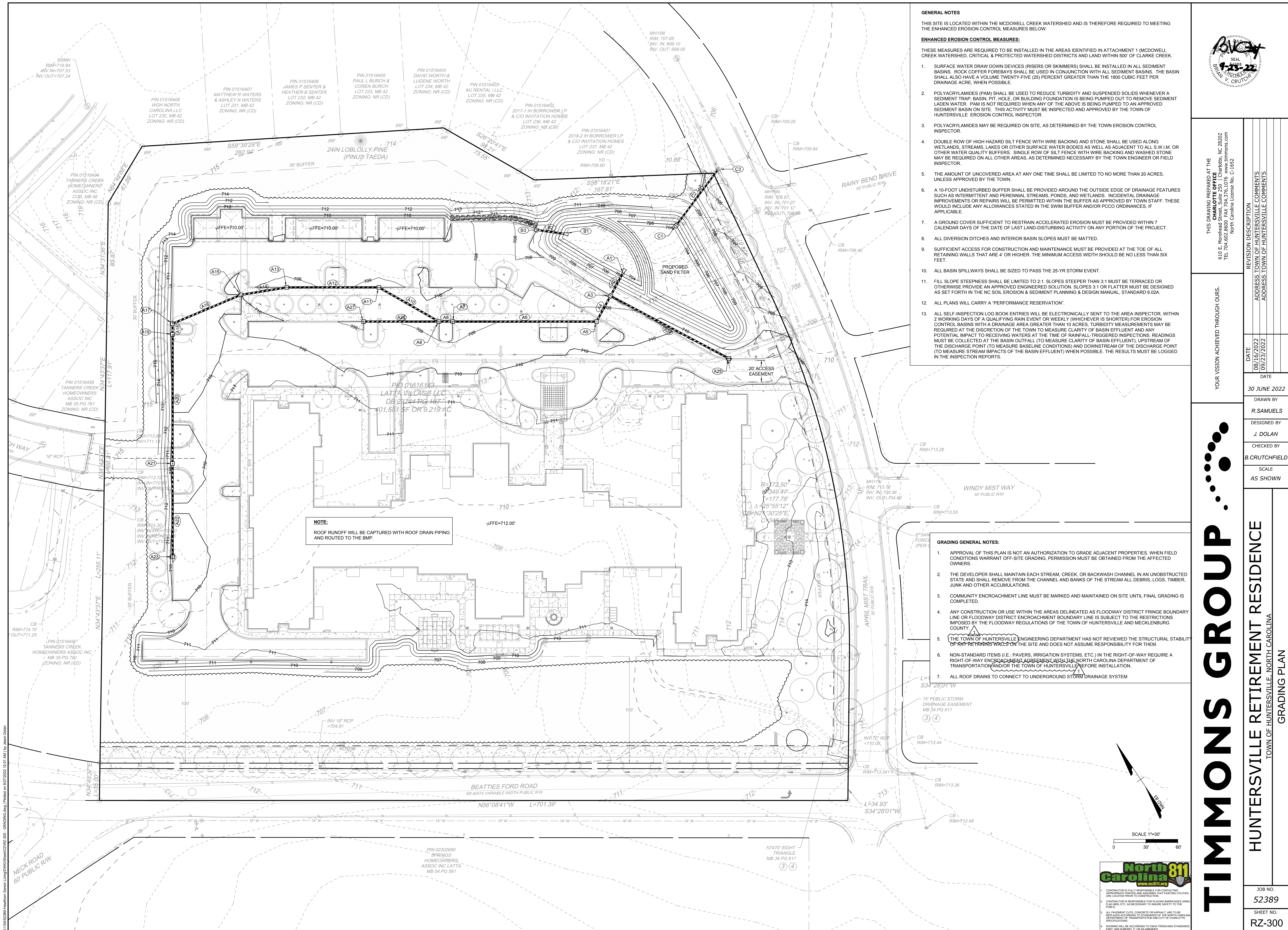
CHECKED BY  
B.CRUTCHFIELD

SCALE  
AS SHOWN

JOB NO.  
52389

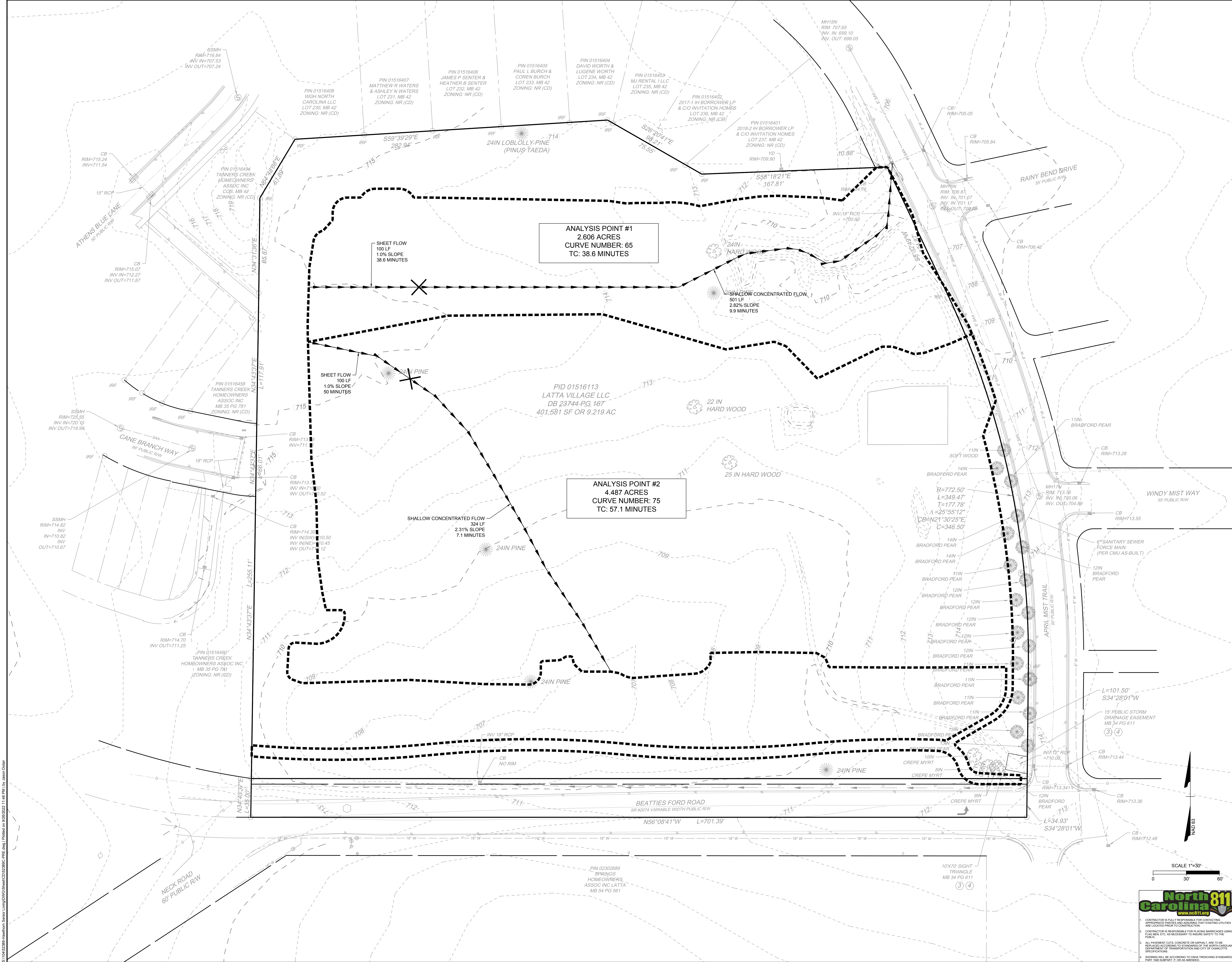
SHEET NO.  
RZ-200

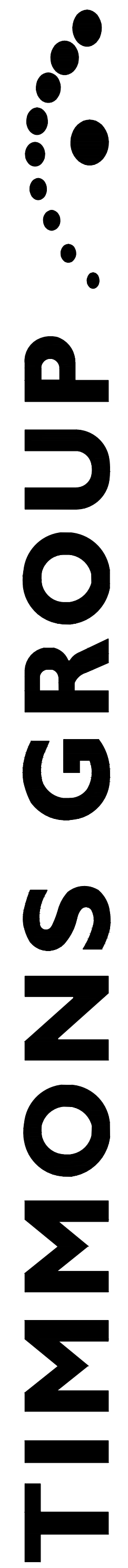






S:\042385-Huntersville Senior Living\DWG\Sheet\CD\2385C-PRE.dwg | Plotted on 09/26/2022 11:48 PM | by Jason Dolan





