



AGENDA

Regular Town Board Meeting

November 21, 2022 - 6:00 PM

TOWN HALL (101 Huntersville-Concord Road)

Persons desiring to address the Board during a public comment period or a public hearing shall list their full name, address, telephone number, and subject matter to be discussed on the speaker sign-up sheet as provided by the Town Clerk prior to the beginning of the meeting. Once the meeting has begun, a person may not sign up to speak.
(Public Comment and Public Hearing Policy - Adopted April 19th 2021)

1. Pre-meeting - 5:15 p.m.

1.A. New Town Hall - Public Input and Schematic Design Update. (*Bobby Williams*)

1.B. Closed Session pursuant to N.C.G.S. §143-318.11(a)(5) to instruct staff or negotiating agents concerning the price and other material terms for the acquisition of real property. (*Stephen Trott*)

2. Call to Order

3. Invocation/ Moment of Silence

4. Pledge of Allegiance

5. Staff Questions

6. Public Comments, Requests, or Presentations

6.A. Presentation of Life Saving Award. (*Mayor Bales*)

7. Agenda Changes/Adoption of Agenda

8. Consent Agenda

8.A. Approve the minutes of the October 3, 2022 Regular Town Board Meeting. (*Janet Pierson*)

- 8.B. Approve FY 19 Electric Write-offs. *(David Lucore)*
- 8.C. Accept System Betterment grant and budget amendment for Electric Fund. *(David Lucore)*
- 8.D. Adopt resolution to acquire right of way and/or easements for the construction of Commerce Centre Drive project. *(Stephen Trott)*
- 8.E. Approve the 150th Anniversary Celebration Committee Rural Hill appointment change from Jessica Bustamante to Kim Baylor Manley. *(Michael Jaycocks)*
- 8.F. Adopt 2023 Town Board Regular Meeting Schedule. *(Janet Pierson)*

9. Public Hearings

10. Other Business

- 10.A. Consider decision 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. APPLICANT HAS REQUESTED DEFERRAL TO JANUARY 17, 2023. *(Nathan Farber)*
- 10.B. Consider decision 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. APPLICANT HAS REQUESTED DEFERRAL TO JANUARY 17, 2023. *(Brian Richards)*
- 10.C. Consider decision 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)*
- 10.D. Consider decision 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)*

11. Mayor and Commissioner Reports/Closing Comments

12. Adjourn

Special Accommodations: Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact the Town Clerk. The Clerk can be reached by phone or fax: 704-875-6541, email: clerk@huntersville.org or at 101 Huntersville-Concord Rd, Huntersville, NC 28078.

We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

The Board reserves the right to deviate from the agenda.

**Town of Huntersville
Town Board
November 21, 2022**

To: Town Board

From: Janet Pierson, Town Clerk

Date: November 21, 2022

Subject: Approval of Minutes

EXPLAIN REQUEST:

Consider approving the minutes of the October 3, 2022 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

October 3, 2022

**6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:00 p.m. on October 3, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the Pre-meeting to order.

Commissioner Kovacs said I was going to kind of explain where this started, so that way we know why it's on the agenda.

On September 19, a resident reached out to me and asked me a question about the NorthState Town Center project, and I knew the plans had just been approved so I pulled it up on our very easy to use Planning website. When I was looking at the website, I noticed that the retail space appeared to be significantly smaller than I remembered, so I started pulling up the minutes from the January 19 meeting.

Those reports first stated that David Peete stated I have full Planning Board recommendation, and I'm only reading that first because it came up in the minutes first, but I did want to point out that Frank Gammon was not present at that meeting, so it wasn't actually the full Planning Board, so it was unanimous of just the attendees that day. But then Commissioner Walsh made a motion that specifically stated while the developer is not proposing to achieve the 30 percent tree save, they do commit to working with staff to achieve a 15 percent tree save and in all cases minimum required tree save would be mitigated per the provisions of the Zoning Ordinance as described in Article 7, and I read that because I will have a question about that later. With those provisions, I'm paraphrasing because it was a very long motion, so with those provisions it's reasonable and in the public interest to rezone 9.947 acres as described in Attachment B of the Staff Report from TC, NR and GR to Town Center mixed-use conditional district rezoning plan as provided in our packet and dated January 5, 2021 to permit 12,000 sq. ft. of commercial space which is not to be used for leasing, exercise or other amenities associated with apartments and no more than 134 apartments, 41 townhomes and 11 single-family homes.

Upon seeing this I realized that the plan that is currently approved provides much less than 12,000 sq. ft. of commercial. Some space on the main floor consists of flex storage space at 710 sq. ft., maintenance at 680 sq. ft., maintenance office at 113 sq. ft., auxiliary electrical 81 sq. ft., main electrical 196 sq. ft., corridor of 163 sq. ft., leading to bike storage and a pet spa, mail at 389 sq. ft. and a package room 280

sq. ft. and then a pass-through at 794 sq. ft., equaling 3,406 sq. ft. There is Commercial A that will be 3,526 sq. ft. and Commercial B will be 4,043 sq. ft. and if you were to combine all those, although I don't believe they should be combined, that gives you a total of 10,975 sq. ft., which in my math is still not 12,000 sq. ft.

There were many questions, emails that were sent to staff trying to figure out the discrepancy between the motion and the approved plan. Mr. Simoneau was there to kind of clear up some of the confusion. On September 19 I was forwarded an email from Ms. Amy Hallman who had been emailing staff about the same situation and the response to both of us was combined and included former Commissioner Walsh who made the motion originally and the email stated "I thought it best to use the email to answer your questions and address your concerns. Below is the motion made by Nick Walsh. As has been indicated in the motion (below) included "....12,000 sq. ft. of commercial space....". However, the motion also referenced the January 5, 2021 rezoning plan (also below). That plan referenced a modification of no more than 66 percent residential uses on the first floor. The motion and the notes on the plan raised a question in our mind as to what specifically was approved. To address that question, we had a conference call with Nick Walsh, staff and Shane Seagle where we went over the proposed floor plan to detail what part of the building is assigned to residential and non-residential floor area. Attached is the final floor plan that staff accepted as meeting the conditional rezoning plan."

I find this extremely concerning because I feel if clarification needed to be made about the motion, not only Commissioner Walsh who made the motion should have been contacted, especially the person who seconded the motion, and then the rest of the commissioners who had to vote either yay or nay on said motion. There's a vast difference between the two and it could be enough to change votes and I would like to know what the proper protocol on this situation is. Later we were all forwarded an email responding to Commissioner Phillips from Ms. Sloop and it said "Attached is the Planning presentation that was presented for this item. As you can see, all of the slides refer to 12,000 sq. ft. of non-residential (not commercial space). My understanding is that the developer and their attorney, Susan Irvin, had previous communications with Planning staff and the Town Board regarding the various versions of the plan and that the January 5th version of the plan was what was eventually agreed upon to be presented for the vote on 1/19/21. Once a motion is made and seconded, it would be up to the Town Board members to ask for clarification if they did not understand the motion prior to voting on the matter."

I wanted to know why this is referring to the commissioners who voted being the ones that misunderstood the motion. If it was a problem with the motion referring to a plan and then a specific amount of detail, then why was that only clarified with one person. I'd really like to ask those of you who were on the Board during this time, were any of you asked what you thought about the motion or the discrepancies.

Mayor Bales said no.

Commissioner Boone said I was against the project from the start.

Commissioner Kovacs said but were you contacted about it.

Commissioner Boone said no.

Commissioner Phillips said no.

Commissioner Munger said I don't believe so.

Commissioner Kovacs said I don't feel as though the Town Board members can be responsible for the discrepancies when they weren't even contacted to know that there was a discrepancy. Do you feel confident in your vote now seeing that it's different than what it was written or from your understanding, do you feel your vote represented what is being done now.

Mayor Bales said from where I sit, I would have voted no, because it was very clear that 12,000 sq. ft. of commercial, non-residential commercial space for business was the goal.

Commissioner Munger said this certainly is not the end result that we negotiated.

Commissioner Kovacs said on September 28 Mr. Simoneau sent an email to the Town Manager, Anthony Roberts, stating "This is to inform you I instructed Kayleigh to approve building permit for the NorthState mixed-use building. The final floor plan is attached and is consistent with the % of residential/non-residential floor shown on rezoning plan dated July 5." Again, this is where the discrepancy is between that and the 12,000 that was stated in the motion. "For clarity, we reached out to Nick Walsh in June 2021 to make sure the first-floor plan was consistent with this motion for approval. He agreed that it was. Please note that other agencies had comments on the building plans and those comments must be addressed before the building permit is released by Mecklenburg County."

My takeaways from this so far and why we are kind of all meeting about this at the pre-meeting, at least from my perspective, is that motion was made and then it was changed by then Commissioner Walsh after running it by with Ms. Sloop, so he had conversed with Ms. Sloop about what the motion should be. The addition of statements as provided in our packet dated January 5, 2021 was added after Ms. Sloop went over it and that was added before the statement of permitting 12,000 sq. ft. of commercial space, the addition of the motion with a confusing statement was not caught on the dais, the staff was later confused about the motion assuming 12,000 sq. ft. did not trump the percentage of sq. ft. referenced in the plan. Commissioner Walsh was contacted to see what he meant in regards to this motion, but no other Board members were. A new vote was not taken due to the significant change and as we just heard, it was something that would have changed people's votes. I want to know what is the appropriate way to handle this, because it appears we don't have an appropriate way to handle this and we need to figure out how this can be significantly rectified. Was this legal to do this with only one commissioner and not the rest of them? Why was a decision made by former Commissioner Walsh to accept less than 12,000 sq. ft.? Why are we accepting square footage clearly that is majority for residential as non-residential? What percentage of something does it have to be for commercial space to be considered commercial even it's being used by residential? Ultimately, we just need to know who is at fault for the determination of one-third less of square footage than what was approved on the dais and being allowed to give a developer full control as opposed to the Board.

Commissioner Phillips said I think she said everything much better than I ever could.

Mayor Bales said Mr. Simoneau, would you like to go through your presentation packet.

Jack Simoneau, Planning Director, reviewed the history of the project. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

I want to remind everybody there was two steps involved in this. The Town was selling an “L” shaped piece of property and so the contract to sell that property said that the Board has to approve a conceptual plan. Then after that conceptual plan was approved then they moved to rezonings. I want to compartmentalize this into those two actions.

October 19, 2020, this was the request in the agenda packet. It says per the purchase contract condition, the Huntersville Town Board approved a conceptual plan on November 18, 2019. That was the first plan. Due to the acquisition of additional land, the plan layout has changed thereby requiring Town Board approval of a new conceptual plan. That’s what’s happened.

Let me show you the attachment of what November 18, 2019 was. That was before the developers acquired more land and you will see the front of Gilead Road says non-residential use on ground floor with residential above. It has a breezeway and then also at the corner non-residential use with ground floor with residential above. In the back of Gilead Road, it has residential/non-residential use on the ground floor with residential above. So that was the conceptual plan approved in 2019. The conceptual plan that was in the agenda packet on October 19, and also on November 2, is what you see here. October 19, 2020, the concept plan was discussed. A tremendous amount of discussion on non-residential floor area where the leasing area was, there was talk about a vehicle pass-through among other things, and that that was continued until November 2, 2021. All of the minutes are available online from the Town website.

Ultimately it was continued to November 2 and that concept was approved. That concept plan is just as you see it here and it says 12,000 sq. ft. of non-residential. I will note that if you look at this note right here it says non-residential space provided up to, not to exceed 12,000 sq. ft., so they didn’t know how big their building was going to be so they didn’t want to commit to 12,000 sq. ft., but there would be not exceed 12,000 sq. ft.

Now I’m switching to the rezoning plans. There was a quite an evolution of the plans and I’m showing you the evolution of the plans. We actually got six plans from the time they first came to us to the time it went to Town Board action on January 19, 2021. Upper lefthand corner 7-8-21, so that’s the plan that came into staff. It substantially matched the conceptual plan of that first drawing that came in. Staff was not in favor of that and felt like there needed to be all commercial on the first floor facing Gilead Road and the leasing area should not be counted either.

The second floorplan which was actually brought to the public hearing was dated October 5, 2020 and that plan was actually submitted to us 8-24-21. You will notice the ground floor non-residential is plus or minus 7,200 sq. ft. and the leasing ground floor is non-residential is 3,700 sq. ft.

You may recall, if you look where the driveway is for Town Center, and you will notice that there is no connection through this. What I want to mention to you.....so it’s right here. During this public hearing the Town Board explained to the developer we don’t want to see the leasing up there, we want to see a vehicular connection from the parking lot to the building and so ultimately the third, fourth and fifth plans that came in that were presented at the public hearing 11-2-20 and 12-7-20 showed that....showed the leasing area outside of the shaded area, which they are presuming to be the non-residential area. You will notice that the leasing area is now outside of that shaded area and you will also notice the pass-through. There was evolution of this plan as you may well know and remember, but ultimately the sixth plan came in on January 5, 2021, and that was the one that was presented to the Town Board on January 19, 2021. That’s the plan that has the notation in there about ground floor

12,000 sq. ft. It's got some other comments in there and I'll show you a plan that's a little bit more blown up than that.

As Commissioner Kovacs said, the motion that Mr. Walsh made was quite lengthy. This is the motion in its entirety. What's highlighted in red is the area that Commissioner Kovacs mentioned and it says "With those provisions it is reasonable and in the public interest to rezone 9.947 acres (as described in Attachment B of the Staff Report) from TC, NR and GR to Town Center Mixed-use Conditional District Rezoning Plan as provided in our packet and dated January 5, 2021, to permit 12,000 sq. ft. of commercial space which is not to be used for leasing, exercise or other amenities associated with the apartments and no more than 134 apartments, 41 townhomes and 11 single-family homes. That is the motion.

This is the plan that was approved. The plan dated January 5, 2021, says modification is being requested to allow for more than 50 percent of the ground floor to be for residential use. It does show ground floor non-residential at 12,000 sq. ft. and then it goes in the highlighted area it starts to talk about what could be considered non-residential and won't be considered. Non-residential areas may include commercial uses, restaurant uses, retail, office, entertainment facilities, a pedestrian pass-through, stairwell and elevator area, but shall not include administrative/leasing offices or clubhouse area that are accessory to the multi-family use. The requested modification that was also on the plan says residential uses may constitute more than 50 percent but no more than 66 percent of the first-floor area in the portion of Building A located on Gilead Road.

That was the conditions that were on the plan. None of us had the floorplan. We did not have a floorplan. The developer did not have a floorplan of how that building was going to be laid out. They had a conceptual idea and I will note if you see this shaded area, you are going to see a little notation here, that's actually stairs that they shaded as.....I think that they thought it would be commercial. It was not until April 2, 2021, that staff received the first detailed floorplan submitted. This is the plan that we received. Understand this, when you approve a commercial building, there's always going to be backhouse things. There's going to be storage, there's going to be utilities, there's always going to be that. But this is the first time we saw the plan and understood how they were allocating space.

This next slide is the staff comments that we sent to the developer April 13. I'm going to go to the red in the upper righthand corner and show you our comment, my comment was "Shocked that 12,000 sq. ft. for commercial and only 7,453 sq. ft. (60%) available – we were not able to get to that number." We, too, were surprised when we saw that floorplan allocation. Again, we understood there would be backhouse operations, but we did not have any idea how they were going to break this up. I'm going to point out some other comments that we have. I raised a question it seemed like with this jog in here it might be unsafe space, so that's what that says. We did ask the question, the depth of that building is 37'. We were just asking the question is there an ability to lease it, is that deep enough. David Peete and I reached out to other communities and found out that could work, so that was not an issue. The flex-space, our comment here is "If you leave floorplan open for retail client to organize, why create this space?" Why not just let whoever is going to lease that space from you. And then maintenance, it seemed large to us, 635 sq. ft. And then we previously discussed with the developer that they are not going to count access solely for residential as commercial. Those are the comments that we sent to the developer.

The June 3, 2021, updated floor plan was sent to staff. I will characterize this as there wasn't a whole lot of change, if any. There was more refinement showing us how the plan is going to be ultimately built out, but this was the plan that was sent to staff and here are our comments.

We sent this back on June 9 and we again said 7,500 sq. ft. of commercial space represents only 63 percent of non-residential floor area, a very small amount. We knew that the Town Board approved a percentage. That 34 percent minimum of non-residential, but we still felt like this was pretty small. We asked on the flex-space the storage, please provide clarity what this space is for. If it's to serve non-residential then access would be from commercial, not parking lot. We were trying to figure out what's happening here, who does this service. Maintenance area, again it appears excessive, taking away from commercial space and then again we repeated our comment if mail, package, elevator and corridors serve only residential, then they need to be counted towards residential. That was our comments on that second version.

On that second version what I'm showing you now is there was a virtual planning meeting that we had with the developer Shane Seagle, their attorney Susan Irvin, Commissioner Walsh, David Peete and myself. We went over these comments with them and what I want to point out is what's just caps, those were my notes that I was writing as we were having discussion and there's a lot of misspelling, but it was kind of as discussion was going, so understand that. When we asked for them to provide clarity on this space, they said the non-residential storage is shared space and determined allocation based on tenants. In other words, this was going to be for commercial tenants, but all of them get to use it. That's why they didn't have the one door in this business here. Again, I want to explain that space was for commercial, and they explained why the door doesn't go to this is because every commercial tenant in here gets to use that space, that's why they had the door there. That's what was said. We said that the maintenance area seemed excessive, and they said that's needs based on experiences from other properties. I'm not in a position to argue that and then we mentioned about the elevator space and the package space and which is going to be counted towards residential, you can't use it for non-residential purposes.

This is the plan we talked about and they were going to revise it and we received an updated floorplan the next day, June 18, 2021, and that floorplan these stairwells then became residential, that became residential and the percentages worked out to just over 34 percent non-residential and I reached back out to Commissioner Walsh to say here's the final plan, is this consistent with your motion and the answer was yes, and so I sent an email to Shane Seagle on June 25 that that floorplan was consistent with the motion.

What I'm showing you, this is the floorplan that we talked about with Commissioner Walsh at the time, June 18, and this is the plan that we just approved in September. The reason that I'm flipping back and forth is the only thing that really changed was they had a riser room in here and that riser room got moved over here, so you will see it, it kind of got moved up here, so again it's more refinement of the plan. That was approved by us in September 2022.

The last thing I want to go over with you is Anthony Roberts asked the developer specifically what's just solely dedicated to the commercial uses, the backhouse and what's the shared space which is the lighter blue. What's shown in this red area is the most recent site plan with shading out of what area was strictly for the commercial use. The lighter blue is the shared space and then the green is the residential and it comes out to 9,704 sq. ft. I will also point out that the traffic impact analysis was considered with 12,000 sq. ft., so even though they've got in here trash compaction and maintenance and storage, all that is calculated for figuring out the traffic impact analysis, so that was figured at 12,000 sq. ft. We did figure out the parking less what they call the Paseo, which is just this pass-through here, they took that out for figuring out the commercial parking required.

Your last slide has a summary of everything that kind of went on and so with that I'm happy to answer any questions, try to address any issues that you have.

Commissioner Kovacs said I'll start with the last since that is the page I'm on, the one you just had, if both of those electricals are only for commercial, where's the electrical for the rest of the bottom floor.

Mr. Simoneau said this is the electrical here. I don't know about this one here. I didn't shade this. I don't know.

Commissioner Kovacs said so that big one is only for commercial.

Anthony Roberts, Town Manager, said the purple one that's near the breezeway, and this one is slightly different because they moved the riser up to the north part of the plan, but the electrical near the I'm just going to say the breezeway, that was the only thing that they took credit for with the bottom commercial non-residential space. I think that was they said 90/10 85/15 split, so 85 to 90 percent of that would be used for commercial, but everything else on here shaded is 100 percent commercial. What I was trying to get at is you know you saw these plans it referenced and like I said I'm just rounding numbers 7,500 sq. ft. I wanted to get at what is actually commercial. I know we use residential, non-residential, but I'm just being simplistic, what is actually going to be used for 100 percent commercial or fairly close to 100 percent. I didn't count when I talked to them about mechanical rooms that was more of a 20/80 the other way. It may be 80 percent of it was used towards residential and 20 towards commercial. I didn't mark any of that or put any highlights on that and some of these other little smaller uses, even the mailrooms and things like that were a 10 percent maybe commercial and a 90 percent residential. When I was highlighting this or having that conversation, we didn't shade in any of that. Hopefully that brings a little clarity.

Commissioner Kovacs said in response to that, what is the definitive percentage split that's acceptable.

Mr. Simoneau said if I'm following you, say well if a certain area was 80 percent this and 20 percent that, is there anything written down definitive. The answer to that question is no. What we said when there was a blank floor plate is if you have shared space, we would count that towards non-residential and anything that was solely for residential we'd count for just residential.

Commissioner Kovacs said you said the flex storage.....I believe when you were presenting this you said that when you asked them they said the flex storage was for both residential and commercial originally.

Mr. Simoneau said no, I apologize. It's intended for all commercial and they explained to us....our thought was if it's for commercial, why doesn't the door go to the commercial space and why does it go out the backdoor. And their response to us was all of the tenants in this building, the commercial, will be able to use it. That's why they have that door on the outside.

Commissioner Kovacs said for like storage of materials.

Mr. Simoneau said for anything non-residential, so that's why it is shaded in that color as well because it's for all the tenants of the commercial space.

Commissioner Kovacs said Commissioner Phillips, sorry to put you on the spot. Your family owns a business. Would you put any of your items in a shared storage space.

Commissioner Phillips said no.

Commissioner Kovacs said I asked another business owner and they have it in the back of their store, other people don't have access to it. I don't see the likelihood of that being just especially because if you are in a commercial Building A you have to walk all the way around, go through the pass-through and then go over just to access that.

Mr. Simoneau said you will notice the floorplans, there's no details as to where the kitchen facility is going to be, where the bathroom facility is going to be, so there's upfitting. When we issue permits, there's upfits. My point simply is if that's for commercial space, you certainly wouldn't intermingle commercial space of businesses and anybody can take anybody's stuff, so the expectation would be they would upfit that to secured space in there and so it might be a smaller closet but that's my response. I wish the developer were here to explain to you that, but that is how I see that.

Mr. Roberts said I think originally when Jack said that this was going to be maybe entered from the exterior, on the follow-up meeting when I was trying to figure out what was truly commercial, a comment was that depending on the tenants, we may carve up that space so it may be you knock out that back wall and it may be part of another space, it just depends. As they are getting tenants in.....sort of like you see here. If you looked at this, you would say well there's only going to be two tenants. Most likely it would be somewhere between three and four tenants, no matter what you do it's probably going to be three or four tenants, three more likely, so in that conversation that backroom or that flex-space, depending on what the tenant wants or how much space, that may be eat up into another space and then they may have.....depending on the use, they may have in some of this space you see that's shaded in purple, you may have a back of the room closet like Stacy's store, those kind of things. It just depends.

Commissioner Kovacs said Commissioner Walsh was contacted two times to clarify what he meant in the motion. I guess Ms. Sloop, legally is he the only one that needs to be contacted.

Emily Sloop, Town Attorney, said in terms of the motion itself, I would point out that first of all when I review motions for legal sufficiency, I'm looking to see whether or not they have a legally required consistency statement and reasonableness statement. I never tell commissioners what to put in their motions. I also want to point out that yes, he did send his motion to me to review, and I did not tell him to include the reference to the plan in the package or the date.

Commissioner Kovacs said that's what I was trying to clarify, is that you told him that it looked good and then later it was added, not by you, but by Commissioner Walsh.

Ms. Sloop said and as to who would be contacted, typically yes, you would go back to the person that made the motion and in this particular case the motion was actually displayed on the screen for all of the other commissioners to see that same night, so if there was a question about what the motion meant, it would have been up to the commissioners at that time to ask for clarification of the motion.

Mayor Bales said would it not have also been important for staff to help with the clarity as well.

Ms. Sloop said that's true. If Planning Staff did not understand the motion that was made, they likely should have asked as well.

Commissioner Munger said when it says to permit 12,000 sq. ft. of commercial space, which is not to be used for leasing, exercise or other amenities associated with the apartments. I'll stop there. That's what I voted for. That is absolutely what I voted for. I know that we don't all agree with everything, but I voted for 12,000 sq. ft. of commercial space, not non-residential, not a pass-through, not some storage, not electric, 12,000 sq. ft. of commercial space. I read the motion. That's what I voted for. And that's why this one.....I don't know.

Mr. Simoneau said I certainly feel like we're on the spot here, but this was the notes on the plan. When we saw the vote, we saw this is the vote. The 12,000 we took as basically up to 12,000 just like that first plan and the developer had no idea what percentage or how big the building's going to be and so that's why they included the percentages in there. I can appreciate that comment, I just want to be clear that the January 5 dated plan had this on it and that's what was approved.

Commissioner Munger said I do need to accept my own responsibility for missing that particular portion. A lot of it from our perspective is when we put together a motion, we think we are covering everything that is meant by our intent. We are trying to put together a motion.....you can see this motion, this is no small motion. There's not a lot of ambiguity. We are trying to nail it. We're trying to say exactly what our intent is. Is it possible we might have overlooked a note. I'll own that, absolutely. I probably overlooked the note. When I look at this motion and I say this is our intent, this is how we speak, this is how we try and convey what we are trying to get. I appreciate what you are saying, and I have to own my missing a note, absolutely, did it.

Mr. Simoneau said we always consider backhouse a part of the commercial, so where I see the differences is the shared space going to non-residential, but the spaces that are going to be storage for just the businesses itself, that type of thing, is that what you consider because some people will see that commercial as that's the retail space.....everybody could see a little bit different shade of.....

Commissioner Munger said can we flip to the map, the one with the purple shading. That flex space storage, I'm not going to argue against it. I'm going to say that eventually that could probably be something commercial. When I look at that Paseo or that breezeway, show me a door to commercial. It's not on there. It's purely residential. It essentially allowed people to walk through the buildings. If NorthState wanted to lead us to believe that was commercially related, at least have a door that goes into a commercial. That's my opinion.

Mr. Simoneau said my comment would be that the Board asked specifically for a pass-through underneath the building for parking. Parking happens all behind that building, so I see that comment and I say well that's commercial because if I'm parking in their parking lot and I want to go to the business, I've got to go through that thing to get to the door.

Commissioner Munger said that's a fair statement.

Mr. Simoneau said everybody can bring to this a different perspective, but that would be my comment there.

Commissioner Munger said that's really the only question I had.

Commissioner Kovacs said with the pass-through, did y'all mean the one at the top.....when the Board asked for it. I wasn't on the Board so I'm asking.

Mr. Simoneau said that's this right here.

Commissioner Kovacs said that's what they asked for?

Mr. Simoneau said the Town Board asked for that because.....I think I actually have a plan.....this was presented at the October 5 meeting and the Board was concerned that if you have a retail business in here and they have to drive down Public Street A, then turn and go down to Public Street B, and then find a parking space, they are just going to go right into the parking deck. Some of you might shake your head and say oh yeah, I remember those discussions, oh yeah this is going to be.....so now they are going to use our deck and so there was a request that there be a connection there and it's right across from our point to get the businesspeople parking into the parking lot as quick as possible. That was the original plan on October 5 and then ultimately what got approved was this is a vehicular pass-through area that gets you to the parking lot.

Commissioner Munger said thanks for that background, I appreciate that.

Commissioner Boone said I have two questions. The first question is you have a commissioner that made the motion, you've called him and asked him to explain, why not call somebody that was on the opposite side to get their input to counter anything that was said on the other side of the argument.

Mr. Simoneau said as the attorney mentioned, the motion was for approval and that was the prevailing motion, so I went to the person who made the motion to ask is this consistent with their comment. And you are asking me why didn't I ask a question of somebody who voted against the motion or other people that voted for the motion.

Commissioner Boone said anybody that voted against it.

Mr. Simoneau said again, hearing what I'm hearing at the dais here, that concerns me that I didn't, but I will tell you I went right to the person who made the motion. The attorney said that's the appropriate thing to do when there's clarity needed. That's what I did, and I felt like if the commissioner who made that motion felt like we are going off kilter, let me talk with our other commissioners, that would have been done. You may not be satisfied with my response, but that's how I would respond to that question.

Commissioner Boone said that didn't happen, he answered for the entire Board.

Mr. Simoneau said he answered for the Board that voted for it, yes sir.

Commissioner Boone said my last question is that the original application by NorthState, they wanted 6,100 sq. ft. of non-residential and then they agreed to increase it to 12,000 sq. ft. and has excluded the leasing office, the other apartment related uses from this space and I'm quoting from the public hearing notes of 11-2-20. And to me we've kind of got a disconnect. You've got somebody talking about non-residential space and then somebody using another term meaning commercial and the term commercial was used in the motion, but I don't see that up here in any of the plans.

Mr. Simoneau said in the plans, as you can see, from the time they came in the door to the time they were approved, used the term non-residential.

Commissioner Boone said you told them three times that the maintenance room was too big and they just say the heck with that, we're not even going to deal with it.

Mr. Simoneau said we were questioning because we wanted to see more commercial space, not back of house stuff.

Commissioner Kidwell said who seconded the motion?

Mayor Bales said Commissioner Munger.

Commissioner Kidwell said Commissioner Munger, you were not contacted, correct.

Commissioner Munger said correct.

Commissioner Kidwell said I just wanted to clarify that. One thing that sticks out to me, well a couple of things stick out to me, but their terms of non-residential versus even now even when you were talking about it, you were talking about commercial, when it goes back to Commissioner Munger's intent. The intent was commercial. I think staff saw it as commercial and words have meanings. They kept going non-residential and if they keep just saying non-residential, we keep saying commercial, but they never acknowledge it, it really puts us in a bad spot because they can say they never said commercial on anything. I think this goes to a lesson for this Board and other boards going forward and I've said it from the dais, I've said it off the dais, and it's not a slight at developers, but it's hard to trust developers. Developers are in it to make money. They are going to want to buy the land from an individual or individuals for the least amount of money. They are going to come in and tell you and they've told people who have owned farmland out here, your farm is not worth what you think. Your land is not worth what you think. Then flip it and build and sell and put something on it and say this land is so expensive that's why this costs so much. Developers are in it to make money. They are kind of like used car salesmen. I used to sell cars, so I'm not trying to slight them either. It's a tough business. But they are going to tell you whatever it takes to get that property and to get things moving. There's a lesson there for the Board to make sure that when we say non-residential or we say commercial, we want it in writing and we want them to acknowledge that. Their idea of not knowing how big the building was going to be that from my standpoint is alarming, not to staff but to the developer. Who submits plans with numbers and just thinking well we don't know how big it's going to be. I've built houses. I know how big that house is going to be and when I say I built houses, I was the foreman of the construction. I wasn't building for myself, so I had a plan. This is going to be a 4,200 sq. ft. home. We are going to build a 4,200 sq. ft. home. We are not going to be like hey we are going to start with 4,200, we may end up with 3,800. But it will be cool. That's alarming to me, and I think that should be alarming to anybody that does business with a developer that doesn't know how big a building is going to be. And I think the final thing is the lack of communication when it comes to the storage. I appreciate staff asking over and over why is your maintenance area so big. That's a lot of space for a maintenance room I agree. I could put some drill presses in there. I could cram that thing out with shelves. That's for a manufacturing facility. I can easily fill up 680 sq. ft. for a manufacturing facility. My mother she ran a retirement home in Kansas City, Kansas. There was a maintenance shop. There wasn't an office in the maintenance shop, there was a desk in the maintenance shop. It wasn't segregated. That maintenance shop might have been tops 350 sq. ft. because it's standard electrical supplies, your plumbing supplies. If you've got to bring anything in big, like doors or whatever you are having them shipped in. You're not keeping them on hand. I think they did a real disservice and disrespected the Town's staff by not answering that question. I'm sorry that happened. I obviously wasn't on the Board when this motion was approved and Commissioner Munger, I understand how this sucks for you, because you seconded it with the

intent of thinking 12,000 sq. ft. commercial space, 12,000 commercial is going to spawn some growth in downtown Huntersville. That's how it was kind of shelled out. Those are the cards that were being thrown at everybody. Hey guys, yeah we are going to put a lot of apartments there, yeah we are tearing down a lot of trees, 12,000 commercial space, it's going to be beautiful, restaurants are going to come in, nightclubs, Vegas lights, I'm kidding, but you get my point. I guess the bottom line is what can be done now, if anything.

Mr. Simoneau said I would say the die has been cast. We have approved that. Lessons learned, if somebody comes in and they are going to have a mixed-use building or a commercial and residential, we would want to see floorplans. Now we start to see how much could be used up for the floor space. Having said that, every business is different. If you were to look at the brewery across the street, about half of that building is the public space and the other half is kind of back of the house. It's a brewery. My point simply is we don't know what the users are going to be in these buildings and even when we do, one business goes out, another one comes in and we get upfit permits to modify floorplans and walls. It's a constantly evolving floorplan whenever we issue a permit for a shopping center because it's just the bare outside walls and then the interior gets modified as tenants come and go.

Commissioner Kidwell said I would say this, it's a suggestion, as we learn from mistakes that have happened. When we do have buildings come in, commercial or what not, or we have upfit requests, we are lucky enough in the Town of Huntersville we have a lot of these types of businesses in buildings around that we've approved in the past that we could go to the owner. We are not sharing trade secrets, we're not saying you are building a brewery over here, we run down to Primal talk to one of the owners and say hey, you own a brewery, does this seem right. We are not sharing the recipes, but just what they would think. And they may say yeah, that seems.....it's just another level of eyes looking at something and I know you guys are qualified. I've worked with you a number of years. I'm just throwing that out there. But I do appreciate you putting everything together.

Mr. Simoneau said I will point out another possible text amendment is when it says up to 50 percent residential on the first floor but the rest non-residential. We could clarify the text to say and the non-residential shall not include any shared space. We could clarify and have it actually in the code so that as developers move forward, they know what is expected of them.

Mayor Bales said Commissioner Phillips, do you have something to say before I close this up.

Commissioner Phillips said I was one of two who opposed this project. I don't know if it was due to COVID or what, but there were conversations on both sides of it, because we were stuck at home, and I want to say that I know the intent of Munger and Bales through this was to do the right thing. My feelings have been so hurt for them as fellow commissioners because it has put into question their integrity with no fault of their own. Going forward I think if anything like this ever happens again, at the barest minimum we need to change our policies and procedures that if there are things brought to question, the second has to be in these meetings because a motion doesn't have any validity without a second, it dies. And sitting here and hearing these two people, I don't want to put words in your mouth, but I can see that you guys are frustrated. I see that there's some remorse because you didn't get the intent of what you were doing and I don't want to put another board through this again. I don't want anyone else to ever have to.....you guys are carrying all this weight that was not your fault and it should be better, so if there's any way to change policies and procedures, at the barest of minimum I think that's something we must do.

Mayor Bales said from where I sit this will never happen again because we will be putting things in place to make sure that if there is something called into question between notes on a plan and the motion that it is reaffirmed with all those commissioners. The second thing that I do believe we need to make some changes around is moving forward from where I sit and this is for you Mr. Roberts, when developers come in with plans we need to make sure that planning staff is getting it to legal so that there is nothing, so that this Board who relies on staff whether it's Planning and Legal to make sure that we are staying within our rails and that we are getting exactly what we want. We need to make sure that the Legal Department has the opportunity to go through those notes and go through those plans and we as a Board when you are making motions I would highly encourage you if you do not already do this, run those motions by Legal so that if she's looking and the Legal team is looking at those plans and looking at those notes, and then you are giving her a motion, that she can make sure that they are lined up and that this Board, this town, gets exactly what we are asking for, because from where I sat 12,000 sq. ft. of commercial non-residential space for retail, restaurants and business, that's what I expected. And that's what our citizens expected so the other piece for me, 15 months after there was a meeting I find out, Commissioner Munger finds out, that was very frustrating.

Mr. Roberts said I was just going to say from hearing all this if it's okay I would like to come back at the next meeting maybe with some policy and text sort of changes that are needed to help address for instance, clear up the commercial or non-residential/residential and then also more of a policy on if there's any discrepancy that we go back to the Board and you may change it but at least to all the folks who said yes and make sure they are all on the same page so we will come back with some proposed language and then you give us some feedback to tweak and we put this ball in motion ASAP.

Commissioner Munger said I just want to add one other thing, not just running everything by legal. Once legal has done it and we have the motion together, the feedback I got from you Jack is it might be useful for Planning to look at the actual motion to make sure that the intent of the motion matches the wording. I think it is a two-way street.

Mayor Bales said I genuinely hope that we never find ourselves here again and that the safeguards that will come out of this, the safeguards that we will put in place, will make sure that what we are approving, we get.

Commissioner Kovacs said I will have more questions, but you all will hear from me and I'll share the information when I get it back.

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on October 3, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Partee requested Police Chief Bence Hoyle make an announcement. Chief Hoyle announced tomorrow night is National Night Out.

Commissioner Kidwell expressed appreciation to staff for their work during the recent hurricane.

Commissioner Boone expressed appreciation to staff and ElectriCities for their work during the recent hurricane.

Commissioner Phillips expressed appreciation to Public Works for their work during the recent hurricane.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

David Torres, 8923 Cinder Lane, said there's a company that's developing land on April Mist. I think it's your Item 9.B. I'm just here as a resident that I'm in full support of it. It's rare you get to pick your neighbors, but this community here is similar to what they've already developed up in Davidson at Williams Place or over in Charlotte at Shads Landing. It's actually a nice community and I think it will help property values. You don't have to worry about the residents going in and doing things in the neighborhood that if you add more housing, you may have problems with children coming in and you know, children will be children, but active genarians pretty much don't go out and disturb anything, so that's a plus. The aesthetics of it I think are going to look good. I also want to comment that a fellow resident who couldn't be here tonight, David Wolf, he is also in favor it.

Audra Collins, 8904 Sutherland Drive, said I am here to talk about the development in what would be Barnes and Noble, and Dick's Sporting Goods. I am mentally ill and during my depression, Barnes and Noble was my home away from home. When I needed to leave from my house, that's where I would go. I would take an Uber or I would have my parents drive me there. Barnes and Noble got me into reading and reading was my escape from school when I was bullied. It got me into writing. I just don't know what I would do without it, honestly. It definitely did change my life. I have lived here for 23 years out of my 25 and I can't even remember when it was built. That's how long I've been going. I don't know what I would do without it, so I hope you vote against that.

Jill Brown, 8361 Brickle Lane, said I'm here to talk about 9.D and 9.E, and my question is what procedures have been taken to determine if our area water and sewer systems are capable to accommodate the increase in population due to the proposed residential apartments and industrial growth.

Mayor Bales said this isn't a back and forth, if you would just finish your comments.

Ms. Brown said I'm finished.

Mayor Bales said Ms. Brown, you came to speak regarding the public hearing, along with Ms. Collins. I apologize to both of you, what I will do is have you both come back when we get to that public hearing

and allow you to speak a second time. Normally, this time period is open simply for comments and I want to make sure that we get that in the proper order.

AGENDA CHANGES

Commissioner Boone made a motion to remove from Other Business Item 10.E (Consider adopting resolution and approving purchase agreement to acquire property for future Public Works Facility).

Commissioner Phillips seconded motion.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Commissioner Phillips made a motion to adopt the agenda, as amended.

Commissioner Boone seconded motion.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

CONSENT AGENDA

Supplemental Agreement – US 21/Gilead Project. Commissioner Phillips made a motion to approve Supplemental Municipal Agreement for modification of signal pole type on the NCDOT US 21 at Gilead Project. Commissioner Munger seconded motion. Motion carried 5 to 1, with Commissioner Kidwell opposed.

Agreement attached hereto as Exhibit No. 2.

Second Amendment Capital Project Ordinance – Huntington Green Sidewalk Project. Commissioner Phillips made a motion to approve Second Amendment to the Capital Project Ordinance for Huntington Green Sidewalk Project. Commissioner Munger seconded motion. Motion carried 5 to 1, with Commissioner Kidwell opposed.

Second Amendment to Capital Project Ordinance attached hereto as Exhibit No. 3.

Municipal Agreement – The Park Huntersville Greenway. At the October 5, 2020 Town Board meeting, the Town Board adopted the resolution to amend the Capital Improvement Program (CIP) and to apply for the Charlotte Regional Transportation Planning Organization (CRTPO) Grant for The Park – Huntersville Greenway. The Town's 50 percent local match for this project is \$1,746,000. The Town was awarded the grant in December of 2020.

In February 2022, CRTPO added this project to an accelerated list, bumping the project up for planning and design from FY25 to FY23. The Town Board approved the planning and design funds in the FY23 budget. The CRTPO Grant will reimburse the Town for 50 percent of the funds budgeted. This Municipal Agreement must be approved prior to starting this project.

Commissioner Phillips made a motion to approve Municipal Agreement between NCDOT and the Town of Huntersville for the design and construction of The Park – Huntersville Greenway. Commissioner Munger seconded motion. Motion carried 5 to 1, with Commissioner Kidwell opposed.

Municipal Agreement attached hereto as Exhibit No. 4.

Road Closure – Veterans Day Parade. Commissioner Phillips made a motion to adopt Ordinance to Temporarily Close Certain State Maintained Roads for a Special Event Organized by the Town of Huntersville. Commissioner Munger seconded motion. Motion carried 5 to 1, with Commissioner Kidwell opposed.

Ordinance attached hereto as Exhibit No. 5.

