



AGENDA

Regular Town Board Meeting

January 3, 2023 - 6:00 PM

TOWN HALL (101 Huntersville-Concord Road)

Live Stream available via YouTube @townofhuntersvillenc28078

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 - 5:30 p.m.

- 1.A. 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. Recognition of Lonnie Whitley's 30 years of service to the Town and his retirement as of December 31, 2022. (*Kevin Fox*)

7. Agenda Changes/Adoption of Agenda

8. Consent Agenda

- 8.A. Approve the minutes of the November 7, 2022 Regular Town Board Meeting. (*Janet Pierson*)

- 8.B. Approve the minutes of the November 21, 2022 Regular Town Board Meeting. (*Janet Pierson*)
- 8.C. Approve the minutes of the December 5, 2022 Regular Town Board Meeting. (*Janet Pierson*)
- 8.D. Adopt resolution to acquire right-of-way and/or easements for the construction of Beatties Ford at Gilead Road project. (*Stephen Trott*)
- 8.E. Adopt resolution to request approval from Charlotte Regional Transportation Planning Organization (CRTPO) for the functional reclassification of 0.4 miles of Stumptown Road to a Minor Collector. (*Heather Maloney*)
- 8.F. Call a public hearing for February 6, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #TA22-17, a Zoning Ordinance text amendment by the Huntersville Planning Department to Section 7.5.3 increasing the buffer width when higher density major residential subdivisions adjoin lower density development. (*Jack Simoneau*)
- 8.G. Call a public hearing for February 6, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #R22-05, Oak Grove Hill Expansion, a request by Carver Bowman, LLC to rezone +/- 45.12-acres generally located north of Mt. Holly-Huntersville Road, east of Beatties-Ford Road and south of Pembroke Road from existing Neighborhood Residential - Conditional District (existing Oak Grove Hill CD-Rezoning) and Rural to Neighborhood Residential - Conditional District (REVISED Oak Grove Hill CD-Rezoning) for a 156-lot subdivision; (Parcel #s 01526443, 01526504, 0152606, 01526460, 015254432, 01526456, 01526432, 01526450, 01526455, 01526428, 01526429 & 015264431).

9. Public Hearings

- 9.A. Conduct a public hearing on Petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on Town utility poles. (*Kayleigh Mielenz*)
- 9.B. Conduct a public hearing on Petition #R22-06, a request by Hotel Ventures of Lake Norman, Inc. to rezone +/- 2.66 acres located at 16221 Northcross Drive (Parcel #00930115) from Corporate Business - Conditional District to Corporate Business - Conditional District for a 109 room hotel proposal. (*Jesse James*)
- 9.C. Conduct a public hearing on Petition #TA22-12, a request by the Huntersville Town Board to amend Article 4 of the Zoning Ordinance clarifying first floor residential and commercial area requirements for Shopfront and Workplace mixed-use buildings. (*Jack Simoneau*)

- 9.D. Conduct a public hearing on Petition #ANNEX 22-01, a request by Earl House III and Terrix Deanna Williams, to annex 0.45 acres into the Town of Huntersville. *(Nathan Farber)*

10. Other Business

- 10.A. Consider adopting an ordinance approving Petition #ANNEX 22-01, a request by Earl House III and Terrix Deanna Williams, to annex 0.45 contiguous acres into the Town of Huntersville. *(Nathan Farber)*
- 10.B. Consider appointments to the Greenway, Trail and Bikeway Commission. *(Michael Jaycocks)*
- 10.C. Consider appointments to the Parks & Recreation Commission. *(Michael Jaycocks)*
- 10.D. Consider appointments to the Public Art Commission. *(Michael Jaycocks)*

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
January 3, 2023**

To: Town Board

From: Janet Pierson, Town Clerk

Date: January 3, 2023

Subject: Approval of Minutes - November 7, 2022

EXPLAIN REQUEST:

Consider approving the minutes of the November 7, 2022 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**November 7, 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 5:15 p.m. on November 7, 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.