# TIMMONS GROUP

## HUNTERSVILLE RETIREMENT RESIDENCE

TOWN OF HUNTERSVILLE, NORTH CAROLINA

### PRE-DEVELOPMENT DRAINAGE AREA MAP

THIS DRAWING PREPARED AT THE  
**CHARLOTTE OFFICE**  
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202  
TEL 704-602-8600 FAX 704-376-1076 www.timmons.com  
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

| DATE       | REVISION DESCRIPTION                  |
|------------|---------------------------------------|
| 08/16/2022 | ADDRESS TOWN OF HUNTERSVILLE COMMENTS |
| 09/23/2022 | ADDRESS TOWN OF HUNTERSVILLE COMMENTS |

JOB NO.  
**52389**

SHEET NO.  
**RZ-301**

CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.

CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN ETC. AS NECESSARY TO MAINTAIN SAFETY TO THE PUBLIC.

ALL FINANCIAL OUTLAYS, CONCERNED OR REMOVAL ARE TO BE REPAIRED AND OPENING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION INDUSTRY OF CHANGING SPECIFICATIONS.

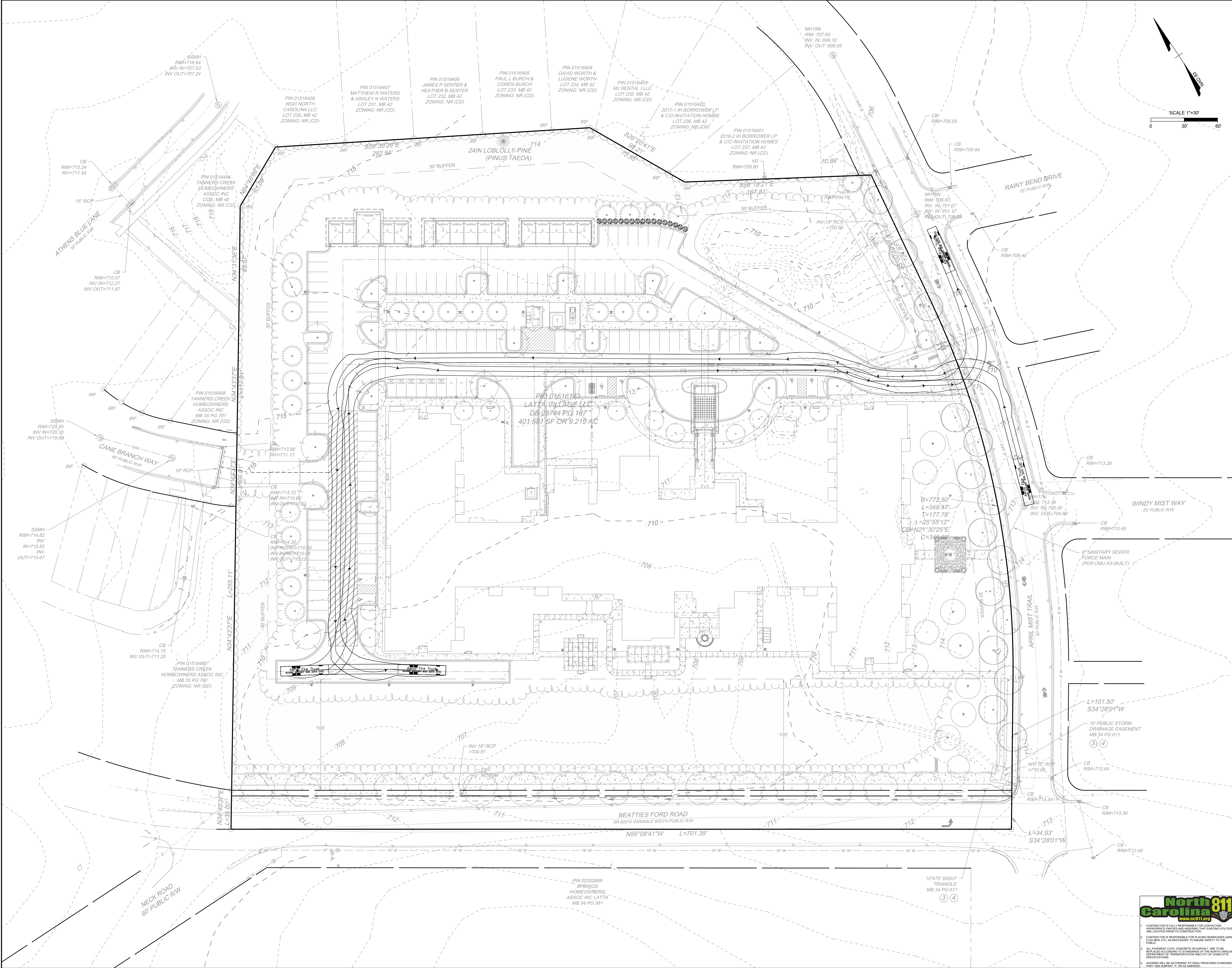
SHOWING WILL BE ACCORDING TO DATA TRENCHING STANDARDS PART 108 SUBPART F, OR AS AMENDED.

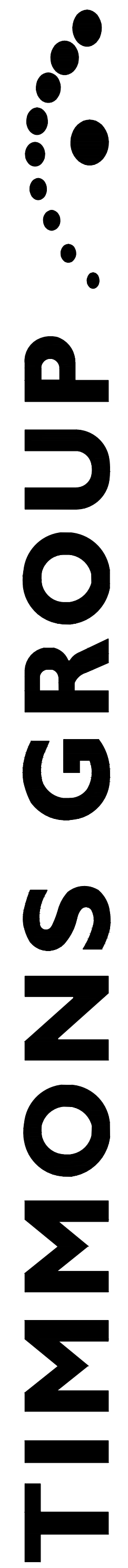






S:\04\2386 - Huntersville Senior Living\DWG\Sheet\CD\02-400 - VEHICLE MANEUVERING.dwg | Plotted on 9/26/2022 11:53 PM by Jason Dolan





# TIMMONS GROUP

## HUNTERSVILLE RETIREMENT RESIDENCE

TOWN OF HUNTERSVILLE, NORTH CAROLINA

### VEHICLE MANEUVERING PLAN

THIS DRAWING PREPARED AT THE  
**CHARLOTTE OFFICE**  
610 E. Morehead Street, Suite 350 | Charlotte, NC 28202  
TEL 704.602.8600 FAX 704.376.1076 www.timmons.com  
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION

| DATE       | REVISION             |
|------------|----------------------|
| 08/16/2022 | ADDITION OF COMMENTS |
| 09/23/2022 | ADDITION OF COMMENTS |

DATE

30 JUNE 2022

DRAWN BY

R.SAMUELS

DESIGNED BY

J. DOLAN

CHECKED BY

B. CRUTCHFIELD

SCALE

AS SHOWN

JOB NO.

52389

SHEET NO.

RZ-400

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.  
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN ETC. AS NECESSARY TO MAINTAIN SAFETY TO THE PUBLIC.  
3. ALL PAYMENTS DUE TO CONTRACTOR OR SUBMITTALS ARE TO BE MADE WITHIN 30 DAYS OF THE DATE OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S NOTICE OF COMPLETION.  
4. DRAWINGS WILL BE ACCORDING TO DIMENSIONING STANDARDS PART 108 SUBPART F, OR AS AMENDED.