Call for Public Hearing – Cowan’s Ford – Davidson College Monument. Commissioner Phillips made a motion to call a public hearing for Monday, October 17, 2022 at 6:00 p.m. at Huntersville Town Hall on the question of designating as a Historic Landmark a structure known as the “Cowan’s Ford-Davidson College Monument,” including the monument in its entirety and a 15' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as associated with the property listed under Tax Parcel 00902102, located at 14910 NC Highway 73 and owned by MDHB Properties LLC. Commissioner Munger seconded motion. Motion carried 5 to 1, with Commissioner Kidwell opposed.

Call for Public Hearing – General William Lee Davidson Monument. Commissioner Phillips made a motion to call a public hearing for Monday, October 17, 2022 at 6:00 p.m. at Huntersville Town Hall on the question of designating as a Historic Landmark a structure known as the “General William Lee Davidson Monument,” including the monument in its entirety and a 40' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as situated on the property listed under Tax Parcel 01315102, located at 5455 Cashion Road and owned by Duke Power Company. Commissioner Munger seconded motion. Motion carried 5 to 1, with Commissioner Kidwell opposed.

Call for Public Hearing – Rural Hill Directional Marker. Commissioner Phillips made a motion to call a public hearing for Monday, October 17, 2022 at 6:00 p.m. at Huntersville Town Hall on the question of designating as a Historic Landmark a structure known as the “Rural Hill Directional Marker,” including the marker in its entirety and a 38' radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker, all as situated on the property listed under Tax Parcel 01301250, located at 6645 Neck Road and owned by Herseng Yang. Commissioner Munger seconded motion. Motion carried 5 to 1, with Commissioner Kidwell opposed.

PUBLIC HEARINGS

Petition #R22-04 – 15901 Cramur Drive. Mayor Bales called to order public hearing on Petition #R22-04, a request by Jeremy Martin to rezone +/- 1.29 acres located at 15901 Cramur Drive (Parcel 00102370) from Neighborhood Center and General Residential to Highway Commercial - Conditional District.

The applicant has requested this public hearing be continued to January 3, 2023.

Commissioner Boone made a motion to continue public hearing to January 3, 2023, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Commissioner Kidwell said point of order. Before we get into the public hearings, just a reminder per our policy each applicant has 15 minutes total, not including questions.

Petition R22-03. Mayor Bales called to order public hearing 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.

Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed the history of the property and the rezoning request. *Refer to the Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

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 it is consistent with the surrounding neighborhood's character by preserving the rural landscape of the Beatties Ford Road Corridor.

Commissioner Phillips said a concern that I do have is Neck Road and Beatties Ford. Are there any upgrades in the future to straighten that curve out to make it a little bit safer as we increase our population.

Stephen Trott, Director of Engineering, said in the CIP there is a project in a future year to make improvements at the intersection of Beatties Ford and Neck Road.

Commissioner Kidwell said the plan shows sidewalks here, but here in Huntersville we have a lot of sidewalks to nowhere. This is one of them. It just kind of ends where this other parcel is. Is there any way, and I don't know if we have to take it to the developer or how this goes, to connect it to where that emergency stub is going to, right there at the bottom corner going up to that stub, is there a way to get a sidewalk so that walking path connects to the neighborhood increasing the connectivity.

Mr. Trott said yes, staff can work with the developer on figuring out any possible options on that.

Commissioner Munger said why aren't we connecting that road.

Mr. Simoneau said if this was a subdivision, in other words it was not just one building on one lot, we would connect the road. But this is just one building, one lot. That is why we are not doing it. We are working with the Fire Marshal for a second entrance and exit for emergency access only.

Commissioner Partee said I just want to inform my fellow Board members that I live in Latta Springs, right across the street from this development. During the summer the HOA organization from Tanners Creek and Latta Springs asked me to sit in on one of their meetings. I thought I was going to walk into a hornet's nest, but exactly the opposite. They support this project and moving forward I think we have a good development here that's going to fit right into the community.

David Torres, 8923 Cinder Lane, said there really isn't a downside to this. To me it looks like it's just something that will enhance our neighborhood. I personally as a homeowner am very much in favor of this and I hope you all approve it.

Kristi Neznanski, representing Hawthorn, 2260 McGilchrist Drive SE, Salem, OR, gave a brief history of the company and reviewed the proposed project. *Refer to PowerPoint attached hereto as Exhibit No. 7.*

Commissioner Partee said what security do you have for the facility.

Ms. Neznanski said our building operates very similar to a hotel in that there are keycard accesses to all the building exits and entrances so residents can come and go freely. The visitor entrances are monitored by staff and then they are locked after hours.

Commissioner Kovacs said I wanted to say thank you because I was at the pre-development meeting and I do see a lot of the things that we brought up or had comments about have definitely been addressed and there's been a lot of communication with the residents. I wanted to know if you know the cost of these yet.

Ms. Neznanski said it's 2022 now, we'll probably start construction in 2023, and it will open in 2025. With the current economic climate, it's hard to project that. I can say with our existing facilities, our studios run in the high \$2,000's and then our two bedrooms can be \$5,000, but our average rent is about \$4,000 a month. That includes all utilities, all meals, all the services.

Commissioner Kovacs said will you have any low or affordable housing in there.

Ms. Neznanski said it's all market rate but because we offer a lot of different sized units, there's a wide variety in price ranges that are available. Regardless of whether you have the smallest studio or the biggest two-bedroom, the services, the meals, the amenities, the care that you get is the same.

Commissioner Munger said Exhibit A, Capital Contributions, Hawthorn IL Propco, LP, which you represent, correct?

Ms. Neznanski said I represent Hawthorn Devco LLC, who is currently under contract to purchase the land and Hawthorn Senior Living is the operator. I think what you are talking about is the management company.

Commissioner Munger said on this it says capital contribution of \$10 which gives them ownership percentage of 100 percent. I'm just looking at this like, surely you are investing more than \$10.

Ms. Neznanski said I think that's in the management contracts, so I'm not super clear on that. I can get back with our team and find out what that means.

Commissioner Munger said that would be great. I have a feeling it's a hoop that people have to jump through and they're just filling out something and we kind of got branded tonight with something, so I want things to be 100 percent clear. If you are putting \$10 million, I want to see that number say \$10 million.

Ms. Neznanski said what you are looking at is the management agreement between the ownership LLC and the management LLC. It doesn't relate to the contributions or capital improvements planned for here. You are correct, this is a \$30 million project.

Commissioner Munger said what are the van transportation hours.

Ms. Neznanski said I'm not completely sure. Our front doors are open from 8 a.m. until 8 p.m., but I can definitely get back with my operations team and confirm that.

Commissioner Kidwell said I think you heard my first question about the sidewalk connecting to the stub for the emergency traffic. As I said, my mother ran a retirement facility. They like to go walk and get their steps in, exercises like that, but on the second fold because you are close to a high school it's to keep people who may be walking to school or riding their bikes on the sidewalks and out of the parking lot. If you could just work with staff in that discussion about connectivity. What's the minimum age for this facility.

Ms. Neznanski said typically it is 55, that's just what's written into our lease agreements. That does allow for some flexibility. We often have couples with an age gap. Our target market is not 55 year olds. They don't want a unit that doesn't have cooking facilities and don't necessarily need the level of services that we're offering.

Commissioner Boone said most of the senior living facilities in Huntersville if somebody falls it takes a Huntersville firefighter to come and pick them up. If one of your residents falls, will one of your management team be able to pick them up or will you have to call a first responder.

Ms. Neznanski said that typically would depend on what happened. One of the concerns that we often have is if somebody does fall and they are in their mid 80's, they could have broken a hip, so our managers have to be careful that they are not doing more damage by assisting a resident, but we know that having residents in our facility reduces the number of emergency calls from seniors who live on their own because our managers show up first, when their oxygen tank isn't working or they need assistance in the middle of the night, our managers are there first. When it comes to falls, we do have to be very careful that we don't injure our residents.

Commissioner Phillips said have you guys spoke with Hopewell High School about the parking because I know Tanners Creek has issues with students parking there. I know you guys have limited spaces, so I didn't know if that's something you guys have already taken into account, the high schoolers trying to use your parking lot.

Ms. Neznanski said I know that David Wolf has been working with the high school and he and I have been missing each other in the last couple of weeks because I know the HOA had a meeting with the school to talk about some of the issues that they've had with the high school. We have been warned that high school activity might be something that we'll need to monitor once our building is in operation, but we don't have an exact plan for that yet.

Commissioner Phillips said have you guys been forewarned about the noise and the sounds from the school from football games and that upsetting residents.

Ms. Neznanski said that definitely won't upset residents. In fact, I can easily see that Friday night football will an activity that our residents will want to go to.

Commissioner Phillips said I love that you guys have a beauty salon. I've never seen that up here so far. What services will you guys provide.

Ms. Neznanski said historically it was just haircuts. Our salons have actually expanded and we have a new design that we are implementing that allows for manicures and pedicures as well.

Mayor Bales said access to the detention pond. Is there access when you are wrapping that detention pond with the trees etc. I was trying to see where that access is going to be since there will be regular maintenance that will have to occur.

Ms. Neznanski said we have been working on that and figuring out exactly where that design is. Our civil engineer is here if we want to get into some of the more technical questions. We do know that we need to have access and we're still sort of negotiating exactly where that's located because we also want to provide screening for the parking areas and also the storm pond. In our last design iteration, the access is from the inside of the site, so from our internal drive versus from April Mist so the landscaping that's along the road frontage will not be impacted by the storm pond access.

Mayor Bales said that's really what I was trying to get to, making sure that the sidewalks weren't messed up once they were laid and the trees etc. would not be disturbed. I'm trying to figure out how you would get in there with equipment.

Jason Dolan, Timmons Group, said it would probably be accessed from those four parking spaces where the vehicles are.

Mayor Bales said the other question that I have is regarding the van transportation. Is there extra cost for it.

Ms. Neznanski said no, there's not. It's all inclusive. The beauty salon is contracted so it's a small business inside and there's contracted hours and people can sign up for those services. I should clarify the haircuts and the manicures and pedicures are not included in the all inclusive.

Mayor Bales recognized Planning Board members present: Scott Hensley and Frank Gammon.

There being no further questions or comments, Mayor Bales closed the public hearing.

Petition #TA22-06. Mayor Bales called to order public hearing on Petition #TA22-06, a request by DDRTC Birkdale Village, LLC to increase the building height limits for hotels or motels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district.

Nathan Farber, Planner I, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 8.*

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.

Commissioner Phillips noted her family owns land that is Highway Commercial and asked Town Attorney Emily Sloop if she needed to be recused.

Emily Sloop, Town Attorney, said if you are talking about whether or not you would be in violation of 160D-109, the standard for legislative matters is whether or not you would experience a substantial financial impact that's readily identifiable. Given that this is purely hypothetical, I don't think that standard would be met at this point in time.

Commissioner Kidwell said I don't see any reason for Commissioner Phillips to be recused.

Commissioner Kovacs said what year was Birkdale was built?

Mr. Farber said 2000.

Commissioner Kovacs said so at the time Birkdale was built, 48' was the maximum height.

Mr. Farber said correct.

Commissioner Kovacs said it seems like the people that have purchased homes around the vicinity would be under the impression that the maximum height of where they would live would be 48' to keep that small town feel.....the intention of the 48' was for the small town feel.

Mr. Farber said at the time of the rezoning it was 48'. That was the max height.

Commissioner Kovacs said this says there's no other pedestrian-oriented areas currently. But for the next thing we have to discuss, this would have to be done first, an entire text amendment for one project

Mr. Farber said this text amendment is specific to just allowing the height to go above the current 48'.

Commissioner Kovacs said we would have to change the entire height allowance to even see the next project.

Mr. Farber said this would have to be approved first.

Commissioner Kovacs said I was reading on here reasons for requested change that the proposed amendment is consistent with the goals of the Community Plan including transportation, improved streets and sidewalks and expand transportation options and I just wondered how that correlated with taller buildings.

Mr. Farber said I will leave that for the applicant to answer.

Commissioner Kovacs said was there any reason for this specific height – 145’ or was that just due to the applicant request.

Mr. Farber said due to the applicant request. I believe they do have a presentation.

Commissioner Kidwell said how many stories is 145’.

Mr. Farber said I’m not going to be able to answer that. From previous presentations I believe that can change based on the type of building use.

Commissioner Munger said have we approved any other buildings this height or taller anywhere else in the Town of Huntersville.

Mr. Farber said no.

Commissioner Munger said not in Bryton.

Brian Richards said an exception would be the tower at ABB which is now Southwire that is 402’.

Commissioner Munger said what, if anything will be done to address potential light pollution from new buildings of this height.

Mr. Richards said can we address that during the rezoning, as that is not pertinent to the text amendment.

Mayor Bales said I do have one question and it goes back to Commissioner Kidwell’s question about 145’. I think 145’ isn’t always equal in regards to how you slice that pie. Is that true. It could be 6 stories, it could be 12 stories.

Mr. Farber said I’ll let the applicant answer that.

Mayor Bales said I’d like to hear from Mr. Richards.

Mr. Richards said it all depends on the product mix, depending on what’s the floor plate sizes. If it’s office the first floor typically in a mixed-use building you could have about a 20’ first floor and every floor after that would be different. If it’s an office mixed-use, in between 12’ and 14’ depending on what type of office you want. If it’s a hotel, it’s a 10’ floor plate. Those are pretty standard heights for different industries.

Susan Irvin for the applicant, said I think Nathan did a great job presenting and we don’t have any further information unless the Board has questions for us.

There being no further questions or comments, Mayor Bales closed the public hearing.

Petition #R22-01. Mayor Bales called to order public hearing 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, Assistant Planning Director, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 9.*

Petition #R22-01 is a request to rezone 8.82 acres at the intersection of Townley Drive and Lindholm Drive from Highway Commercial – Conditional District to Highway Commercial – Conditional District for up to 35 multi-family units, 125-room hotel, 150,000 sq. ft. office, and 25,000 sq. ft. commercial.

Birkdale Village was originally rezoned in 1996 and has had two revisions (R97-23 and R01-03). Back at this point in time there were separate actions for rezonings and sketch plans, so there would have been two separate motions. Today, they are parallel together. Staff is allowed to administratively approve the sketch plan if it's similar to the sketch plan.

Project summary this is 8.82 acres. It's current zoned Highway Commercial – Conditional District. They are proposing to stay Highway Commercial – Conditional District. Current uses on these two parcels are commercial and office, but the proposed uses are going to be up 350 multi-family units, 25,000 sq. ft of commercial, 150,000 sq. ft. of office and a 125-room hotel and the building types for these will be urban workplace.

Staff's recommendation in considering the proposal R22-01 Staff recommends approval if Text Amendment 22-06 building height is approved and all outstanding comments are addressed.

Commissioner Munger said what will be done to address potential light pollution from new buildings.

Mr. Richards said all of their buildings would need to meet the lighting requirements of Article 8.26, so all fixtures would be full cut-off and there would not be any light trespass on the neighbors.

Commissioner Munger said I understand one of the things on the office buildings is essentially they are timed and 6 p.m. or 7 p.m. lights are going to go off. Hotels are a different story.

Mr. Richards said we would work with the applicant in making sure there's not offsite glare. They may have to put some tint or something on the windows.

Commissioner Munger said currently the parking lot for the Regal Theatre, is that meant to be used by all visitors to Birkdale Village or is it specific to Regal Theatre.

Mr. Richards said when we looked at the project, we looked at the entire subdivision and we make sure that the subdivision as entire entity meets our parking standards. If you were to park at Regal, you could walk down to Brixx and have some pizza and come back to the movies. I can't speak to any internal documents or internal agreements that they have with the separate users, but from the staff perspective Birkdale as a whole meets our parking requirements.

Commissioner Munger said I know Regal Theatre's parent company filed for bankruptcy so that situation has the potential to change. Do we have any concerns about that venue changing, what it becomes and its impact on parking.

Mr. Richards said we would need to evaluate what it becomes at that point in time. Typically, we have got relatively light parking standards. We leave it up to market rate and typically for us it's one space for 500 sq. ft. of non-residential. We'll make sure whatever user comes in that there's adequate parking.

Commissioner Munger said one of the references was Policy LU-11 and LU-12.3 that the staff proposed to enhance architecture of the parking garage. Can you share with us in general what enhanced architecture is proposed.

Mr. Farber said the specific language that we've worked with the applicant on is:

- complement the scale and the character of the nearby development
- have an architectural façade that blends with existing structures
- 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 similar rhythm of window openings. Any openings shall be screened using decorative elements such grillwork, louvers, green walls, or any similar treatment
- a wall blocking cars on the top from being viewed from below

Commissioner Munger said is it best to say that the objective is to make it not look like a parking garage.

Mr. Farber said correct.

Commissioner Partee said I want to ask about the Sam Furr project. We have members of the community who are here sitting in our lobby and I think it's important to see where that project is at right now, what's the future of 73, will it accommodate the amount of traffic from this proposed development. On top of that, I want to hear about how this project will affect the property values of the community that's adjacent to this particular development.

Mr. Richards said we can't speak to the property values. I'll defer the traffic questions to Stephen.

Stephen Trott, Director of Engineering, said the NC 73 project right now is that they are getting ready to start right-of-way acquisition. I believe the estimated construction start time is 2026.

Commissioner Partee said when does the developer anticipate starting this project.

Mr. Richards said within five years.

Commissioner Partee said so we are going to have a road project in addition to a development, if approved, being built at the same time.

Mr. Richards said correct.

Commissioner Kovacs said just for clarification, why did we defer our TIA to NCDOT.

Mr. Trott said Article 14 of the Zoning Ordinance is modified to provide that option. Many, if not probably all, of the likely study intersections were within the NCDOT TIP project which is another option to defer to NCDOT, so that's the logic behind why it was deferred to them.

Commissioner Phillips said Ms. Sloop, in situations like this are we allowed to base our votes on the lack of progress from DOT or not.

Ms. Sloop said this is legislative, it's not quasi-judicial, and you all can take many things into consideration that you wouldn't be able to take into consideration with a quasi-judicial process.

Commissioner Boone said what was the date of the TIA by the State of North Carolina. Was school in/school out?

Mr. Trott said they had to do the TIA to meet all of the state requirements, so the state reviewed the TIA and found it acceptable.

Commissioner Boone said but we don't know the date that it was taken.

Mr. Trott said we can certainly look and get that information to you.

Commissioner Kidwell said I'd like to talk about adequacy of public facilities. It talks about what this does to the schools. Bailey Middle, it talks about it would take it to 129 percent; J. V. Washam Elementary, 135 percent; Hough High, 119 percent. I don't know if everybody read the paper, but Rhonda Cheek the current District 1 Commissioner in a meeting with Cornelius talked about how they are moving to make Bailey Middle School just Cornelius residents only, so if this is in Huntersville and it's putting it at 129 percent, where are those kids are going to go.

Mr. Richards said that would be a whole different model.

Commissioner Kidwell said I think that's something for this Board to think about that if CMS, who has not been up here to give us a presentation or emailed us a presentation, is telling Cornelius that they are going to get a new school and it's going to be all their residents, I think it's important that we keep that in mind when we are talking about future development here in this town that impacts that school if they are not going to be allowed to go there.

Mayor Bales said I have asked Ms. Cheek if she would come to our next Board meeting to give us an update like she does with Cornelius and Davidson. Looking at one of the pictures that you had displayed, you had one coming down 73 from Denver. How tall is that netting over at Birkdale.

Mr. Richards said I've been told it's 100'.

Commissioner Munger said I'm going to follow-up on Commissioner Kidwell's question. The numbers that we have related to school, is that 20-day numbers.

Mr. Richards said those are from the 21/22 school year, not the 22/23.

Commissioner Munger said that's my question, I want to see those new numbers.

Mr. Richards said I made note and we will re-ask for that. Hopefully they have the official numbers now.

Commissioner Munger said what I've been led to believe is that those numbers spiked in a big way.

Mr. Richards said I will ask our contact at CMS to update the report.

Mayor Bales said just to let you know, I also asked Ms. Cheek about that and asked her if she would bring those numbers when she comes.

Commissioner Munger said do we have any Class A office space anywhere in Huntersville currently.

Mr. Richards said we do. There is just under 290,000 sq. ft. of Class A office space in Huntersville. I spoke to the EDC this afternoon. It's almost all gone.

Commissioner Munger said could you clarify on what Class A is.

Mr. Richards said I would defer to Ryan and his team on that, but it's the higher end office space.

Commissioner Munger said if memory serves, we actually held the neighborhood meeting for this in the Dellwood Center, almost entirely based on the fact that we don't have any community/convention space.

Mr. Richards said that was correct. The applicant had a difficult time finding space to hold a moderate number of folks on a Thursday evening.

Commissioner Munger said this might be an applicant question. How much space is this particular facility going to provide of that sort.

Mr. Richards said I've asked that question and they don't have a firm answer as they don't know the exact dimensions of that building yet.

Commissioner Munger said are we actively considering extending Townley Road to Northcross Drive.

Mr. Richards said that's a project we've actively talked about time and time again, but is not on our CIP at this point in time.

Commissioner Munger said it should be. When we say there are plans to extend Northcross Drive to Westmoreland Road, when is that scheduled to occur.

Mr. Richards said now. Right-of-way acquisition is currently underway. It is my understanding the intention is to let the project in FY23.

Commissioner Munger said this one is probably going to get a little bit more tricky and Emily you might want to end up answering this. What authority, if any, would we have to enforce a certain level rating of hotel. If they basically said we are going to put a four-star in there and they couldn't find the right four-star and they said we are going to go with the one-star because you approved it and throw our hands up and say but we wanted a four-star. Can we stop it at that point.

Ms. Sloop said with conditional rezonings you can always ask the applicant for specific conditions to be included as part of the conditional rezoning, but they have to be willing to agree to it.

Commissioner Munger said this is probably going to get tricky, but is there an option available to the Town Board to allow us to review the finalized plans and provide any further final approval after the rezoning is approved or are we done once it is approved.

Ms. Sloop said for rezonings the Town Board approves the rezoning and then once it's approved, currently staff then makes the administrative approval of the individual development permits etc. As long as what is presented, as far as the plans match the conditional rezoning that you all approved, then staff would be issuing those permits. If you all wanted to make administrative determinations, you all would have to basically do a total overhaul of the Zoning and Subdivision Ordinance and change administrative approvals to the Town Board. That's not recommended by the UNC School of Government because of the fact that if they meet the requirements, you can't turn it down, so essentially you would just be adding processing time to all those permits.

Mayor Bales said the importance of labeling out everything in the conditional rezoning is what is required.

Ms. Sloop said yes, exactly. You would want to make sure that all of the notes on the conditional rezoning plan is what you all want. If there's a note that's on the plan that you don't understand, you would want to get clarity on that before approving it.

Commissioner Phillips said I know this touches Cornelius. Are you guys aware of anything Cornelius is doing within that area as far as development.

Mr. Richards said I reached out to the Cornelius staff and I haven't heard anything yet. They would anticipate some additional residential development along the new Northcross Drive Extension to Westmoreland, but they weren't aware of anything at this time.

Mayor Bales said Planning Board members, do you have any questions for staff at this time.

Mr. Gammon said not at this time.

Representatives for the applicant introduced themselves:

Tim Perry, 2008 West Cavendish Court, Johns Creek, Georgia.
Susan Irvin, Irvin Law Group, 19726 Zion Avenue, Cornelius.
Mike Lant, Suwanee, Georgia.

Tim Perry presented PowerPoint presentation and reviewed proposed project. *Refer to PowerPoint attached hereto as Exhibit No. 10.*

Commissioner Phillips requested more information on the last two slides of the presentation, since the presenter's 15-minute time limit expired before he could review them.

Ms. Irvin reviewed the last two slides on the IMPLAN program.

Commissioner Kovacs said I just wanted to understand and clarify, so this won't actually add more retail, it's adding the apartments, the office and the hotel and taking some of the retail away.

Mr. Perry said there'll be a small net loss to the retail, but we will be replacing the retail on the ground floor of at least the multi-family and the office building, so other than a lobby you're still going to have retail on the ground floor.

Commissioner Kovacs said what has caused the shift of moving out current stores. I ask that just because you stated that there were vacancies and trouble filling up the spaces, but then we've heard of stores being asked to leave, so if there was a problem with not being able to fill up the empty spaces, why are we having people move out.

Mr. Perry said I think you are looking at two different parts of the property. Pier One has sat there for a very long time. No one asked them to move out. Barnes and Noble had to be heavily incentivized to stay for another two years and not close in January. Then you had Total Wine, who needed to get bigger but didn't have the room to go either way because of Barnes and Noble on one side and Gap on the other, so that's why and for economic reasons I think they moved to Cornelius into the old Stein Mart. That's the evolution of power center tenants like that is to go and take cheaper space that depends less on us creating the destination and more on them.

Commissioner Kovacs said what about the other stores, like on the interior.

Mr. Perry said in the interior there are a lot of stores that are moving around.....some in order to combine spaces and then others are in the way more or less of some larger tenants. You look at how the sales are struggling and I know that we get a lot of comments from the community and unfortunately nostalgia doesn't pay rent. What you need is a retailer and the reason these mixed-use developments work and the reason that they are longer lasting is because having say I love going to that store, I go there with my friends three or four times a month, doesn't even pay for the cost of the labor. You have to have the same tenants that go there three or four times a week unless you are some sort of super regional luxury mall. If you look at our mixed-use developments, you will have a restaurant at one they'll say I see the same faces three or four times a week. Another says I see the same faces three or four times a month. You really need the traffic. It's really all about sales.

Commissioner Kovacs said so you are looking at the sales of all the interior and exterior to decide if they would be able to hold up to the cost of this.

Mr. Perry said we look at the sales of all of our tenants. If they are doing really strong and starting to trend downward, we work with the tenants. Some just don't make enough. They don't do enough in sales.

Commissioner Kovacs said I only ask because a resident who is also a shop owner had been speaking to me about that, and I don't think that was their situation, so I worry if that's happening to other ones. When you said that there were vacancies that you were trying to work on filling, I was confused about that. The two statements didn't go together. The convention space, will that be for the public to rent or is that only for the offices.

Mr. Perry said the convention space just for the offices wouldn't work. You would have to have the hospitality component in order to be able to book events for it. What actually drives the success of the hotel piece is the F&B and the operation of the convention center and likewise the convention center is available for whatever, event, business.

Commissioner Kovacs said you are going to be building that.....you guys will be responsible for paying to build that portion. It won't be public, like the public is paying for it is my question.

Mr. Perry said we designed it so that we could have those conversations in the future. What we have done a couple of times is enter into public/private partnerships for the conference center space. We are designing this so that there's the option, not that there's any sort of requirement or necessity or that we are obligating anybody to anything.

Commissioner Kovacs said I don't know if you were here for our pre-meeting, but that is worrisome only because I wouldn't want that to be toted as something that's going to be very beneficial for the town if the town were to be responsible for helping to fund that because we can't say yes you can build this and then come back later and say we have to fund this and then feel like we have to or else it goes to wasted space. Residents reached out. Someone asked if the notifications for the neighborhood meetings were sent out to all required residents in the area.

Mr. Perry said yes, they were.

Mr. Richards said I can speak to the list that was provided to us and it matched the Town's list as well, so I know the addresses were the same. I can't speak to delivery service from USPS or if the applicant put them in the mailbox, but I do know that the list that they provided was correct.

Ms. Irvin said I can speak to the process. We have a list that we prepare first and we give it to the Town staff. In every single case they review our list and a lot of times they have comments and additions and then we make changes to that list and send it back to the Town for approval and then that list is what creates all the addresses on our envelopes. We put the same notice in each envelope and the entire package is delivered and mailed at the same time.

Commissioner Kovacs said was the HOA contacted.

Ms. Irvin said the HOA's were notified. For the Greens HOA, we actually had three different addresses and you use the address in the tax records, but we for some reason, I think it's just because we had a separate tax parcel, but we sent four letters to three different addresses, so two of the letters went to one address. Two of those were returned. But two of them were not. Also, I think Tim mentioned that he has also been in discussions with the HOA over the last year.

Commissioner Kovacs said our water infrastructure can handle this addition of significant amount.

Mr. Richards said there's no water or sewer capacity issues.

Commissioner Kovacs said have you guys given any thought to purchasing the Regal land and using that for parking to avoid another taller garage.

Mr. Perry said we have contacted the owner of that in the past and they were not willing to sell for any sort of reasonable price and because that property is cross-collateralized in a loan pool, it's not able to be sold individually until such time as the loans are matured. Having said that, they don't use all their parking and so in order to stage our valet further away and use parking that people don't like to use, you know of all the parking comments, I'll tell you there's parking there, it's just far away, so we're using our valet to push those cars off near the Regal parking lot and further away and that way that leaves more spaces up closer for guests.

Commissioner Kovacs said do you guys have a brand of hotel in mind.

Mr. Perry said we don't have a brand in mind, but typically a lifestyle brand from either likely Marriott or Hilton.

Commissioner Kovacs said security was something that I saw that the residents were worried about, and it is things that we had been in contact about. You guys have increased security and that's appreciated, but with 350 more apartments and however many people that come from that, is there a plan to increase security or have upgrades to your security management with a significant increase of people there.

Mr. Perry said we don't really have many security issues with the residents on any of our properties. The security issue is heavy on the guests and it's heavy with juveniles as well. Unfortunately, byproduct of our success is that we are considered people's babysitters at the same time, so most of our security increase is having to do with juvenile issues and that's not Huntersville, it is every property in every city. As you add density and the security, parking decks that don't have cameras now have cameras. You have access control. And there's all sorts of the access into the office and the multi-family has license plate technology. Residents can get in and out, but you have a record of guests and everything that comes in, so there is a much higher level of security just by virtue of being more modern than 20 years old.

Commissioner Kovacs said there's a lot of glass. This is just a comment. Please give some thought to bird glass because there is so much glass. Garage 1 is available after 5:00 p.m. and on weekends and Deck 2 will be for some residential, but it is still public parking, correct?

Mr. Lant said the parking deck will be offered to multi-family. It is basically parking for the multi-family, but there will be some level of parking in that parking deck for the hotel, so there could be some crossover parking.

Commissioner Kovacs said so the only parking that will increase for people visiting Birkdale would be after 5 p.m. or on weekends.

Mr. Lant said on the deck that supports the office building, correct. We designed the office building second floor at 20' tall to accommodate the conference center. We understand there's a need in the area for a good conference center, so we are designing it for them. It is not our intention to build it, but we are going to spend the money to build it higher so it could accommodate it. Should it come along through a private/public partnership or something, we could accommodate it.

Commissioner Partee said I'm particularly interested in the Avalon down in Alpharetta. What was the relationship between that development and the community surrounding the Avalon, and were the same issues that are coming up now from our community addressed when you built the Avalon in Alpharetta.

Mr. Perry said the previous developer for Avalon had cleared the site and the city referred to it as the mud pit of shame. When we came along we did not have that much opposition to what was being put there. There's always discussion around adding residential because that required a zoning change at Avalon, but I think if you look since, and there was about half a billion dollar development, the office that was built as part of that development was 100 percent leased when it delivered. The residential is 98 percent leased. There are very few kids. The average household income of the resident is \$253,000.

The average age is 52 years old. These aren't your young professionals or renters by choice. And then the economic boom again located at a state route and in Georgia 400 which is essentially their state.....the access and the ability for that intersection to handle is where it should be versus spread around and from that what we call the halo effect. You've seen residential single-family home growth, townhomes, cottages, in downtown Alpharetta which has been completely renovated with a new town hall, so it really spurred with multi-family and apartments. When all of that was developed, I think it's important to note when we did phase one in Avalon there was a very high level of success. When we did Phase Two at Avalon, Phase One got better – the sales improved and when downtown Alpharetta developed theirs, the sales improved. This is not necessarily a net zero gain, this isn't changing pieces of the pie around the community, it's really growing the pie and not just at that property but in all the surrounding use. Residential developers, which we're not, will find a way. They find a way to bring more walkable and at Avalon a majority of our original buyers were residents from the multi-family that wanted to move. It's almost like a test run. I'm going to live here for a year or two and then I'm going to decide what to do. Generally, they decide to stay very close stay within that community.

Commissioner Partee said my second question is regarding social districting. As you are aware we just approved social districting for Birkdale. In Alpharetta and the Avalon do you have social districting. If you do, is there any control mechanisms that are set in place to keep the folks that are drinking, having a good time – is there any controls. Do you have any problems or issues with social districting in that particular development, the Avalon.

Mr. Perry said we have social districts at Avalon which was the very first one that was done in the state. They thought it was such a good idea that they took downtown and turned it into a social district as well and have replicated that throughout Atlanta because of the relaxed nature of the ability to walk around and enjoy yourself. I can't think of really any issues that we've had. That half a beer that you get to go isn't the difference between you being drunk or not, it's everything that has happened before that. Really it's just about being able to relax and enjoy the plaza. We have the same social district at other developments and we had the same kind of results. It doesn't inflate any of those issues.

Commissioner Munger said one of the earlier questions was about the convention space. If it were to be publicly funded, what privileges would we have over that particular space.

Mr. Perry said there would be a heavily negotiated agreement that would allow for what you need and what you want. I can only speak to the one that we have done in the past where the additional tax from the hotel market actually funded the conference center, so one way or another while it was a public/private partnership it was the taxes on the hospitality market that funded the interest on the bonds in order to create this because it helps everyone. It doesn't just help the Avalon hotel, it's filling up the courtyards and everything else around it. There was a big community benefit and that's how it passed through, so really other than the good fate and credit of the city it wasn't really paid for that way. And then at that point it was leased back to the hotel to operate, insure, deal with, maintain and not have any ongoing obligations that as municipalities typically like to avoid, the unknown commitments. That's how that deal is structured. There are privileges that the Convention and Visitors Bureau has and the city has uses this that and the other. It kind of varies but the Convention & Visitors Bureau heavily uses it.

Commissioner Munger said one option we would have I believe in North Carolina or for Huntersville would be specifically the tourism tax would be something that would probably be along those lines. I apologize if you have covered some of these questions already and I may have missed it currently, the Total Wine location, do we know what's going to happen there.

Mr. Perry said no.

Commissioner Munger said it is what it is I guess. What kind of impact do you expect on current occupants during the construction phase.

Mr. Perry said on most of the current occupants the painful part of the construction down the middle of the boulevard is over. If we can get a GFC outlet somewhere in the country to turn the fountain on, it would be over. The sequencing of this is that Barnes and Noble would be demolished. That would be the staging area for the demo and construction of the parking deck behind it, Deck A. At such time Deck A was up and delivered that lay down and construction area would move into the parking that currently is there to support Barnes and Noble, so it's parking obviously that Barnes isn't using. It can now be used as a staging area in order to be able to build the office building. The other sequencing schedule, what isn't necessarily obvious, if you look at even the Phase One, we could have moved forward with that in December of last year, instead we waited until January to do it purely because of holiday season shopping. This year will be the same way. Even though this may be a couple of years out, we don't want to impact anybody's experience and when you show up on November 19 for ice skating and tree lighting, we want you to have a good time.

Commissioner Munger said when you tear down Barnes and Nobles and say that parking will be staged in front of that, you made reference to that being parking for Barnes and Noble. I do also believe that Chipotle and a number of shops along the back use that parking as well. Are they aware of the plans.

Mr. Perry said this would not impact the entire area, just a portion there on the northwest corner.

Commissioner Munger said you put down I heard at least four to five month construction time on each garage. Are there two total garages and did I get that number right?

Mr. Perry said there are two. They would be not done at the same time.

Commissioner Munger said for the four to five months and four to five months on the other that's let's say nine months. Nine months you are going to have some parking issues. What are you going to be doing to address that specific parking because right now whether we agree or disagree, you have parking issues and you are going to be eliminating a garage, a number of spaces, so what are we doing in the interim to address the parking issues during that time.

Mr. Perry said during that time we would enhance valet, we would push cars into the parking in front of Barnes and Noble that's not currently used for a stage area. It's about 75 spaces that are retail focus on the ground floor of that parking deck. My second statement is there's a little bit more dire, we have to tear it down and rebuild it. Regardless of what happens here, from a safety standpoint we're within 24 months of having to tear it down and rebuild it, so the four to five months is not a total timeframe – design, drawings, a year building it offsite before it comes onsite and it's essentially erected which is why we can get it done so fast. Those have some pretty material issues going on.

Mr. Lant said Barnes and Noble currently has about 80 spaces. By code they require about 80-85 spaces. When they leave, those 85 spaces become available. There's 75 spaces in the bottom of the deck, which is public, so when we open that back up, so Barnes and Noble goes away, the 75 spaces go away, and there's parking there in the surface lot.

Commissioner Munger said so theoretically a net plus 10ish.

Mr. Lant said yes, that's the plan because we are going to build the parking deck first before we start staging in the parking lot.

Commissioner Munger said I see you have some hotel brands in mind for the particular location. What made you consider those particular hotels for this project.

Mr. Perry said by the level of service and the level of guest requirements. This isn't transient. This isn't hey I'm stopping through Town, I'm spending the night here. This is intended to fulfill the I don't have to drive into town to stay here and still have a great experience. I would say that limited service and select service is by far the primary source of hotel rooms in the market. This is not that. This is room service and F&B.

Commissioner Munger said are you currently having active discussions with any of those entities.

Mr. Perry said yes, absolutely.

Commissioner Munger said would you consider pursuing higher end hotels, higher than you are already discussing with.

Mr. Perry said to go higher end you'd have to go with a lot more rooms so you take something like Avalon, we have about 45,000 sq. ft. of meeting space, you have 325 rooms. When you are not using that meeting space to drive revenue it has to be driven by the office market and in that market you have 16.5 million sq. ft. of Class A office, so you have that many executives in business and work travel and everything else.

Commissioner Boone said Parking Deck A, that's open to the public, right.

Mr. Perry said Parking Deck A would satisfy the office and then in non-working hours would be open to the public free of charge.

Commissioner Boone said let's look at the other one. That one has 350 multi-family let's call it apartments. Let's say we've got 350 people with cars. They would have a car to get to their apartment. And then we've got a hotel with 125 guests and they need a car to get there, so if I put the 350 and 125, I'm at 475. I'm not even counting the staff that's got to park someplace, let's say there's 50, that parking deck is full.

Mr. Perry said the multi-family building parks itself and does not take up any of those 401 spaces.

Commissioner Boone said say that again.

Mr. Lant said that would be predominantly multi-family. We would have to park the hotel there as well. Right now, if we can't get it to park properly, then it's just going to reduce the number of multi-family spaces we would be able to build. Right now, we think we can get 350 units here and with the surface parking out front. We think those numbers might work.

Mr. Perry said going back to the 400 spaces that are available when the office use is there, it's like all the surface parking, depending on the hours of day people cross park.

Commissioner Boone said but again Parking Deck A you have your office workers there from 8 a.m. to 5 p.m. and you have somebody coming in on holidays to pick up a couple of gifts. They want to shop around 11 a.m. and where are they going to park, because B is full. Okay, 11 a.m. in the morning where is somebody going to shop at Birkdale going to park.

Mr. Lant said there's still parking along the boulevard. And there's also parking on all the surface lots. We have more parking than is required by code and we have a lot of parking on the surface lots. It's inconvenient parking, agreed.

Commissioner Boone said how many valet parking spaces do you have to valet park.

Mr. Perry said I actually don't have a count because we keep increasing the number that we are taking from Regal and the lot that they don't use.

Commissioner Boone said so you are parking picking up one end of the boulevard and parking at the other. Dresslers, where do they take their valet parking, do you know.

Mr. Perry said I wish they wouldn't park on the streets in The Greens neighborhood because that's what I get to talk about every month and we've continued to speak with them about that. As part of renegotiating....not renegotiating, extending that lease and concept we have an opportunity to try to provide that valet parking like we do with Red Rocks and so that keeps even the Red Rocks valet when they run it from using those surface lots and let's us use the ones that are furthest away. And technology is what allows us to do that. You don't show up with a ticket anymore and wait for your car. You pick request car while you are getting your check at the restaurant or whatever, that way it's there when you get there.

Commissioner Boone said I'm just going to speak for myself. I have a very difficult time parking at your retail spaces and I probably take my truck and park in front of your houses and that probably makes you mad, but I'm parked. I think you have some real concerns and some studies here to address when it comes to traffic and parking.

Frank Gammon, Planning Board, said I have a request and a question, because I don't think they can answer this question tonight, but they could bring it to the Planning Board. When Mayor Pro Tem Phillips and the Town Manager were discussing taxes, I'd like to see if this is possible, what tax benefit is Huntersville getting from Birkdale currently. What are the number of employees at Birkdale and if possible, the annual payroll that comes out of there. But then I would like to know how is this going to change, because our tax benefit, our number of employees and the annual pay rate coming out of there. I understand that some of that would be pure I don't want to say conjecture but if you have a four star hotel, the size hotel they were going to build, what's the annual pay revenue another one of those hotels somewhere else and how would they come.

Mayor Bales said I would like to ask a quick question of staff. In regards to Commissioner Boone's questions around parking requirements, does staff have any concerns about this 401 parking spaces and being able to meet the needs of multi-family and a hotel.

Mr. Richards said they meet the code minimums and they'll have by numbers straight they'll have an additional 30 extra spaces. Operationally, that's up to them how they are going to operate that, but numberwise, they're at 30 additional spaces and it was required to meet our minimums.

Mr. Perry said we're happy to provide some of that math. There are spaces that are no longer being used for Dick's or Pier One that are here that are factored into that. We can also look at usage by hour during the day and I would say 11 a.m. if you're coming to shop.