New Town Hall Update. Bobby Williams, Assistant Town Manager, provided update on listening sessions for new town hall.

Brent Green, Creech and Associates, reviewed schematic design drivers.

Refer to PowerPoint Presentation attached hereto as Exhibit No. 1.

There was consensus that the Chamber should be located on first floor, however the Board requested staff get input from the Fire Chief and Police Chief on any safety concerns.

Following the presentation and discussion, there being no further questions or comments, the Pre-meeting was adjourned.

**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 November 7, 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 update on where the Town is on fuel clean energy.

Jackie Huffman, Deputy Town Manager, reported the Board adopted goals for FY23 at the October 3, 2022, Town Board Meeting related to charging stations. Staff has met with a company in the business park that manufactures charging stations and have begun to pursue. Staff attended a regional meeting in Charlotte related to the use of electric vehicles. The Board adopted goals in October asking staff to look into electric vehicles. On state contract right now gas-powered F150 trucks are at a price of about \$41,000-43,000. Electric F150 trucks are approximately \$77,000. Those costs were not provided for in the FY23 adopted budget, but it is good information going into the FY24 budget talks.

Mayor Bales requested update on the community engagement portal and the mobile app.

Kim Strickland, Public Information Officer, reported the online community engagement portal launched last Wednesday. Staff hopes to have the mobile app launched by the end of the month.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Huntersville 101 Graduates. Mayor Bales and Kim Strickland, Public Information Officer, recognized Huntersville 101 graduates.

PAC School Spirit Peace Pole Project. Lynn Cavanaugh presented information on the Public Art Commission's School Spirit Peace Pole Project. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

Huntington Green Community Thanksgiving Event. Michael Jaycocks (Parks & Recreation Director), Major Barry Graham (Huntersville Police Department) and Charles DiRico (Assurance United Methodist Church Pastor), provided information on Huntersville Turkey Day that will be held in the Huntington Green community.

Small Business Saturday Proclamation. Mayor Bales proclaimed November 26, 2022, as Small Business Saturday.

Town of Huntersville Proclamation

WHEREAS, the Town of Huntersville, North Carolina celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are 32.5 million small businesses in the United States, they represent 99.7 percent of firms with paid employees, and they are responsible for 62 percent of net new jobs since 1995, and small businesses employ 46.8 percent of the employees in the private sector in the United States; and

WHEREAS, 79 percent of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday, 70 percent report the day makes them want to encourage others to Shop Small, independently-owned retailers, and 66 percent report that the day makes them want to Shop Small all year long; and

WHEREAS, 58 percent of shoppers reported they shopped online with a small business and 54 percent reported they dined or ordered takeout from a small restaurant, bar, or café on Small Business Saturday in 2021; and

WHEREAS, Town of Huntersville supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim November 26, 2022, as **Small Business Saturday** and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Huntersville to be affixed this the 7th day of November 2022.

Family Court Awareness Month Proclamation. Mayor Bales proclaimed the month of November 2022 as Family Court Awareness Month.

Town of Huntersville Proclamation

WHEREAS, the mission of the Family Court Awareness Month Committee (FCAMC) is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interest of children; and

WHEREAS, the mission at the FCAMC is fueled by the desire to create awareness and change in the family court system for the conservatively estimated, 58,000 children a year ordered into unsupervised contact with physically or sexually abusive parents, while honoring the hundreds of children who have been reported as murdered during visitation with a dangerous parent; and

WHEREAS, the mission of the FCAMC is to increase awareness on the importance of empirically-based education and training on domestic violence, child emotional and psychological abuse, childhood trauma, child sexual abuse, coercive control, post separation abuse for all professionals working on cases within the family court system; and

WHEREAS, the mission of the FCAMC is to increase awareness on the importance of using scientifically valid, evidence-based, treatment programs and services that are proven in terms of safety, effectiveness, and therapeutic value; and