February 21, 2022

Mrs. Kristi Neznanski  
Hawthorn Devco, LLC  
2260 McGilchrist Street SE  
Salem, OR 97302

**SUBJECT: WILLINGNESS TO SERVE  
HUNTERSVILLE RETIREMENT RESIDENCE  
11824 BEATTIES FORD ROAD, HUNTERSVILLE, NC 2878**

After an analysis by Charlotte Water's Capacity Assurance Program (CAP) of the sanitary sewer system associated with the proposed **HUNTERSVILLE RETIREMENT RESIDENCE** development, it was determined that there is currently sufficient capacity to accommodate the proposed sewer flow (**19,800 gallons per day**), at the connection point(s) indicated on the submitted exhibit plan for transmission to the **McDowell Creek Wastewater Treatment Plant**; (NPDES permit number **NC0036277**),

Please note that the availability of flow is subject to change and that this **Willingness to Serve (WTS) review does not guarantee future capacity or reserve capacity in the public sewer system. A full CAP application with fully engineered site utility plan must be submitted and approved to reserve sewer capacity for this project.** Please contact new Services at 704-432-2854 for official submittal guidelines to the Capacity Assurance Program.

CLTWater agrees to furnish water to the subject project. The water quality to the subject project is regulated by the State Drinking Water Act Amendments of 1986 and, The Water Supply Management Plan, PWS ID # **0160010**, on file with the Public Water Supply Section of NC DEQ. However, CLTWater cannot guarantee a constant pressure or quality of flow.

The applicant should understand that due to the involvement of other agencies and continuing growth of the water and sewer system, the ability to provide service for future projects cannot be guaranteed nor reserved. Connection to the CLTWater and sewer system is accepted on a first come, first served basis.

The applicant should understand that this letter is not an authorization to construct or extend private water or sewer systems, as the appropriate local or State permits are required prior to construction. The analysis performed determines available capacity within the existing public gravity sewer system. The development is responsible for any additional private or public sewer infrastructure required to convey flow from the proposed development to the existing public sewer. If you have any questions, please do not hesitate to contact me at (704) 432-5801.

Sincerely,

*Guillermo Anzola*

Guillermo Anzola / Engineering Assistant  
**CHARLOTTE WATER** / [charlottewater.org](http://charlottewater.org)



# Neighborhood Meeting Report

Prepared August 31<sup>st</sup>, 2022

## Meeting Summary

A neighborhood meeting as required for a conditional rezone was held via Zoom at 6pm on August 30<sup>th</sup>, 2022 for the Huntersville Retirement Residence. A copy of the meeting invitation is included in this report as *Attachment A*.

Previously an informational meeting was held on June 22<sup>nd</sup>, 2022, prior to formally submitting for the Conditional Rezone for the project. Neighbors within 250 feet of the site and the three neighborhood associations directly adjacent to the site were invited by mail and email. The meeting invitation and attendee registration list is included as *Attachment B*. This meeting was not a formal neighborhood meeting as required by the Town Ordinance as part of the Conditional Rezone.

At the official meeting on August 30<sup>th</sup>, a PowerPoint presentation was shared with the meeting attendees. The presentation summarized the existing zoning, the proposed rezone, background on Hawthorn, operations of the proposed senior housing project, along with details on the site plan and architectural design of the building. Changes to the site plan from the June 22<sup>nd</sup> meeting were also discussed.

Following the presentation, the neighbors asked questions and the following items were discussed:

- Concerns related to the new fire access road connection to Cane Branch Way. Hawthorn will review with the fire marshal and continue to discuss with staff.
- Comments related to high school students in the area, vandalism, safety, and security of residents.
- Questions about Hawthorns resident age and rental costs.
- Discussion about design considerations for views from neighboring homes on the other side of April Mist Trail.

A few attendees asked for updates on hearing dates and indicated they were supportive of the project. The meeting ended at approximately 6:33.

## Notifications

The meeting invitation was mailed via USPS to the following:

- Owner of each property petitioned for rezoning
- Owner of each abutting property
- Owner of each property within 250 feet of the petitioned property
- Owner of each property directly across a street, easement, or right-of-way (public or private) from the petitioned property
- Owner of each property across a street, easement, or right-of-way (public or private) and within 250 feet of the right-of way boundary opposite the petitioned property
- Neighborhood associations, property owner associations, and homeowner associations registered with the Huntersville Planning Department within 2,000 feet of any portion of the site



The meeting invitation was sent to the following via email:

- Planning Staff – Jesse James
- Tanners Creek HOA Board
- Tanners Creek Townhome HOA Board
- Latta Springs HOA Representatives Cynthia Davis, Christina Paryani, and Rick Babb
- Town of Huntersville Planning Board Members
- Town of Huntersville Mayor and Town Board Members

### **Persons In Attendance**

A record of the attendees to registered for the meeting is included as *Attachment C*.



## Neighborhood Meeting Notice for Conditional Rezone R22-03 Huntersville Retirement Residence 6925 April Mist Trail

We invite you to a virtual meeting to discuss the Conditional Rezone Petition R22-03 filed by Hawthorn Devco LLC to rezone approximately 9.219 acres of land from Highway Commercial to Neighborhood Residential for the development of a senior congregate living facility. The property is parcel number 01516113 located at the NW corner of Beatties Ford Road and April Mist Trail and is currently owned by Latta Village, LLC.



We have attempted to notify all property owners near the project however, we encourage you to share with others who may be interested in this project. If you would like additional information or have any issues registering for this upcoming meeting, please reach out to the contact below.

**Tuesday, August 30<sup>th</sup>, 2022 at 6pm via Zoom**

**For the Zoom Meeting Link, please register in advance of the meeting.**

Register here: [bit.ly/HuntersvilleNeighborhoodMtg](https://bit.ly/HuntersvilleNeighborhoodMtg)

For more information or for assistance registering for the meeting, please contact:

Kristi Neznanski, Project Manager

[KNeznanski@HawthornCG.com](mailto:KNeznanski@HawthornCG.com) 503-400-9239



# Informational Meeting Notice for the proposed Huntersville Retirement Residence

We invite you to a virtual meeting to discuss the Hawthorn Senior Living development planned for the property located at 11824 Beatties Ford Road, the NW corner of Beatties Ford Road and April Mist Trail. The project is a three-story, 150-suite senior living facility on approximately 9.219 acres.



We have attempted to notify all property owners near the project however, we encourage you to share with others who may be interested in this project. If you would like additional information or have any issues registering for this upcoming meeting, please reach out to the contact below.

**Wednesday June 22<sup>nd</sup>, 2022 at 6pm via Zoom**

**For the Zoom Meeting Link, please register in advance of the meeting.**

Register here: [bit.ly/HawthornHuntersville](https://bit.ly/HawthornHuntersville)

For more information or for assistance registering for the meeting, please contact:

**Kristi Neznanski, Project Manager**

**KNeznanski@HawthornCG.com 503-400-9239**



| 6/22/2022 Zoom Meeting Registration Report |            |                     |
|--------------------------------------------|------------|---------------------|
| First Name                                 | Last Name  | Email*              |
| Alicia                                     | Carr       | e2000@yahoo.com     |
| Arlene                                     | Nazur      | arlene@gmail.com    |
| Ashley                                     | Childers   | ychilders@live.com  |
| Bill                                       | Bodar      | rk086@yahoo.com     |
| Bonnie                                     | Peerbolte  | rbolte@yahoo.com    |
| Bonnie                                     | Peerbolte  | rbolte@yahoo.com    |
| Brenda                                     | Jensen     | rendaj330@att.net   |
| Carolyn                                    | Johnson    | care24@gmail.com    |
| Christopher                                | Behm       | behms@gmail.com     |
| David                                      | Wolff      | volff10@gmail.com   |
| David                                      | Torres     | d.torres@mac.com    |
| Dawn                                       | Suthard    | uthard@gmail.com    |
| Denny                                      | Seitz      | 2seitz@yahoo.com    |
| Geri                                       | Addamo     | indow@gmail.com     |
| Glenda                                     | Snider     | @urmedwatch.com     |
| Gregory                                    | Evans      | hs1969@gmail.com    |
| Gregory                                    | Evans      | hs1969@gmail.com    |
| Howard                                     | Washington | wash1@yahoo.com     |
| Ian                                        | Johnson    | son40@yahoo.com     |
| Jeff                                       | Hicks      | ks1272@gmail.com    |
| Jessenia                                   | Matute     | ega713@gmail.com    |
| Jessica                                    | Phillips   | is1012@gmail.com    |
| Jessica                                    | Barker     | t.2004@gmail.com    |
| Jim                                        | Senter     | nter71@gmail.com    |
| Kimberly                                   | Ackary     | ommy@yahoo.com      |
| L                                          | Barahona   | parahona@tiaa.org   |
| Latonya                                    | Johnson    | uel55@yahoo.com     |
| Laura                                      | Orth       | ra.orth@gmail.com   |
| Leisa                                      | Huntley    | 8342@hotmail.com    |
| Leo                                        | Marte      | rte.leo@gmail.com   |
| Linda                                      | Zamora     | ora4@reagan.com     |
| Matt                                       | Neznanski  | nanski@gmail.com    |
| P.                                         | Iovino     | bivloa@yahoo.com    |
| Patricia                                   | Friedman   | lake@hotmail.com    |
| Renee                                      | Sanders    | yes913@gmail.com    |
| Robert                                     | Llora      | t.Llora@gmail.com   |
| Spencer                                    | Dobbins    | bins07@gmail.com    |
| Stephanie                                  | Enz        | sitz626@gmail.com   |
| Stephanie                                  | Wright     | right1@yahoo.com    |
| Steven                                     | Wesner     | vesner@gmail.com    |
| Susan                                      | Jellum     | n@rocketmail.com    |
| Tessie                                     | McKoy      | ckoy8@yahoo.com     |
| Thomas                                     | May        | 070@sbcglobal.net   |
| Tim                                        | Daley      | 13186@gmail.com     |
| Zach                                       | Soder      | astalrecruiting.com |

\*email addresses are obscured to protect privacy



| 8/30/2022 Zoom Meeting Registration Report |           |                    |
|--------------------------------------------|-----------|--------------------|
| First Name                                 | Last Name | Email*             |
| Jesse                                      | James     | s@huntersville.org |
| Lisa                                       | Wenzel    | ldwenzel@aol.com   |
| Debra                                      | George    | brge95@gmail.com   |
| Charlotte                                  | Goode     | ode@bellsouth.net  |
| Robert                                     | Llora     | t.Llora@gmail.com  |
| Laura                                      | Orth      | ra.orth@gmail.com  |
| Jim                                        | Senter    | nter71@gmail.com   |
| Leo                                        | Marte     | rte.leo@gmail.com  |
| Daena                                      | Lowell    | .lowell@gmail.com  |
| Monica                                     | Daniels   | niels25@gmail.com  |
| Joe and Trudy                              | Lewis     | je8325@gmail.com   |
| P                                          | lovino    | bivloa@yahoo.com   |
| L                                          | Barahona  | barahona@tiaa.org  |
| Brenda                                     | Jensen    | rendaj330@att.net  |
| Ana                                        |           | sencia@gmail.com   |
| Ian                                        | Johnson   | son40@yahoo.com    |
| Latonya                                    | Johnson   | uel55@yahoo.com    |
| Laura                                      | Hamilton  | ham76@gmail.com    |
| Amanda                                     | Mowbray   | wbray@gmail.com    |
| Ashley                                     | Childers  | ychilders@live.com |
| G                                          | Addamo    | indow@gmail.com    |
| Carolyn                                    | DeWolfe   | wolfe5@gmail.com   |
| David                                      | Torres    | d.torres@mac.com   |

*\*email addresses are obscured to protect privacy*





## 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 (150) or more peak hour vehicle trips or 1,500 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: Hawthorn Devco LLC Contact: Kristi Neznanski

Project Name: Huntersville Retirement Residence

Project Address: 11824 Beatties Ford Road Huntersville, NC 28078

Project Description (including square footage for each proposed land use):

Approximately 150,000 SF congregate living facility with 150 resident suites.

### Applicant

Printed Name Hawthorn Devco LLC Contact: Kristi Neznanski Phone 503-400-9239

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

Signature Kristi Neznanski

Digitally signed by Kristi Neznanski  
DN: cn=Kristi Neznanski, o=Hawthorn Devco LLC, ou, email=KNeznanski@HawthornCG.com, c=US  
Date: 2022.05.23 10:41:19 -07'00'

Title Project Manager Email KNeznanski@HawthornCG.com

### Contact Information

**Town of Huntersville Engineering Department**  
(704) 766 - 2220

#### For Town Staff Use Only

Project File # \_\_\_\_\_

Date Submitted 6/1/22

Daily Trips Anticipated 327

Peak Hour Trips Anticipated AM 13 PM 27

TIA Required (Yes/No) No

Date of Determination: 6/2/22

Comments: Determination based on a 150 residential unit congregate care facility.



NORTH CAROLINA  
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
07 Cvs 2652

EUGENE N. BARRINGER, GERTRUDE )  
BOST, KAY BOST, TROY BOST, )  
WILLIE H. BOST, LOUISE W. CONNOR, )  
ANNIE L. DAVIDSON, CHARLENE )  
DAVIDSON, MAZELLA W. GRAHAM, )  
BETTY BARRINGER PATTERSON, )  
and BILLY RAY WILSON, )

**AFFIDAVIT OF JOHN J.  
SIMONEAU, III**

Plaintiffs )

v. )

TOWN OF HUNTERSVILLE, a )  
North Carolina municipal corporation, )  
and the TOWN OF HUNTERSVILLE )  
BOARD OF COMMISSIONERS, )

Defendants )

and )

SIGNATURE DEVELOPMENT, LLC and )  
HARRIS TEETER PROPERTIES, LLC )

Intervenor Defendants )

John J. Simoneau, III, being first duly sworn, deposes and says:

I am the Planning Director for the Town of Huntersville where I have been employed since August of 2001. I have first-hand knowledge of the facts and records maintained by the Town of Huntersville relating to three petitions which are the subject of the above-captioned lawsuit, being Petitions R06-01, R06-14 and TA06-12 (the "Petitions"). The facts relating to these three Petitions are outlined in this affidavit.

#### BACKGROUND FACTS

The properties that are subject to the Petitions are within the Town's (extraterritorial) zoning jurisdiction. One parcel, known as Hopewell Village, contains 8.65 acres and was zoned as a highway commercial district. This is a parallel zone that was close to the zoning placed on this property by Mecklenburg County under a conditional use permit prior to its being included



*Correct*

in the Huntersville ETJ. The Hopewell Village site is shown in red on the zoning map attached as **Exhibit 1** and is now owned by Harris Teeter Properties, LLC. Harris Teeter holds a vested right to develop this site as a commercial center containing up to 70,000 square feet of mixed uses as permitted under the approved conditional use plan. Under this plan, the ground floor square footage of any one particular building is not limited. Although some development has been commenced on the property, the Hopewell Village site can be physically converted to residential uses.

Prior to January of 2006, a petition had been filed to rezone a 23.33 acre tract located at the corner of Beatties Ford Road and Hambright Road in which the petitioner sought to rezone that tract to a highway commercial district for the development of a commercial shopping center. The 23.33 acre site is at the eastern boundary of the Hopewell High School as shown on **Exhibit 1** attached and was zoned as a rural district. In that Hopewell Village was located in close proximity just on the other side of Hopewell High School, the petition had little chance of success and was withdrawn by the applicant.

On January 3, 2006, Signature Development, as agent for the McDaniel family, filed Petition No. R06-01 for a conditional rezoning of the 23.33 acre tract to allow for the development of a 112,600 square foot shopping center as shown on **Exhibit 2** attached to be known as Latta Square. At the same time, Petition TA06-12 was filed to amend the zoning ordinance to provide for the main floor of buildings at minor thoroughfares to exceed 15,000 square feet. This petition was obviously crafted to allow Harris Teeter to give up its vested right on the Hopewell Village site and retain the right to build its anticipated facility on the Latta Village site.