Mayor Bales said I'm sure that data would be helpful.

Mr. Richards said to point out, too, they are asking for a maximum 350 multi-family units. If they were to say build 300 and still do the 401, there would be net gain there for parking as well. It depends how many they ultimately build.

Mayor Bales said I'm sure there's a formula to it.

Mr. Richards said for every one-bedroom unit, there's one parking space. For anything that's more than one-bedroom, it's 1-1/2 spaces. If they build all one-bedrooms or how they do their product mix will affect those numbers as well.

Mayor Bales said if you wouldn't mind bringing that information back to the Board and share that with them along with the Planning Board, I think that would be helpful.

Commissioner Munger said just throwing out a number \$240,000 in property tax revenue per \$100 million of increased value. We don't know the exact number of total value that would be increased, but if it were \$100 million it would be \$240,000 property tax per year. My other questions about financing, giving our rapidly changing financial landscape do you have any concerns regarding financing this project.

Mr. Perry said in this case, time is on our side. Given the environment we chose to extend Barnes and Noble for a couple of years in their space. That pushed it to January 2027 at which time we would be able to commence that. During those two years hopefully I think the capital market has quietened down a little bit. And then Dick's is at a 5-year extension so that's kind of the timeframe there. As far as the hotel that's actually the most near term and viable use. Financing is available. We are in the market now to finance another \$130 million hotel. This one would be more like 70/80. The leisure market has provided a better bet than the office market. That is a valid concern.

Commissioner Munger said one of the issues that came up some of the on street parking has been eliminated and it's been an issue has been especially hard on people of handicap and my understanding is you do provide free valet for handicap. Can you confirm that or is that something I just misheard.

Mr. Perry said yes, we do.

Audra Collins, 8904 Sutherland Drive, said if we are not going to talk about nostalgia, I am going to talk about what I do know. This is Huntersville. That is Birkdale Village. This is not Charlotte. This is not uptown. I know if I want to go to Birkdale, I'm not looking to see an office building. I'm not looking to see a hotel and it sounds like if there's going to be negotiation, the convention center is not even open to the public. There's going to have to be negotiation for it to be open to the public. I don't go there for office buildings. If I wanted to go to an office building, I would spend 20 minutes driving and go to uptown. I don't think it's fair and then also considering that for four to five months we would have to park around. That's all I wanted to say. This is Huntersville, not Charlotte. I want it to stay in Huntersville as it has been for the 23 years that I have lived here.

Brian Rice, 17232 Bridgeton Lane, said I wanted to talk a little bit about what we've seen today, and these are concepts. These are developers. I think in the pre-meeting we heard that developers kind of want to tell you what you think you want to here. I can't predict the future any more than anyone else, so I'm just going to stick with facts. I was in that first meeting at Pier One, which is now Girl Supply when we first talked about all the things that were going to change in Birkdale Village. We talked about small changes – there were going to be more stores, there was going to be less space, so there's less green space, not more. There's less parking, not more. In fact even in that meeting I remember when we talked about parking, it was dismissed that oh, we don't have a parking issue. For those that know that address, I actually live about 200 yards from Birkdale Village in the Greens. That's a fact. That's what I know. They told us it wasn't a problem. We did get something. Maybe we don't get lights with this big building that we are going to get, but we did get noise. Now we have that great big television and all the noise that comes with it. What I'd say is that we have a parking issue. We have a traffic issue already. I saw that 73 is going to be built, but we all know how long that sometimes takes, so I would certainly like to see that happen before we do further development. They told us that it'll be one-bedroom, one and a half bedroom, but that's what they'll say. When push comes to shove, if it's a two or three bedroom apartment, guess who's going to live there – families. What's that going to mean to schools. J. V. Washam is the fifth biggest elementary school in North Carolina. You already heard how overcrowded we are. Let's hear from CMS to see what they are going to do to make sure that we actually have room for our kids so that they can grow up. The third thing I wanted to say is safety. This is the biggest concern. Yes, there has been increased security and we do appreciate that. But it's not been enough. And frankly with what we have in Huntersville right now, the 911 which is what the police, who do a fantastic job, tell us to do is call 911 whenever there is an issue. But the dispatch isn't in Huntersville, it's in Charlotte. So many times we call, we don't even get a response, but that's what we are told to do. I think it was mentioned that there are lots of juveniles that are coming in and causing problems, causing vandalism. In fact, I even looked at Lexis Nexis community crime. It's actually on the website. You can take a look at it. You can look at the crime statistics. I've been looking. It's gone up.

Jon Boggiano, 17318 Inglewood Lane, said I helped facilitate a community meeting in The Greens and had about 80 residents. We did a community survey with about 160, so rather than bombard you with a line of speakers, I'm just going to summarize some of the results. In general, there's a wide diversity of opinions. Most people were supportive of continued investment in the village, so it's not entirely a no, it's there's a lot of details that matter. Curb cuts for deliveries, like if you are building apartments and a hotel, where are people checking in going to go, Amazon deliveries, FedEx deliveries, what about moving in and moving out. Right now, those roads are not wide and they are already backing up. The traffic management is the biggest thing. Traffic was hands down the biggest. We talked to the developers and they said it's a town issue and so really like the Townley Road Extension, giving us another exit out that doesn't go to Sam Furr would be wonderful. We asked the developer if they would contribute to that. We've asked for a redesign of Formby Road which is on the other side of Birkdale. It's a really narrow alley right now. You can't get two cars going down that. There's parking there. Can we widen that or take that out. What happens is people go into our neighborhood and we get a ton of traffic in the neighborhood, so parking was the single biggest issue. In general people were supportive of the office and the hotel, but 350 units of apartments feels like an awful lot to fit into that space. And then the other concern was what's the area plan for this. Across the street is 260 hotel units approved and there's no pedestrian access really across Sam Furr and it doesn't look like the state put any pedestrian access across Sam Furr in the redesign so we're like two disconnected communities and then what happens to the Regal property in the future. There's a lot of questions about what's the 10-year vision of Birkdale. If this project gets approved what else does it allow. Do they come back for approval

on the other side of the property and so in general it wasn't a no and it wasn't a yes, it was there's a lot of details that matter and we ask the Town Board to slow down and really study this issue so we can get this right because we don't want to get this wrong because it will kill our property values, it will kill the Birkdale Village because if they sell the property 5 years we are the ones that are stuck with the traffic nightmare that no one wants to come visit.

Kim Zarsadias, 17303 Inglewood Lane, said Jon said everything perfectly. I think traffic is definitely the biggest concern. Also, aesthetics, some of the slides that I saw I just think it's completely ugly. It doesn't go with our homes. We are looking very disconnected with Birkdale Golf Course, we've got two different things going on over there. We have neo-traditional in Birkdale Village with a touch of mid-century modern, now we are going to add all these tall glass office buildings. I don't know, it doesn't look good. I've lived in the Birkdale Village before Birkdale Village was there. I'm an original homeowner. I've owned two homes there. My mother-in-law owns a home there. I've raised my children there. I'm a real estate agent. In the last couple of months I've sold two ¾ of a million dollar houses. We don't want our property values affected by this. I'm all for the development and I think most people in our neighborhood are, but it needs to be done right. The one issue that somebody that couldn't be here brought up and I also experienced it last weekend is the valet parking is going up Townley Road. There's fast traffic going up that road and there's a couple of curves where you can't see with the parking there. The other day I literally was like I've got to make turn, I'd just better hold my breath and hope that no one hits me. I think the valet parking is a concern.

Karen Poppen, 17018 Carlton Way Road, said three brief concerns. One is traffic. I live in the Village. It's almost impossible to get out of the Village at certain times of the day and Sam Furr is backed up tremendously, but increasing the traffic with office workers and hotel guests and apartment residents, it's already impossible to get in and out of Birkdale and I can't imagine what adding all those additional cars will do. You've heard tonight that parking is not an issue. That's just for people who don't live there. If you live in Birkdale you know that parking is a big issue and I would like to see them maybe even, I hate to say this, but increase the size of the parking deck so there are more spaces for general purpose public parking. My last concern is that the size and style of the hotel, the office building and the apartment complex do not fit the current style or size of Birkdale. It's completely like something from outer space was dropped in there and I would like to see some restrictions put on it so that the height and style of those buildings match what's already there.

Joseph Segarra, 9919 Cockerham Lane, said I live in Birkdale where the golf course is. I'm on the Architectural Review Committee of the HOA. I've been on there for at least 10 years. My family and my grandchildren all live in Huntersville. We all have single-family homes. That's what we came here for and that's what we would like to continue to see. We don't want to head towards big city. I came from New York City, so I'm not interested in seeing high-rise buildings such as they are proposing. I think it should be fitting to the ambience that most people here in Huntersville and Cornelius want which is single-family homes for the most part. Maybe multi-family homes, but I don't think you want to head in the direction of a 10 or 12 story, 145' building. Aside from that my friends in the community have all encountered the same congestion problems and we really didn't like to see Pier One leave. We don't want to see Total Wine leave. If anything, we participated to really support all the stores that were there, because those were our local community stores that we can be serviced by, but we enjoy being there in our community. I'm really sad that the Cork and Screw is leaving, Total Wine is leaving. Do I really need to drive up to Cornelius to go to Total Wine. Cork and Screw has been there for years since the beginning. I'm just surprised. Pier One, I used to like to buy all those Christmas ornaments. My wife likes to go to Loft and to Talbot's and stuff like that. I think we have to really take a look at the direction of where we want to go as a community and you as our representatives, we depend upon you to really

have that view. What does the common person want. Are we really looking to commercialize the area or not.

Dawn Snow, 8132 Evanston Falls Road, said I'm a long-time resident and homeowner in Birkdale Village and like many people in the neighborhood I bought there for the small-town feel. I support reasonable development and growth, however the scope of this project is overkill and it's just way too much. First of all, the proposed 12-story hotel and 7-story office building does not fit with the character of our village or our community at large. It is too intrusive to the neighboring communities and will affect the privacy of our neighborhood and property values. Our neighborhood was designed as a neo-traditional mixed-use development and the current zoning was put in place to protect our community from tall multi-story buildings that do not fit with the character of our neighborhood or town. Secondly, we are already surrounded by apartments everywhere we turn. We do not need 350 more apartments in this area and higher apartment density brings more traffic and often times more crime. Additionally, we do not have the infrastructure in place to support the increased level of traffic a project like this will bring. It is already difficult to get out of our neighborhood and is getting worse every day. If this project is approved, it will soon look like Exit 36 in Mooresville. Besides forever changing the character of our village and creating traffic gridlock a project of this scope will result in increased noise, loss of retail, increased crime and long-term construction. In short, it will negatively affect our quality of life and could decrease our property values. Please do what is best for our community and town, please deny this rezoning request and allow development in Birkdale Village that maintains the character of our village. I would also like to make you aware that the Town staff, the Planning staff has not enforced the Town ordinance for conditional rezoning which requires an applicant to hold a community meeting at a venue in close proximity to the project site and to give proper notice to the affected HOA's as defined in the Town ordinance. I have never heard of any mention of this project in the monthly meetings from the developer. The property managers of our HOAs have confirmed that they did not receive any such notices from the applicant. This deprives neighbors and property owners who are most impacted of the opportunity to ask questions. I verified that the addresses match the tax records. Don't you think it is important to enforce this part of the ordinance prior to voting on this rezoning request and what can you do to enforce this. I also have a hand-out that have the emails that verify that no notices were received from the HOAs along with the addresses they were sent to. *Refer to Exhibit No. 11.*

Paul Allen, 17604 Invermere Avenue, said I think it seems to be too large a project for this area. I know we've got to think about saving the shopping center, but then the quality of life for the people who live here commuting back and forth to work and things like that. Somebody mentioned the aesthetics. If we go by the way the shopping center looks like now, I don't know understand monochrome paint scheme. It used to look a lot different, so we are getting a big change here that hopefully I'm sure you will consider whether that's worth it or not.

Nick O'Shaughnessy, 8217 Parkton Gate Drive, said I'll take you back nostalgically to the 90's, because I was a land planner and a rezoning consultant, and I did a lot of plans in the 1990's. I worked with Ann Hammond who was Mr. Simoneau's predecessor. We formed a new urbanism group for Mecklenburg County including all the towns in the north. We got together weekends, the town planners of Davidson, Huntersville, Cornelius and including the guys in Charlotte. The new urbanism was the buzz word of the day and the Town of Huntersville embraced Andres Duany's concept and they redesigned their ordinance to a neotraditional ordinance using a fellow British person, David Walters, who was a UNCC professor and he rewrote the ordinance for neotraditional, pedestrian friendly, pretty looking, whatever you want to call them, to me it was a French boulevard with beautiful human scale buildings of a texture and a scale and ambience that made me feel comfortable. I didn't feel out of place. I came from a big city in England. I didn't want that again. I've lived in Charlotte, didn't want that. Huntersville and the

little towns around here decided they didn't want to be suburbs and that's why we rewrote the ordinance and the first example of that ordinance was Birkdale Village. It was a flagship for DPZ and Andres Duany. He did a project in Florida which is a slightly different physical location, but this was his flagship. These guys I don't think understand that flagship. They don't understand scale, texture, ambience, and a general feeling of comfortable town, village, village within a town. This is Huntersville, like the previous person said. It's not Charlotte. It's not Alpharetta. It's not Atlanta. God help us if it was. The Town's parking requirements, as minimal as they are, and with all due respect to the guys behind me, they don't work in the real world. Two spaces per 1,000....really, five spaces per 1,000 for retail and 3.5 office.

Kerry Edelstein, 8810 Camberly Road, said I want to first plus one to a lot of things that have been said especially about aesthetics and the lack of continuity in the design here as well as the traffic and the lack of expansion of Townley and some of the roads going in and out that stand to be way more crowded with a 12-story complex. I am a homeowner in The Greens and I love that you talked about this idea of town and the town center because the first time I drove into Birkdale and I had moved here from Los Angeles which was like a developer hellscape and I moved here really to escape that and I came into Birkdale and I just felt like this breath of fresh air like a troubadour was going to go by and serenade me. It was this charm. And I think one of the things that we need to understand is that charm, that sense of community, it isn't a limitation of Birkdale. It's where it derives its value, it's what drives the value, what keeps our property values escalating. While the village was closed during a pandemic, my property value went up 50 percent in 2020. That's a lot, even while we were closed, and so it's in that context that this property just doesn't make sense to me. I want to start with what to me is the most confounding piece of this proposal which is office space. I myself am a businessowner and I've got some pretty big clients like Google and Verizon, so I deal with both small and large business and I'm also a business owner in the data space, so I love data points and here's a fun one that I read in a report last week. Seventy-three percent of office employees now expect to work either entirely or partly at home moving forward. We've got a project that's basing itself on this idea that we want Class A office space, but I have to tell you has a businessowner that's not something I'm looking for. I have people who I'm trying to recruit who want to work from home. They don't want to go into an office anymore and this to me feels like a proposal for 2019, not a proposal for 2026. And furthermore, the kind of large company that could absorb the cost of office space even if employees don't fully utilize it why would they not want to be in Center City where there's more access to public transportation, where they can recruit from south Charlotte which has a much bigger potential employee base than up north in Mooresville. It doesn't make sense to me and so every time this plan gets discussed I find myself asking the simple question of why. Why are we even considering this. What's in it for us. Why are we assuming it might even be successful. To me it seems like it's just here to destroy the beauty and the charm of Birkdale. It's going to saddle us potentially with an office park that turns into a ghost town given the way the economy is going, cripple us with traffic congestion and as you saw in some of the reports that you provided to us and thank you for that overcrowd all of our schools. It strikes me as the same bad decision that was made building toll lanes on 77 or overdeveloping Cornelius, which didn't turn out well in the end and I don't want to see that for Huntersville as well. What I keep coming back to is that Birkdale is conceived to be a village. It's not Avalon. We don't want it to be Avalon. We are not a distressed community, we are a beautiful community and we want to keep it that.

Mayor Bales said I've got a question. It's one that goes back years and it just kind of struck me. We had on our CIP at one point Townley connecting to Northcross and it was a bridge. I know several years ago we did remove that because we were like for what....it seemed like it was a connection to nowhere and now we've got Northcross extending into Cornelius.

Mr. Richards said that was originally discussed when Birkdale was first developed. Mr. Coxe, the previous Transportation Planner, was trying to negotiate a three-legged approach between the developers then I believe Pizzagalli who became Rubbermaid, the Town and Birkdale at that time and like you said that never came to fruition and that was on the CIP off and on during the years. It's currently off. Staff would love to explore putting that back on the CIP. Hopefully we can work with North American and the now owners of the Rubbermaid complex to see if we can work out a public/private partnership. If not, we can always explore CRTPO money. There's a lot of different avenues we could look for funding.

Mayor Bales said I think a couple of folks up here remember that project.

Commissioner Phillips said I'm going to put the applicant on the hot seat and I'm very sorry to do this. There's a lot of concerns up here, questions, a lot of concerns and questions out there, would you all entertain doing another public meeting by chance.

Mr. Perry said we've done three, what's one more, including this one. Actually, John and I spoke before the meeting that he hosted there at the Greens in the clubhouse and went through some things that they had questions for before that meeting and even tonight suggested that we would be happy to do so. I think that's a great process that's in place at the Town to get public comment before you actually have to vote and that way we can incorporate all this and address traffic.

There being no further questions or comments, Mayor Bales closed the public hearing.

Petition #TA22-07. Mayor Bales called to order public hearing 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, Planner I, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 12.*

Commissioner Kidwell said if it's a 500-unit complex, how many affordable housing units would they need to provide.

Emily Sloop, Town Attorney, said they do not provide a specific number in the statute. It says units, which has been determined to mean at least two because it's plural, but they do not set a specific number using a sliding scale or formula.

Commissioner Kidwell said just so I'm clear, the State again has sent something to us that they didn't fully think through, that somebody could just say I'm going to throw two affordable units in a multi-hundred unit complex and tell Planning staff for the aesthetics of our Town go pound sand, we're going to do what we want. I just want to make sure the State did their due diligence of not looking forward again.

Mayor Bales said they also slid it into an appropriations bill, so it just makes it even better. It is on our potential goals, because this is a big one.

Commissioner Kidwell said I hope Senator Marcus and Representative Bradford are out there watching and listening right now.

Commissioner Kovacs said we took units to mean two. Could we make it more than two.

Ms. Sloop said since it says units and does not include in the statute a specific number, in consulting with the School of Government they said it was safest to say two or more.

Commissioner Kovacs said what would happen if we said 15.

Ms. Sloop said I would think that we would perhaps be overstepping.

Commissioner Kovacs said what about a percentage of units.

Ms. Sloop said it does not allow for a percentage of units. Unfortunately, until there is some clarification from the legislators, we are kind of stuck. Again, this is new. There is no case law associated with it at this time. It may be that down the road there is case law and therefore the language is further defined by case law.

Commissioner Kovacs said is there a plan of who will be monitoring it.

Ms. Sloop said we would have to include something specifically on their approved plan, likely a note. While we wouldn't actively be out and about going to see what they are doing, if something was reported to Code Enforcement along the lines of the units are not being offered, then we would go through our normal code enforcement mechanisms in order to enforce that note.

Commissioner Kovacs said could we be proactive and have something where we have an ongoing spreadsheet that says this was approved this day, where it was built, so every year staff checks it.

Ms. Sloop said they could likely create some sort of internal mechanism for routinely checking it. That's likely something that could be developed through an internal policy. It wouldn't necessarily be part of the ordinance language, but it could be something that Planning maybe created a spreadsheet or something along those lines of the dates that it was approved and that they could go back and check.

Commissioner Kovacs said this was pushed down to us without any clear definition or definitive numbers or anything. Is there something that would happen if we do not push this through until we have those.

Ms. Sloop said it would be in effect regardless because the statute is already in effect. I had recommended at the Huntersville Ordinances Advisory Board meeting that rather than having nothing in the ordinance to be a starting point and having parameters, it would be better to proactively put language in our ordinance so that if a developer came forward with the statute in hand, we would have a starting point as to how to interpret it.

Commissioner Boone said does the EDC have a different median income figure that could be used.

Ms. Sloop said we have to use the figure that we had in the slideshow. That's for our particular region.

Commissioner Kidwell said just to be clear, I'm not concerned about families below the 80 percent. My concern is the aesthetics to the town. Having lived up north in Jersey and in New York where you just see rows and rows of brick buildings, having lived in some of those brick buildings, I can see that coming this way where we just heard a presentation from Birkdale. They could easily say we're going to build a brick thing here, it doesn't have to look like it blends into Birkdale, and we are going to offer two units. That's my concern, it's not the affordable housing aspect, it is the aesthetics into which will blend into the town.

Ms. Mielenz said that is our concern as well and also that the language is ambiguous which could lead room for somebody to take advantage of it. As far as monitoring the units, I think that is something we can look at if there are any ways where we can keep a list or track it.

Commissioner Phillips said before this goes to Planning Board, could we maybe not use the North State at Sam Furr Road as an example because of it going to Board of Adjustment. I don't want it to come off like we're unintendedly influencing something.

Mayor Bales said absolutely.

Commissioner Munger said I'm going to go out on a limb and suggest that we tempt fate and put out some specific numbers. I know that there is no case law about it. Case law will occur. If they can build a 500-unit building and make two of them affordable housing, which again as Commissioner Kidwell has clearly stated, it's not about we are against affordable housing. If it's 500, I want like 50 affordable housing, not two. Two is ridiculous. I say tempt it.

Ms. Sloop said I would not suggest that.

There being no further questions or comments, Mayor Bales closed the public hearing.

OTHER BUSINESS

Electrical Materials Purchase. There are several bulk feeder projects currently in progress that require the purchase of materials to complete. Southeastern Consulting Engineers, Inc. (SEC) solicited formal bids for these materials on July 28, 2022 and received only two bids. SEC solicited again for bids and received two bids on September 8, 2022. SEC has made a recommendation based on the outcome of the bids in relation to cost and delivery time.

Commissioner Kidwell made a motion to approve Southeastern Consulting Engineers, Inc. recommendation to purchase materials indicated on their recommendation letter dated September 9, 2022.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

SEC Recommendation Letter attached hereto as Exhibit No. 13.

Abernathy Park Master Plan. After receiving direction from the Town Board at their September 19 Meeting to keep the baseball field, Parks & Recreation staff revisited the site, as well as talked to the leaders of local baseball/softball organizations. The goal was to find a way that we could still move the

playground and basketball court away from Glendale Drive as well as to provide a field for the current users. We were able to accomplish this by moving the fence in to 175' as well as moving the homeplate back 10'. This field layout would still be able to accommodate the younger age groups that currently use the field for practices. This layout will also allow a new walking trail, shelter and fitness stations. Local youth groups support this change and said it would not impact their current teams that practice at Abernathy Park.

Commissioner Partee made a motion to approve the Abernathy Park Master Plan with a new baseball field layout, that will allow new walking trail, shelter and fitness stations.

Commissioner Boone seconded motion.

Motion carried unanimously.

Abernathy Park Master Plan attached hereto as Exhibit No. 14.

FY23 Goals. Commissioner Boone made a motion to approve the FY23 Goals for Town Manager Anthony Roberts.

Commissioner Munger seconded motion.

Motion carried unanimously.

FY23 Goals attached hereto as Exhibit No. 15.

Town Attorney Merit Increase. Commissioner Boone made a motion to ratify the Town Board's action taken in Closed Session allowed under the North Carolina Open Meetings Law to award a 3.5 percent merit increase for the Town Attorney based on market analysis and performance evaluation.

Commissioner Munger seconded motion.

Motion carried 4 to 2, with Commissioners Kidwell and Kovacs opposed.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Munger

- Attended the four-town dinner last Thursday.
- Next meeting of the Huntersville Ordinances Advisory Board is this Thursday.
- Consider supporting local non-profits.

Commissioner Partee

- October 1 through 31 is Breast Cancer Awareness Month.
- National Night Out is tomorrow night.
- Advocate for gun safety.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Kidwell

- Charlotte Regional Transportation Planning Organization met last month and funding for the Gilead Road project was discussed.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.
- Provided update from Huntersville Connection.

Commissioner Boone

- October 2 through 8 is Public Power Week. Expressed appreciation to ElectriCities and power companies in our area for keeping the power on.

Commissioner Phillips

- No Report.

Mayor Bales

- Rhonda Cheek, School Board Representative for District 1, will be present to provide update at next Town Board meeting.
- Lake Norman Economic Development Corporation is currently working on 39 projects.
- Metropolitan Transit Commission met last Wednesday and received updates on the CATS agency safety plan and negotiations with the bus drivers.
- The Legislative Policy Committee of the North Carolina League of Municipalities will have a Legislative Goals Listening session tomorrow and another one on October 11.
- September 15 through October 15 is Hispanic Heritage Month.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2022.

**Town of Huntersville
Town Board
November 21, 2022**

To: Town Board

From: David Lucore, Electric System Manager

Date: November 21, 2022

Subject: FY 19 Electric Write-offs

EXPLAIN REQUEST:

Town staff and ElectriCities have cooperatively worked at collecting finaled electric accounts to accurately reflect the amount customers owe the Town. As we did in FY 21, Staff recommends that annually the Board approve the write-offs of amounts that have proven uncollectible for more than three years. While this will not stop our collection efforts (these amounts will remain with our collection agency and we will continue to seek collection through debt set off program for accounts over \$50), our financial statements will no longer report the amounts as likely collectible. Staff is recommending the Board approve write-offs for FY2019 totaling \$28,109.16. In total, this represents .13% of the total 2019 Electric revenue and 169 customers.

ACTION RECOMMENDED:

Approve FY 19 Electric Write-offs.

FINANCIAL IMPLICATIONS:

Loss of revenue collected from final accounts.

ATTACHMENTS:

None

**Town of Huntersville
Town Board
November 21, 2022**

To: Town Board

From: David Lucore, Electric System Manager

Date: November 21, 2022

Subject: System Betterment Grant and Budget Amendment

EXPLAIN REQUEST:

On behalf of the Town of Huntersville, a System Betterment grant of \$5,000 was applied for from ElectriCities of NC, Inc to offset a portion of the calendar year 2022 expense for the Cost-of-Service study that is currently underway. ElectriCities has been awarded \$5,000 to the Town for this purpose. The Town Board accepts the award and appropriates \$5,000 to miscellaneous revenue (353930.9999) and contract service expense (358100.0314).

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

No net impact to fund balance; offsetting revenue and expense.

ATTACHMENTS:

None

**Town of Huntersville
Town Board
November 21, 2022**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: November 21, 2022

Subject: Right of Way and/or Easements for the Construction of Commerce Centre Drive Project

EXPLAIN REQUEST:

Adopt resolution to acquire right of way and/or easements for the construction of Commerce Centre Drive project.

ACTION RECOMMENDED:

Adopt resolution to acquire right of way and/or easements for the construction of Commerce Centre Drive project.

FINANCIAL IMPLICATIONS:

General Fund

ATTACHMENTS:

1. Resolution - ROW - Commerce Centre Dr. - 11.8.2022



**RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS TO ACQUIRE
RIGHT OF WAY AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE ADOPTED
AND FUNDED COMMERCE CENTRE DRIVE PROJECT**

WHEREAS, the Town of Huntersville (the “Town”) has determined that the acquisition of fee title right of way, and easements is necessary to the delivery of the Commerce Centre Drive Project; and

WHEREAS, the Town finds that such title, rights-of-way, and easements, including existing public rights-of-way and easements, are for a public use and necessary for the construction of the Commerce Centre Drive Project; and

WHEREAS, the statutory powers of the Town include the power to acquire real property (N.C.G.S. §160A-11 and §160A-240.1), including the power of eminent domain (N.C.G.S. Chapter 40); and

WHEREAS, to meet said defined project delivery schedule, property acquisition process should begin no later than December 2022; and

WHEREAS, the Town’s proposed property acquisition process for the Commerce Centre Drive Project will comply with applicable Federal, State, and Local regulations; and

WHEREAS, the Town has certified that the parcels (“the Property”), represented on Exhibit A, are needed for the Commerce Centre Drive Project.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF HUNTERSVILLE BOARD OF
COMMISSIONERS (the “Town Board”) AS FOLLOWS:**

1. The Town Board approves and authorizes the acquisition of the necessary fee title, rights-of-way, and easements affecting the parcels described on Exhibit A at a price not to exceed that determined by the appraisals described in the Proposal for Real Estate Acquisition Services by a Professional Property Acquisition Firm and permitted Administrative Adjustments for Right-of-Way Acquisition. No further action is required by this Board to authorize the acquisition.
2. In the event any of the parcels or interest in Exhibit A cannot be acquired by negotiations at the price authorized above, the Town Manager, through counsel, may institute and pursue acquisition by the process of Eminent Domain according to the procedures contained in Chapter 40A, including but not limited to, giving notice of intent to the property owner, executing, and filing a complaint and declaration of

taking and depositing the necessary appraised value amount with the Clerk of Superior Court of Mecklenburg County. Any action pursuant to this subsection requires approval by the Town Board.

3. The Town Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to carry out the provisions of this Resolution; and
4. This Resolution shall be effective as of the date its adoption.

Adopted this 21st day of November, 2022.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A - PARCEL INDEX
Commerce Centre Drive

PARCEL #	PARCEL ID #	PROPERTY OWNER NAME
1	017-121-27	United States Postal Service
2	017-121-52	Commercial Investors, LLC
3	017-121-38	KLR Real Estate, LLC
4	017-121-30	Fifth Third Bank
5	017-105-07	Levack Properties, LLC

**Town of Huntersville
Town Board
November 21, 2022**

To: Town Board

From: Michael Jaycocks, Director of Parks & Recreation

Date: November 21, 2022

Subject: 150th Anniversary Celebration Committee Appointment Change

EXPLAIN REQUEST:

Approve the 150th Anniversary Celebration Committee Rural Hill appointment change from Jessica Bustamante to Kim Baylor Manley.

ACTION RECOMMENDED:

Approve the 150th Anniversary Celebration Committee Rural Hill appointment change from Jessica Bustamante to Kim Baylor Manley.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
November 21, 2022**

To: Town Board

From: Janet Pierson, Town Clerk

Date: November 21, 2022

Subject: 2023 Town Board Regular Meeting Schedule

EXPLAIN REQUEST:

Consider adopting 2023 Town Board Regular Meeting Schedule.

ACTION RECOMMENDED:

Adopt Meeting Schedule

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. BofC Meeting Schedule 2023

Huntersville Board of Commissioners

2023 Town Board Regular Meeting Schedule

Meetings begin at 6:00 p.m. at Huntersville Town Hall located at 101 Huntersville-Concord Road, Huntersville, NC 28078 (unless otherwise posted) and livestreamed on our YouTube channel at <https://www.youtube.com/channel/UCgqiipdJL0ywl-LZrcN5MpQ>. Pre-meetings may occur as part of any regular meeting at the time and for the purposes specified on the regular meeting agenda. The time and purpose(s) of pre-meetings will be published on the agenda.

The Board of Commissioners reserve the right to hold virtual board meetings during declared States of Emergency as applicable in the Town of Huntersville. Notice of virtual meetings will be issued pursuant to N.C.G.S. § 166A-19.24.

When meetings are held virtually, the following procedures apply:

Meetings will be held both in person and virtually via livestream. The Board of Commissioners will participate remotely. The public is invited to attend and comment during public comment or during any of the public hearings: (1) in person or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. the day of the meeting. The public may also submit comments by email to the Town Clerk. Emailed comments regarding public hearings may be submitted up to 24 hours prior to the scheduled time for the beginning of the public hearing. The Town Clerk may be reached by email at jpierson@huntersville.org or by phone at (704) 766-2202.

January 3, 2023	Tuesday, due to New Year’s Day Observed
January 17, 2023	Tuesday, due to Martin Luther King, Jr Day
February 6, 2023	
February 20, 2023	
March 6, 2023	
March 20, 2023	
April 3, 2023	
April 17, 2023	
May 1, 2023	
May 15, 2023	
June 5, 2023	
June 20, 2023	Tuesday, due to Juneteenth National Independence Day
July 3, 2023	Cancelled, due to Independence Day
July 17, 2023	
August 7, 2023	
August 21, 2023	
September 5, 2023	Tuesday, due to Labor Day
September 18, 2023	
October 2, 2023	
October 16 2023	
November 6, 2023	
November 20, 2023	
December 4, 2023	
December 18, 2023	

**Town of Huntersville
Town Board
November 21, 2022**

To: Town Board

From: Nathan Farber, Planner I

Date: November 21, 2022

Subject: Petition #TA22-06 Deferral to January 17, 2023 Board Meeting

EXPLAIN REQUEST:

Applicant has requested a deferral to the January 17, 2023 Board Meeting for TA22-06 on petition, 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 decision.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. signedBirkdale Rezoning and TA Vote Deferral Letter_11.16.2022
2. TA22-06 TB Staff Report
3. 1. Applicant's Text Amendment Application
4. 2. Applicant Proposed Ordinance
5. 3. Map of Highway Commercial District and existing developments

November 16, 2022

Via Email

The Honorable Mayor and
Board of Commissioners of the Town of Huntersville
Jack Simoneau, Planning Director
Huntersville Town Hall
101 Huntersville-Concord Road
Huntersville, North Carolina 28078

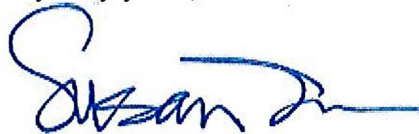
RE: Rezoning Request *R22-01 Birkdale Village* from existing HC-CD (Highway Commercial-Conditional District) Zoning to HC-CD (Highway Commercial – Conditional District) Zoning and Text Amendment *TA 22-06 – Building Height in Pedestrian Oriented Developments*; DDRTC Birkdale Village, LLC (“Applicant”)

Dear Mayor, Commissioners and Jack:

The purpose of this letter is to respectfully request a two month deferral of the Town Board final actions for the above referenced Rezoning and Text Amendment applications, currently scheduled for November 21, 2022, to January 17, 2023. Applicant requests these deferrals in order to allow Applicant to address Commissioner concerns in accordance with Commissioner comments made at the Town Board meeting held on November 7, 2022. This letter replaces the previous deferral request dated November 10, 2022.

We appreciate your consideration of this request.

Very truly yours,



Susan Irvin

cc: Tim Perry, North American Properties

TA22-06 – Building Height in Pedestrian Oriented Developments

Applicant has requested a deferral until the December 20, 2022 Town Board Meeting

PART 1: DESCRIPTION

TA22-06 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 and Shopfront, Article 9.45 Hotels & Motels, and adding Article 9.63 Commercial Uses Exceeding Permitted Building Height. The applicant is proposing to allow Hotel, Commercial Uses, and Mixed uses within the Highway Commercial zoning districts pedestrian-oriented developments to exceed the maximum building height up to 115’.

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 115’. 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.

As agreed, upon at the October 25th Planning Board meeting, the applicant has changed the proposed height limits within the text amendment from 145’ to 115’.

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 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 4th and pushed the recommendation to the following meeting on September 1st. On September 1st 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

In considering the proposed amendment, The Planning Board recommends approval of TA22-06 to increase the building height limits for hotels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district to a maximum of 115 feet.

This is reasonable and in the public interest as it meets the policies LU2.1, LU5.1, LU6.2, and LU8.2 of the Huntersville 2040 Community Plan and makes a somewhat small concession to encourage development and redevelopment in Birkdale to prevent Dick's Sporting Goods, Barnes and Nobles and others from becoming an abandoned urban blight and balance the needs of the surrounding community.

PART 8: ATTACHMENTS

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

PART 9: STATEMENT OF CONSISTENCY – TA22-06

Planning Department	Planning Board	Board of Commissioners
APPROVAL: 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. 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.	APPROVAL: In considering the proposed amendment, The Planning Board recommends approval of TA22-06 to increase the building height limits for hotels and commercial uses within Pedestrian Oriented Developments that are located in the Highway Commercial zoning district to a maximum of 115 feet. This is reasonable and in the public interest as it meets the policies LU2.1, LU5.1, LU6.2, and LU8.2 of the Huntersville 2040 Community Plan and makes a somewhat small concession to encourage development and redevelopment in Birkdale to prevent Dick's Sporting Goods, Barnes and Nobles and others from becoming an abandoned urban blight and balance the needs of the surrounding community.	APPROVAL: 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> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)

DENIAL: N/A	DENIAL: N/A	DENIAL: In considering the proposed amendment TA22-06, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u> . It is not reasonable and in the public interest to amend the Zoning Ordinance because.... <i>(Explain)</i>
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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:
 - o 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 ARTICLES 3.2.7(a), 9.45, AND 9.63 OF THE ZONING ORDINANCE
AMENDING THE PERMITTED BUILDING HEIGHT WITHIN PEDESTRIAN-ORIENTED DEVELOPMENT**

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.
5. **Hotels, 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-fivefeet (11545'), subject to the issuance of a special use permit and the provisions of Article 9.45 and 9.63 as applicable.**

Commented [ES1]: Wouldn't a hotel already be included in commercial and/or mixed-use? If so, it doesn't need to be specially called out here. If it remains as specifically enumerated do not need to include "and" between each item.

Instead, should be:
"Hotels, commercial uses, and mixed uses"

Commented [NF2R2]: Hotels is not included within commercial use but its own use

4. Building Type/ Shopfront Building

Permitted Height & 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 district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential.
6. Mixed uses in a shopfront building type in the Highway Commercial (HC) zoning district may exceed the maximum building height, not to exceed one hundred fifteen forty-five feet (145'115'), subject to the issuance of a special use permit and the provisions of Article 9.63 as applicable.

Commented [NF3]: Not necessary as its covered through SUP 9.45 and 9.63

Commented [NF4]: Not necessary as its covered through SUP 9.45 and 9.63

Commented [ES5]: Format this section the same as the above section for urban workplace. There, all five are included even though just adding #5. Alternatively, only show #5 above so that both match.

Commented [ES6]: Was it purposeful to only include mixed uses here?

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 which 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~~fifteen feet (11545'), 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 parking deck, as defined in Article 12, associated with 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 and visible from public streets 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 associated parking deck subject to the requirements of this Article 9.45.4 not fronting or visible from public streets shall not be 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 or mixed use is a principle or accessory use in an urban workplace or shopfront building type, and which 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~~fifteen feet (11545'), subject to the issuance of a special use permit in accordance with the requirements set forth in Article 11.4.10 and the following requirements:

- 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.

Commented [NF7]: Motel only allowed in CB zoning district

Commented [NF8]: This has been fixed to accurately describe pedestrian oriented developments within HW zoning district

Commented [NF9]: Change to "as defined in article 12"

- 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 parking deck, as defined in Article 12, associated with a commercial or mixed use in an urban workplace or shopfront building types and meeting the requirements of this section shall not exceed the lesser of:

- (i) the height of the urban workplace or shopfront building; 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 and visible from public streets 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 this Article 9.63 not fronting or visible from public streets shall not be subject to the requirements of Article 9.63(a)-(c).

Commented [NF10]: Fine with this

Commented [NF11]: Change to massing for less subjectivity?

Commented [NF12]: This should correct to original intention of not having to comply with rules if not visible from above or from public street.

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

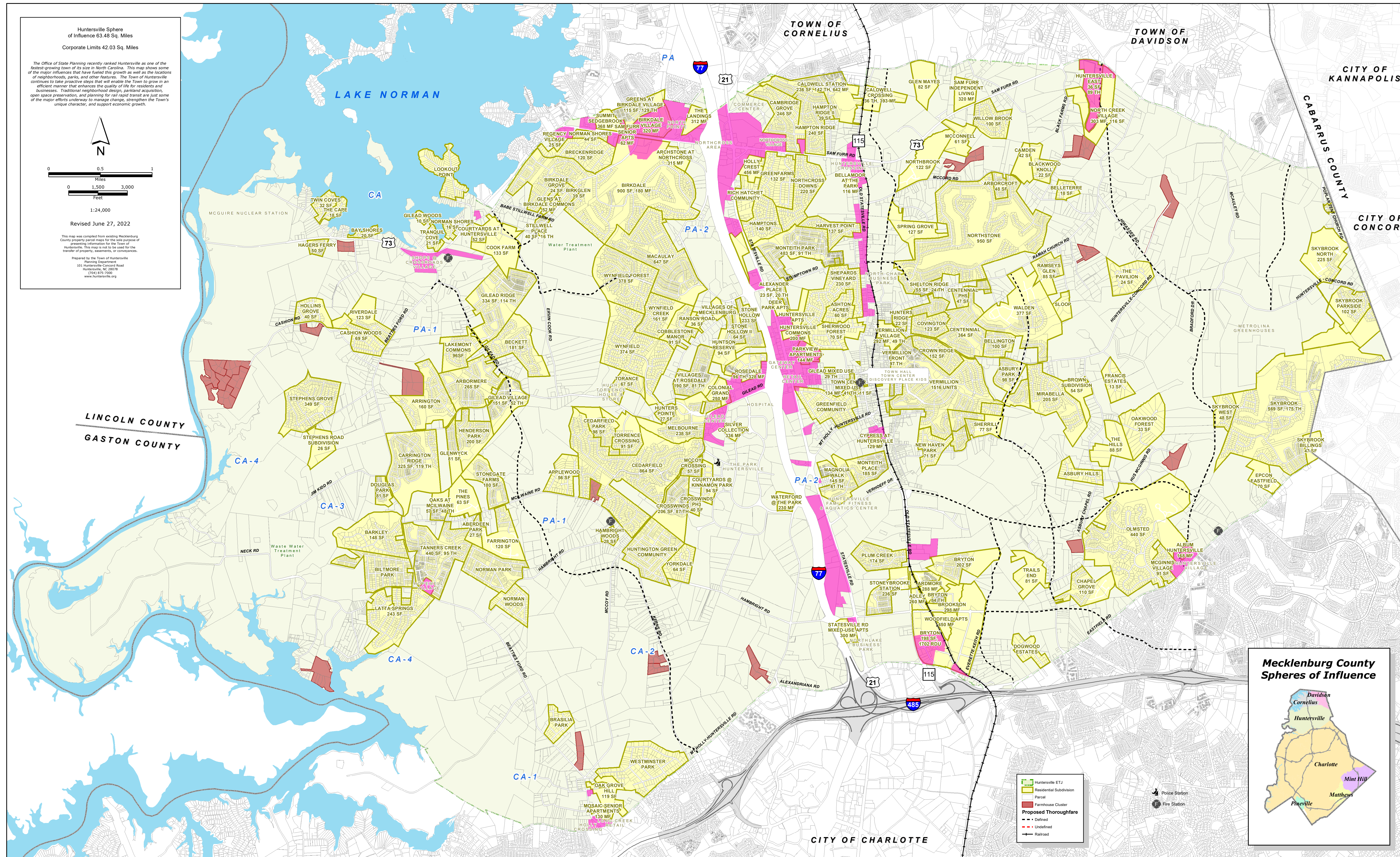
The Office of State Planning recently ranked Huntsville as one of the fastest-growing towns of its size in North Carolina. This map shows some of the major influences that have fueled this growth as well as the locations of neighborhoods, parks, and other features. The Town of Huntsville continues to 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 regional features, 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.