WHEREAS, the mission at the FCAMC is to educate judges and other family court professionals on evidence-based, peer-reviewed research. Such research is a critical component to making decisions that are truly in the best interest of children. This research includes The Adverse Childhood Experiences (ACEs) Study (co-principal investigator: Vincent Felitti, Kaiser Permanente-CDC); Child Custody Evaluators' Beliefs About Domestic Abuse Allegations (principal investigator: Daniel Saunders, University of Michigan, sponsored by the National Institute of Justice); and Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations (principal investigator: Joan S. Meier, GW Law School, sponsored by the National Institute of Justice).

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby declare the Month of November, to be **FAMILY COURT AWARENESS MONTH** and encourage all residents to support their local community's efforts to prevent the harm of children in the hands of family members and to honor and value the lives of children.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 7th of November 2022.

Bill Russell, 9449 Mount-Holly Huntersville Road, said over 20 years ago we had some individuals, Peter Pappas among them, that came up to the Chamber and to the Town and they talked about a project for a mixed-use development that I thought was grandiose. It was very big – Birkdale Village. That became the premier preeminent mixed-used development that everybody wanted to emulate. For the first decade it was the model. Everybody wanted a Birkdale. For those who moved to our community, they actually thought that was downtown Huntersville because of the energy of Birkdale. A few years ago, a board sat right there, and they looked at where we needed to go with our transportation infrastructure. They determined that we couldn't just meet the needs of today's Huntersville, we needed to look at where it was going to go. That was you Rob, Dan, Mayor Bales. You invested millions of dollars in transportation infrastructure. We see those orange barrels and sometimes we are challenged by them, but we know that we're going to be able to handle our future here on Gilead and Sam Furr. I've been to Avalon in Georgia and I've seen the model for where North American Properties wants to take Birkdale

Village. Kim was just talking about on social media people said we don't need Class A office space, etc., we can't even park there now and they can't park there now. That's why we have to have these new improvements and needed parking decks. But they're wrong, we do need the Class A office space. People don't want to drive to Charlotte for their jobs, but they do want to work closer to their houses. We need to take the people out of their cars and let them work where they live. I got a phone call last week. The Carolina Raptor Center wants to have a gala event with 350 to 400 people here in Huntersville. We don't have a meeting space like that, not only in Huntersville, in Lake Norman. We have to send them to Concord or Charlotte. We do need a boutique hotel, somewhere when those folks come they can stay, they can dine, they can shop, they can leave their money like the proclamation talked about. We need those kinds of things. The previous Town Board sat where you did and said where can we take this town. You have a partner in North American Properties that wants to invest millions to reimagine Birkdale Village. You have the opportunity to reimagine Huntersville. Don't miss this opportunity.