Copies of the three Petitions referred as R06-01, R06-14 and TA06-12 are attached as **Exhibits 3, 4 and 5**. At the time these petitions were filed, neither a comprehensive land use plan nor a small area use plan had been adopted for this area by the Town. The Town had adopted a Huntersville Community Plan in which there was a stated goal to protect rural pastoral vistas with higher density development to be limited to important crossroads. A copy of the Community Plan is attached as **Exhibit 6**.



## THE HEARINGS

Public hearings on the three Petitions were scheduled and duly advertised for October 16, 2006. The public hearing for each petition was continued to the November 20, 2006 meeting. Further notice of the November 20, 2006 was neither given nor required.

On November 20, 2006, the Town Board conducted public hearings on the three Petitions, and since they were interrelated, the hearings were consolidated without objection. A copy of the minutes from the November 20, 2006 meeting is attached as **Exhibit 7**. The planning staff opposed the Petitions on the basis that the existing vested right for Hopewell Village was sufficient and, without a small area plan, a larger neighborhood center could lead to commercial sprawl in the immediate area. The staff acknowledged, however, that higher density development at the intersection of Beatties Ford Road and Hambright Road would be in keeping with the Community Plan. Due to the potential for additional commercial development across the intersection, the staff recommended that if the rezoning was permitted, a small area plan should be developed to avoid the extension of commercial development in this area.

At the public hearing, Harris Teeter indicated that it approved a change in the commercial site from Hopewell Village to Latta Square because it felt that the residents within the area generally favored a commercial center on the larger tract at the intersection rather than along Beatties Ford Road to the west of the high school. For that reason, Harris Teeter was willing to utilize either site as the Commissioner's deemed to be in the best interest of the community.

Subsequent to the consolidated public hearings, the Petitions were submitted to the Planning Board at its November 28, 2006 meeting. The text amendment proposed in TA06-12 was considered by the Planning Board at which time a motion to deny the text amendment failed in a 4-to-4 vote, and zoning petitions R06-1 and R06-14 were deferred to the December 19, 2006 meeting.

At the December 19, 2006 meeting of the Planning Board, the Board was advised that the square footage for the proposed center in Petition R06-1 had been reduced from 112,000 square feet to 99,800 square feet, that the applicant would agree to contribute funds for the development of a small area plan for this immediate area and would restrict the rear portion of the 23.33 acres from further development. The Planning Board voted not to recommend either application. A copy of the minutes from the December 19, 2006 meeting is attached as **Exhibit 8**.



The Town Board then considered the three Petitions at its meeting on January 16, 2007. A copy of the overview materials presented by the staff at this meeting is attached as **Exhibit 9**. A copy of the minutes of the January 16, 2007 meeting is attached as **Exhibit 10**.

At the time of its decision, the members of the Board clearly understood that Hopewell Village, owned by Harris Teeter, could be completed under the existing vested right, that of the two sites, the larger site at the intersection was considered superior, and that Harris Teeter would relinquish its vested right on Hopewell Village upon the approval of Latta Square with the amendment to the Zoning Ordinance to allow it to build the same facility it could have built at Hopewell Village. All three Petitions were approved by the Board on a 4-to-1 vote. The reasoning of the Board in making its decision is clear from the minutes of this meeting and no further statement regarding compliance with the Huntersville Community Plan was considered to be necessary.

This \_\_\_\_\_ day of June, 2007.

\_\_\_\_\_  
John J. Simoneau, III

Sworn to and subscribed before me this \_\_\_\_\_ day of June, 2007.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
[SEAL]



**Town of Huntersville  
Town Board  
October 25, 2022**

**To:** Town Board

**From:** Kayleigh Mielenz, Planner I

**Date:** October 25, 2022

**Subject:**

---

**EXPLAIN REQUEST:**

Consider recommendation on petition #TA22-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to comply with Senate Bill 105 regarding the restriction of harmony requirements when multi-family structures are an allowable use and the development contains affordable housing units for families or individuals with incomes below 80 percent of the area median income.

**ACTION RECOMMENDED:**

Make a recommendation on the petition.

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

1. TA22-07 PB Staff Report
2. TA22-07 Application
3. Ordinance for Adoption
4. NCGS 160D-703
5. Senate Bill 105
6. HOAB August 2022 Minutes
7. HOAB September 2022 Minutes



## TA22-07 – Affordable Housing & Harmony Text Amendment

### PART 1: DESCRIPTION

TA22-07 is a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to comply with Senate Bill 105 regarding the restriction of harmony requirements if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

### PART 2: BACKGROUND

Since 1996, the Town Zoning Ordinance has allowed multi-family as a by-right use in most zoning districts. The ordinance also has compatibility requirements for new development, including multi-family. These requirements include massing and architectural standards. Massing standards deal with spacing, volume, scale, and street frontage. Architectural standards deal with external materials used. An example of a compatibility requirement in our ordinance is in the general requirements under certain zoning districts and states- “New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume.” Compatibility standards are also commonly referred to as harmony requirements.

Senate Bill 105 amended NC General Statutes Chapter 160D-703 (zoning districts) in November 2021. The amendment states-

“G.S. 160D-703 is amended by adding a new subsection to read: (b1) Limitations. For parcels where multifamily structures are an allowable use, a local government may not impose a harmony requirement for permit approval if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.”

To comply with Senate Bill 105, the below Zoning Ordinance Articles must be amended as they contain harmony requirements that apply to multi-family.

- 3.2.4 Neighborhood Residential District
- 3.2.5 Neighborhood Center District
- 3.2.6 Town Center District
- 3.2.7 Highway Commercial District
- 3.2.8 Campus Institutional District
- 3.2.9 Corporate Business District
- 3.2.11 Traditional Neighborhood Development District
- 3.2.13 Transit-Oriented Development- Residential District
- 3.2.14 Transit-Oriented Development- Employment District
- Article 4 Urban Workplace
- Article 4 Shopfront Building
- Article 4 Apartment Building

The Town attorneys drafted the proposed language in conjunction with Staff for the text amendment to the Town Zoning Ordinance. In the proposed language, Staff defined area median income as being that of Mecklenburg County, NC as that is the census tract that Huntersville is within. If approved, to properly



administer the proposed language, Staff needed clarification on the meaning or intent of certain terms used in 160D-703 (b1). The attorneys consulted with professors at the UNC School of Government about the meaning of the following terms- harmony, units, and the development. Harmony was interpreted to be the plain language of meaning, in agreement or accord. Units was interpreted to mean more than one, which is why the proposed language specifies two or more units. The development was interpreted to mean the entire development.

### PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- TA22-07 is consistent with Land Use policy LU 10.1 of the 2040 Community Plan.

|                                                                                                                                                                                                                                                                                                        |                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| <b>LU-10</b>                                                                                                                                                                                                                                                                                           | <b>Policy LU-10: Encourage a diversity of housing options.</b> |
| <b>LU 10.1: Align housing options with resident needs and promote attainable housing options.</b>                                                                                                                                                                                                      |                                                                |
| <ul style="list-style-type: none"><li>• Accommodate a mix of housing by type, tenure, and location to serve a growing and increasingly diverse population. Housing offerings should align with workforce opportunities, including management, professional positions, and service positions.</li></ul> |                                                                |

- TA22-07 is consistent with all other policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature.

### PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment.

### PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board had discussion on the text amendment at the August 1, 2022 meeting. The Huntersville Ordinances Advisory Board (HOAB) recommended approval (7-1) of the proposed text amendment on September 1, 2022.

### PART 6: PUBLIC HEARING

The public hearing was held October 3, 2022, no public comment was made.

### PART 7: PLANNING BOARD RECOMMENDATION

October 25, 2022.

### PART 8: TOWN BOARD RECOMMENDATION

November 21, 2022.