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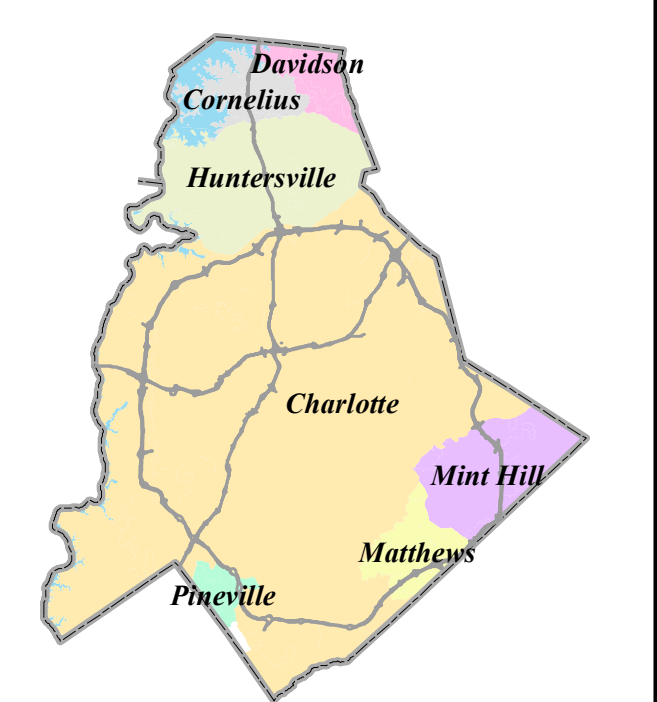
Revised June 27, 2022

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

Prepared by the Town of Huntsville
Planning Department
101 Huntsville Center Road
Huntsville, NC 28078
(704) 875-7000
www.huntsville.org



Mecklenburg County Spheres of Influence



**Town of Huntersville
Town Board
November 21, 2022**

To: Town Board

From: Brian Richards, Assistant Planning Director

Date: November 21, 2022

Subject: Petition #R22-01 Deferral to January 17, 2023 Board Meeting

EXPLAIN REQUEST:

Applicant has requested a deferral to the January 17, 2023 Board Meeting for 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:

Applicant has requested a deferral to the December 20, 2022 Board Meeting for 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:

N/A

ATTACHMENTS:

1. signedBirkdale Rezoning and TA Vote Deferral Letter_11.16.2022
2. R22-01 TB Staff Report 11-21-22 v2
3. A - TOH_General_Application
4. B - Birkdale_Village_Rezoning_Civil_Set
5. C - Birkdale Neighborhood Meeting Report Package v.01
6. D - CMS Student Generation Birkdale Village Rezoning - R22-01
7. E - Building Facade Persepctives

November 16, 2022

Via Email

The Honorable Mayor and
Board of Commissioners of the Town of Huntersville
Jack Simoneau, Planning Director
Huntersville Town Hall
101 Huntersville-Concord Road
Huntersville, North Carolina 28078

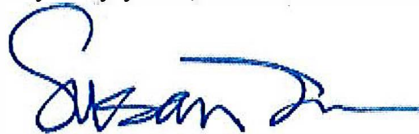
RE: Rezoning Request *R22-01 Birkdale Village* from existing HC-CD (Highway Commercial-Conditional District) Zoning to HC-CD (Highway Commercial – Conditional District) Zoning and Text Amendment *TA 22-06 – Building Height in Pedestrian Oriented Developments*; DDRTC Birkdale Village, LLC (“Applicant”)

Dear Mayor, Commissioners and Jack:

The purpose of this letter is to respectfully request a two month deferral of the Town Board final actions for the above referenced Rezoning and Text Amendment applications, currently scheduled for November 21, 2022, to January 17, 2023. Applicant requests these deferrals in order to allow Applicant to address Commissioner concerns in accordance with Commissioner comments made at the Town Board meeting held on November 7, 2022. This letter replaces the previous deferral request dated November 10, 2022.

We appreciate your consideration of this request.

Very truly yours,

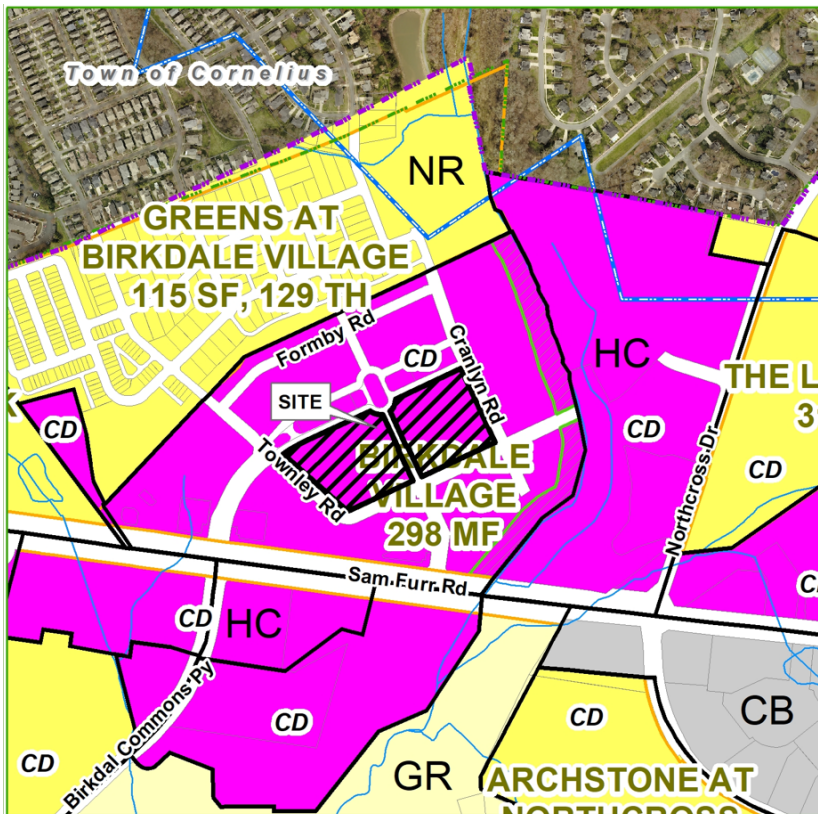


Susan Irvin

cc: Tim Perry, North American Properties

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:

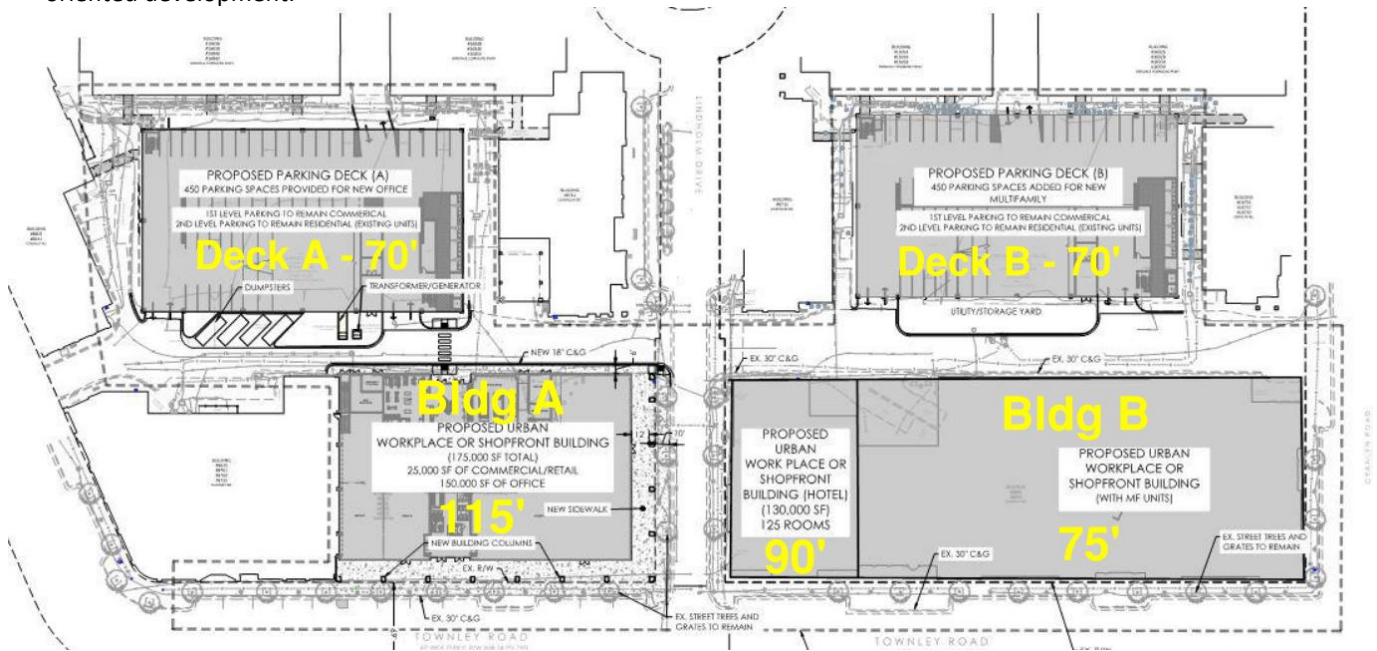
350 Multifamily Units, 25,000 sf Commercial, 150,000 sf Office, and a 125 Room Hotel.

- Applicant has requested a deferral until the December 20, 2022 Town Board Meeting.**
- 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.
- 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.
- 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).
- 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.
- 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 (150,000 sf Office, 25,000 sf Commercial) and Building B (125 Room Hotel, 350 Multifamily Units). See site plan image below.
- Replacement of Two Existing parking decks with two new parking decks of 70' (450 spaces each – 900 total). There will be an overall increase of 900 parking spaces (2,762 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 - 115' & 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

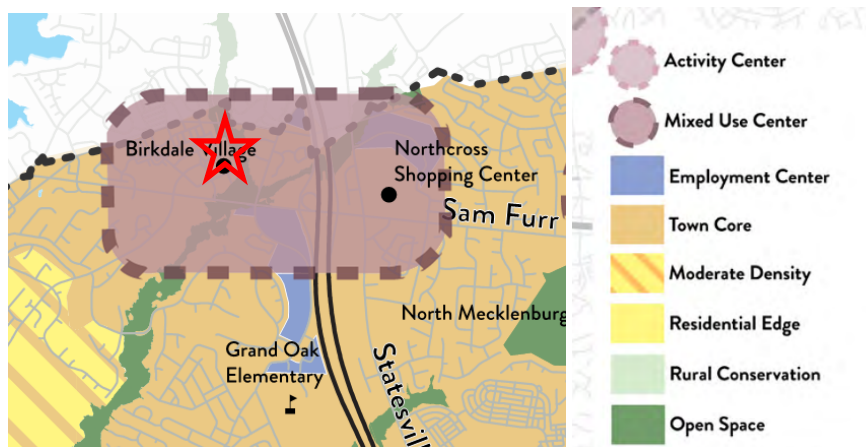
Traffic Impact Analysis (TIA)

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

- 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

Staff is withholding its recommendation pending discussions with the Town Attorney.

PART 6: PUBLIC HEARING COMMENTS

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

PART 7: PLANNING BOARD RECOMMENDATION

Amended Motion: F. Gammon made a Motion to recommend approval of the petition R22-01 Birkdale Village. The Planning Board has considered and finds that the rezoning is consistent with Huntersville Zoning Ordinance Articles 11.4.7 (d) and 11.4.7 (e). Furthermore, the petition is consistent with the Huntersville 2040 Community Plan policies LU2.1, LU6.1, LU7.1, LU8.1 and LU8.2. This recommendation for approval is contingent upon Huntersville Town Board approval of TA22-06 Building Height and SUP22-01, all outstanding staff comments are addressed, and that hotel and commercial building maximum heights be changed from 145 to 115 feet. It is reasonable 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. S. Swanick seconded the motion.

Amended Motion Vote: The motion passed (4-2-1) with C. Boyd and T. Loomis opposed and S. Hensley abstaining.

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
Staff is withholding its recommendation pending discussions with the Town Attorney.	Amended Motion: F. Gammon made a Motion to recommend approval of the petition R22-01 Birkdale Village. The Planning Board has considered and finds that the rezoning is consistent with Huntersville Zoning Ordinance Articles 11.4.7 (d) and 11.4.7 (e). Furthermore, the petition is consistent with the Huntersville 2040 Community Plan policies LU2.1, LU6.1, LU7.1, LU8.1 and LU8.2. This recommendation for approval is contingent upon Huntersville Town Board approval of TA22-06 Building Height and SUP22-01, all outstanding staff comments are addressed, and that hotel and commercial building maximum heights be changed from 145 to 115 feet. It is reasonable 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. S. Swanick seconded the motion. Amended Motion Vote: The motion passed (4-2-1) with C. Boyd and T. Loomis opposed and S. Hensley abstaining.	APPROVAL: In considering the proposed rezoning application R22-01, Birkdale Village, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
		DENIAL: In considering the proposed rezoning application R22-01, Birkdale Village, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



General Application

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

1. Application Type

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

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

- SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
- ☐ Sketch Plan
 - ☐ Preliminary Plan
 - ☐ Final Plat (Includes Minor Subdivision)
 - ☐ Exempt Subdivision
 - ☐ Final Plat Revision
 - ☐ Farmhouse Cluster

2. Project Data

Date of Application 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

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

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:

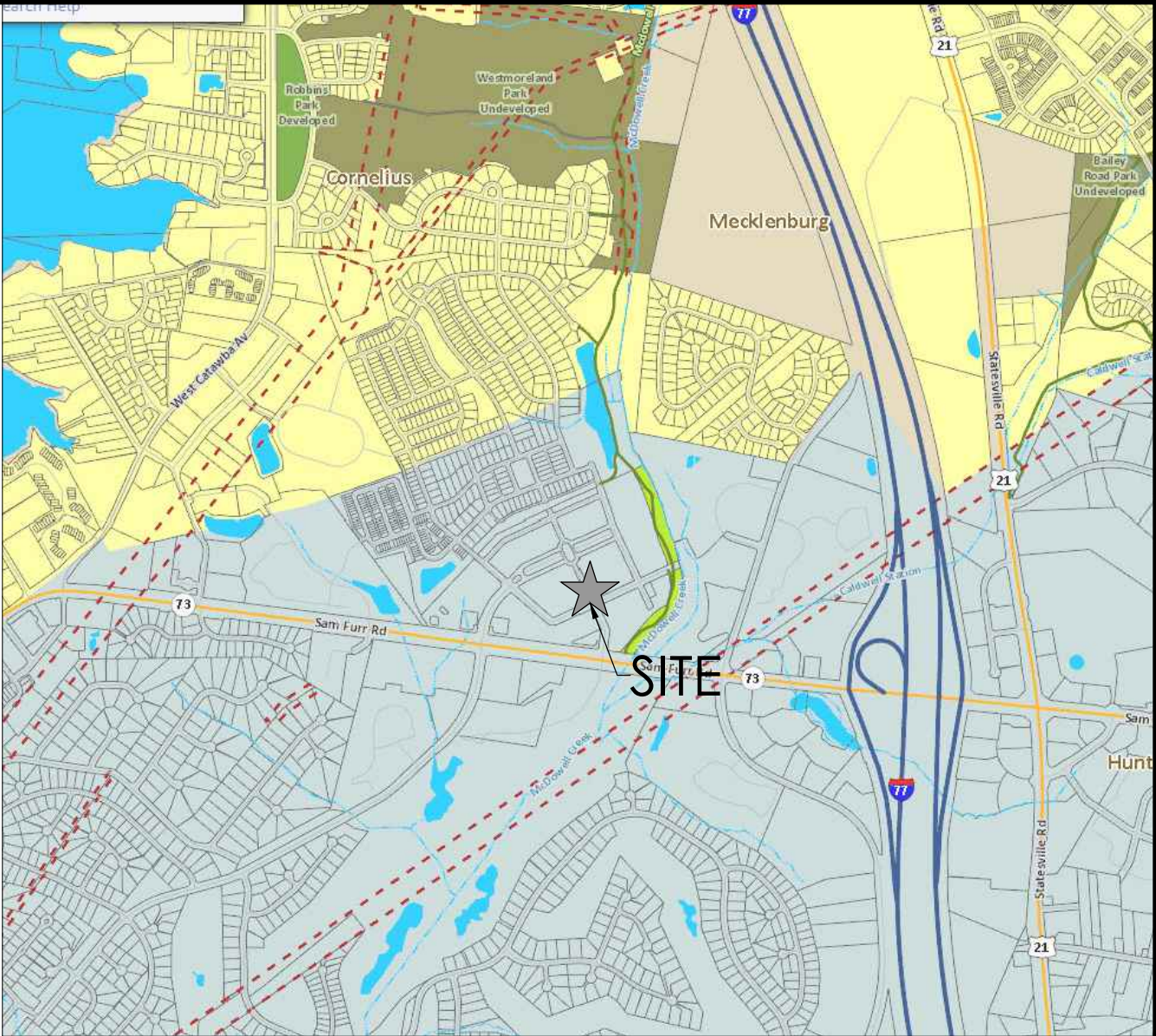
DDRTC BIRKDALE VILLAGE, LLC

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 - REZONING COMMENTS

2022/09/19 - REZONING COMMENTS

2022/11/02- 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. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.
4.



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 395)

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

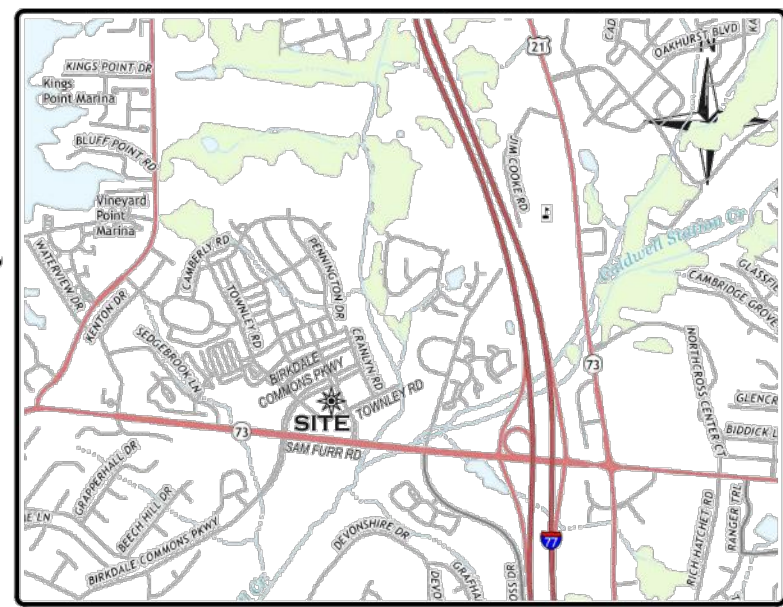
CONTROL #116
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E=1,440,090.441'
EL:731.02'
DRILL HOLE

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

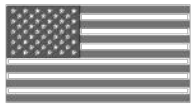
CONTROL #112
N=622,349.882'
E=1,440,301.896'
EL:731.32'
DRILL HOLE (PROPERTY CORNER)

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

BUILDING
#16848
#16846
#16850
BIRKDALE COMMONS PKWY.



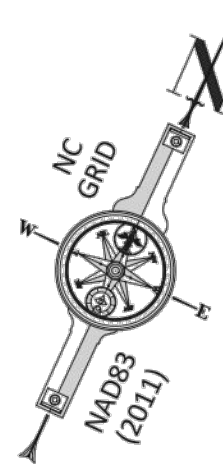
VICINITY MAP (NO SCALE)



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

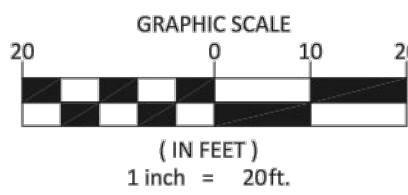
---	PROPERTY BOUNDARY
---	ADJACENT BOUNDARY (NOT SURVEYED)
---	PROPERTY BOUNDARY TIE LINE ONLY
---	RIGHT OF WAY LINE
---	EASEMENT LINE
---	CURB AND GUTTER
---	STORM DRAIN PIPE
---	HAND RAIL
---	SANITARY SEWER PIPE
---	FIBER OPTIC MARKOUT
---	TELECOMMUNICATIONS MARKOUT
---	TELEVISION MARKOUT
---	UNDERGROUND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

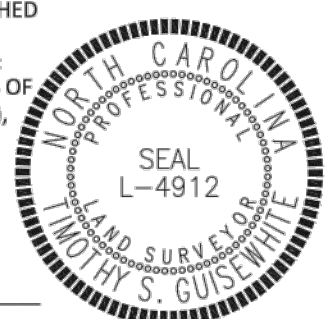
P.O. BOX 680388
CHARLOTTE, NC 28216
(704) 530-1700 NC FIRM #C-4411

NOTES:

- 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 0.07250ppm; 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:
9102ABDFC66C4FE
TIMOTHY S. GUISEWHITE, PLS
N.C. REG. NO.: L-4912

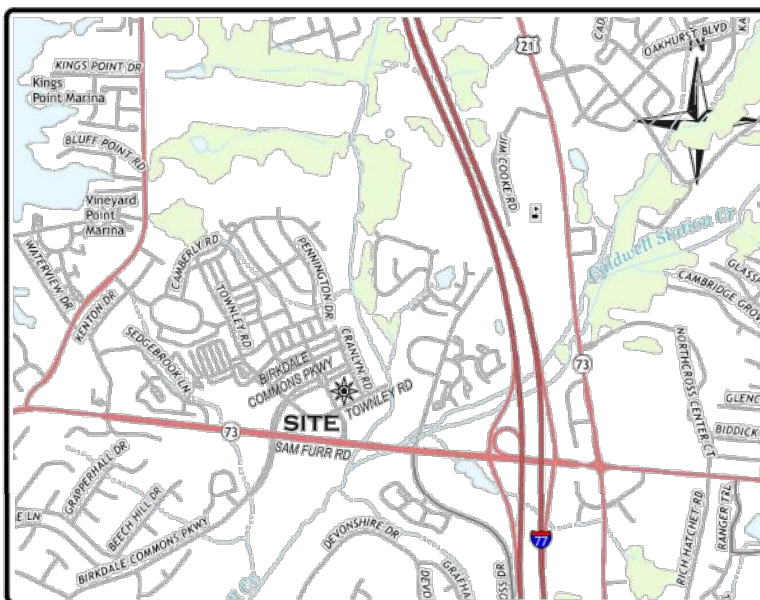
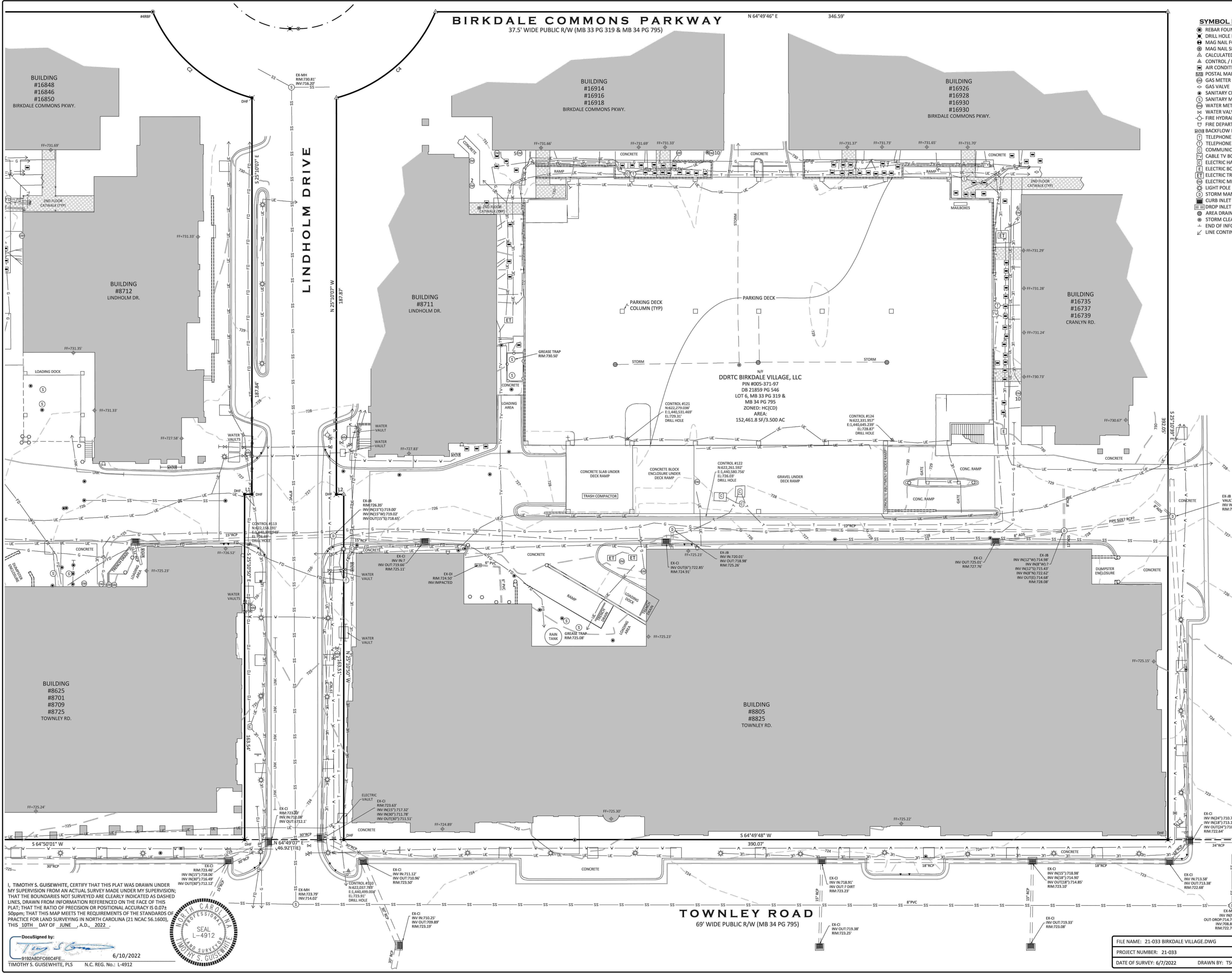


BUILDING
#8625
#8701
#8709
#8725
TOWNLEY RD.

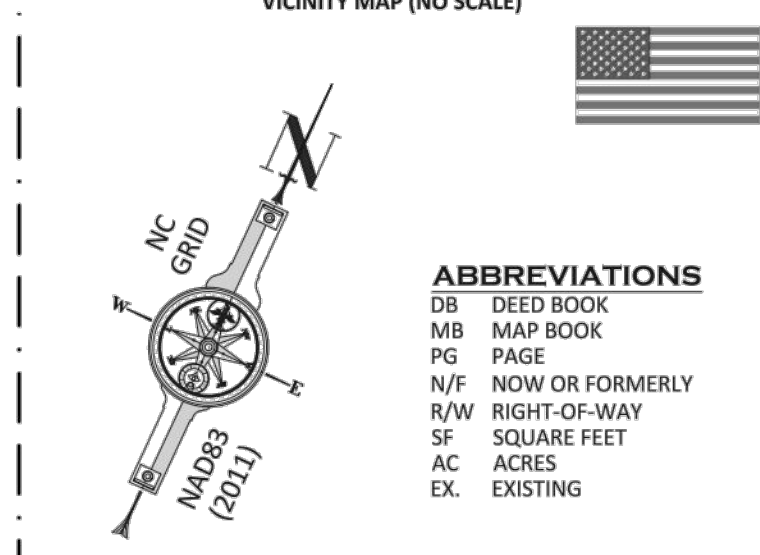
TOWNLEY ROAD
69' WIDE PUBLIC R/W (MB 34 PG 795)

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
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AC	ACRES
EX	EXISTING

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	688.95	125.80	125.80	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

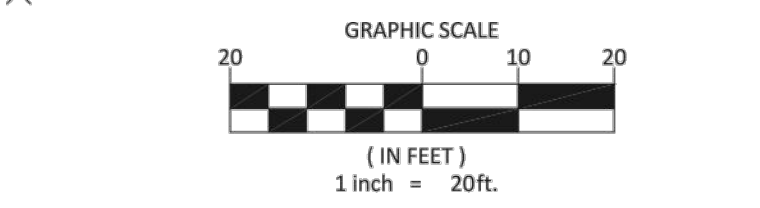
LINE TABLE

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.
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 - 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



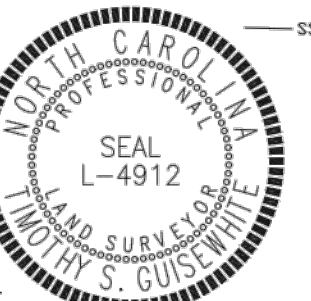
GUISEWHITE PROFESSIONAL LAND SURVEYING, PC

GPLS

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

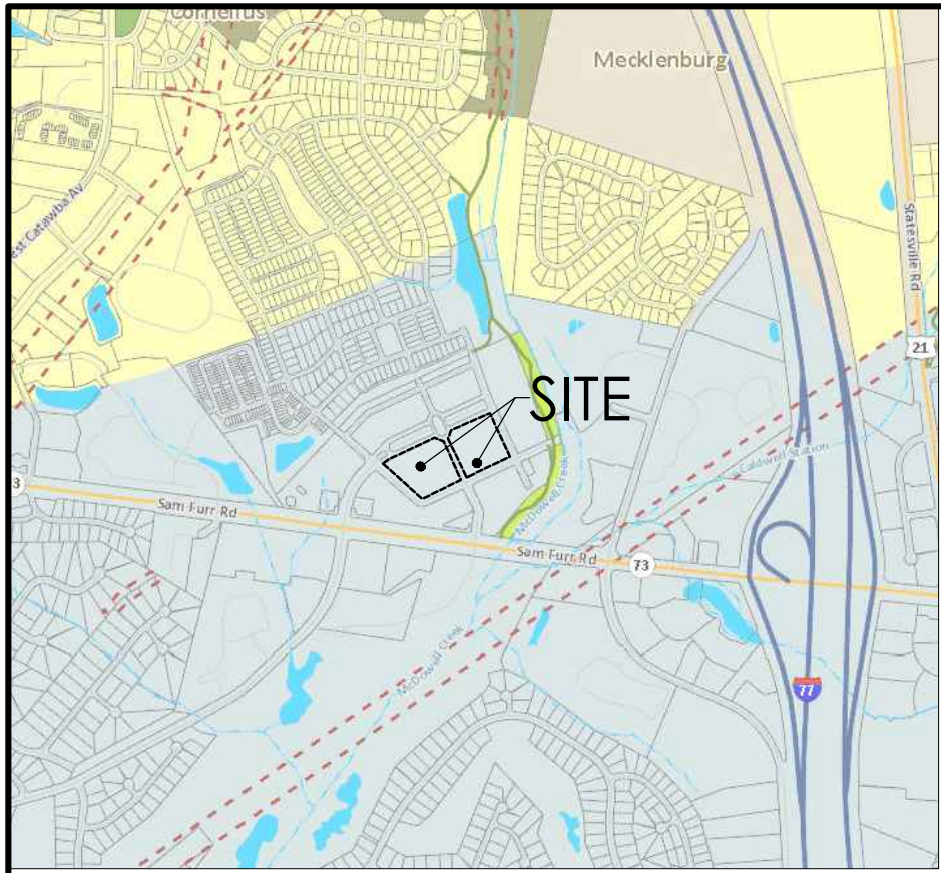
I, TIMOTHY S. GUISEWHITE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL 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
9182A8DFC684FE
6/10/2022
TIMOTHY S. GUISEWHITE, PLS N.C. REG. NO. L-4912



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

REVISIONS:



VICINITY MAP
SCALE: N.T.S.



SITE DATA	
LOCATION: LINDHOLM DR AND TOWNLEY RD 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) 704-875-1615
ITEM PROVIDED	
TOTAL BIRKDALE VILLAGE AREA	53.39 AC (2,325,468 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	URBAN WORKPLACE OR SHOPFRONT BUILDING
MAX. BUILDING HEIGHT	URBAN WORKPLACE/SHOPFRONT BUILDING (WITH OFFICE) - 115' URBAN WORKPLACE/SHOPFRONT BUILDING (HOTEL) - 90' URBAN WORKPLACE/SHOPFRONT BUILDING (WITH MF UNITS) - 75'
PARKING DECK (A) - 67' 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	MCADOWELL
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	900 PARKING SPACES
TOTAL BIRKDALE VILLAGE	
EXISTING RESIDENTIAL SF (81 SPACES PER DWELLING UNIT (1 BR) 1.5 SPACES PER DWELLING UNIT (2+ BR)	144 (1 BR) X 1 = 144 SPACES 134 (2 BR) X 1.5 = 201 SPACES 22 (3 BR) X 1.5 = 33 SPACES TOTAL 398 PARKING SPACES
REQUIRED PARKING SPACES	
PROPOSED MULTI-FAMILY RESIDENTIAL SF (81 SPACE PER DWELLING UNIT TO BE PARKED IN PARKING GARAGE)	350 UNITS 350 PARKING SPACES
EXISTING RETAIL/RESTAURANT SF 82 SPACES/1,000 SF	342,073 SF (342,07 x 2 = 684) 684 PARKING SPACES
EXISTING OFFICE SF 82 SPACES/1,000 SF	150,829 SF (150,829 x 2 = 302) 302 PARKING SPACES
PROPOSED OFFICE SF 82 SPACES/1,000 SF	150,000 SF (150 x 2 = 300) 300 PARKING SPACES
PROPOSED HOTEL SF 80.5 SPACES PER KEY + 1 PER 500 SF OF ANCILLARY USE	125 ROOMS (125X0.5 + 0 = 63) 25,000 SF ANCILLARY (25,000/100=50=50) 113 PARKING SPACES
TOTAL REQUIRED PARKING (RESIDENTIAL + RETAIL/RESTAURANT + OFFICE/HOTEL)	2,147 PARKING SPACES
TOTAL EXISTING PARKING 1,862 PARKING SPACES	
TOTAL PROVIDED PARKING (WITH NEW PARKING DECKS)	2,762 PARKING SPACES (+900 PARKING SPACES)

PARKING DECK TABLE

PARKING DECK "A" [7 LEVELS - MAX. 70']	
TOTAL SPACES - EX. PARKING DECK	141 PARKING SPACES
TOTAL SPACES - PROP. PARKING DECK	591 PARKING SPACES
LEVEL 1	COMMERCIAL
LEVEL 2	EX. RESIDENTIAL UNITS
LEVEL 3-7	OFFICE/COMMERCIAL
REQUIRED FOR NEW OFFICE BUILDING	300 PARKING SPACES
PROVIDED FOR NEW OFFICE BUILDING	450 PARKING SPACES

PARKING DECK "B" [7 LEVELS - MAX. 70']	
TOTAL SPACES - EX. PARKING DECK	131 PARKING SPACES
TOTAL SPACES - PROP. PARKING DECK	581 PARKING SPACES
LEVEL 1	COMMERCIAL
LEVEL 2	EX. RESIDENTIAL UNITS
LEVEL 3-7	MULTIFAMILY
REQUIRED FOR NEW MULTIFAMILY	350 PARKING SPACES
PROVIDED FOR NEW MULTIFAMILY	450 PARKING SPACES

DDRTC BIRKDALE REZONING NOTES

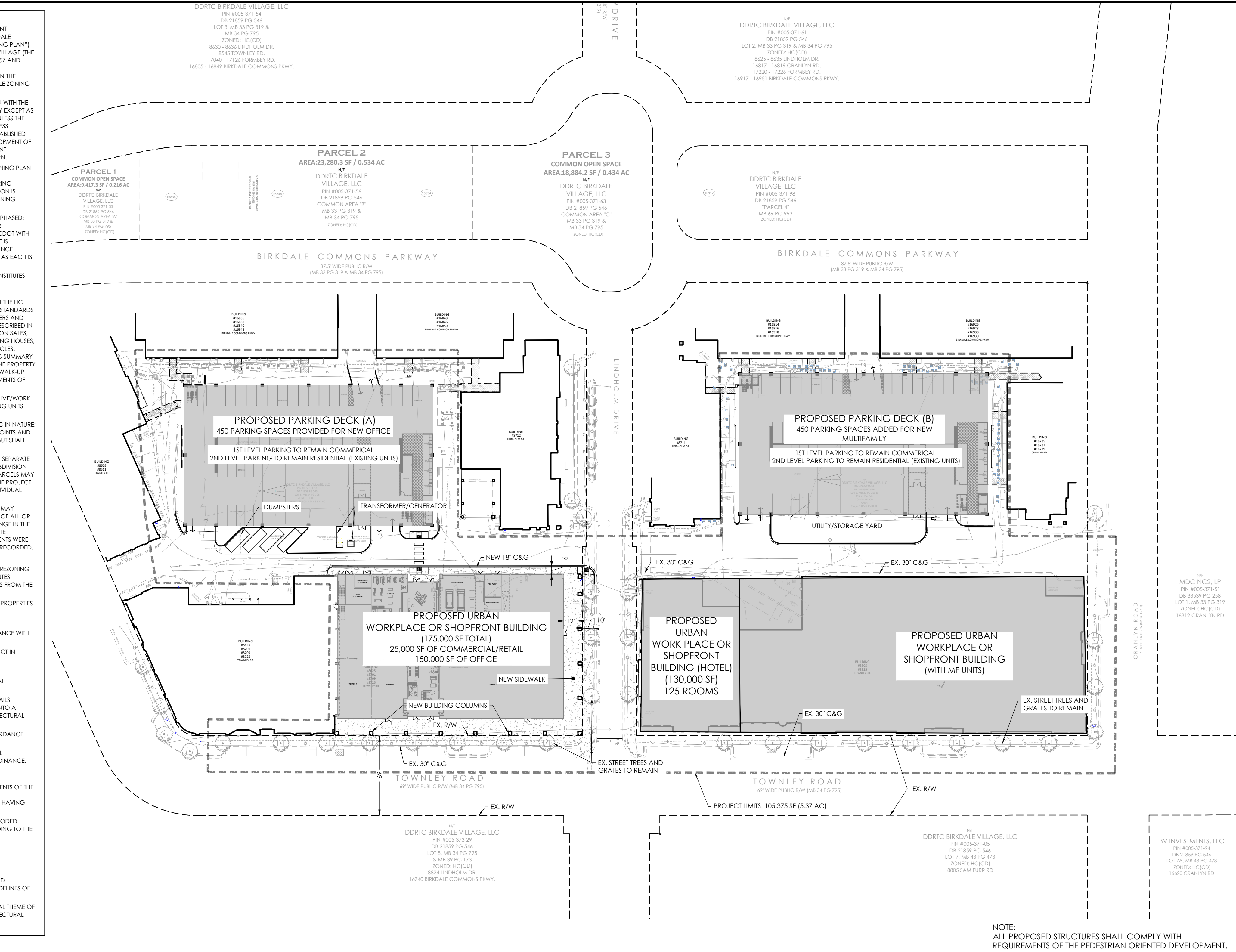
1. REZONING PETITION. THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS (THE "DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY DDRTC BIRKDALE VILLAGE, LLC ("PETITIONER") AS REZONING PETITION #R22-01 & ASSOCIATED REZONING PLAN (THE "REZONING PLAN") FOR THAT APPROXIMATELY 8.82 ACRES TRACT OF LAND IDENTIFIED ON THIS SITE AS A PORTION OF 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").
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 FOR THE PROPERTY IN THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN. UNLESS THE DEVELOPMENT STANDARDS AND THE REZONING PLAN ESTABLISH 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 FOR THE HC (CD) ZONING DISTRICT GOVERN DEVELOPMENT OF THE CHANGES PROPOSED BY THE REZONING PLAN. IN THE EVENT OF A CONFLICT BETWEEN THE DEVELOPMENT STANDARDS AND THE REZONING PLAN THE PROVISIONS OF THESE DEVELOPMENT STANDARDS SHALL GOVERN.
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, 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 "ITA").
4. PHASING. THE DEVELOPMENT OF THE PROPERTY AS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE PHASED; ANY PROPOSED PHASING MUST ALIGN WITH THE ITA, AND ASSOCIATED INFRASTRUCTURE AND STORMWATER IMPROVEMENTS PROVIDED HOWEVER. A) PETITIONER WILL COORDINATE ANY MITIGATION REQUIRED BY NCDOT WITH NCDOT; B) 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.
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 16D 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 ASSOCIATED WITH SUCH USES. PERMITTED USES SHALL INCLUDE, BUT NOT BE LIMITED TO, CONFERENCE CENTERS AND OFFICE LOFTS 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 SECONDARY 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. DEVELOP AND MAINTAIN 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 50 LIVE/WORK 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.
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 OTHERWISE COMPLY WITH APPLICABLE DRIVEWAY PERMIT REQUIREMENTS.
9. SUBDIVISION. THE PROPERTY IS ONE DEVELOPMENT AND MAY BE FURTHER DIVIDED 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 A WHOLE, SUCH AS OPEN SPACE, TREE SAVE AND IMPERVIOUS REQUIREMENTS, NEED NOT BE MET BY INDIVIDUAL PARCELS.
10. 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 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. 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 CHANGES FROM THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO:
 - i. PARKING LOT CONNECTIVITY, VEHICULAR AND PEDESTRIAN CONNECTIONS AND STUBS TO ADJOINING PROPERTIES AS SHOWN ON THE PLAN;
 - ii. BLOCK LENGTH;
 - iii. HOTEL HEIGHT MAY EXCEED THE PERMITTED BUILDING HEIGHT IN THE HC ZONING DISTRICT IN ACCORDANCE WITH TA 22-06;
 - iv. URBAN WORKPLACE BUILDING MAY EXCEED THE PERMITTED BUILDING HEIGHT IN THE HC ZONING DISTRICT IN ACCORDANCE WITH TEXT AMENDMENT TA 22-06;
 - v. CONFERENCE CENTER AND OFFICE LOFTS ARE INCLUDED IN THE LIST OF PERMITTED USES;
 - vi. 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 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.
 - ii. PARKING DECKS A AND B SHALL COMPLY WITH THE PROVISIONS OF ARTICLE 9.4.5.4 AND 9.6.3 IN ACCORDANCE WITH TEXT AMENDMENT TA 22-06.
 - iii. 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.
 - 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 ITA, 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. TRANSCO PIPELINE
 - ii. MCADOWELL CREEK BUFFER
 - iii. SAM FURR FRONTAGE
 - g. ELEVATIONS AND PERSPECTIVES. CONCEPTUAL ELEVATIONS AND PERSPECTIVES SHOW THE GENERAL THEME OF THE ARCHITECTURE WITHIN THE SUBMITTAL 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	

ZONING SUMMARY

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



Lot Type / Urban Workplace		Lot Type / Shopfront Building		Building Type / Urban Workplace		Building Type / Shopfront Building	
Building Placement/Parking/Vehicle Access		Encroachment/Pedestrian Access to Building		Building Placement/Parking/Vehicular Access		Encroachment/Pedestrian Access to Building	
1. 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 rear ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings prevent a larger setback. 2. Building facades shall be generally parallel to frontage property lines. The facade shall be determined by the mounting of the building. 3. Parking shall be located primarily to the rear of the building; sidewalk parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any sidewalk abutting an intersecting street. Where dimensions of existing lots prevent parking behind buildings, the limitations on sidewalk parking may be modified. 4. Points of permitted access to the parking indicated by arrows. 5. 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. 6. Parking areas on adjacent lots shall be connected wherever possible. 7. Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the right-of-way. 8. 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 principle 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. 9. Building footcans at street frontage lines shall be pedestrian oriented and of pedestrian scale.		1. Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height (min. 10' in height) shall be permitted within the sidewalk as shown by the hatched area. Encroaching arcades shall cover entire sidewalk. 2. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrows). Secondary access may be from parking areas (indicated by smaller arrows). 3. Points of permitted access to the parking indicated by arrows. 4. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. 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Special Conditions: - Buildings at street locations should relate the principal facade to the sidewalk and public space of the street. - Setbacks at street corners 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, square or slightly defined spaces within building setbacks areas can be used as focal points for pedestrians.		Special Conditions: - The retention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street. - Drive-through customer service, if permitted in the district, must be located at the rear of the building or on a side which does not abut a street. - Corners: Setbacks at street corners will generally replicate frontage conditions. However, side setbacks on a street corner 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. Square or slightly defined spaces within building setbacks areas can be used as focal points for pedestrians.		Permitted Height and Uses		Permitted Height and Uses	
Principles - 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. - Building elevations facing the street 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. However, decorative metal panel accents may not exceed 30% of any facade facing the street. - The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. - 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. - Trailers (mobile units) may not be used as permanent shopfront buildings. Configurations - Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and can cover the first floor only (i.e. brick below wood siding). - Street level windows should be unadorned. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location. - Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons. Techniques - Windows should be set to the inside of the building face wall. - All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.		Principles - 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. - Building elevations facing the street 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. - The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. - Each building should be designed to form part of a larger composition of the area in which it is situated. 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NC LANDSCAPE ARCHITECTURE BOARD LICENSE # C-399

NORTH ARROW
0 25 50 100
GRAPHIC SCALE 1"=50 FT.