Dawn Snow, 8132 Evanston Falls Road, said I wanted to talk about Birkdale Village. Per Article 11, the Board must consider whether a proposed rezoning is consistent with the overall character of existing development in the immediate vicinity and whether it will be in harmony and conformity with the area in which it's located. Looking ahead to the 2040 Plan per LU-11 it is stated that the unique character of Huntersville's neighborhoods must be protected from the negative impacts of redevelopment. Also, building mass and scale should be respected in relation to existing buildings. When considering this in relation to Birkdale Village, you have to understand that its unique neo-traditional character is derived from the fact that it was modeled after a small town. A max building height of 48' was put into place to be in compliance with neo-traditional pedestrian-oriented development standards and to create a friendly human scale that is akin to the character of a village or small town. Both scale and architecture have to be right to have harmony and maintain character in a unique neo-traditional development like Birkdale Village. Scale is all a matter of perspective as shown in the graphic that I emailed you earlier today. You would not have hotels or office complexes that are 115' tall or more in villages or small towns because they would dwarf the other buildings and look out of place, thereby destroying the character and harmony of the area. But those same offices and hotels would look right at home in Ballantyne or in an office park down there at 485. The developer already knows this and that is why they said in the public hearing on October 3rd that their proposed buildings would be a buffer and do not need to be complimentary. The reality is that they don't care. They don't live here and are only looking at how to maximize land use and profits with little regard for the community. However, you should care. That is your job. To not consider both scale and architecture to preserve harmony and character is irresponsible. Additionally, NAP has not been very transparent with our neighborhood since taking over. During our monthly neighborhood Zoom meetings, they never mentioned the rezoning plans and failed to notify us of the neighborhood meetings. They know that 70' would be about the max height of any building in a neo-traditional village. As such and to calm everyone down, Tim Perry with NAP stated several times in front of a packed room full of residents during our October 24th neighborhood meeting that they were going to reduce the max height to 70' and everybody breathed a sigh of relief. Then they did a 180 and presented their original proposal of 145' feet at the Planning Board meeting the next day, with no mention of reducing the height to 70'. We are asking that the conditional rezoning and amendment process be followed to maintain the character, harmony, and conformity of Birkdale Village and also for the developer to honor what they say and therefore we ask that you deny the currently proposed rezoning and text amendment or at the very least limit the building height to the 70' max height that Tim Perry promised us on October 24.

Nick O'Shaughnessy, 8217 Parkton Gate Drive, said I won't disagree with anything that Bill Russell said. The only problem that we have as residents in the Greens, and Bill is not a resident in Birkdale, so I have

a little bit more of a subjective approach to the whole thing and I have probably inundated you guys with quite lengthy emails because I feel very strongly. I've been in this business of rezoning and presenting rezoning since 1992, so I know where these guys are coming from. I don't disagree with anything that Bill said about the town needing to grow. I'm not against growth, even growth within the Village, but not with these guys. These guys are the epitome of the developers that came into North Mecklenburg 30 years ago and ripped everybody off and ran away and we were left with their mess and the way that these guys have been conducting themselves and I don't care if you record it, I wouldn't buy a new car from these guys, never mind a used car, because they are not transparent. They are not honest. They have not been honest with our community in our meetings. Mr. Perry the day before the Planning Board meeting said and he apologized afterwards, after he'd been called out. He said the buildings were not going to be more than 70' high to keep us all nice and quiet, to shut us up, so that we wouldn't come into your meetings and mess it all up. Well, there's only a handful of us as usual that are prepared to defend our little neighborhood and our shopping center and trying to keep it a quality place. Yes, it has to be expanded, but not with the ugly buildings these guys..... if they're going to invest \$253 million, which is their number not mine, why didn't they hire an architect to do some schematic drawings, real drawings, in real locations. It would maybe cost \$20,000 to \$25,000, peanuts in the whole scheme of a \$253 million dollar project. Why didn't they hire architects and a reasonably competent graphic artist to draw what they really want to build. The answer to that is they don't want to spend the money right now. I find that pathetic. You want to put a \$253 million project in front of people with pictures of other projects whose architecture doesn't even begin to address the language of Birkdale Village. As an architect and I taught architecture for four years at UNCC and my students won international awards, so I'm not talking out the back of my you know what. My time is up. Please either defer it, think about it, get these guys to do a proper job and show us real buildings in real locations, not misleading architecture and perspective of buildings from other projects. I just ask you to either defer it or deny it.

Caleb Hedrick, 18805 Bluff Point Road, said I am the Vice President for the Titanium Sound Marching Band. I just wanted to come here and speak on behalf of the band and to thank our Town and Commissioner Stacy Phillips for finding us a generous donor to help us to get to the Chick-fil-a Peach Bowl in Atlanta this December. We received an invite to the Peach Bowl last spring and we were very excited. We were fundraising and working very hard. We recently found out that we were not able to go, we didn't make the funds. Ms. Stacy Phillips found a generous donor. They said if we can match \$7,500 they would give us \$7,500 and then within days we made that money. We were interviewed for several articles. We were on WSOC-TV and it was just incredible to see the way the community came together to support us and that meant a lot to us. We were very overwhelmed by the level of support we received.