### PART 9: ATTACHMENTS

1. Text Amendment Application
2. Ordinance for Adoption
3. Chapter 160D-703 of the NCGS
4. Senate Bill 105
5. August 1<sup>st</sup> and September 1<sup>st</sup> HOAB Minutes



| PART 10: STATEMENT OF CONSISTENCY – TA22-07                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                 | Planning Board                                                                                                                                                                                                                                                                                                                    | Board of Commissioners                                                                                                                                                                                                                                                                                                            |
| <p><b>APPROVAL:</b> In considering the proposed amendment TA22-07, Planning Staff recommends approval based on consistency with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it is necessary to coordinate the Huntersville Zoning Ordinance to comply with State Legislature.</p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA22-07, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>                             | <p><b>APPROVAL:</b> In considering the proposed amendment TA22-07, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>                             |
| <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>DENIAL:</b> In considering the proposed amendment TA22-07, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</p> | <p><b>DENIAL:</b> In considering the proposed amendment TA22-07, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</p> |





## Text Amendment Application

Date of Application 07/01/22

### 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): Zoning Article(s): 334 Section(s): \_\_\_\_\_

see attached

Current Ordinance

See attached

Proposed Text

Reason for Proposed  
Change

To comply with Senate Bill 105 to limit harmony  
requirements for affordable housing.

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 Town of Huntersville Planning Dept

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

Signature Kayleigh Mielenz Date 07/01/22

Title Planner I Email Kmielenz@huntersville.org

Address of Applicant 105 Gilead Rd, 3rd Floor, Huntersville, NC 28078

## Property Owner (if different than applicant)

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

☐ 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: 07/01/22

Staff Initials: KIM



**AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE**  
**ARTICLE 3.2 GENERAL DISTRICTS, ARTICLE 4 LOT & BUILDING TYPES, AND**  
**ARTICLE 12.2.1 GENERAL DEFINITIONS TO LIMIT HARMONY REQUIREMENTS FOR**  
**AFFORDABLE HOUSING**

**Section 1.** BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 3.2.4(d)(1), Neighborhood Residential District General Requirements, is hereby amended as follows:

d) General Requirements

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

**a)** New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

**b)** New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

**c) Subsection 3.2.4(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

**d)** A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.

**e)** Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

**Section 2.** BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.5(d)(1), Neighborhood Center District General Requirements, is hereby amended as follows:

d) General Requirements

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

**a)** New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.



**b)** New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

**c) Subsection 3.2.5(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

**d)** Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

**Section 3. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.6(d)(1), Town Center District General Requirements, is hereby amended as follows:

**d) General Requirements**

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

**a)** New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

**b)** New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

**c) Subsection 3.2.6(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

**d)** Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

**Section 4. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.7(d)(1), Highway Commercial District General Requirements, is hereby amended as follows:

**d) General Requirements**

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

**a)** New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.



**b)** New buildings which exceed the scale and volume of e-xisting buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

**c) Subsection 3.2.7(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

**d)** Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

**Section 5. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.8(d)(1), Campus Intuitional District General Requirements, is hereby amended as follows:

d) General Requirements

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

**a)** New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

**b)** New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in [Article 12](#) illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

**c) Subsection 3.2.8(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

**d)** Where necessary scale of building prevents design compatibility, buffer standards of Section 7.5 shall apply.

**Section 6. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.9(d)(1), Corporate Business District General Requirements, is hereby amended as follows:

d) General Requirements

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.



**a)** New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

**b)** New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

**c) Subsection 3.2.9(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

**d)** Buffer standards included in Article 7, Part A shall apply.

**Section 7. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.11(d)(1), Traditional Neighborhood Development District General Requirements, is hereby amended as follows:

**d) General Requirements**

1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

**a)** New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

**b)** New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

**c) Subsection 3.2.11(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

**d)** Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

**Section 8. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.13(d)(2), Transit-Oriented Development- Residential District General Requirements, is hereby amended as follows:

**d) General Requirements**

2) Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit Oriented Residential district.



a) New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

**b) Subsection 3.2.13(d)(2)(a) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

c) Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina

**Section 9. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 3.2.14(d)(1), Transit-Oriented Development- Employment General Requirements, is hereby amended as follows:

d) General Requirements

1) Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit Oriented Employment district.

New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

**Subsection 3.2.14(d)(1) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

**Section 10. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Architectural Standard Principles of Article 4, Urban Workplace, is hereby amended as follows:

**Architectural Standards Principles**

A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are compatible to the historic architectural vocabulary of the area in their massing and external treatment.

B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face. Decorative metal panels such as Aluminum Composite Material (ACM) panels may be used as an accent or trim material and as cladding for building accent elements such as canopies and their supporting structure. Decorative metal panel accents however, may not exceed 30% of any façade visible from the street.

C. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.



D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.

**E. Urban Workplace Architectural Standards Principles A-D shall not apply to the residential portion of development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

**F.** Trailers (mobile units) may not be used as permanent workplace buildings.

**Section 11. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Architectural Standard Principles of Article 4, Shopfront Building, is hereby amended as follows:

**Architectural Standards Principles**

A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.

B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Decorative metal panels such as Aluminum Composite Material (ACM) panels may be used as an accent or trim material and as cladding for building accent elements such as column wraps, entablature, canopies, and their supporting structure. Decorative metal panel accents, however, may not exceed 30% of any façade visible from the street.

C. The front elevations facing the street, and the overall massing shall communicate emphasis on the human scale and the pedestrian environment.

D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.

**E. Shopfront Building Architectural Standards Principles A-D shall not apply to the residential portion of development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

**F.** Trailers (mobile units) may not be used as permanent shopfront buildings.

**Section 12. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Architectural Standard Principles of Article 4, Apartment Building, is hereby amended as follows:

**Architectural Standards Principles**

A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.

B. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.

C. Each building should be designed to form part of a larger composition of the area in which it is



situated. Adjacent buildings should thus be of similar scale, height, and configuration.

D. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings.

**E. Apartment Building Architectural Standards Principles A-D shall not apply to the residential portion of development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

F. Porches should form a predominant motif of house designs, and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building.

G. Front loaded garages, if provided, shall meet the standards of Section 8.16.

H. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

**Section 13. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 12.2.1, General Definitions, is hereby amended as follows:

Amusement, commercial indoor. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

**Area Median Income. The Area Median Income (AMI) and/or Median Area Income shall mean the AMI for Mecklenburg County, NC.**

Arena. A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

**Section 14.** This ordinance shall become effective upon the date of adoption.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:** August 4, 2022 & September 1, 2022

**PUBLIC HEARING DATE:** October 3, 2022

**PLANNING BOARD MEETING:** October 25, 2022

**TOWN BOARD DECISION:** November 21, 2022



### **§ 160D-703. Zoning districts.**

(a) Types of Zoning Districts. – A local government may divide its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of this Article. Within those districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Zoning districts may include, but are not be limited to, the following:

- (1) Conventional districts, in which a variety of uses are allowed as permitted uses or uses by right and that may also include uses permitted only with a special use permit.
- (2) Conditional districts, in which site plans or individualized development conditions are imposed.
- (3) Form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces, and streetscapes.
- (4) Overlay districts, in which different requirements are imposed on certain properties within one or more underlying conventional, conditional, or form-based districts.
- (5) Districts allowed by charter.

(b) Conditional Districts. – Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. The zoning regulation may provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.

(b1) Limitations. – For parcels where multifamily structures are an allowable use, a local government may not impose a harmony requirement for permit approval if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

(c) Uniformity Within Districts. – Except as authorized by the foregoing, all regulations shall be uniform for each class or kind of building throughout each district but the regulations in one district may differ from those in other districts.

(d) Standards Applicable Regardless of District. – A zoning regulation or unified development ordinance may also include development standards that apply uniformly jurisdiction-wide rather than being applicable only in particular zoning districts. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 16, 50(b), 51(a), (b), (d); 2021-180, s. 5.16(a).)



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

**SESSION LAW 2021-180  
SENATE BILL 105**

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS  
OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS AND FOR OTHER  
PURPOSES.