BIRKDALE VILLAGE REZONING
PIN #00537157.00537197
LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

REZONING PLAN

REVISIONS:
2022/08/23 - REZONING COMMENTS
2022/09/19 - REZONING COMMENTS
2022/11/02 - REZONING COMMENTS

PROJECT NUMBER: 222020	
DATE: 06/21/2022	DRAWN BY: TSF
SHEET 203	OF 5

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

GENERAL NOTES:

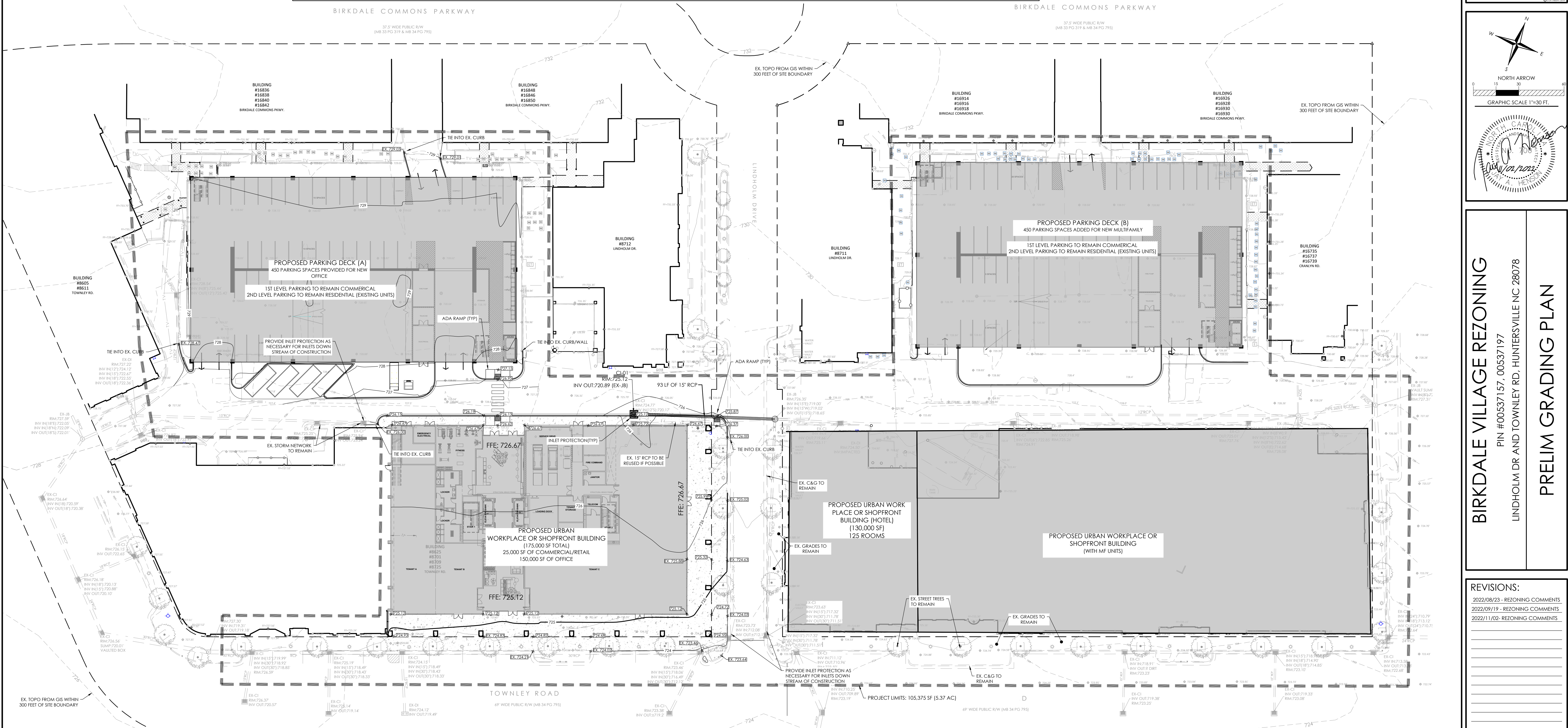
- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED OWNERS.
- THE DEVELOPER SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE 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 OR TOWN OF HUNTERSVILLE 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 COMPACT 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.

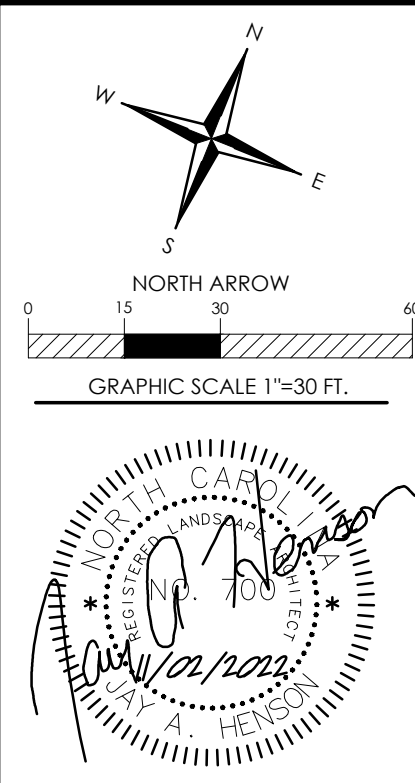
- GRADING
 - GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE, FREE OF IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED.
 - PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES AND NEW GRADES.
 - CUT OUT SOFT SPOTS, 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.



- 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.

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

HensonFoley
Landscape Architecture | Civil Engineering
121 Gilead, Huntersville, NC 28078
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NC ENGINEERING BOARD LICENSE # C-3781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE # C-3991



BIRKDALE VILLAGE REZONING
PIN #00537157, 00537197
LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078
PRELIM GRADING PLAN

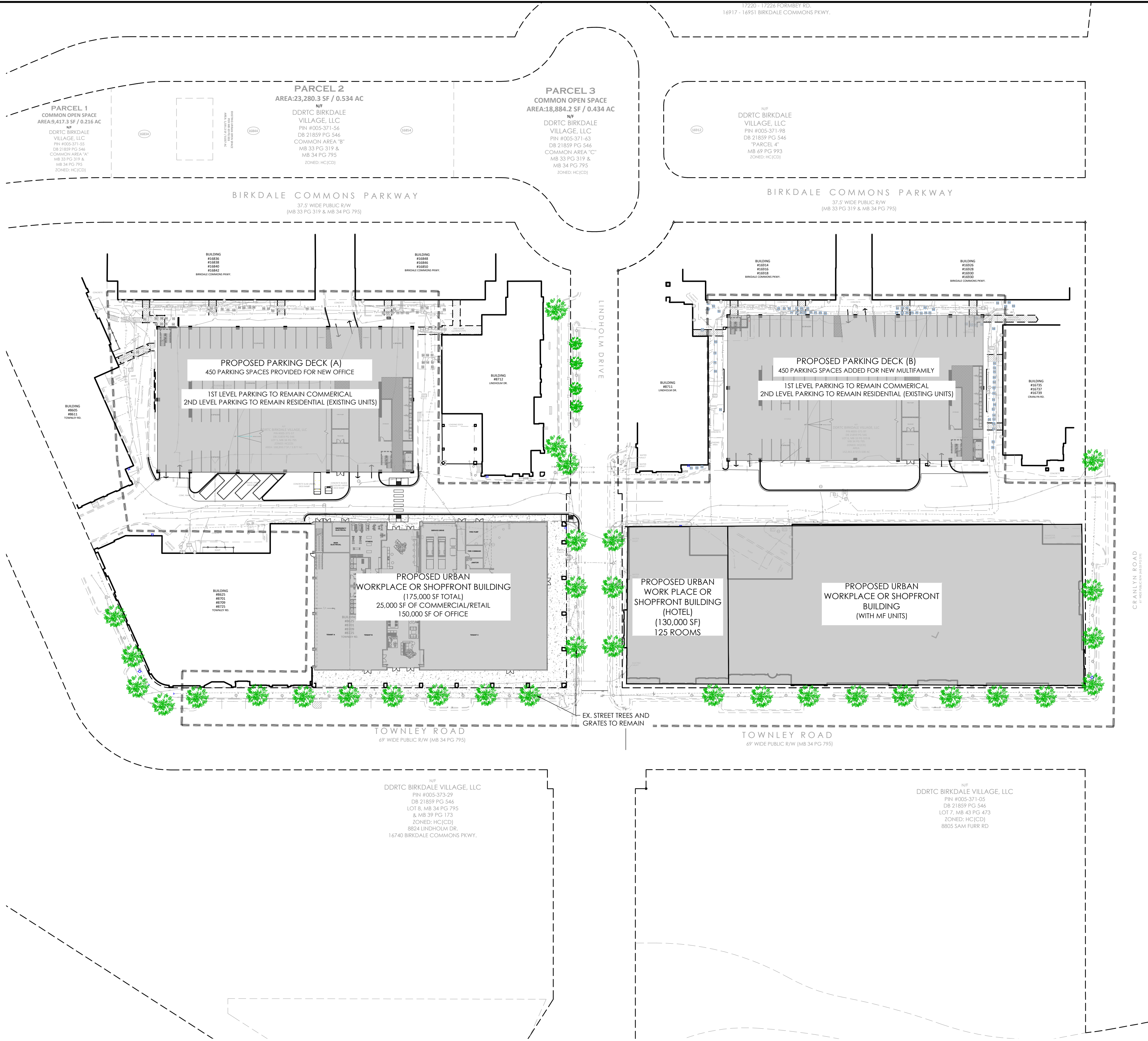
REVISIONS:
2022/08/23 - REZONING COMMENTS
2022/09/19 - REZONING COMMENTS
2022/11/02 - REZONING COMMENTS

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

LEGEND



EXISTING STREET TREES TO REMAIN



BIRKDALE VILLAGE REZONING

LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

PIN #00537157, 00537197

PRELIM LANDSCAPE PLAN

REVISIONS:

2022/08/23 - REZONING COMMENTS
2022/09/19 - REZONING COMMENTS
2022/11/02- REZONING COMMENTS

Z05 -PRELIM LANDSCAPE PLAN.DWG

PROJECT NUMBER: 222020

DATE: 06/21/2022 DRAWN BY: TSF

SHEET Z05 OF 5

- 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.



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NORTH ARROW
GRAPHIC SCALE 1"=50 FT.
Professional Engineer Seal for HensonFoley, Inc., State of North Carolina, License No. 3781, dated 06/21/2022.

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 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	groggnapper@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. 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 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

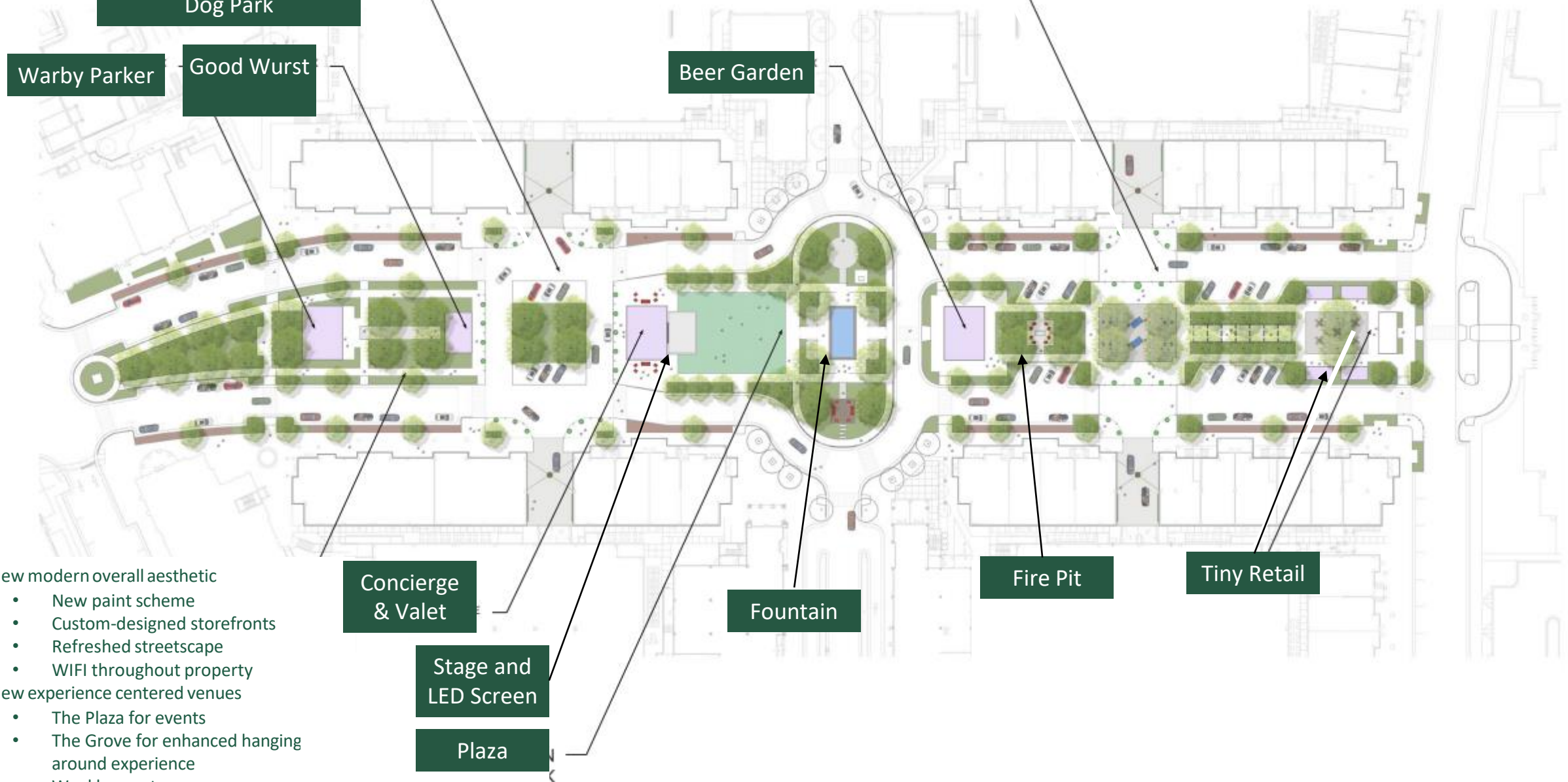
Plaza

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.

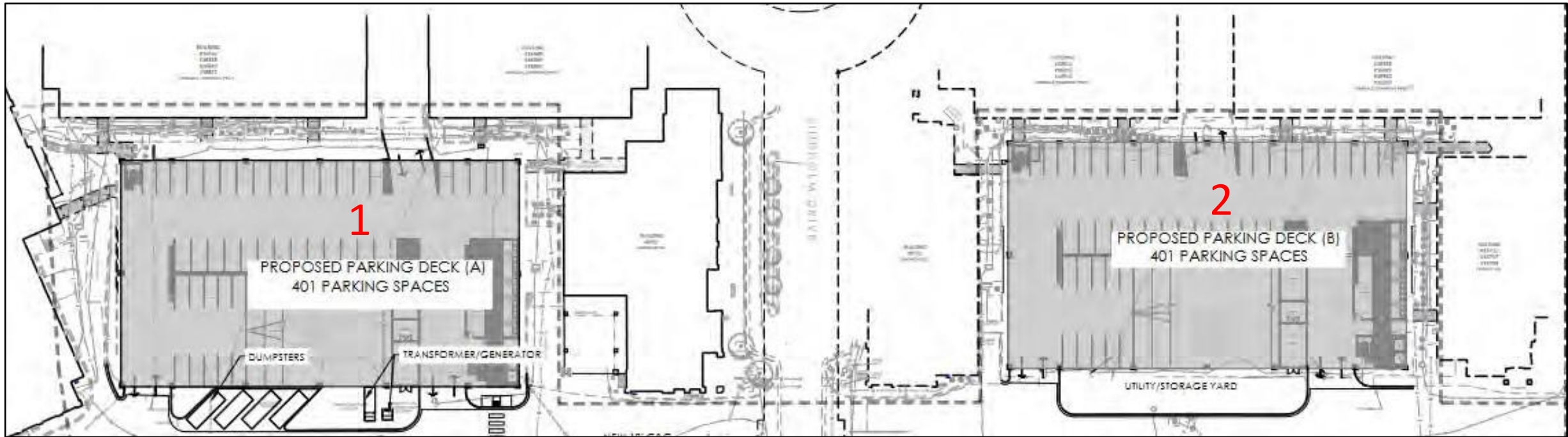
Unfortunately good luck finding parking

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

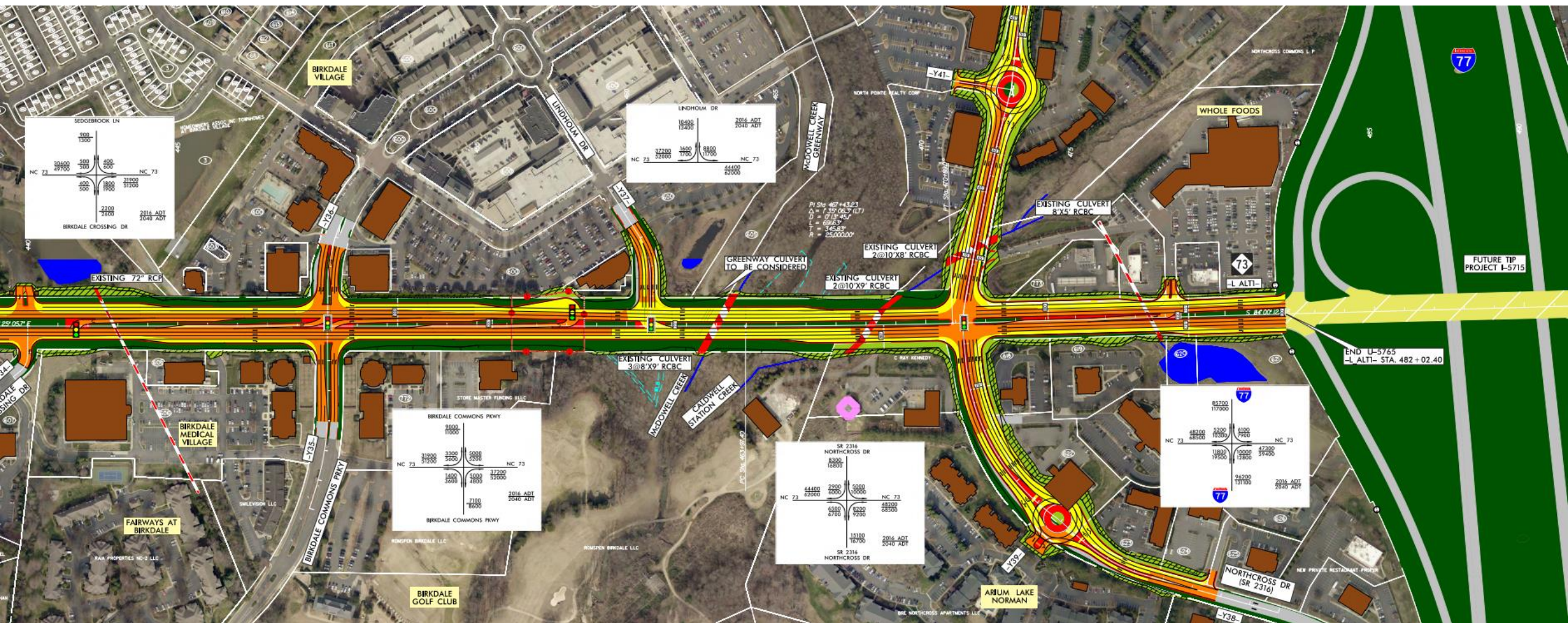
Enlarged to park 400 new spaces for the Office Building
All office parking spaces are available for public use after 5pm
and on weekends

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



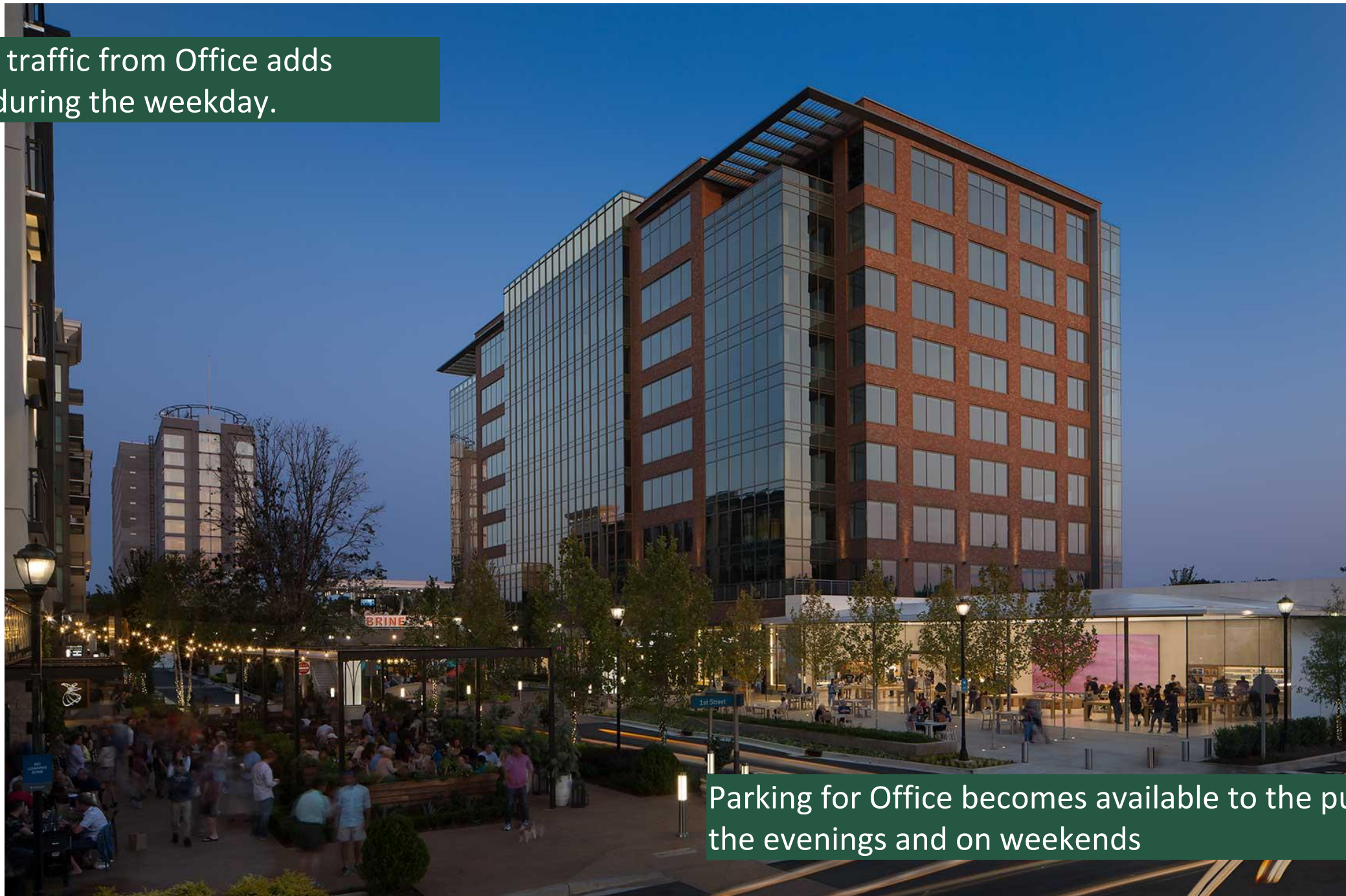
Programming





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.

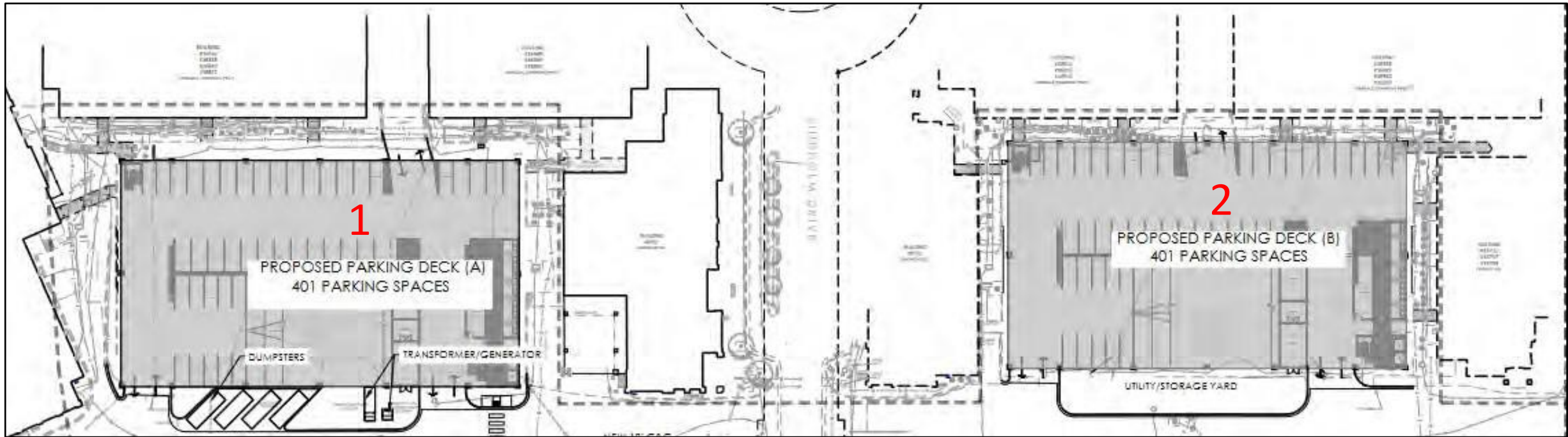
Unfortunately good luck finding parking

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

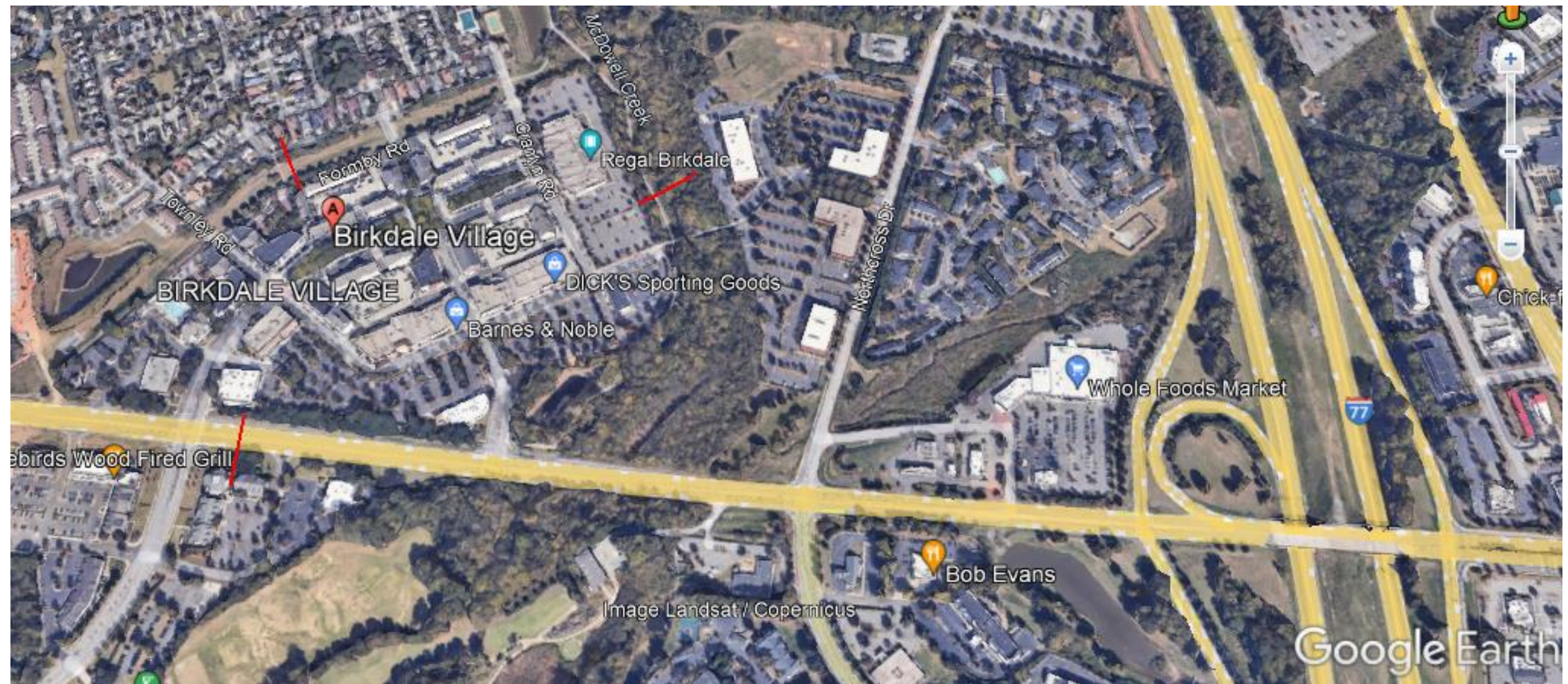


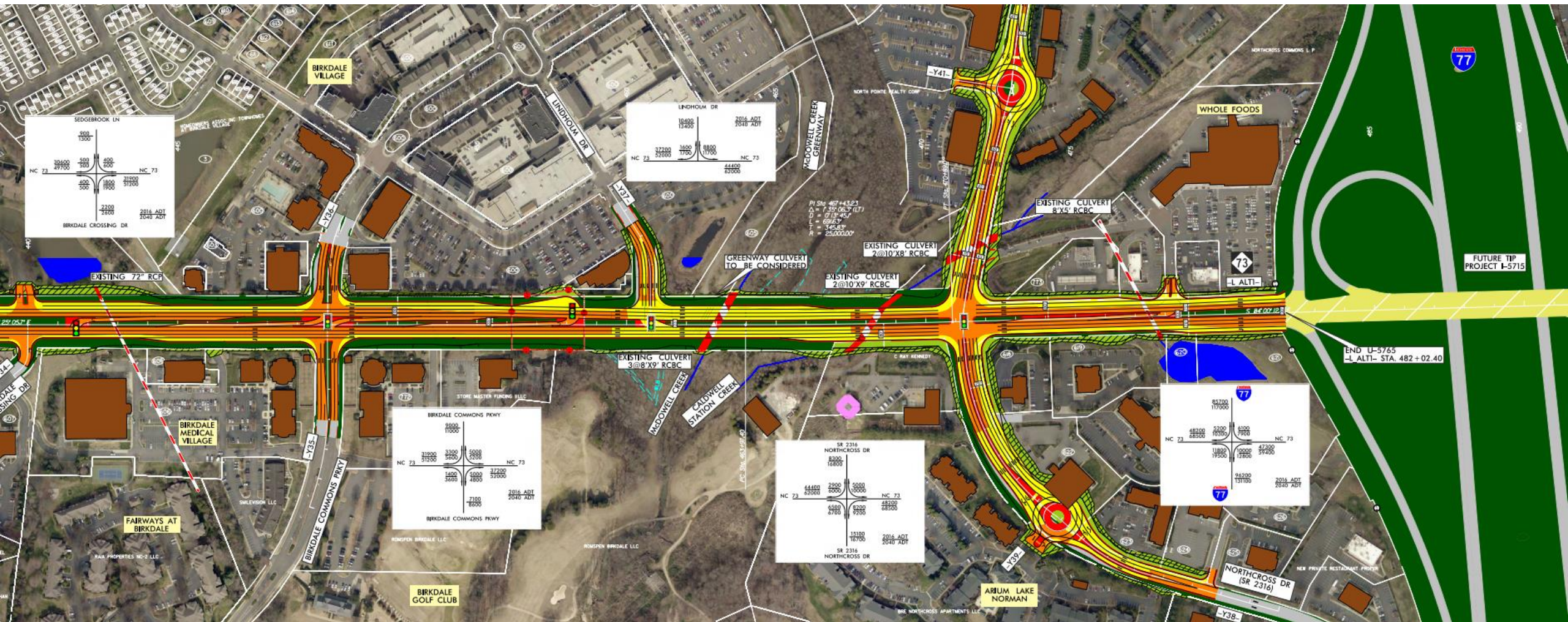


BIRKDALE
VILLAGE

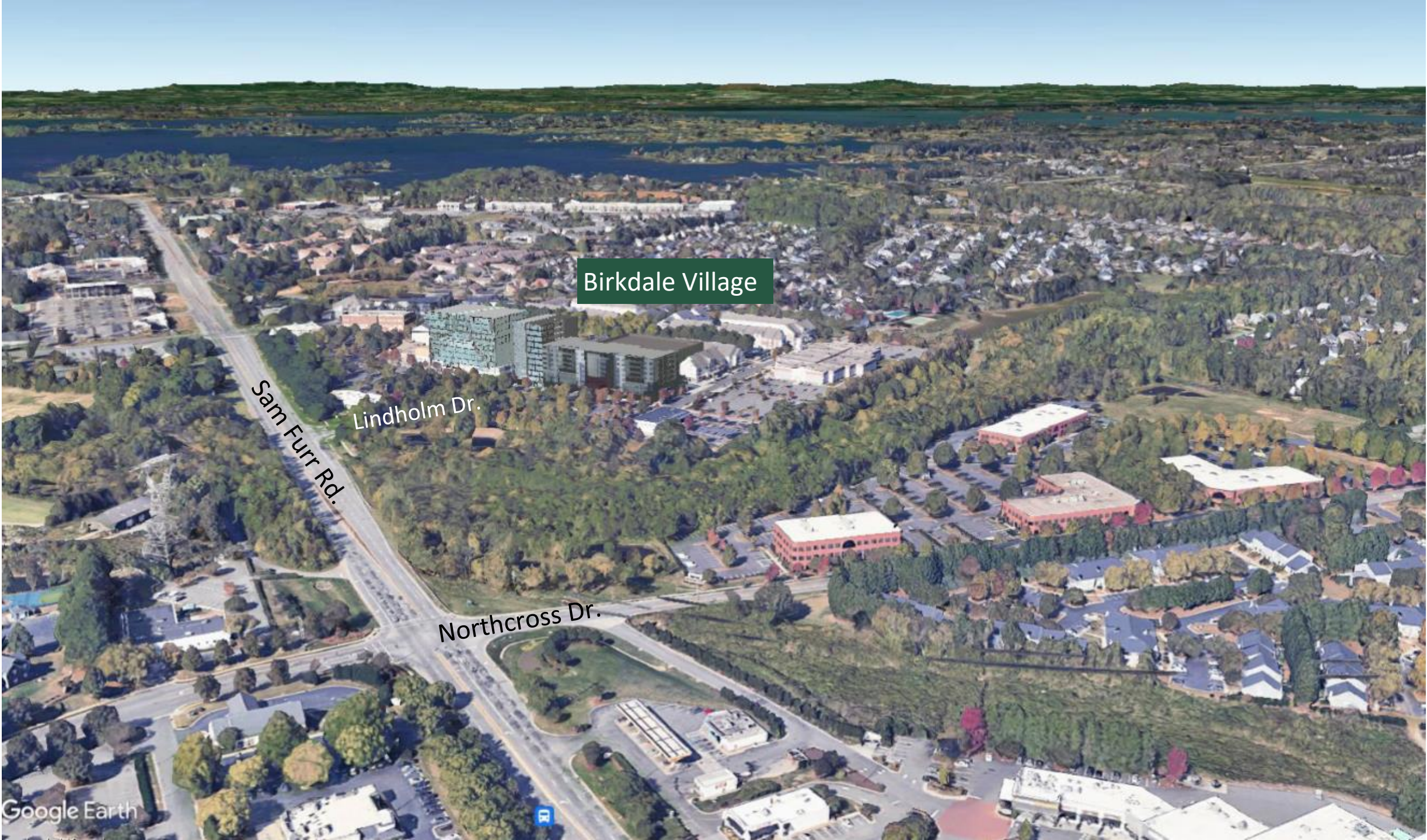
Location











Birkdale Village

Sam Furr Rd.