Alexandra Woods, 8900 New Oak Lane, said I'm the President of the Titanium Sound Band Council and I am speaking to tell everyone how much this truly means to us, your donation. Because of the COVID-19 pandemic, for the past two years we have not been able to travel outside of North Carolina and the activities we were able to participate in were limited. The Peach Bowl is the first chance for all of us to showcase our talents outside of the local community and we are not taking this lightly. Our marching band jazz ensemble and symphonic band will be working non-stop to ensure that we represent our community the best we can. Ms. Phillips is truly helping us turn our dreams into reality. To show just a small token of our appreciation and to give back to our wonderful community, we have brought in pop-top canned goods for the homeless. Our band is like a family so getting to experience this with each other is a once-in-a-lifetime opportunity for all of us. This will benefit us for years to come and help us receive future opportunities to represent our community. We are determined to make our community

proud and show everyone what we have to offer. Once again, from the bottom of our hearts, thank you Ms. Phillips.

Commissioner Phillips said point of order ma'am. I'm so proud of you all and I want you guys to know that what you're doing isn't just about Hopewell, it's about this town. You guys have brought hope to our town and this isn't the end. This is a beginning and we're investing in our futures by supporting y'all. All I ask is that when you go you have fun and you make memories that you never ever forget and keep your phones down and let your parents do all the recording, so you guys absorb it, enjoy it. We're all so very proud of you guys.

Commissioner Munger said on Birkdale Village I have put forth a request that it be deferred until a later date. We are waiting to hear back from the developer. If we do hear back from the developer I want that advertised so the next meeting when everyone thinks we might be having the vote, if we're not having the vote, I don't want to waste your time and make you come here if we're not having that vote. I want people to know that perhaps we are not going to vote on that on the 21st, which is currently the schedule. We are asking for it to be deferred to a later date and I just want everyone to kind of know that

AGENDA CHANGES

Commissioner Partee made a motion to adopt the agenda. Commissioner Munger seconded motion. Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Kidwell made a motion to approve the minutes of the September 19, 2022, Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Historic Designation – Cowan's Ford-Davidson College Monument. Mayor Bales called to order public hearing 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.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed request. *Refer to Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

The Charlotte-Mecklenburg Historic Landmarks Commission recommends designating as an historic landmark, a structure known as the "Cowan's Ford-Davidson College Monument," associated with the property listed under Tax Parcel 00902102, and 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.

In 2019 NCDOT discussed with the State Historic Preservation office the relocation of the marker within their right-of-way but out of the construction zone of the planned improvements. NCDOT

recommended to Town staff that after the marker has been relocated by them, the petition for historic designation of the Cowan's Ford marker be brought back before the Town Board for consideration. Town Staff concurs with the NCDOT recommendation and does not recommend historic landmark designation for the Cowan's Ford marker at this time.

Mayor Bales recognized Planning Board members present: Chris Boyd and Jodi Wright.

Emily Sloop, Town Attorney, confirmed that Commissioner Phillips does not need to be recused because her business is across the street from the marker.

Jack Thompson, Charlotte-Mecklenburg Historic Landmarks Commission, reviewed the process for relocating a monument and explained that decision on the radius of land surrounding the monument to be included was based on best practices.

Commissioner Phillips suggested that the process for notifications be reviewed and consider including notifying adjacent property owners of potential historic designations.

Following additional discussion, there being no further questions or comments, Mayor Bales closed the public hearing.

Historic Designation – General William Lee Davidson Monument. Mayor Bales called to order public hearing 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.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed request. *Refer to Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

Charlotte-Mecklenburg Historic Landmarks Commission recommends designating as an historic landmark a structure known as the "General William Lee Davidson Monument," listed under Tax Parcel 01315102, 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.