The General Assembly of North Carolina enacts:

**PART I. TITLE AND INTRODUCTION**

**TITLE OF ACT**

**SECTION 1.1.** This act shall be known as the "Current Operations Appropriations Act of 2021."

**INTRODUCTION**

**SECTION 1.2.** The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget in accordance with the State Budget Act. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes, and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

**PART II. CURRENT OPERATIONS AND EXPANSION/GENERAL FUND**

**GENERAL FUND APPROPRIATIONS**

**SECTION 2.1.(a)** Appropriations from the General Fund for the budgets of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for each year of the 2021-2023 fiscal biennium, according to the following schedule:

| <b>Current Operations - General Fund</b> | <b>FY 2021-2022</b>   | <b>FY 2022-2023</b>   |
|------------------------------------------|-----------------------|-----------------------|
| <b>EDUCATION</b>                         |                       |                       |
| Community College System                 |                       |                       |
| Requirements                             | 1,819,143,571         | 1,685,373,047         |
| Less: Receipts                           | 502,936,159           | 345,149,910           |
| <b>Net Appropriation</b>                 | <b>1,316,207,412</b>  | <b>1,340,223,137</b>  |
| Public Instruction                       |                       |                       |
| Requirements                             | 13,493,426,049        | 13,146,477,032        |
| Less: Receipts                           | 2,890,675,279         | 2,219,558,462         |
| <b>Net Appropriation</b>                 | <b>10,602,750,770</b> | <b>10,926,918,570</b> |

University of North Carolina  
UNC at Asheville





**SECTION 5.13.(b)** The Committee shall consist of nine members of the Senate appointed by the President Pro Tempore of the Senate and nine members of the House of Representatives appointed by the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Committee from among its membership.

**SECTION 5.13.(c)** The purpose of the Committee is to consider various ways in which access to health care and health insurance can be improved for North Carolinians, including those individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act.

**SECTION 5.13.(d)** The Committee shall meet upon the call of its cochairs. A quorum of the Committee is a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1. Any expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly.

**SECTION 5.13.(e)** The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives and the Director of Legislative Assistants of the Senate shall assign clerical support to the Committee.

**SECTION 5.13.(f)** The Committee may submit proposed legislation to the members of the Senate and the House of Representatives before the sine die adjournment of the 2021 General Assembly by filing a copy of the proposed legislation with the Office of the President Pro Tempore of the Senate and the Office of the Speaker of the House of Representatives. The Committee shall terminate upon the sine die adjournment of the 2021 General Assembly.

**SECTION 5.13.(g)** This section is effective when it becomes law.

#### **LIMIT HARMONY REQUIREMENTS/AFFORDABLE HOUSING**

**SECTION 5.16.(a)** G.S. 160D-703 is amended by adding a new subsection to read:

"(b1) Limitations. – For parcels where multifamily structures are an allowable use, a local government may not impose a harmony requirement for permit approval if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income."

**SECTION 5.16.(b)** This section is effective when it becomes law and applies to permit applications submitted on or after that date.

#### **PART VI. COMMUNITY COLLEGE SYSTEM**

##### **CC ECONOMIC IMPACTS/STUDY/GRANT FOR TARGETED PROGRAMS**

**SECTION 6.1.(a)** Economic Impact Study. – Of the funds appropriated by this act for the 2021-2022 fiscal year to the Community Colleges System Office to be allocated to the Center for Applied Research (CFAR) at Central Piedmont Community College, CFAR shall partner with the System Office, the North Carolina Association of Community College Presidents, and the Belk Center for Community College Leadership and Research at North Carolina State University (Belk Center) to provide for studies of the overall regional economic impacts of community colleges in the State. Upon the matching funds being made available in accordance with subsection (c) of this section, CFAR shall use the sum of seven hundred fifty thousand dollars (\$750,000) in nonrecurring funds for the 2021-2022 fiscal year to contract with Economic Modeling Specialists International (EMSI), an affiliate of the Strata Education Network, to conduct the studies required by this section.



## **Minutes of the Town of Huntersville Ordinance Advisory Board**

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Wednesday, August 4, 2022, at Town Hall 101 Huntersville-Concord Road.

### **Call to Order/Roll Call**

Chairman Jones called the meeting to order at 3:30 pm.

**Voting Members Present:** M. Jones, T. Taylor, F. Gammon, A. Hallman, K. Jones, J. Kluttz, B. Skelly, H. Whittaker, and T. Finlay (3:33 p.m.)

**Voting Members Absent:** None

**Non-Voting Members Present:** Commissioner Munger, J. Simoneau, T. Barron,

**Non-Voting Members Absent:** E. Sloop and J. Glass

### **Approval of Minutes**

#### **Item 2A. Consider approval of the June 2, 2022, Regular Meeting Minutes**

**Motion:** A. Hallman made a Motion to Approve the June 2, 2022, minutes. K. Jones seconded the motion.

**Vote:** The motion passed unanimously (9-0).

### **Public Comments**

No comments.

### **Action Agenda**

#### **Item 3A: 1. Consider a recommendation on TA 22-06, a request by the Irvin Law Group to increase the building height limits for Hotels and Commercial Uses within pedestrian-oriented developments.**

N. Farber, Planner II stated that this text amendment request is in connection with rezoning R22-01 for Birkdale Village. He presented the proposed site plan offices, hotel and parking features. The goal is to allow a maximum allowed building height for commercial and hotel use within Highway Commercial Pedestrian Oriented Development to not exceed 145 feet with a Special Use Permit. Additionally, the parking lot height would correlate to the building height.

Staff does not have a recommendation on this since the architectural features of the parking deck have not yet been fully submitted though the applicant is working with Staff on this.

H. Whittaker asked what the current permitted building height is and what the tallest building is in Town. Staff responded 48 feet is the current maximum permitted building height in this zoning and that the transit-oriented zoning at Bryton allows for buildings to be a maximum of 180 feet, they simply have not built anything that tall to date.



F. Gammon commented he does not have a problem with the proposed height, and he is sure Birkdale has to keep reimagining itself to keep drawing consumers and he looks forward to this coming back with the text amendment wording worked out.

**Item 3B: 2. Consider a recommendation for TA22-09, a request by Ultimate Athlete, LLC to change the definition of Indoor Recreation Use to allow for accessory outdoor use.**

At the start of the meeting, Chairman Jones informed the Board that the applicant has requested that this item be continued to the September 2022 meeting.

**Motion:** M. Jones made a Substitute Motion to Continue the item to the September 1, 2022 regular meeting. A. Hallman seconded the motion.

**Vote:** The motion passed unanimously (8-0) prior to the arrival of T. Finlay.

**Item 3C: Consider a recommendation for TA22-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to comply with Senate Bill 105 regarding the restriction of harmony requirements if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

Kayleigh Mielenz, Planner I reviewed the current harmony standards the Town Zoning Ordinance has which includes massing and architectural standards. Examples were presented of how the harmony standards are utilized to affect development placement. Staff reviewed the proposed language to be in compliance with Senate Bill 105.

Chairman Jones asked how the courts define harmony. Staff responded that the compatibility language is harmony as they understand the state statute. Because that is akin to the statute, we would need to modify what we are doing if there are two or more of the units are affordable per that statute. Chairman Jones stated that in the absence of a legal definition there should be recent case law for consideration to know how this is interpreted to understand how to amend the zoning ordinance accurately and legally. Staff confirmed they would follow up with the legal department regarding their interpretation of the case law.

F. Gammon stated that this is state statute, and we are legally bound to it so its simply a matter of making sure we are interpreting it correctly. He then asked staff to identify how they foresee this would impact development. Staff stated that in multi-family developments the massing and architectural requirements could not be required if two or more affordable housing units are offered. He then pointed out some areas of proposed text amendment that seem to read incorrectly and recommended staff review this prior to bringing it back to the Board. Staff confirmed they would review the wording.

**Item 3D: Consider a recommendation for TA22-10, a request by the Huntersville Planning Department to amend Article 8.2 of the Zoning Ordinance and Section 6.800 of the Subdivision Ordinance to exclude single-family detached homes from multi-building sites on one lot, with an exception for age restricted developments.**



## **Minutes of the Town of Huntersville Ordinance Advisory Board**

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Wednesday, September 1, 2022, at Town Hall 101 Huntersville-Concord Road.