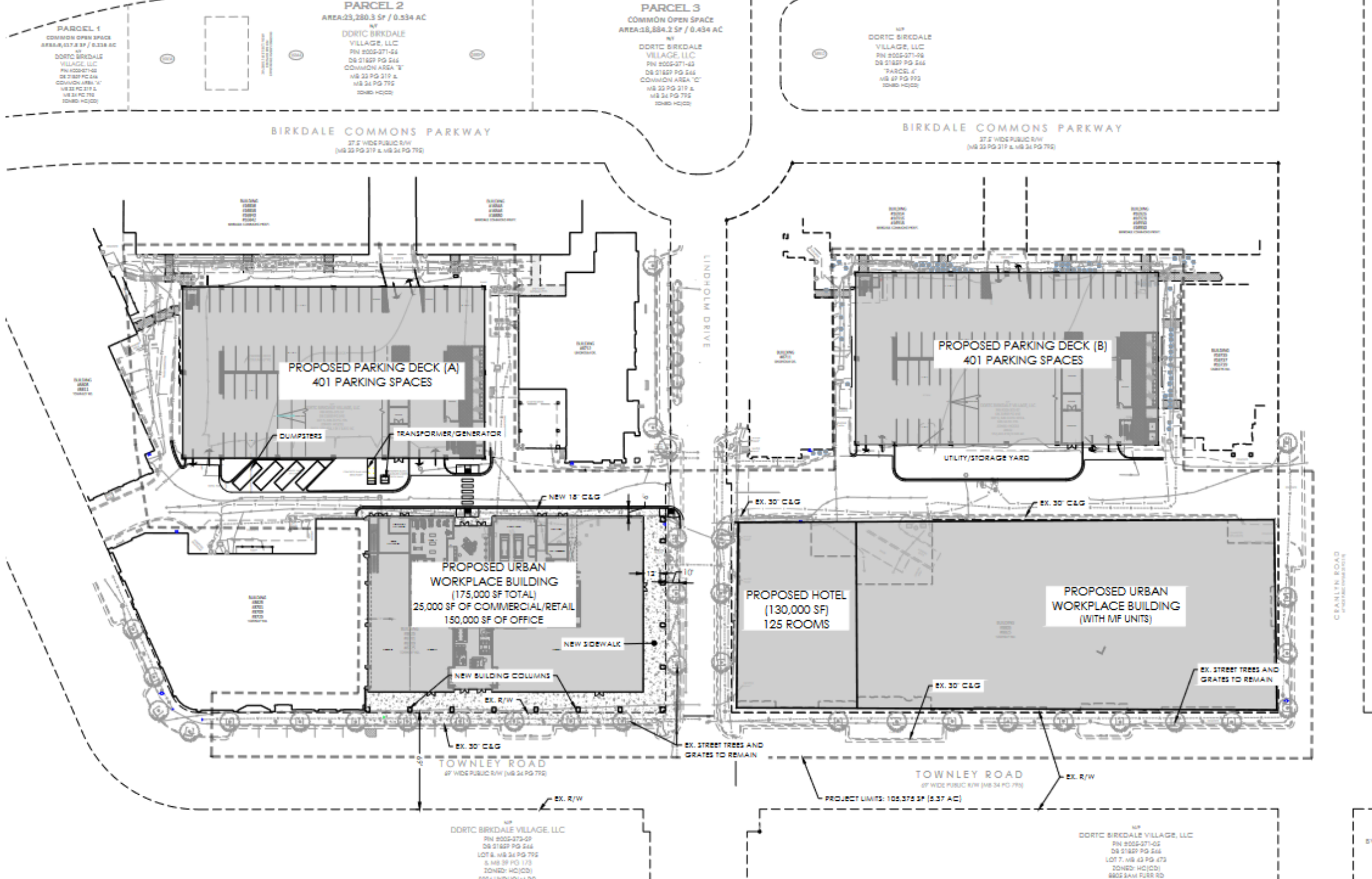
Lindholm Dr.

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)



An architectural rendering of a city street scene. In the background, there are modern multi-story buildings with large glass windows and balconies. Lush green trees line the sidewalks. In the foreground, a paved street with yellow and white lane markings is shown. Several people are depicted: a person on a bicycle in the center-right, a group of pedestrians on the left, and others further back. A blue car is parked on the left, and a yellow car is on the right. The sky is blue with some white clouds.

	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 DDRTC BIRKDALE VILLAGE LLC C/O NORTH AMERICAN PROPERTIES 8712 LINDHOLM DR STE 206 HUNTERSVILLE, NC 28078	PARCEL 00537151 MDC NC2 LP C/O REALTY INCOME CORPORATION 2424 RIDGE RD ROCKWALL, TX 75087
PARCEL 00537194 BV INVESTMENTS LLC 177 OCEAN LANE DR UNIT 408 KEY BISCAVNE, FL 33149	PARCEL 00537114, 00537112, 00537113, 00537156, 00537163, 00537155 DDRTC BIRKDALE VILLAGE LLC C/O DEVELOPERS REALTY CORP 3300 ENTERPRISE PARKWAY BEACHWOOD, OH 44122
GREENS AT BIRKDALE VILLAGE, PROPERTY OWNERS ASSOC INC 919 NORLAND RD CHARLOTTE, NC 28205	TOWNHOMES AT BIRKDALE VILLAGE HOMEOWNERS ASSOC INC 1819 SARDIS RD NORTH UNIT 330 CHARLOTTE, NC 28270
GREENS AT BIRKDALE VILLAGE, PROPERTY OWNERS ASSOC INC C/O HENDERSON PROPERTIES 919 NORLAND RD CHARLOTTE, NC 28205	THE GREENS AT BIRKDALE VILLAGE PROPERTY OWNERS ASSOC 5970 FAIRVIEW RD STE 710 CHARLOTTE, NC 28210
TOWNHOMES AT BIRKDALE VILLAGE HOMEOWNERS ASSOC INC 3030 LATROBE DR CHARLOTTE, NC 28270	GREENS AT BIRKDALE VILLAGE PROPERTY OWNERS ASSOC INC 4055 FISH POND RD SALISBURY, NC 28146
STRATFORD FOREST COMMUNITY ASSOCIATION INC 8905 SHADOW FOREST CR CORNELIUS, NC 28031	CSP COMMUNITY OWNER LLC C/O CAMDEN SEDGEBROOK PO BOX 27329 HOUSTON, TX 77227
THE LANDINGS APARTMENTS LLC 1400 BATTLEGROUND AVE SUITE 201 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 20th Day of the 2021-22 school year.

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

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
Town Board
November 21, 2022**

To: Town Board

From: Jesse James, Senior Planner

Date: November 21, 2022

Subject: Petition #R22-03 Rezoning Request by Alan Spragins for Hawthorn Devco, LLC

EXPLAIN REQUEST:

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.

ACTION RECOMMENDED:

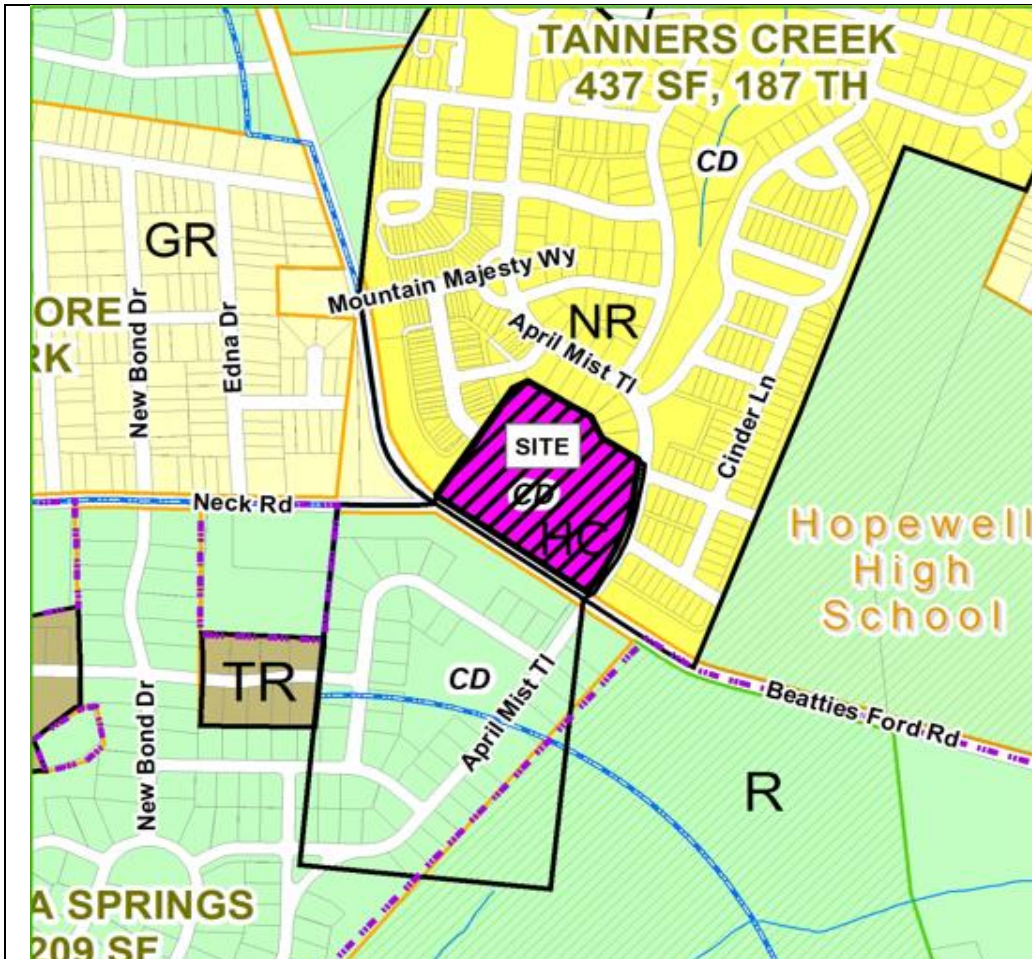
FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. R22-03 TB 11-21-22 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

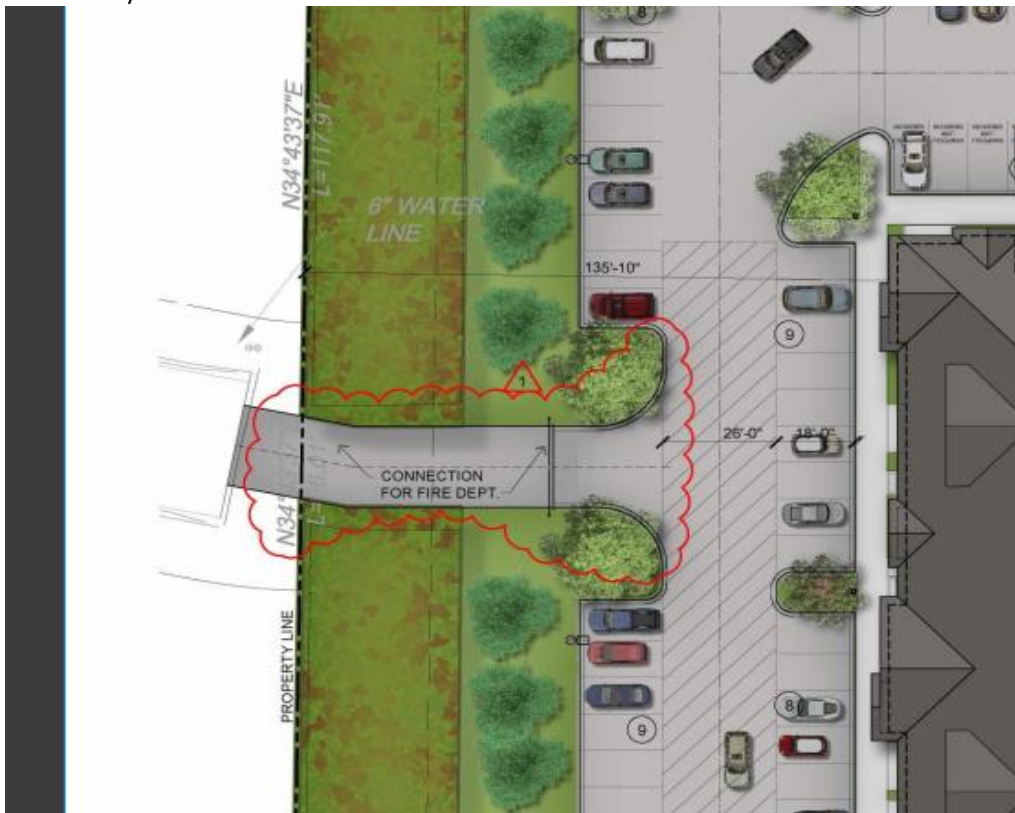
Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to,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

The Planning Board Meeting was held on October 25, 2022. This proposed rezoning was approved unanimously 7-0, contingent upon the applicant successfully addressing all outstanding staff comments including but not limited to adding the double row of street trees along April Mist Trail.

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
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. <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>	APPROVAL: In considering the proposed rezoning application R22-03, Huntersville Retirement Residence, the Planning Board recommends approval based on the Plan being 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. This recommendation for approval is contingent upon the applicant successfully addressing all outstanding staff comments including but not limited to adding the double row of street trees along April Mist Trail. <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>	APPROVAL: In considering the proposed rezoning application R22-03, Huntersville Retirement Residence, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
		DENIAL: In considering the proposed rezoning application R22-03, Huntersville Retirement Residence, the Planning Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



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

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:

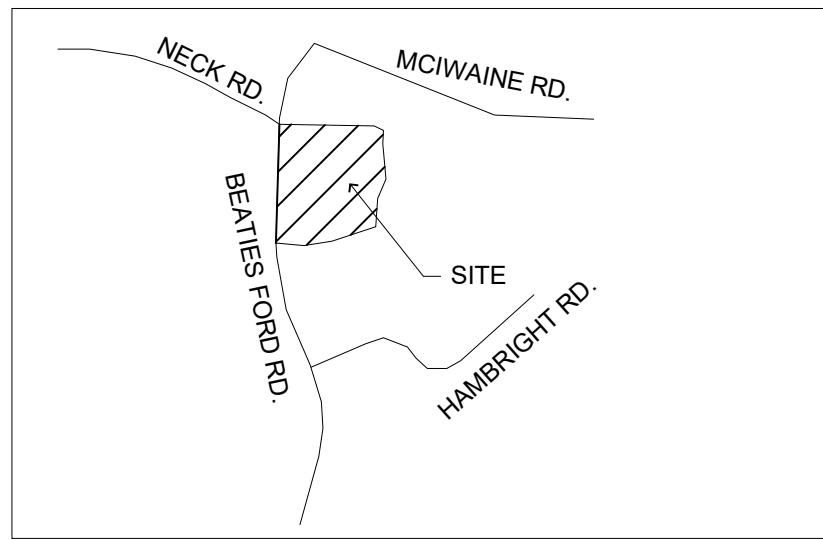
- L1.1 LANDSCAPE PLAN

ELECTRICAL SHEET INDEX:

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

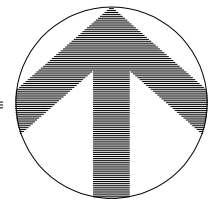
CIVIL SHEET INDEX:

- 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

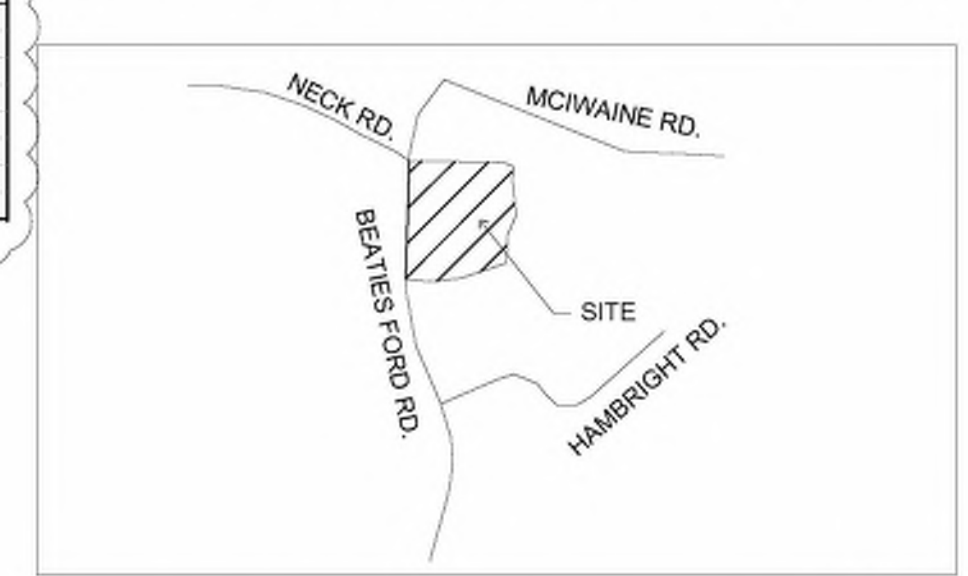
NOT TO SCALE
DATE: 06/29/2022
CURRENT SUBMISSION:
REVISION 2 - 09/26/2022





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 4 stories Max	30'-6" +/- 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: 70% Max Built-Up 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 05 ADA spaces 15 Garage Spaces 143 Total Spaces .9 spaces/suite
Auto Parking Ratio:	NA	

Tree Preservation	401,526 s.f.
Site Area:	40,153 s.f.
Tree Preservation required (10%):	4,015 s.f.
Tree Preservation area provided:	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 Landscaped Area:	131,453 s.f.
Total Site Permeable Area:	223,891 s.f.
% Site Permeable Area:	55.7%

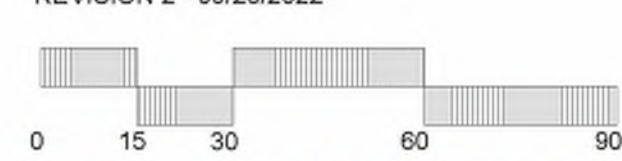
Street trees proposed will be spaced 40 ft. o.c. max.

*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

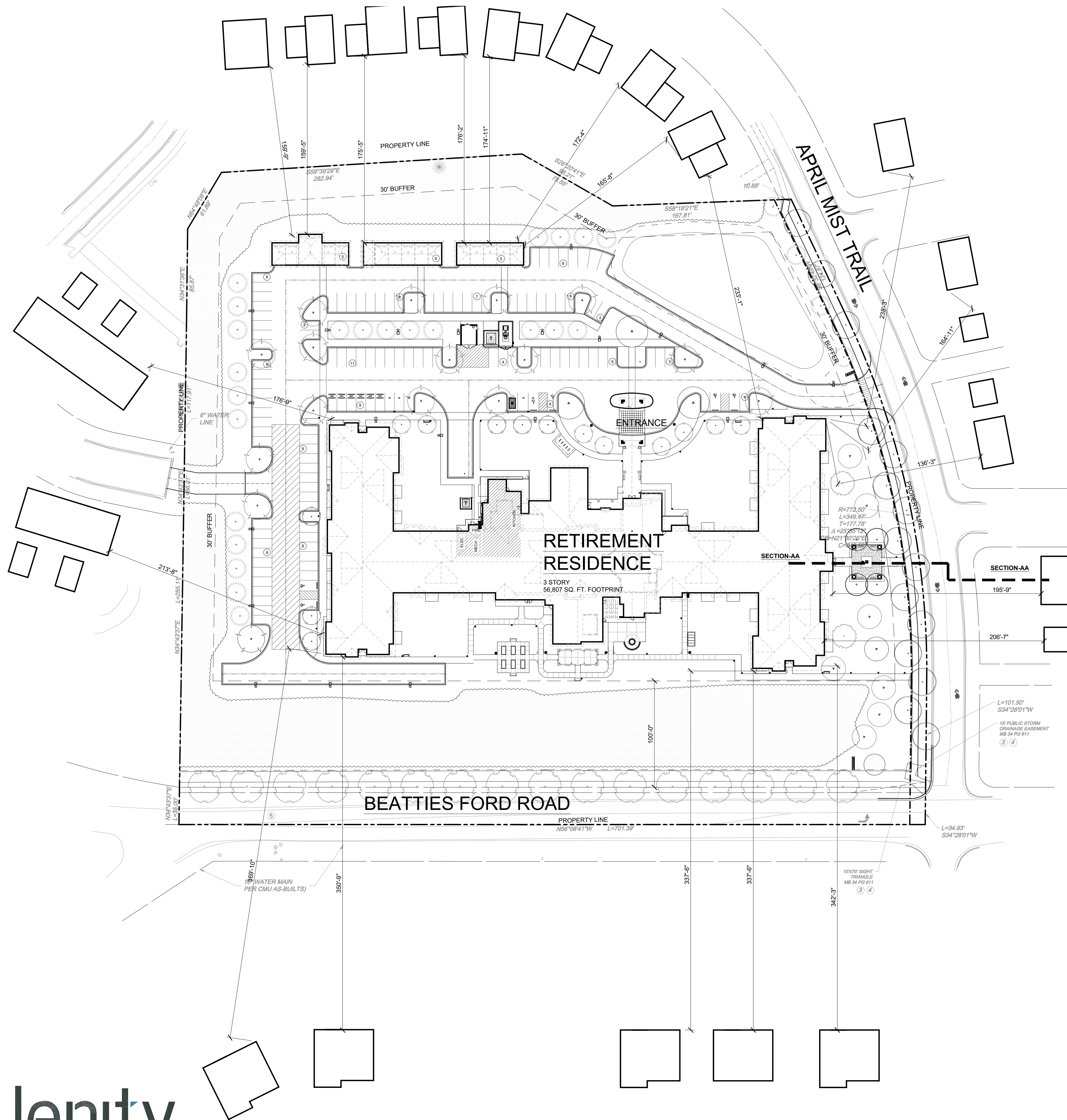
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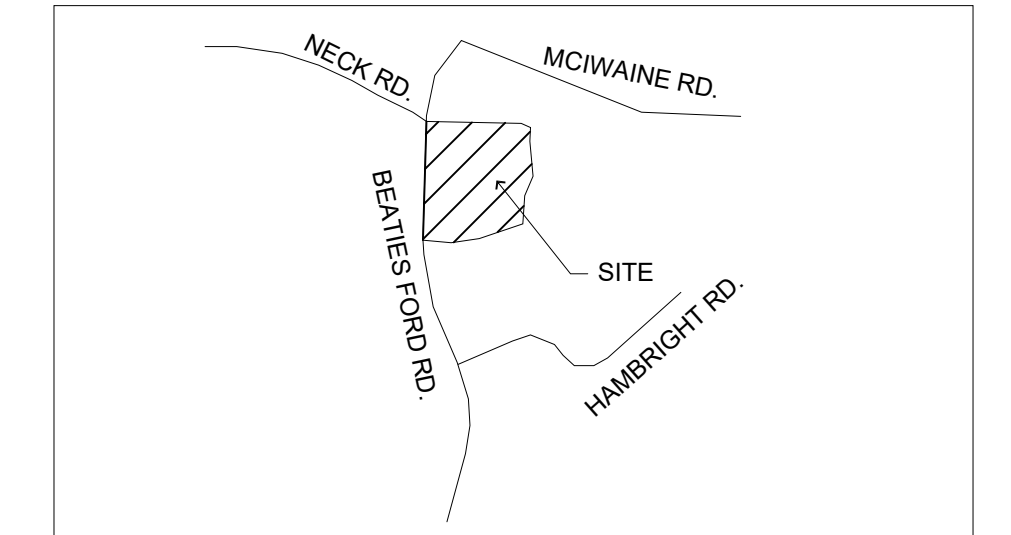
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

Huntersville Retirement Residence

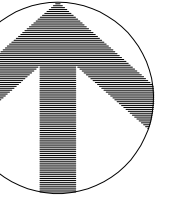
Huntersville, NC



HUNTERSVILLE, NC



VICINITY MAP
NOT TO SCALE



RETIREMENT RESIDENCE

3 STORY
56,807 SQ. FT. FOOTPRINT

SECTION-AA

SECTION-AA

BEATTIES FORD ROAD

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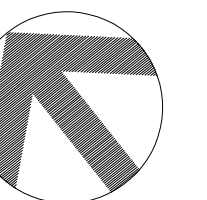
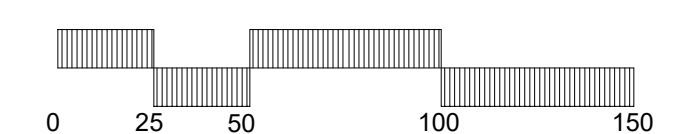
Huntersville Retirement Residence

Huntersville, NC

SITE EXHIBIT - NEIGHBOR DIMENSIONS

DATE: 06/29/2022
1" = 50'

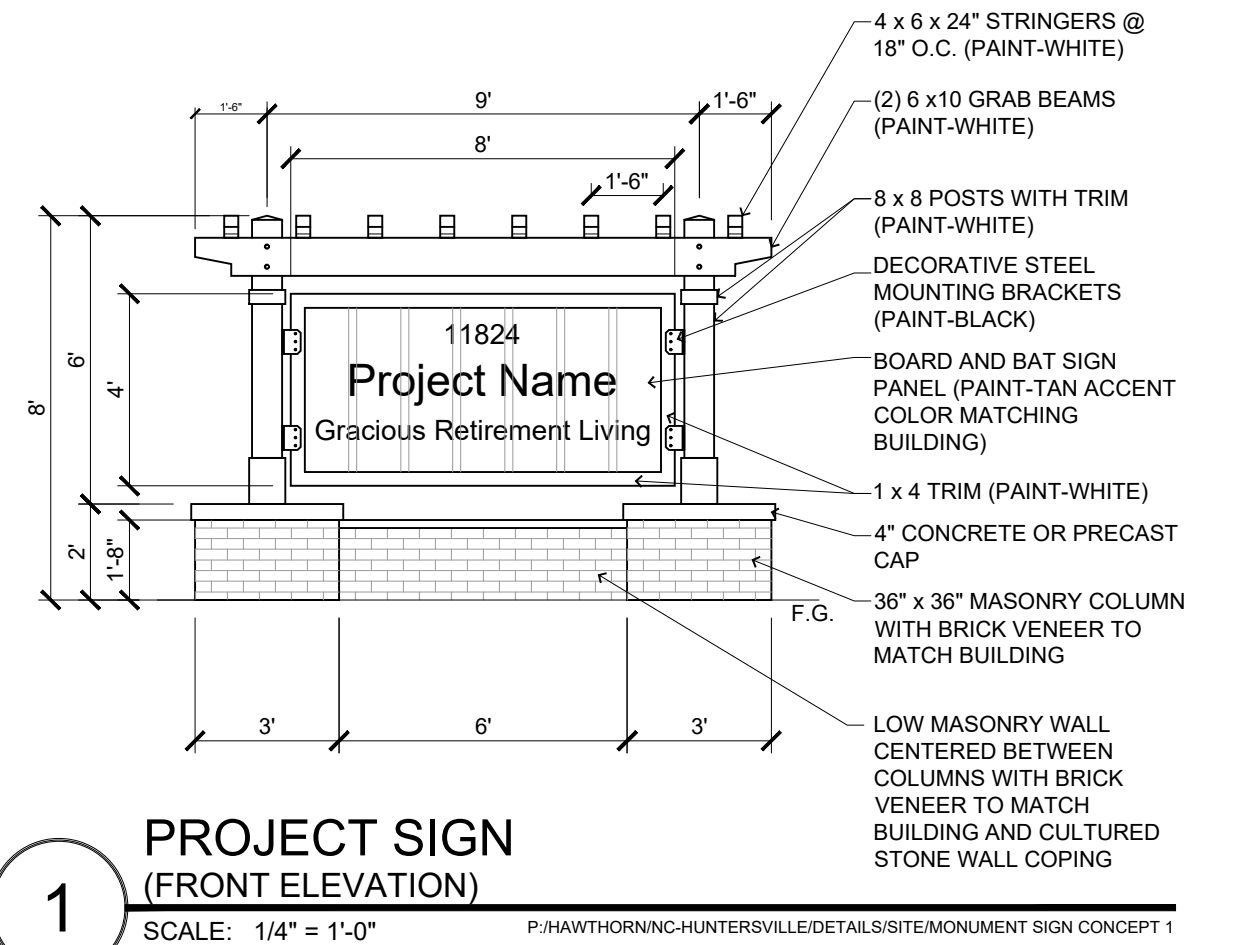
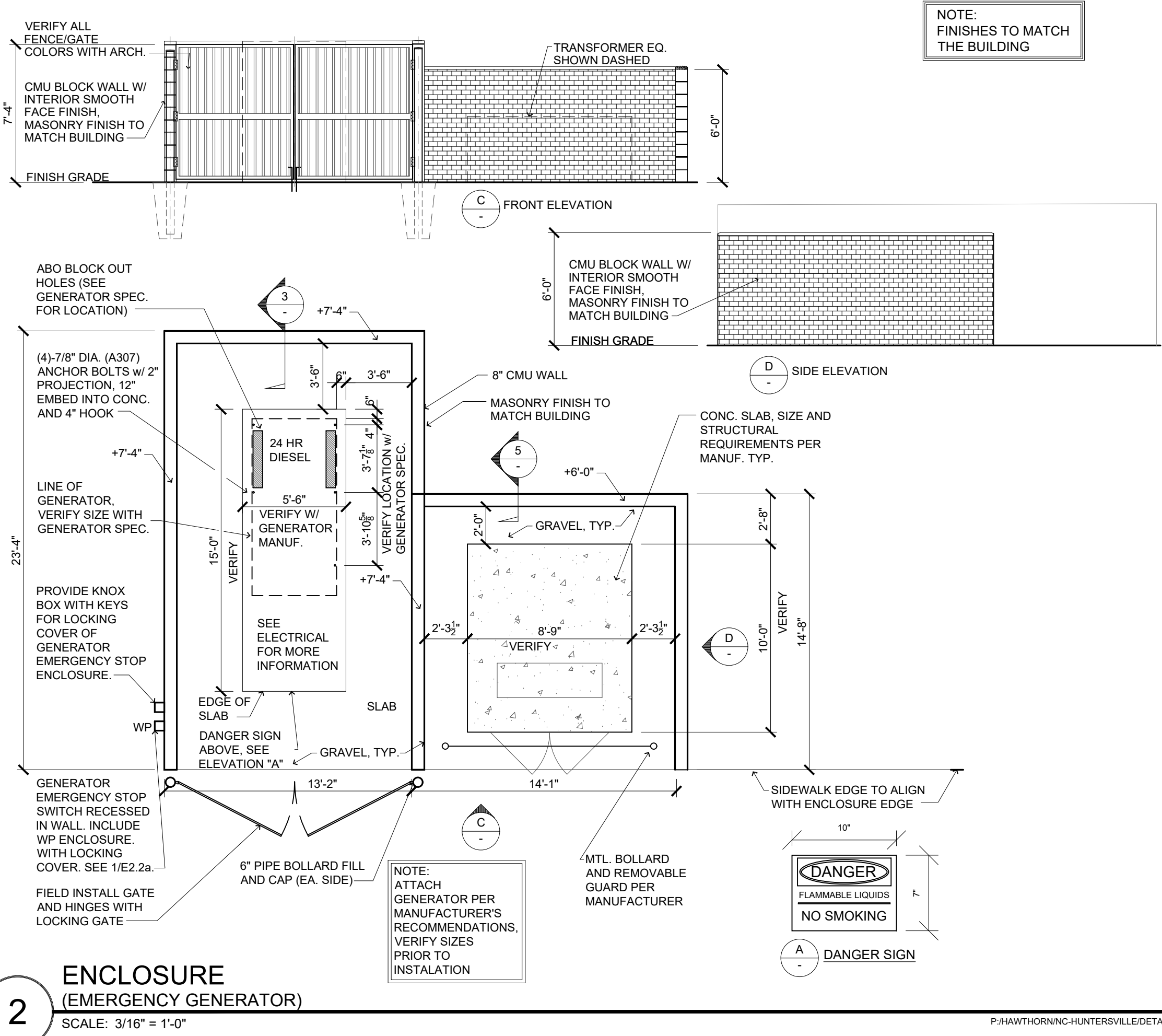
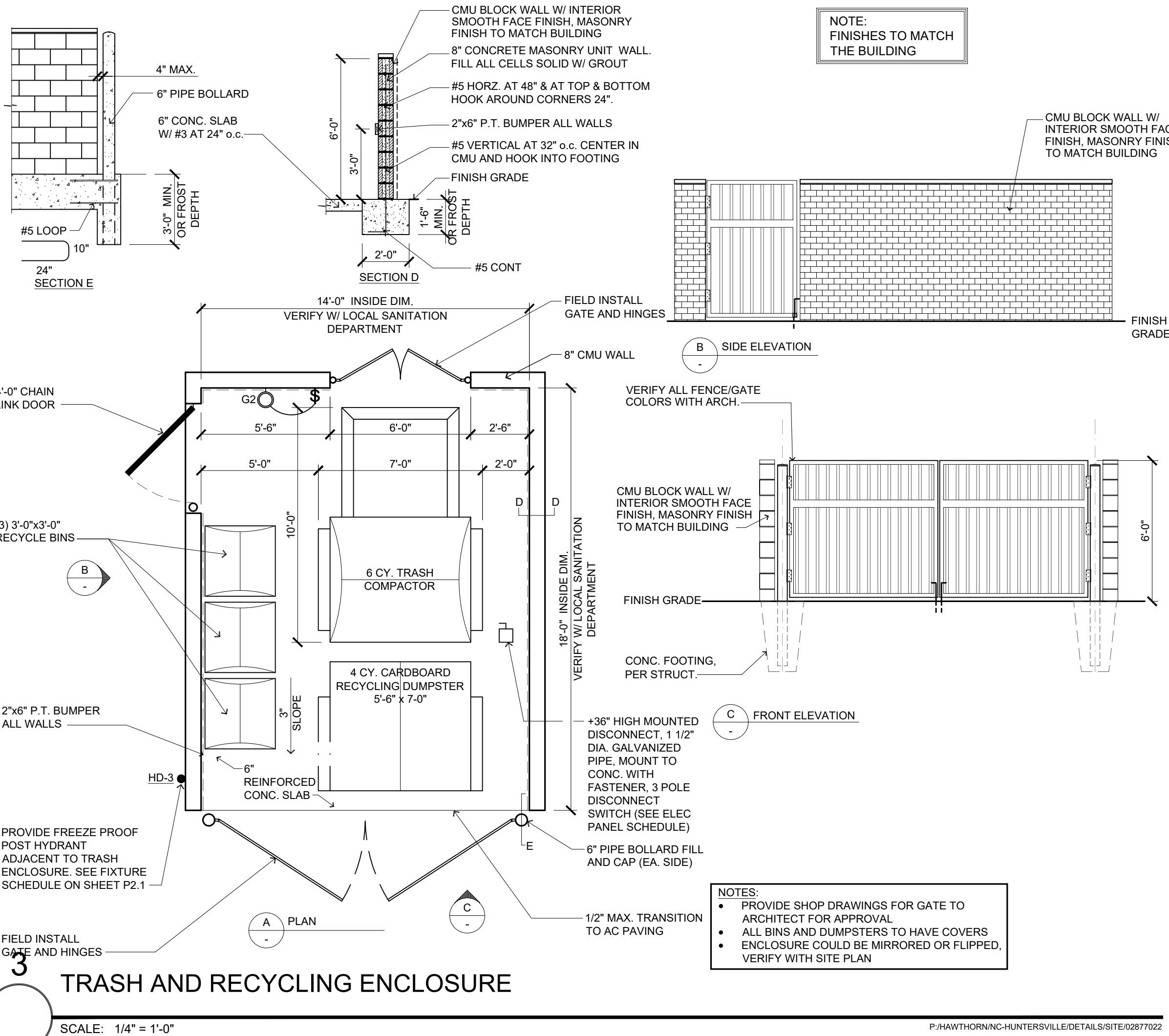
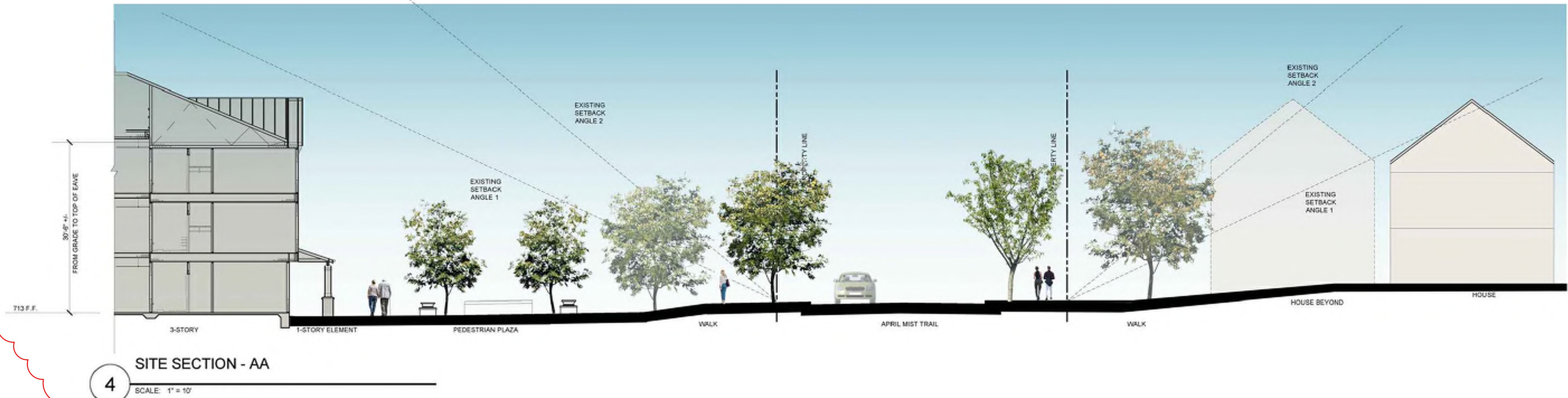
CURRENT SUBMISSION:
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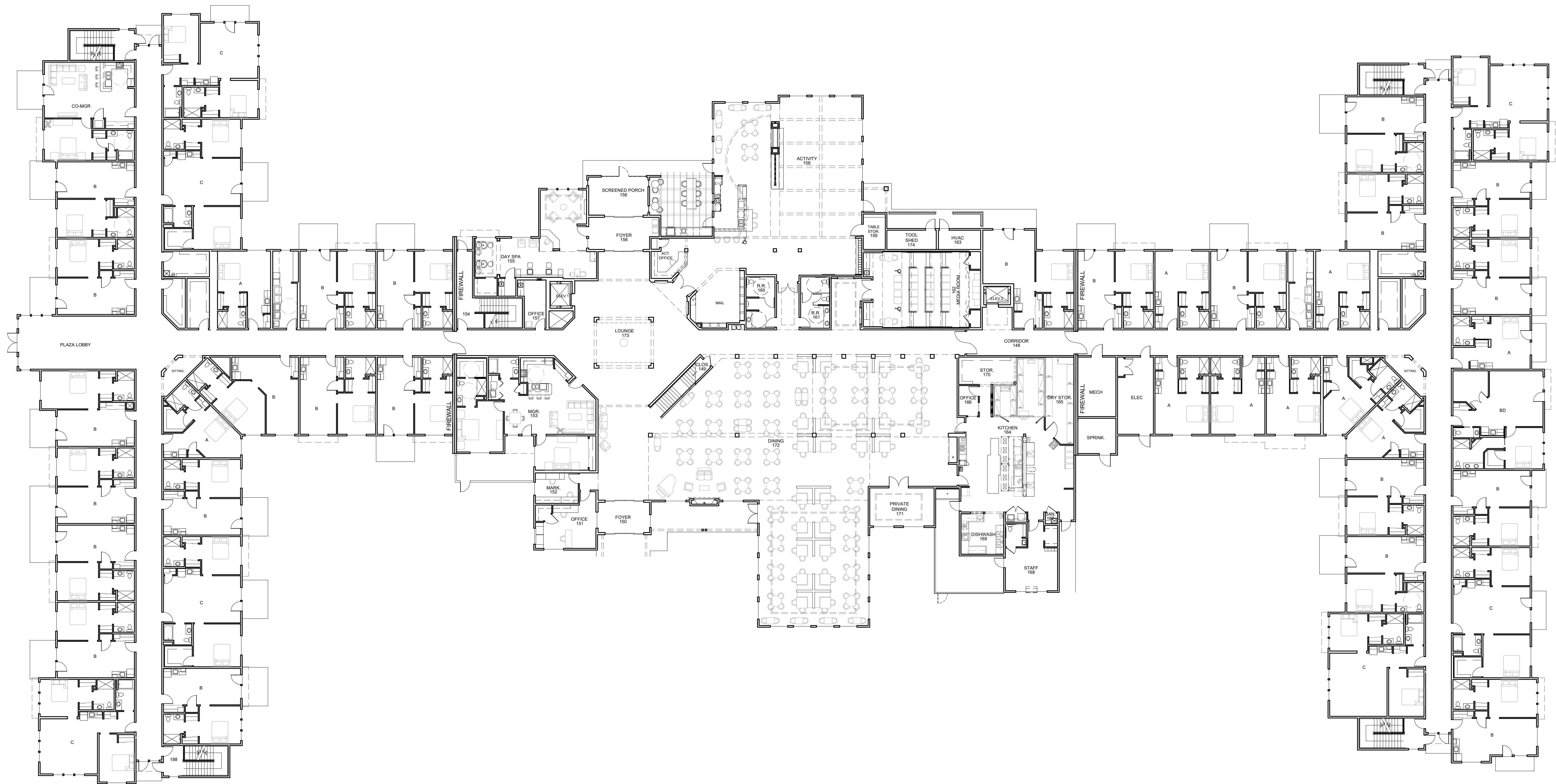
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Vancouver, WA 98662-8210
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A1.2



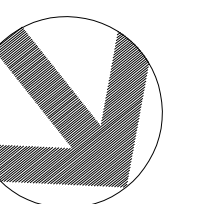
SITE EXHIBIT - SECTION AND MISC DETAILS

DATE: 06/29/2022
1" = 20'
CURRENT SUBMISSION:
REVISION 2 - 09/26/2022
0 10 20 40 60



FIRST FLOOR PLAN

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



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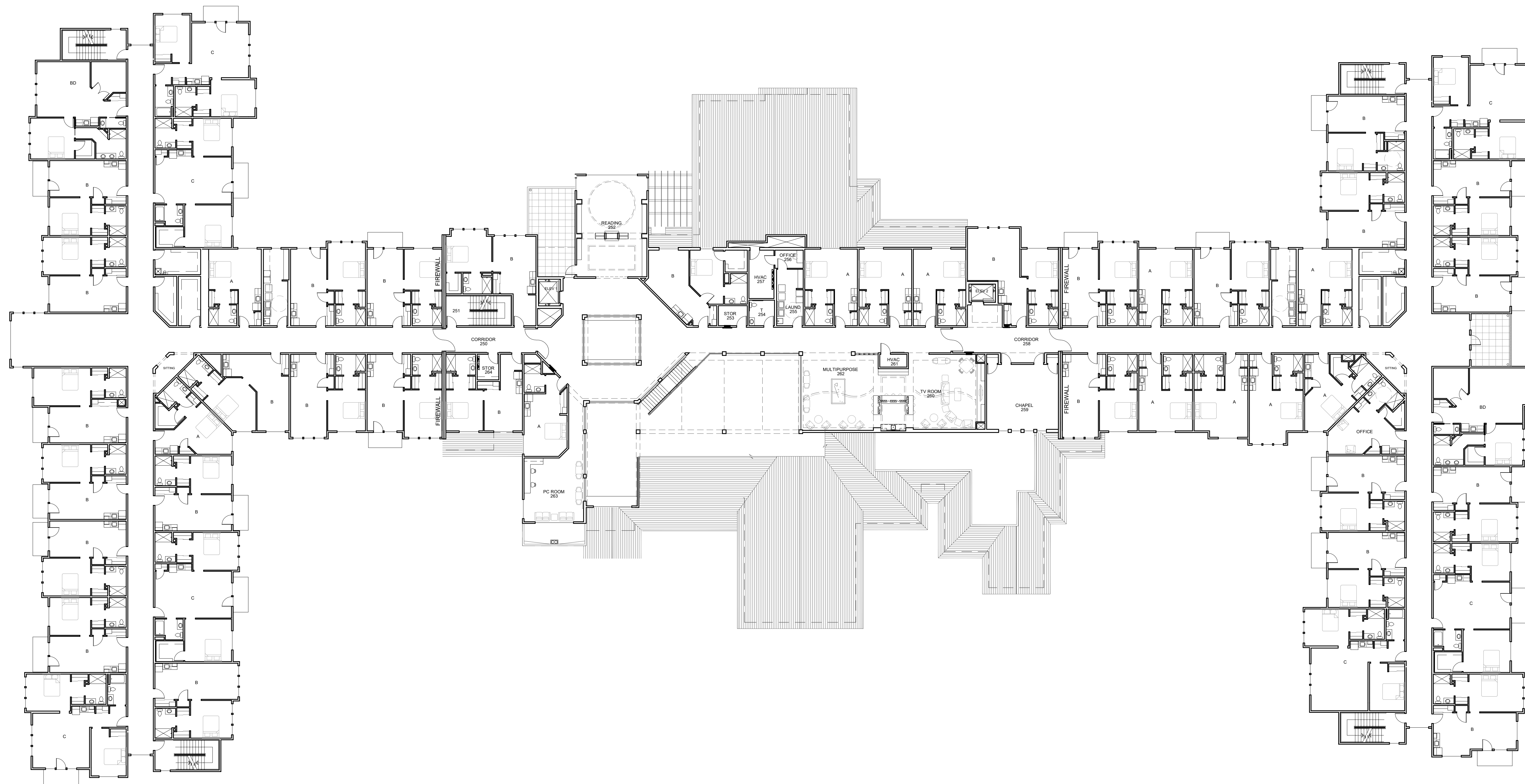
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SECOND FLOOR PLAN

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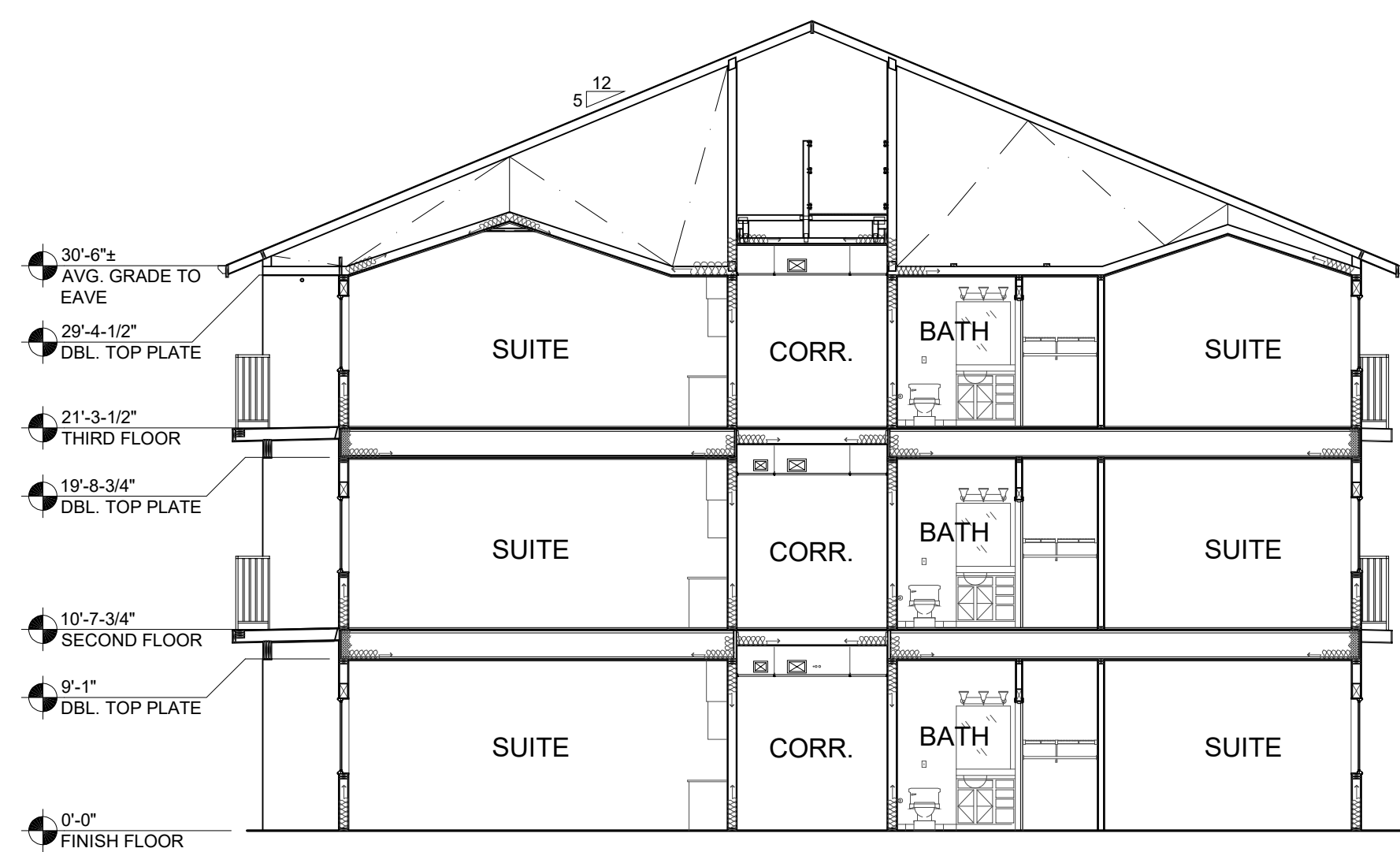
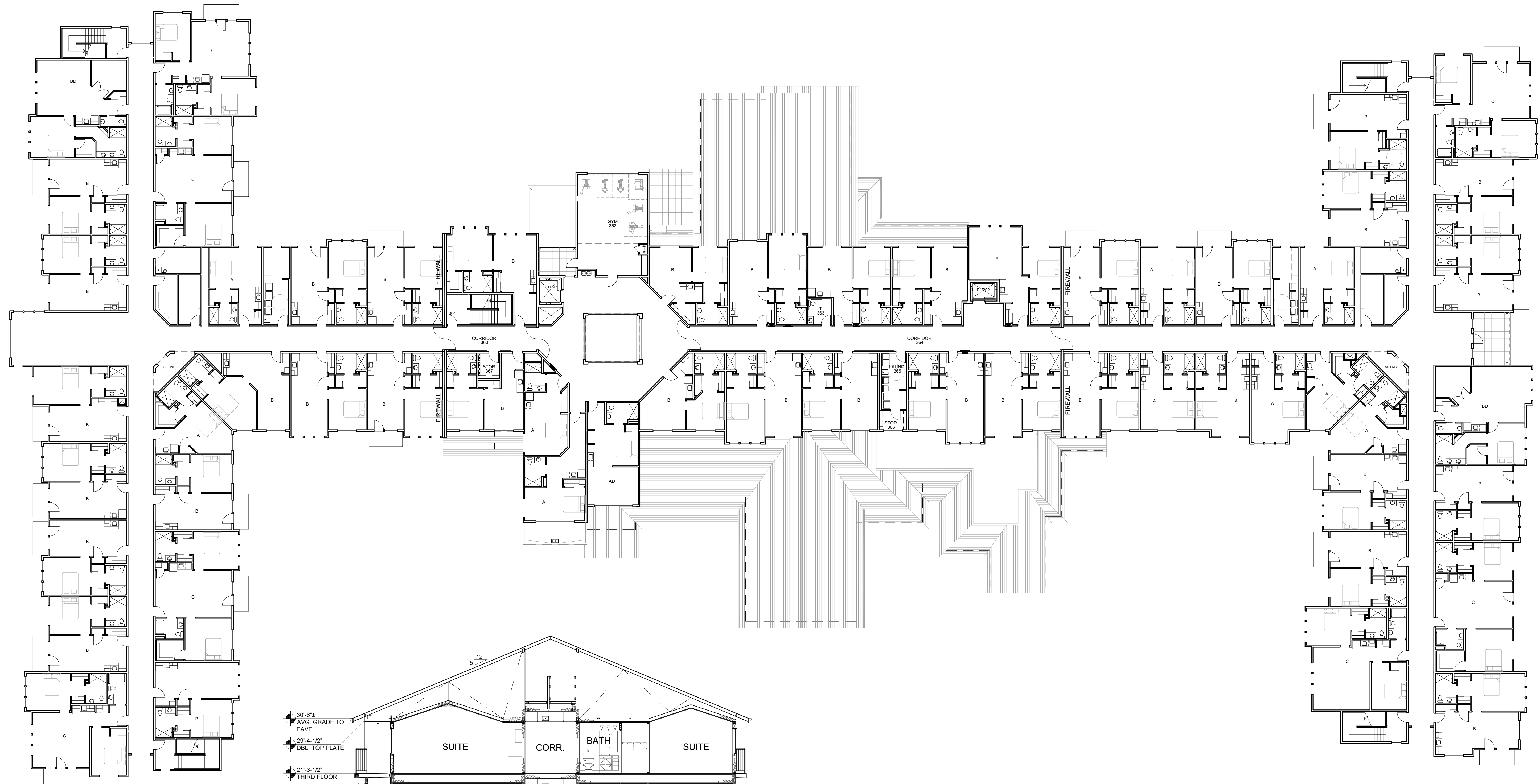
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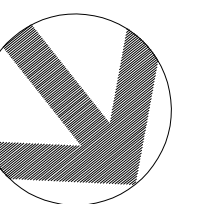


BUILDING SECTION

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

THIRD FLOOR PLAN

DATE: 06/29/2022
SCALE: 1/16" = 1'-0"
CURRENT SUBMISSION:
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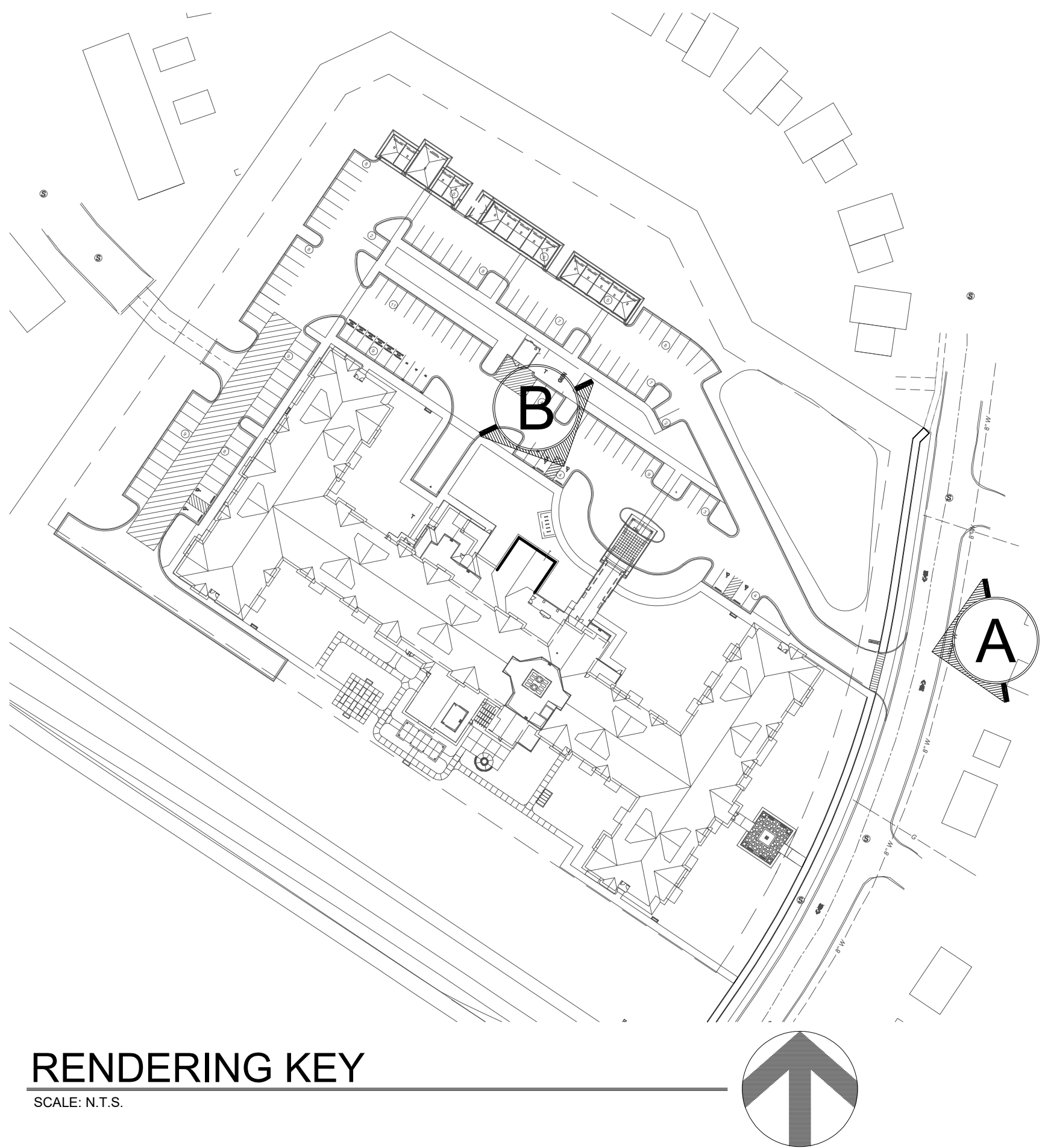
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A2.3



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



RENDERING KEY
SCALE: N.T.S.



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

NOTE: LANDSCAPING
REVISED PER COMMENTS

EXTERIOR RENDERINGS

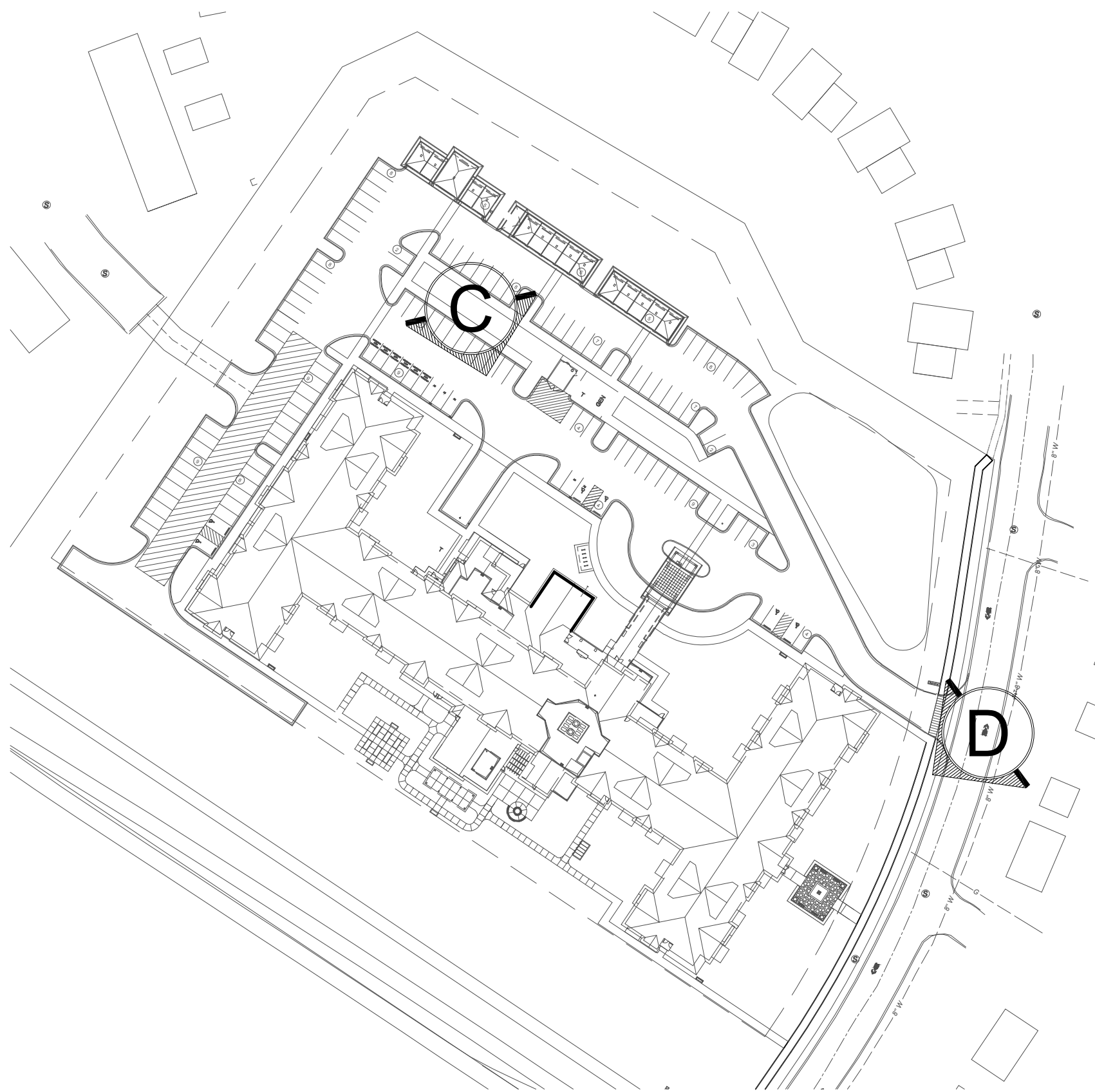
DATE: 06/29/2022
CURRENT SUBMISSION:
REVISION 2 - 09/26/2022

HAWTHORN
SENIOR LIVING

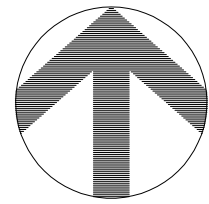
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Vancouver, WA 98662-8210
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C FRONT FACADE LOOKING SOUTH EAST
SCALE: N.T.S.



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:
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A4.2

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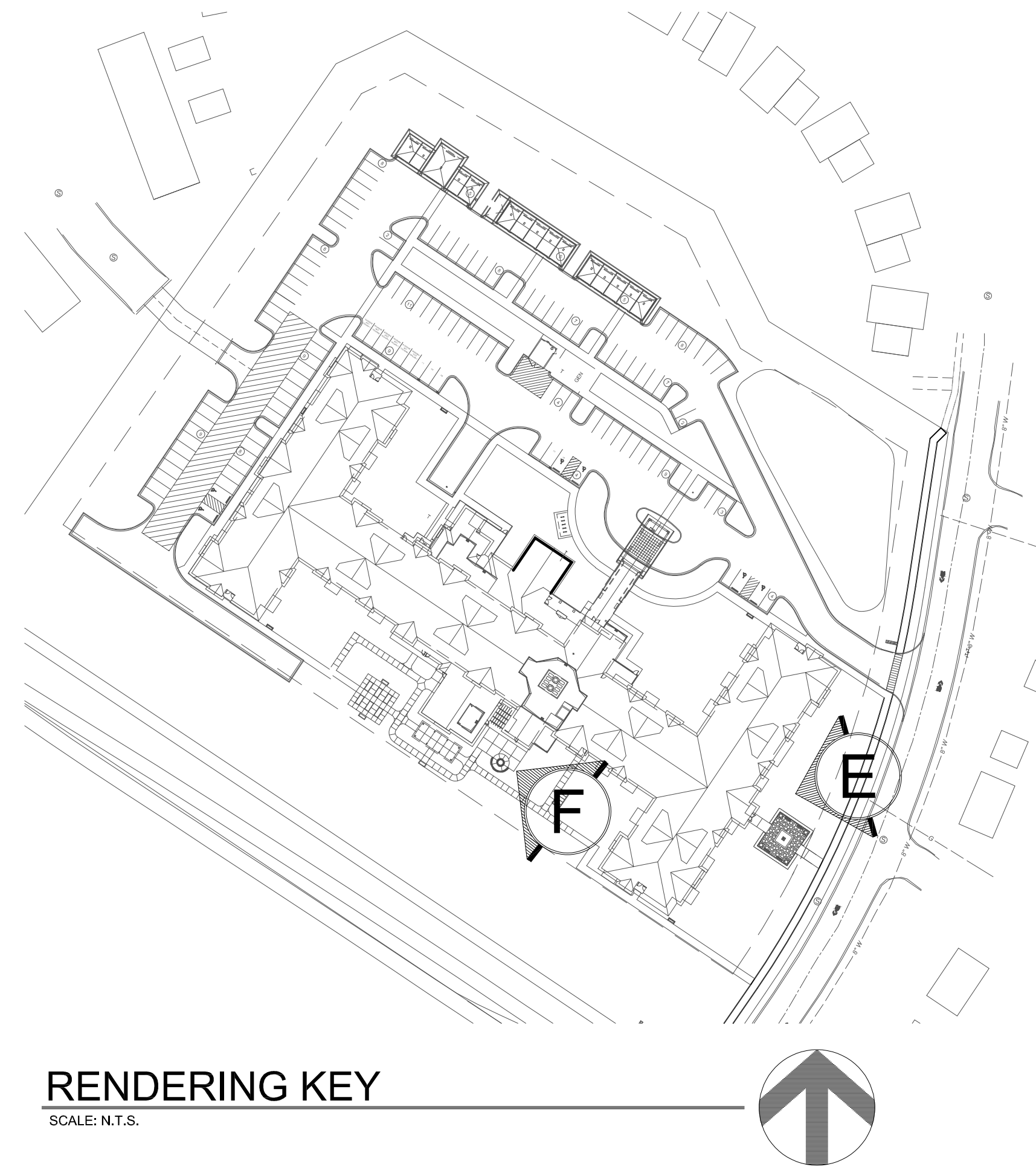
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Huntersville Retirement Residence

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
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A4.3

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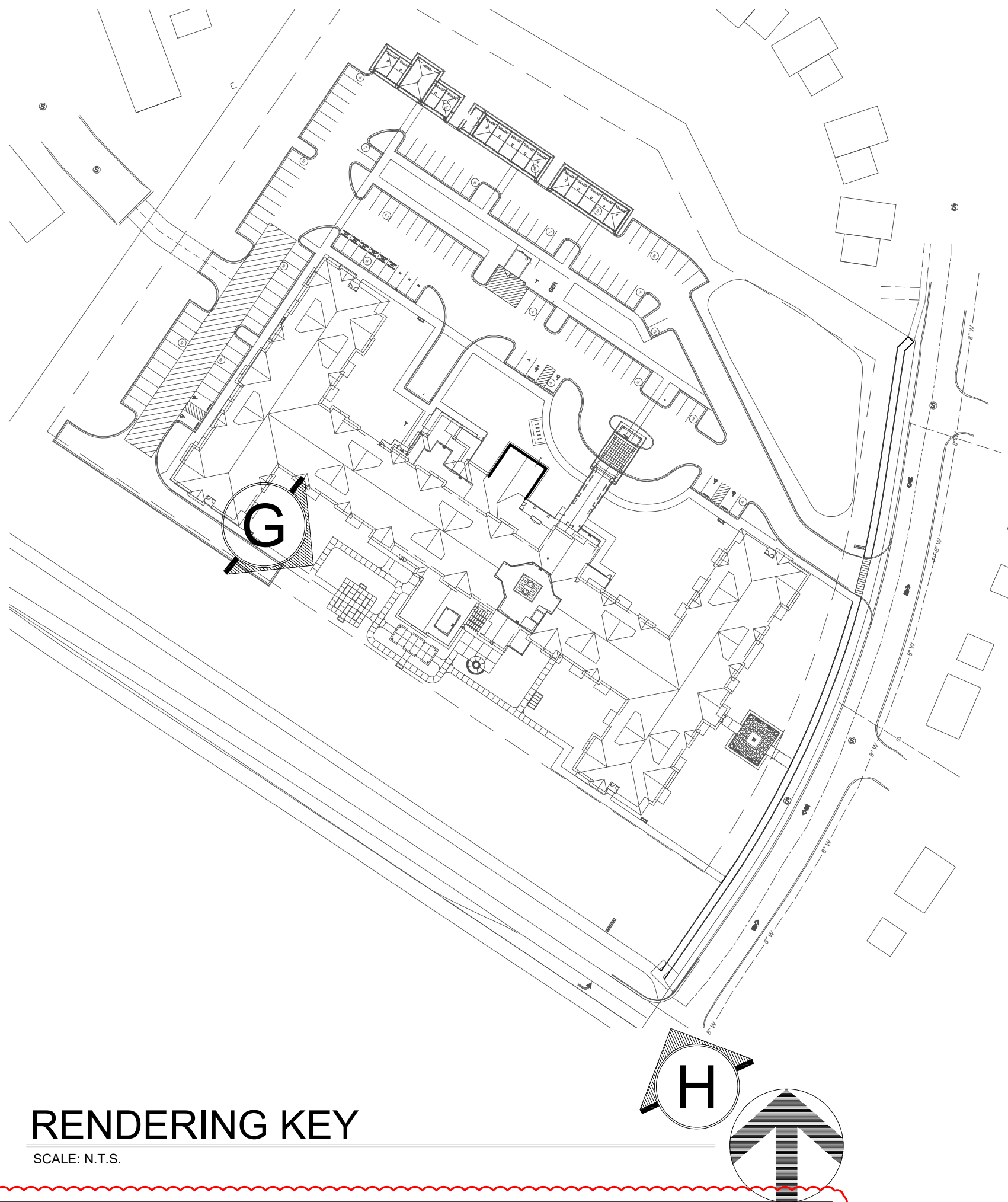
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Huntersville Retirement Residence

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

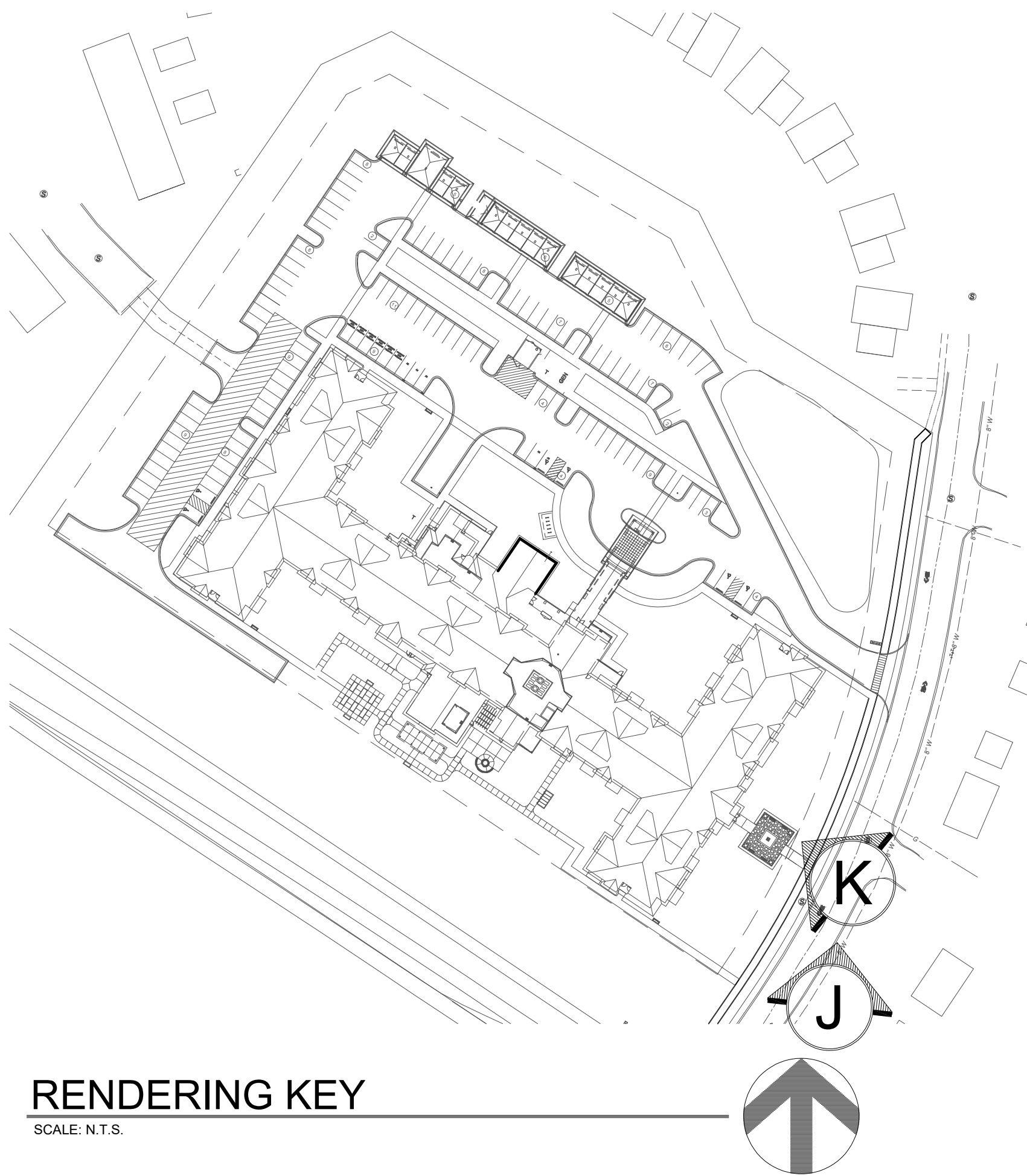
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Vancouver, WA 98662-8210
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A4.4



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:
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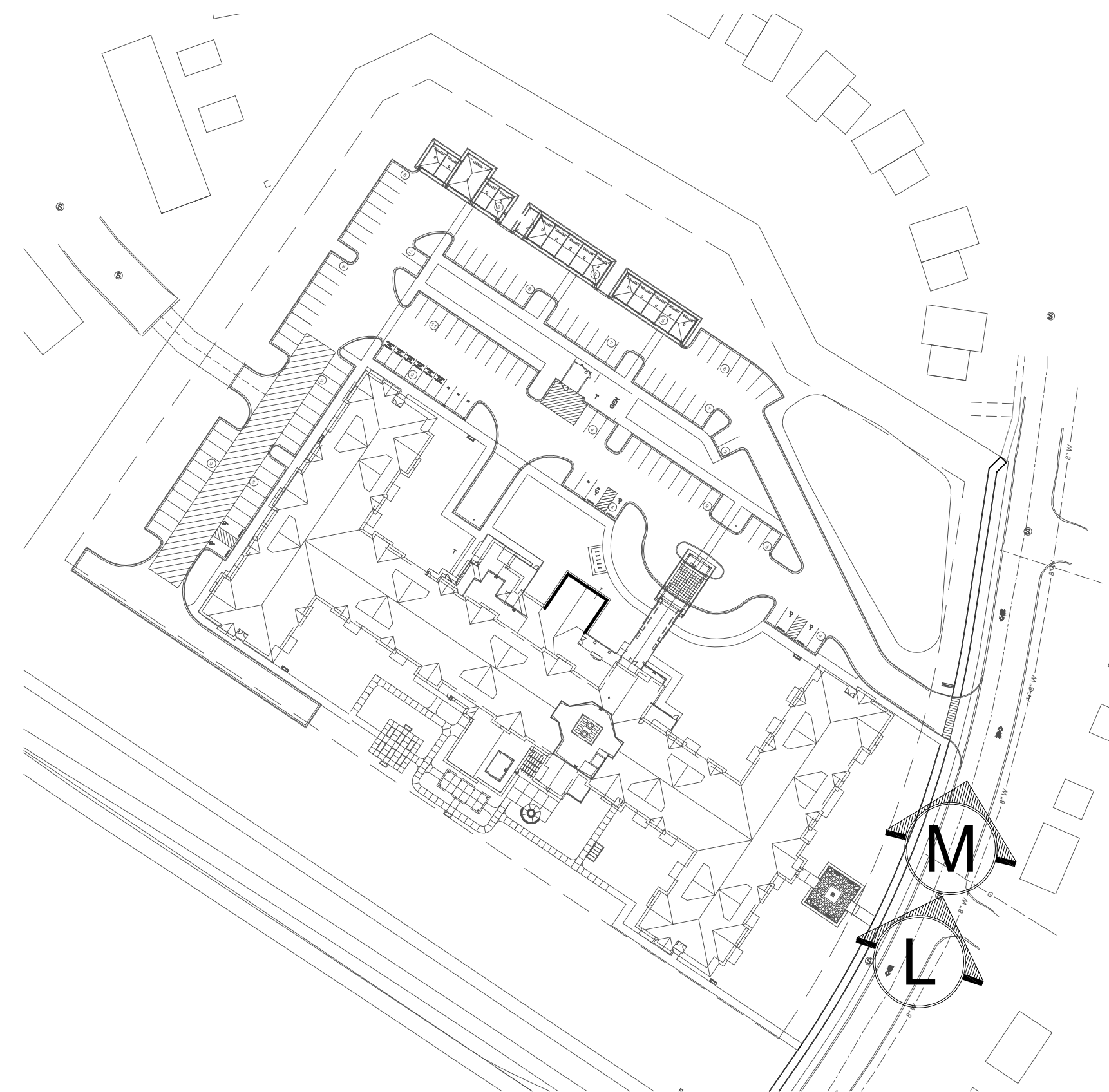
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Huntersville Retirement Residence

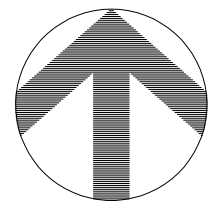
Huntersville, NC



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

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SENIOR LIVING

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Vancouver, WA 98662-8210
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A4.6

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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.)



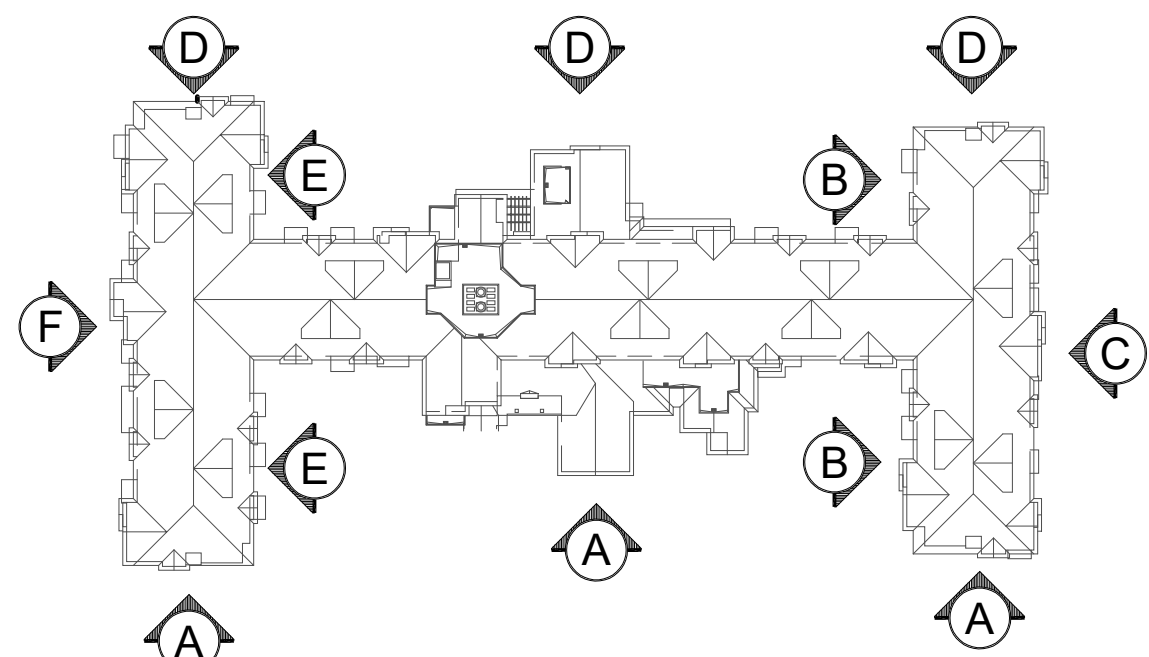
E WING C (NORTH WEST) ELEVATION

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



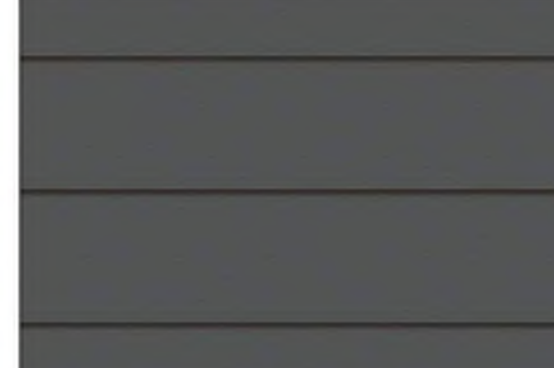
F WING C (SOUTH EAST) ELEVATION

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



ELEVATION KEY

SCALE: N.T.S.