### **Call to Order/Roll Call**

Chairman Jones called the meeting to order at 3:30 pm.

**Voting Members Present:** M. Jones, T. Taylor, F. Gammon, A. Hallman, K. Jones, J. Kluttz, B. Skelly, H. Whittaker.

**Voting Members Absent:** T. Finlay

**Non-Voting Members Present:** Commissioner Kovacs, J. Simoneau, T. Barron, E. Sloop (by conference call) and J. Glass

**Non-Voting Members Absent:** None

### **Approval of Minutes**

#### **Item 2A. Consider approval of the August 4, 2022, Regular Meeting Minutes**

**Motion:** K. Jones made a Motion to Approve the August 4, 2022, minutes. B. Skelly seconded the motion.

**Vote:** The motion passed unanimously (8-0).

### **Public Comments**

No comments.

### **Action Agenda**

#### **Item 4A. Consider a recommendation on TA 22-06, a request by the Irvin Law Group to increase the building height limits for Hotels and Commercial Uses within pedestrian-oriented developments.**

N. Farber, Planner II highlighted the 1996 building heights that were allowed to keep a small-town feel. As the town's population increased the ordinance also evolved. In 2008 a text amendment was passed to allow a maximum of 13 stories or 182' in the Transit Oriented Development- R in conjunction with the approval of the Bryton development. In 2018 a text amendment allowing hotels in Highway Commercial a maximum of 6 stories with a special use permit was passed. The proposed TA22-06 would allow hotels and commercial use in urban workplace buildings a maximum of 145' and the associated parking deck a maximum of 70' subject to a highway commercial zoning, in a pedestrian-oriented development with a special use permit.

Staff reviewed the criteria for a pedestrian oriented development which includes, it must be in Highway Commercial zoning, and have one parking space per dwelling unit in a wrapped parking deck with attached homes, apartment buildings, and mixed-use buildings. Additionally,



20% of the habitable first floor space must be commercial uses. Currently Birkdale Village is the only project zoned Highway Commercial – Pedestrian Oriented within Huntersville.

Staff displayed the distance of the proposed structures to the closest residential lot lines.

Representing the applicant, Robert Irvin, 19726 Zion Avenue shared the visuals of what the view would be from seven residential locations of the proposed structures.

H. Whittaker asked if the representation being shown is what will actually be built. The applicant, Nick Lombardo, 8712 Windholme Drive responded that there will be some concrete and metal panels that will break up the glass.

F. Gammon asked staff to clarify if the residential units within the rezoning area are considered in the setback criteria. Staff responded that they do not count because they are internal to the development. The setbacks are considered to neighboring projects.

A. Hallman asked if the applicant has considered or will be implementing bird glass. Staff responded that the only architectural requirements addressed are related to the parking deck.

H. Whittaker asked why a height limit is even required. Staff responded that the Ordinances are meant to work well in conjunction with existing development. The text amendment is proposed by the applicant and addresses the needs of the applicant, staff is in support of what is requested and would not be in support of removing a height limitation.

**Motion:** H. Whittaker made a Motion to Recommend Approval of TA22-06 as presented by staff. B. Skelly seconded the motion.

**Vote:** The motion passed (7-1) with K. Jones opposed.

**Item 4B: Consider a recommendation for TA22-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to comply with Senate Bill 105 regarding the restriction of harmony requirements if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.**

Kayleigh Mielenz, Planner I reviewed the current Senate Bill 105 harmony standards for multifamily structures and 2 or more affordable housing units are offered. The Town attorneys consulted with the UNC School of Government on the interpretation of terms units, harmony and the development. When the statutes and Land Development case law do not define the terms, the plain language meaning of the term would be used.

The Town currently has harmony standards for new development for massing and architecture. Staff then presented current Mecklenburg County median income chart.



M. Jones asked for confirmation that the state statutes and current case law do not define the term harmony. E. Sloop responded that the research they conducted did not reflect any current interpretation.

F. Gammon asked how the new statute and ordinance would impact our zoning decisions. Staff responded that a major subdivision that has multifamily units with 2 or more affordable units, then the entire subdivision does not have to adhere to harmony requirements so the form and appearance of those subdivisions will change. Multi-family could be apartments or townhomes.

M. Jones commented that it is written it is subject to multiple interpretations. A major subdivision with a multifamily aspect in it could have any 2 units, including single family homes, be the affordable units and then the entire subdivision would not be subject to the harmony standards.

F. Gammon asked if Staff is recommending using Mecklenburg Counties median income versus Huntersville's median income. E. Sloop responded that Huntersville is not in a census track so that specific data subset is not available to the best of our knowledge.

F. Gammon asked if its possible to have Huntersville median income determined, and what will neighboring communities use to determine median income. E. Sloop responded that area median income is determined by region and it is distinct from average household income so area communities that do not have a data subset will also be using Mecklenburg County data to determine median income. E. Sloop stated that she will confirm if it is a population threshold that triggers being able to have a data subset specifically for Huntersville.

A. Hallman asked who monitors this down the road that the proposed affordable housing stays affordable. Staff responded that it will be noted on the plat and permit and will ultimately be a code enforcement issue if it is not upheld. Staff continued that this will no doubt be an issue for every part of the state in 5-10 years. Staff remains in contact with Planners all across the state and it is likely that there will be discussion and eventually a resolution to how to deal with this as it begins to be utilized.

F. Gammon commented that he does not think anyone on the Board is opposed to affordable housing, these are simply concerns about potential outcomes and how developers could seek to benefit from this. Staff stated that we are very concerned as well about the potential effects of this as well given the lack of guidelines. The reality is that it is state statute and we are subject to it.

H. Whittaker asked why the rush if we are the first to adopt the standards and if there is a League of Municipalities that can try to figure this out for us. E. Sloop stated that she thinks it is better to be proactive and have some language in the Ordinance versus no parameters so that when a developer comes in there is a starting place within our Ordinance.



**Motion:** F. Gammon made a Motion to Recommend Approval of TA22-07 as presented by staff so the item can be considered by the Planning Board and Town Board for final decision. J. Kluttz seconded the motion.

F. Gammon requested that E. Sloop investigate if the median income for Huntersville can be used or not for consideration by the Planning Board and Town Board.

A. Hallman stated that she agrees with the motion because it is time for the decision makers to give their input and make the decision, this Board has done what they can.

H. Whittaker asked for clarification if there is a mechanism to move an item forward for discussion by Planning and Town Boards with a neutral or negative comment. M. Jones responded that the meeting minutes are provided to those Boards for their review.

**Vote:** The motion passed (7-1) with H. Whittaker opposed.

**Item 4C: Consider a recommendation for TA22-10, a request by the Huntersville Planning Department to amend Article 8.2 of the Zoning Ordinance to exclude single-family detached homes from multi-building sites on one lot, with an exception for age restricted developments.**

Nathan Farber, Planner II reviewed the proposed amendment to Article 8.2 that would not affect retirement communities or congregate care facilities. Staff shared the example of the recently approved “The Hamlet” community. He then shared that staff researched local municipalities and found that the same requirements are in place with Davidson being the only community that will allow it but with additional requirements.

F. Gammon asked what Davidson’s process is. Staff responded that it is an additional step similar to our Conditional Rezoning process.

M. Jones asked if Davidson’s process applies to for rent only communities. Staff responded that it applies to subdivisions for sale or for rent.

A. Hallman asked how this amendment would change requirements beyond parking in the example show of The Hamlet. Staff responded that for lots less than 50’ wide are required to have alley access parking at the rear of the property. That would have removed the parking lots, pushed the project further in from the setbacks to include alley access, possibly reduced the on-street parking or at least the demand on the on-street parking by the residents.

F. Gammon commented that the concern expressed is if the owner of the development goes bankrupt, however, apartments go bankrupt and are one lot. Staff responded that this amendment addresses multiple issues, consistency with neighboring development, consistency with the definition of single-family homes in the Ordinance, as well as some future options should the owner of the development wish to sell any of it off that becomes an option.