KEY NOTES/COLORS					
					
HARDIE PANEL - SMOOTH FINISH COLOR: ARCTIC WHITE* LOCATIONS: BOARD + BATT SIDING, WINDOW AND DOOR TRIM, BELLY BAND, EAVES & FASCIA AS SHOWN ON ELEVATIONS NOTE - COLOR ON PRE-MANUFACTURED METAL DECKS TO MATCH HARDIE PANEL COLOR	HARDIE PANEL LAP SIDING - 7" REVEAL - WOOD GRAIN FINISH COLOR: GRAY SLATE* LOCATIONS: LAP SIDING AS SHOWN ON ELEVATIONS	HARDIE PANEL LAP SIDING - 4" REVEAL - WOOD GRAIN FINISH COLOR: NIGHT GRAY* LOCATIONS: LAP SIDING & SOFFITS AS SHOWN ON ELEVATIONS	BRICK COLOR: DARK COLOR BRICK PER LOCAL MANUFACTURER* LOCATIONS: BRICK MASONRY AS SHOWN ON ELEVATIONS	ARCHITECTURAL COMPOSITION SHINGLE ROOFING COLOR: CHARCOAL* LOCATIONS: UPPER ROOF AS SHOWN ON ELEVATIONS	STANDING SEAM METAL ROOFING COLOR: CHARCOAL* LOCATIONS: LOWER ROOFS AS SHOWN ON ELEVATIONS
* = OR EQUIVALENT, ALTERNATES TO BE APPROVED BY ARCHITECT					

EXTERIOR ELEVATIONS

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

HAWTHORN
SENIOR LIVING

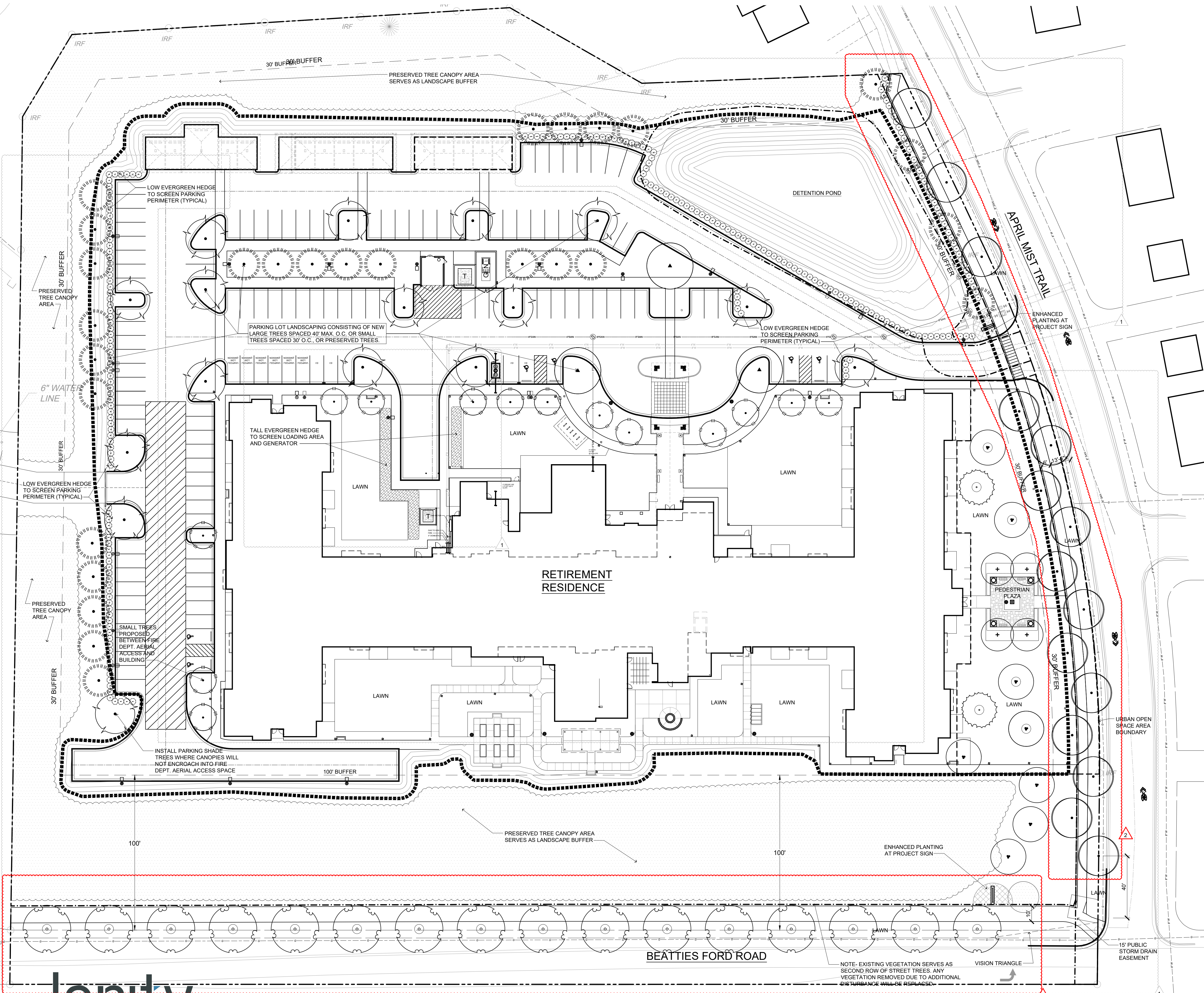
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Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

A5.1

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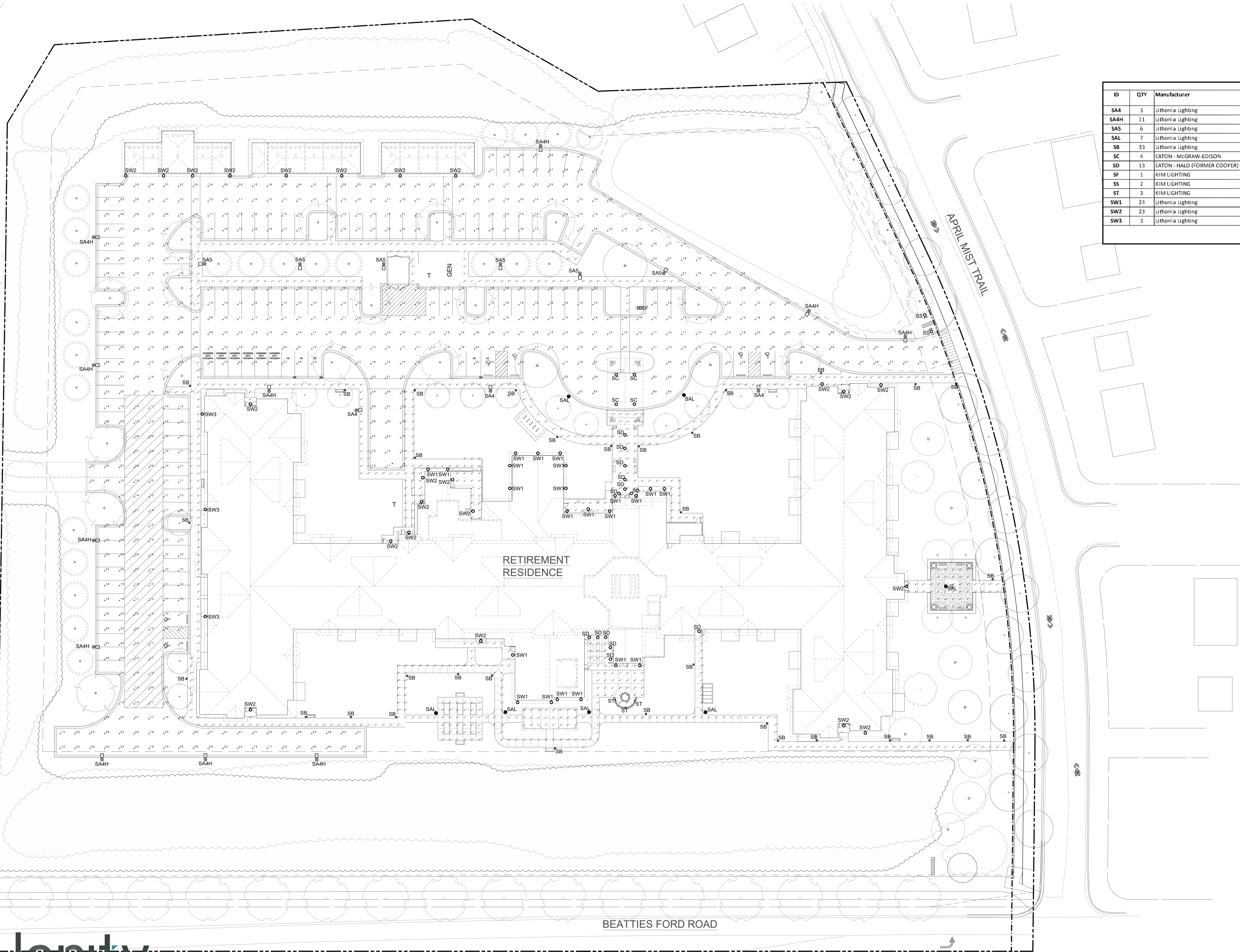
Huntersville Retirement Residence
Huntersville, NC



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			
Street Tree: (April Mist Trail)			
Quercus phellos	Deciduous	15	2" caliper x 8-10 ft. B&B Standard (30' o.c.)
Willow Oak			
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			
Cydonia japonica	Evergreen	26	2" caliper x 8-10 ft. B&B Low-branching
Japanese Cydonia			
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 / Drift / Knock-out Roses			
Sarcococca humilis			3 gal. container 12" min. height
Fragrant Valley Sweetbox			
Grasses / Perennials:			
Astilbe x arendsii			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%		

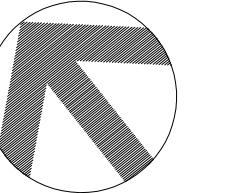
FIXTURE SCHEDULES						
ID	QTY	Manufacturer	Catalog Number	Lamp	Lumens Per Lamp	Watts
SA4	3	Lithonia Lighting	DSX0 LED P4 40K T4M MVOLT	1	10335	92
SA4H	11	Lithonia Lighting	DSX0 LED P4 40K T4M MVOLT HS	1	8020	92
SA5	6	Lithonia Lighting	DSX0 LED P4 40K T5W MVOLT	1	10889	92
SAL	7	Lithonia Lighting	RADPT 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

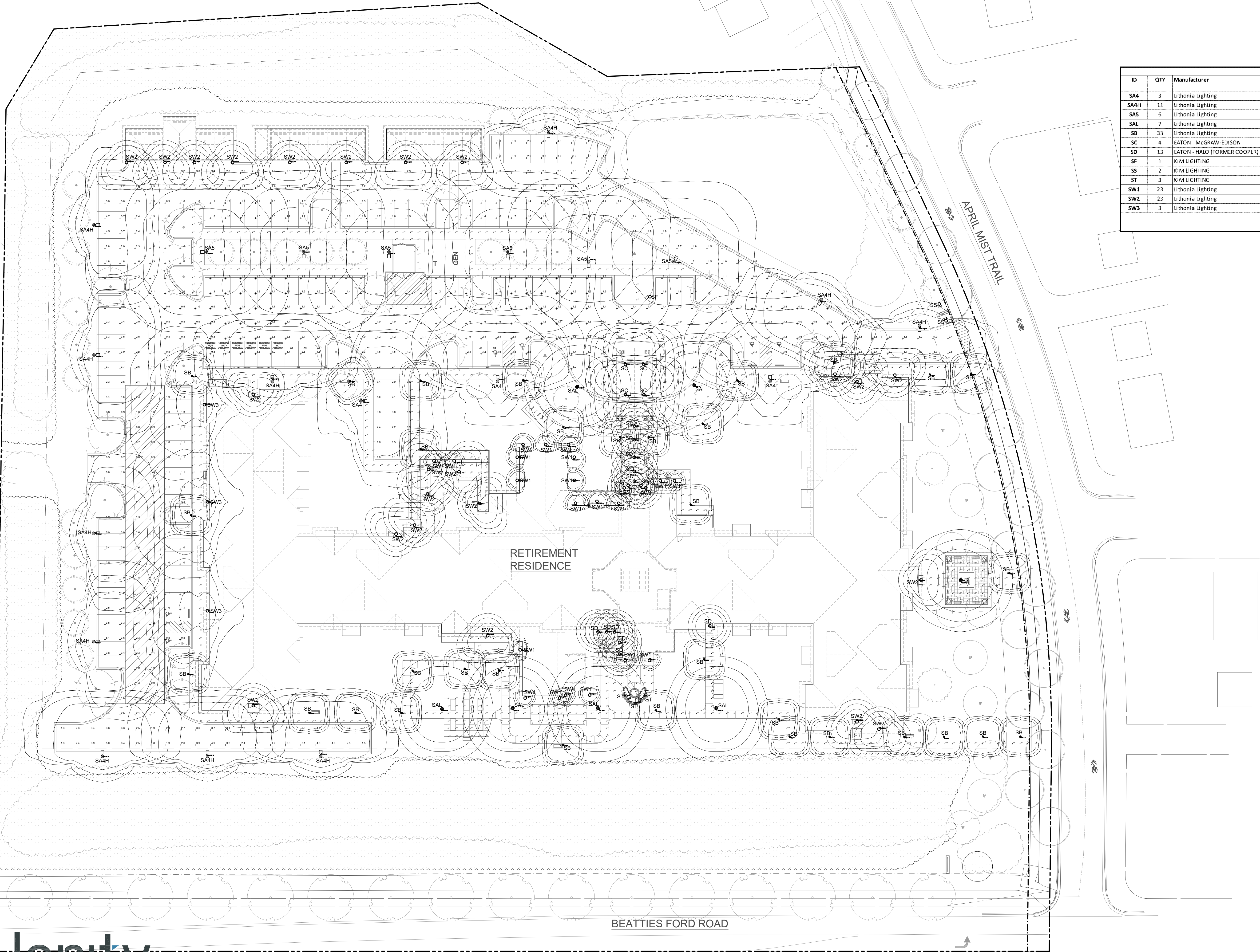


HAWTHORN
SENIOR LIVING

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

ES.0

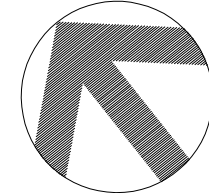
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SAL	7	Lithonia Lighting	RADPT P2 40K SYM	1	5169	38
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SD	13	EATON - HALO (FORMER COOPER)	SLD612940WH	1	1000	15
SF	1	KIM LIGHTING	CFL-WF-214K50	1	4178	35
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ST	3	KIM LIGHTING	EL807/9L4K/KIT	1	-1	10
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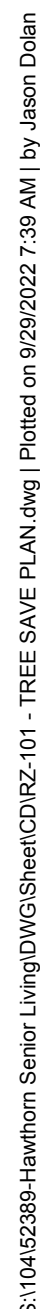
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lenity
architecture, inc.

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

Huntersville Retirement Residence

Huntersville, NC



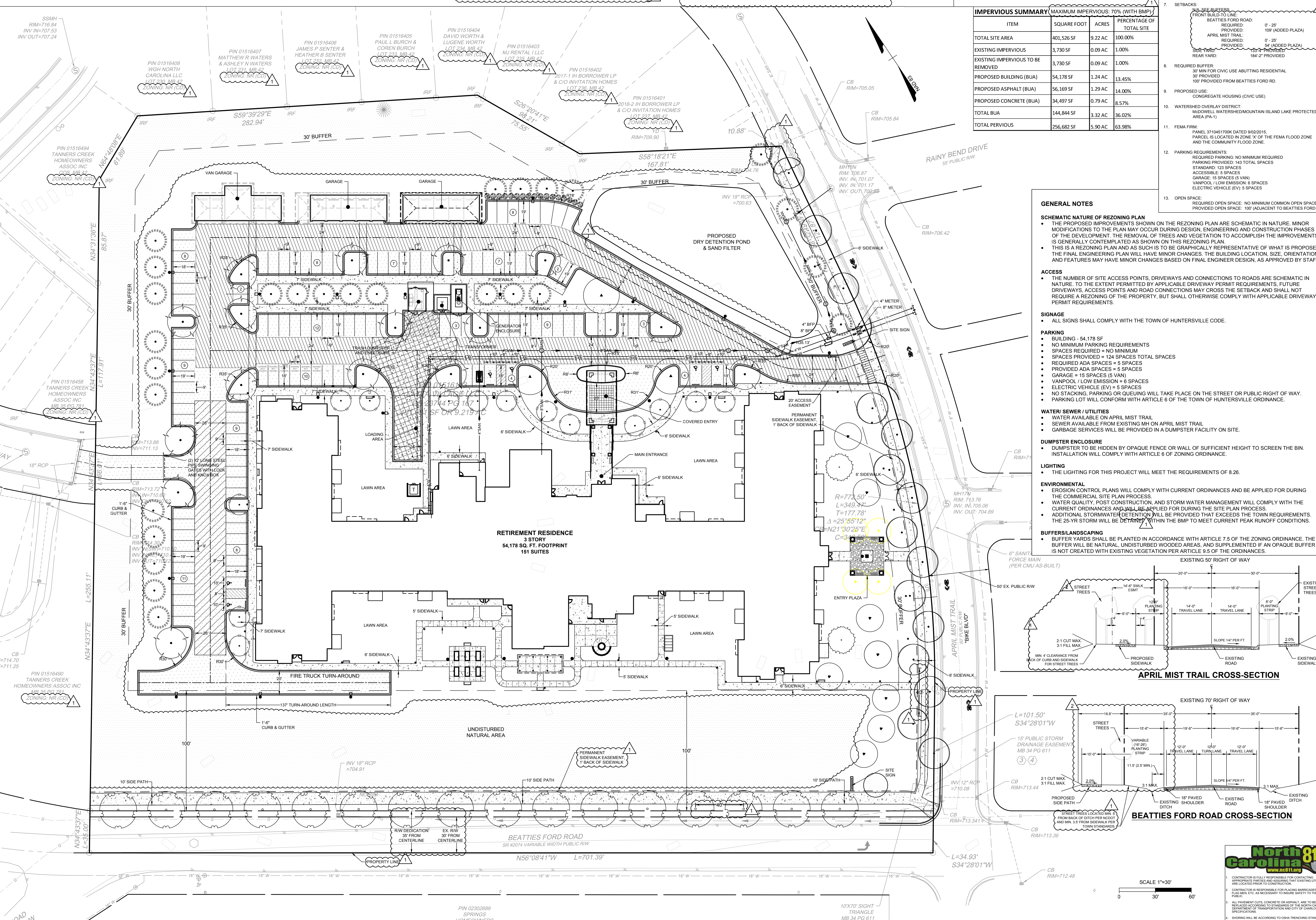
1. FIRE DEPARTMENT ACCESS ROAD SHALL BE A MIN. 20' UNOBSTRUCTED CLEAR WIDTH AND SHALL BE CAPABLE OF SUPPORTING 80,000 LBS.
2. FIRE DEPARTMENT ACCESS ROAD SHALL EXCEED 15' SHALL PROVIDE AN APPROVED TURNAROUND.
3. TURNAROUNDS SHALL BE LOCATED INSIDE AND OUTSIDE.
4. FIRE APPARATUS ACCESS ROADS SHALL NOT HAVE A SLOPE GREATER THAN 10%.
5. FIRE DEPARTMENT ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO TOUGHEN THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE SURFACED SO AS TO PROVIDE ALL-WEATHER DRIVABILITY. CITY'S LARGEST TRUCKS (LADDER CARRIERS) HAVE A GROSS VEHICLE WEIGHT (GVW) OF 80,000.
6. FIRE APPARATUS ACCESS ROADS SHALL BE WITHIN 200 FEET OF ALL EXTERIOR WALLS OF ALL BUILDINGS.
7. AN ACCESS ROAD AND FIRE HYDRANT SHALL BE LOCATED WITHIN 750 FEET FROM THE MOST REMOTE POINT OF ALL BUILDINGS, AND MEASURED "AS THE TRUCK TRAVELS".
8. FIRE DEPARTMENT CONNECTION (FDC) SHALL NOT BE GREATER THAN 50 FEET FROM A FIRE DEPARTMENT ACCESS ROAD.

1. ALL UTILITIES ARE TO BE UNDERGROUND.
2. ALL DIMENSIONS ARE TO 30 DEGREES UNLESS OTHERWISE NOTED.
3. ALL CONSTRUCTION SHALL BE ESTABLISHED TO A SURVEY POINT OF BEGINNING (P.O.B.) AND STATE STAKE AS INDICATED ON CONSTRUCTION DOCUMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO'S STANDARD SPECIFICATIONS FOR CONSTRUCTION.
5. ALL DIMENSIONS ARE TO FACE OF CURB OR CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL CONSTRUCTION SHALL BE CONSTRUCTED IN STRICT COMPLIANCE WITH SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
7. ALL RADI SHALL BE 4" $\pm$ (8" O.C.) UNLESS OTHERWISE NOTED.
8. STRIP TRANGES INDICATED ARE TO BE MAINTAINED.
9. ALL SIDEWALKS SHALL BE 4' $\pm$ UNLESS OTHERWISE NOTED.
10. ALL CURBS AND GUTTERS SHALL BE 4" $\pm$ UNLESS OTHERWISE NOTED.
11. STOP SIGNS SHALL BE R1-1 30'x60" ON PUBLIC STREETS.
12. NO OBSTRUCTION OF PUBLIC ROW OR SIDEWALK WILL BE ALLOWED. NO PARKING IS ALLOWED OVER PUBLIC SIDEWALK.
13. NO DEMOLITION LANDFILLS ALLOWED ON SITE.
14. THE CONSTRUCTION OF THE PROJECT SHALL BE CONDUCTED IN ACCORDANCE WITH THE CITY OF CHICAGO'S STANDARD SPECIFICATIONS FOR CONSTRUCTION (SSC) IS TO PROVIDE STORM WATER FLOW CONVEYANCE, STRUCTURES OR ANY OTHER OBJECT WHICH MAY IMPEDER STORM WATER FLOW.
15. THE MAINTENANCE OF THE PROJECT SHALL BE PROHIBITED. MAINTENANCE OF THE SITE SHALL BE THE RESPONSIBILITY OF THE OWNER.

2. COORDINATE ALL CURB AND STREET GRADES IN INTERSECTION WITH INSPECTOR. DIRECT VEHICULAR ACCESS OUTSIDE OF CONSTRUCTION ENTRANCE TO SITE IS PROHIBITED DURING CONSTRUCTION.
3. ALL TEMPORARY PERMANENT SIDEWALK AND UTILITY EASEMENTS SHALL BE RECORDED WITH MCLENNAN COUNTY.
4. ROAD CLOSURE OR REDUCTION OF TRAFFIC FLOW ON STREETS FOR PROJECTS ARE REQUIRED TO BE OBTAINED ACCORDING TO THE GUIDELINES OF THE "OFFSITE ROW ACQUISITION PROCESS". THESE NEEDED ROW AND CONSTRUCTION LIMITS ARE CLEARLY SHOWN ON ROADWAY IMPROVEMENT PLAN.
5. ROAD OF WAY CLOSURES LONGER THAN 90 DAYS REQUIRE A RAIL LEASE AGREEMENT WHICH WILL INCLUDE THE SIGNATURE OF A TRAFFIC CONTROL PLAN AND TRAFFIC CONTROL PLANS REQUIRED.
6. THE PROPERTY IS LOCATED INSIDE THE TOWN OF HUNTSVILLE CORPORATE TOWN LIMITS. THEREFORE ANY TEMPORARY OR PERMANENT RIGHT-OF-WAY AGREEMENT WILL BE LIMITED FOR THE PROPOSED SIDEWALK ALONG BEATTIES FORD ROAD.

	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

1. SITE ADDRESS:
6925 APRIL MIST TRAIL
HUNTERSVILLE, NC 28078
2. PARCEL ID:
01516113
3. SITE AREA:
0.2178 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



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	<i>R. SAMUELS</i>
	DESIGNED BY
	<i>J. DOLAN</i>
	CHECKED BY
	<i>B. CRUTCHFIELD</i>
	SCALE
	<i>AS SHOWN</i>

UP
IDENCE

GRO

EMENT RES

E, NORTH CAROLINA

UT PLAN

ONS

VILLE RETIRE

TOWN OF HUNTERSVILLE

SITE LAYOUT

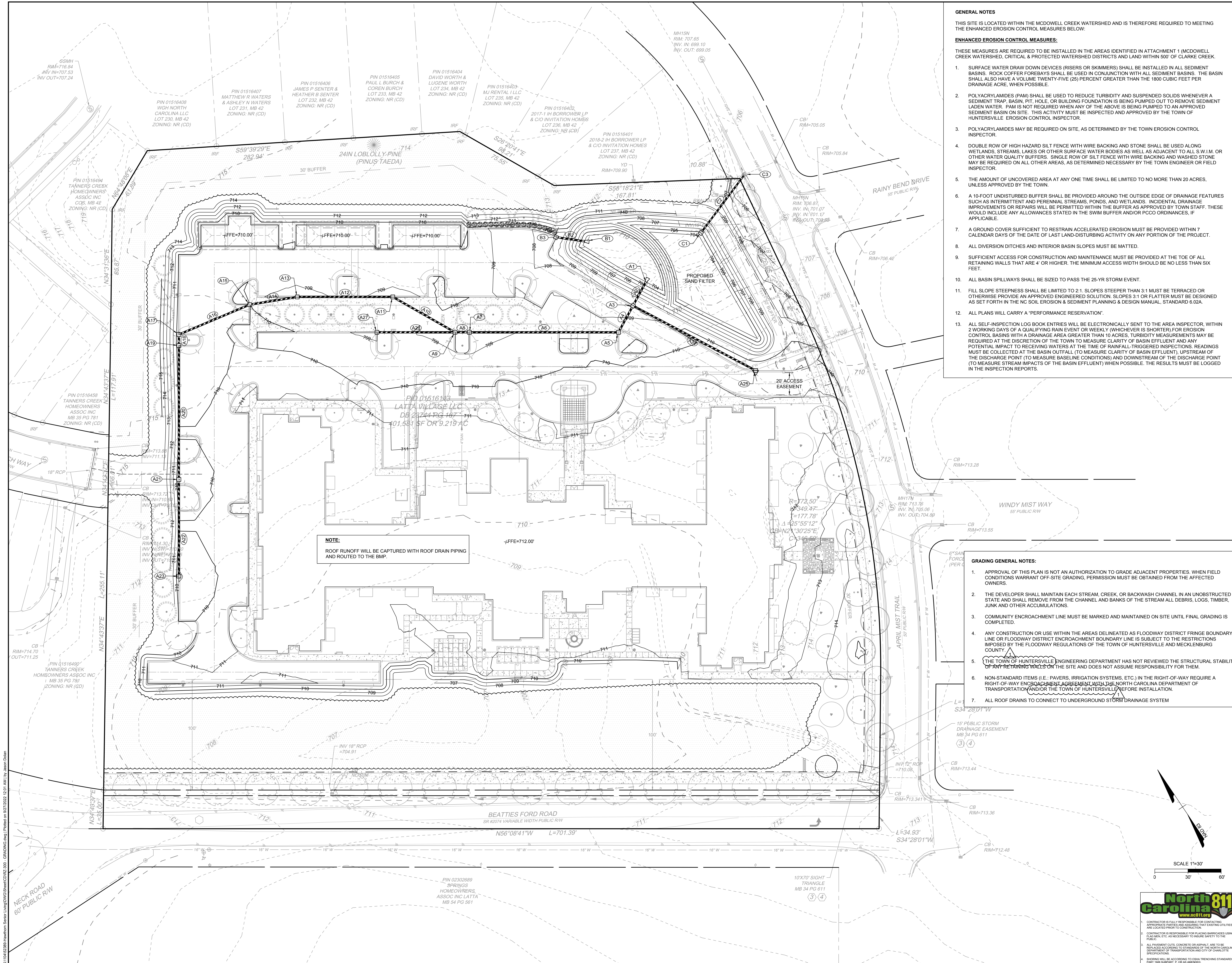
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HUNTERS

	
	JOB NO. 52389
	SHEET NO. RZ-200

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GENERAL NOTES

THIS SITE IS LOCATED WITHIN THE MCDOWELL CREEK WATERSHED AND IS THEREFORE REQUIRED TO MEETING THE ENHANCED EROSION CONTROL MEASURES BELOW:

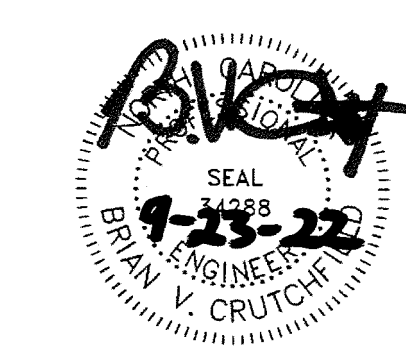
ENHANCED EROSION CONTROL MEASURES:

THESE MEASURES ARE REQUIRED TO BE INSTALLED IN THE AREAS IDENTIFIED IN ATTACHMENT 1 (MCDOWELL CREEK WATERSHED, CRITICAL & PROTECTED WATERSHED DISTRICTS AND LAND WITHIN 500' OF CLARKE CREEK).

1. SURFACE WATER DRAW DOWN DEVICES (RISERS OR SKIMMERS) SHALL BE INSTALLED IN ALL SEDIMENT BASINS. ROCK COFFER FOREBAYS SHALL BE USED IN CONJUNCTION WITH ALL SEDIMENT BASINS. THE BASIN SHALL ALSO HAVE A VOLUME TWENTY-FIVE (25) PERCENT GREATER THAN THE 1800 CUBIC FEET PER DRAINAGE ACRE, WHEN POSSIBLE.
2. POLYACRYLAMIDES (PAM) SHALL BE USED TO REDUCE TURBIDITY AND SUSPENDED SOLIDS WHENEVER A SEDIMENT TRAP, BASIN, PIT, HOLE, OR BUILDING FOUNDATION IS BEING PUMPED OUT TO REMOVE SEDIMENT LADEN WATER. PAM IS NOT REQUIRED WHEN ANY OF THE ABOVE IS BEING PUMPED TO AN APPROVED SEDIMENT BASIN ON SITE. THIS ACTIVITY MUST BE INSPECTED AND APPROVED BY THE TOWN OF HUNTERSVILLE EROSION CONTROL INSPECTOR.
3. POLYACRYLAMIDES MAY BE REQUIRED ON SITE, AS DETERMINED BY THE TOWN EROSION CONTROL INSPECTOR.
4. DOUBLE ROW OF HIGH HAZARD SILT FENCE WITH WIRE BACKING AND STONE SHALL BE USED ALONG WETLANDS, STREAMS, LAKES OR OTHER SURFACE WATER BODIES AS WELL AS ADJACENT TO ALL S.W.I.M. OR OTHER WATER QUALITY BUFFERS. SINGLE ROW OF SILT FENCE WITH WIRE BACKING AND WASHED STONE MAY BE REQUIRED ON ALL OTHER AREAS, AS DETERMINED NECESSARY BY THE TOWN ENGINEER OR FIELD INSPECTOR.
5. THE AMOUNT OF UNCOVERED AREA AT ANY ONE TIME SHALL BE LIMITED TO NO MORE THAN 20 ACRES, UNLESS APPROVED BY THE TOWN.
6. A 10-FOOT UNDISTURBED BUFFER SHALL BE PROVIDED AROUND THE OUTSIDE EDGE OF DRAINAGE FEATURES SUCH AS INTERMITTENT AND PERENNIAL STREAMS, PONDS, AND WETLANDS. INCIDENTAL DRAINAGE IMPROVEMENTS OR REPAIRS WILL BE PERMITTED WITHIN THE BUFFER AS APPROVED BY TOWN STAFF. THESE WOULD INCLUDE ANY ALLOWANCES STATED IN THE SWIM BUFFER AND/OR PCCO ORDINANCES, IF APPLICABLE.
7. A GROUND COVER SUFFICIENT TO RESTRAIN ACCELERATED EROSION MUST BE PROVIDED WITHIN 7 CALENDAR DAYS OF THE DATE OF LAST LAND-DISTURBING ACTIVITY ON ANY PORTION OF THE PROJECT.
8. ALL DIVERSION DITCHES AND INTERIOR BASIN SLOPES MUST BE MATTED.
9. SUFFICIENT ACCESS FOR CONSTRUCTION AND MAINTENANCE MUST BE PROVIDED AT THE TOE OF ALL RETAINING WALLS THAT ARE 4' OR HIGHER. THE MINIMUM ACCESS WIDTH SHOULD BE NO LESS THAN SIX FEET.
10. ALL BASIN SPILLWAYS SHALL BE SIZED TO PASS THE 25-YR STORM EVENT.
11. FILL SLOPE STEEPNESS SHALL BE LIMITED TO 2:1. SLOPES STEEPER THAN 3:1 MUST BE TERRACED OR OTHERWISE PROVIDE AN APPROVED ENGINEERED SOLUTION. SLOPES 3:1 OR FLATTER MUST BE DESIGNED AS SET FORTH IN THE NC SOIL EROSION & SEDIMENT PLANNING & DESIGN MANUAL, STANDARD 6.02A.
12. ALL PLANS WILL CARRY A "PERFORMANCE RESERVATION".
13. ALL SELF-INSPECTION LOG BOOK ENTRIES WILL BE ELECTRONICALLY SENT TO THE AREA INSPECTOR, WITHIN 2 WORKING DAYS OF A QUALIFYING RAIN EVENT OR WEEKLY (WHICHEVER IS SHORTER), FOR EROSION CONTROL BASINS WITH A DRAINAGE AREA GREATER THAN 10 ACRES. TURBIDITY MEASUREMENTS MAY BE REQUIRED AT THE DISCHARGE POINT OF THE TOWN TO MEASURE CLARITY OF BASIN EFFLUENT AND ANY POTENTIAL IMPACT TO RECEIVING WATERS AT THE TIME OF RAINFALL-TRIGGERED INSPECTIONS. READINGS MUST BE COLLECTED AT THE BASIN OUTFALL (TO MEASURE CLARITY OF BASIN EFFLUENT), UPSTREAM OF THE DISCHARGE POINT (TO MEASURE BASELINE CONDITIONS) AND DOWNSTREAM OF THE DISCHARGE POINT (TO MEASURE STREAM IMPACTS OF THE BASIN EFFLUENT) WHEN POSSIBLE. THE RESULTS MUST BE LOGGED IN THE INSPECTION REPORTS.

GRADING GENERAL NOTES:

1. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED OWNERS.
2. THE DEVELOPER SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE CHANNEL AND BANKS OF THE STREAM ALL DEBRIS, LOGS, TIMBER, JUNK AND OTHER ACCUMULATIONS.
3. COMMUNITY ENCROACHMENT LINE MUST BE MARKED AND MAINTAINED ON SITE UNTIL FINAL GRADING IS COMPLETED.
4. ANY CONSTRUCTION OR USE WITHIN THE AREAS DELINEATED AS FLOODWAY DISTRICT FRINGE BOUNDARY LINE OR FLOODWAY DISTRICT ENCROACHMENT BOUNDARY LINE IS SUBJECT TO THE RESTRICTIONS IMPOSED BY THE FLOODWAY REGULATIONS OF THE TOWN OF HUNTERSVILLE AND MECKLENBURG COUNTY.
5. THE 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 AND/OR THE TOWN OF HUNTERSVILLE BEFORE INSTALLATION.
7. ALL ROOF DRAINS TO CONNECT TO UNDERGROUND STORM DRAINAGE SYSTEM



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

DATE	DRAWN BY
30 JUNE 2022	R.SAMUELS
	DESIGNED BY
	J. DOLAN
	CHECKED BY
	B. CRUTCHFIELD
	SCALE
	AS SHOWN

TIMMONS GROUP

HUNTERSVILLE RETIREMENT RESIDENCE

TOWN OF HUNTERSVILLE, NORTH CAROLINA

GRADING PLAN

JOB NO.

52389

SHEET NO.

RZ-300



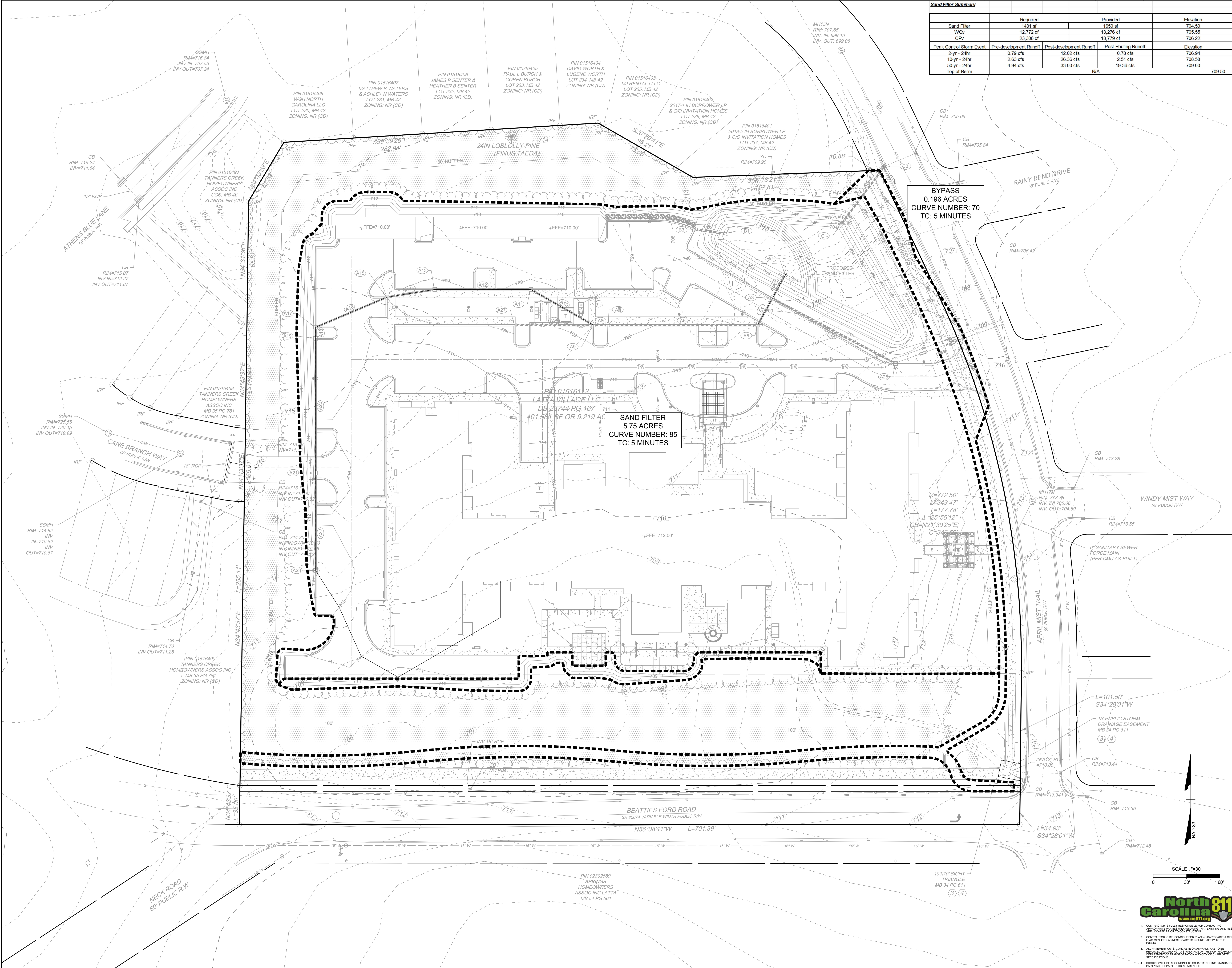
CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.

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

ALL PAVEMENT, OUTLET, CONCRETE OR REINFORCEMENT ARE TO BE INSTALLED AND CONFORM TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION INDUSTRY PRACTICE SPECIFICATIONS.

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

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Sand Filter Summary			
	Required	Provided	Elevation
Sand Filter	1431 sf	1650 sf	704.50
WQv	12,772 cf	13,276 cf	705.55
CPv	23,306 cf	18,779 cf	706.22
Peak Control Storm Event			
2-yr - 24hr	0.79 cfs	12.02 cfs	0.78 cfs
10-yr - 24hr	2.63 cfs	26.36 cfs	2.51 cfs
50-yr - 24hr	4.94 cfs	33.00 cfs	19.36 cfs
Top of Berm		NA	709.50

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08/16/2022

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R.SAMUELS

DESIGNED BY

J. DOLAN

CHECKED BY

B. CRUTCHFIELD

SCALE

AS SHOWN

HUNTERSVILLE RETIREMENT RESIDENCE

TOWN OF HUNTERSVILLE, NORTH CAROLINA

POST-DEVELOPMENT DRAINAGE AREA MAP

JOB NO.

52389

SHEET NO.

RZ-302

REVISION DESCRIPTION

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

ADDRESS TOWN OF HUNTERSVILLE COMMENTS

DATE

09/23/2022

DATE

30 JUNE 2022

DRAWN BY

R.SAMUELS

DESIGNED BY

J. DOLAN

CHECKED BY

B. CRUTCHFIELD

SCALE

AS SHOWN

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 SUBS ARE TO BE MADE WITHIN 30 DAYS OF RECEIPT OF INVOICES TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND SAFETY OF CHARTERED SPECIFICATIONS.

4

SHOWINGS WILL BE ACCORDING TO DRAINAGE 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

Neighborhood Meeting Report

Prepared August 31st, 2022

Meeting Summary

A neighborhood meeting as required for a conditional rezone was held via Zoom at 6pm on August 30th, 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 22nd, 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 30th, 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 22nd 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 30th, 2022 at 6pm via Zoom

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

Register here: bit.ly/HuntersvilleNeighborhoodMtg

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

Kristi Neznanski, Project Manager

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 22nd, 2022 at 6pm via Zoom

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

Register here: 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
November 21, 2022**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: November 21, 2022

Subject: Petition #TA22-07 Senate Bill 105 Text Amendment

EXPLAIN REQUEST:

Consider decision 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:

Take final action on the petition.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

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

LU-10

Policy LU-10: Encourage a diversity of housing options.

LU 10.1: Align housing options with resident needs and promote attainable housing options.

- 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.

- 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 to comply with state legislature but is concerned about the impact of this 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

The Planning Board recommended approval of the text amendment (6-1) at the October 25, 2022 meeting.

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 1st and September 1st HOAB Minutes

PART 10: STATEMENT OF CONSISTENCY – TA22-07		
Planning Department	Planning Board	Board of Commissioners
APPROVAL: 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. 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.	APPROVAL: C. Boyd made a Motion to recommend to approve petition TA22-07 based on the amendment being consistent with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with state legislature. 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. J. Snyder seconded the motion.	APPROVAL: 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> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
DENIAL: N/A	DENIAL: N/A	DENIAL: 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>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)



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:

Current Operations - General Fund	FY 2021-2022	FY 2022-2023
EDUCATION		
Community College System		
Requirements	1,819,143,571	1,685,373,047
Less: Receipts	502,936,159	345,149,910
Net Appropriation	1,316,207,412	1,340,223,137
Public Instruction		
Requirements	13,493,426,049	13,146,477,032
Less: Receipts	2,890,675,279	2,219,558,462
Net Appropriation	10,602,750,770	10,926,918,570

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.