Town staff recommends designating as an historic landmark a structure known as the "General William Lee Davidson Monument," listed under Tax Parcel 01315102, including the monument in its entirety and an 8' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument.

NCDOT has planned roadway improvements to widen NC 73 in the same area as the marker. Right-of-way acquisition for the improvements is scheduled to begin in February 2023 with construction starting around 2026. NCDOT indicated the existing parking area in front of the marker may be impacted by the road project. Staff is recommending a reduced radius of land around the marker be dedicated historic so the radius does not include the existing parking area.

Ms. Mielenz noted staff is recommending an 8' radius just to not encompass the parking lot and to just keep that area of land not larger than it needs to be.

Stewart Gray, Charlotte-Mecklenburg Historic Landmarks Commission, explained they recommend a 40' radius for this marker because it's different than most that are close to a public road, as it's fronting on a parking lot and the 40' is designed to encompass the entire park that surrounds this monument.

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

Historic Designation – Rural Hill Directional Marker. Mayor Bales called to order public hearing 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.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed request. *Refer to Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

Charlotte-Mecklenburg Historic Landmarks Commission recommends designating as an historic landmark a structure known as the "Rural Hill Directional Marker," listed under Tax Parcel 01301250, 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.

Town Staff recommends designating as an historic landmark a structure known as the "Rural Hill Directional Marker," listed under Tax Parcel 01301250, including the marker in its entirety and a 10' radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker.

Town Engineering/Public Works has a Town Capital Improvement Plan (CIP) to realign Neck Road and construct turn lanes at the intersection of Beatties Ford and Neck Road. The adopted CIP budget is from fiscal year 2023-2027. The Beatties Ford/Neck Road project is listed in the future category of the budget, meaning it will not commence until after 2027.

Due to the lack of project plans and construction date for the CIP project, Town Engineering does not contest the proposed historical designation but recommends a reduced radius of land to be dedicated historical to keep as much existing Town right-of-way out of the radius as possible. Planning Staff concurs with the Engineering Staff recommendation.

Commissioner Kidwell asked if the property owner has been communicated with.

Ms. Mielenz said Charlotte-Mecklenburg Historic Landmarks Commission has the responsibility of notifying each of the property owners and to my understanding they notified them and then I sent a reminder email about the date of the public hearing. I got no response from that.

Tommy Warlick, Charlotte-Mecklenburg Historic Landmarks Commission, noted they have written the property owner at least five times and have not received a response. In 2018 when this was initially going forward, the property owner was responsive and was in agreement at that point.

Following additional discussion, there being no further questions or comments, Mayor Bales closed the public hearing.

OTHER BUSINESS

Historic Landmark Designation – Cowan’s Ford-Davidson College Monument. Kayleigh Mielenz, Planning I, entered the Staff Report into the record. *Refer to Exhibit No. 2.*

Commissioner Boone made a motion to approve as an historic landmark a structure known as the “Cowan’s Ford-Davidson College Monument,” including the monument in its entirety and a 15’ radius of land immediately surrounding the monument, measured in each direction from the center 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 Phillips seconded motion.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 6.

Historic Landmark Designation – General William Lee Davidson Monument. Kayleigh Mielenz, Planner I, entered the Staff Report into the record. *Refer to Exhibit No. 3.*

Commissioner Boone made a motion to approve as an historic landmark a structure known as the “General William Lee Davidson Monument,” including the monument in its entirety and a 40’ radius of land immediately surrounding the monument, measured in each direction from the center 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 Kovacs seconded motion.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 7.

Historic Landmark Designation – Rural Hill Directional Marker. Kayleigh Mielenz, Planner I, entered the Staff Report into the record. *Refer to Exhibit No. 4.*

Commissioner Boone made a motion to approve as a historic landmark a structure known as the “Rural Hill Directional Marker,” including the monument in its entirety and a 38’ radius of land immediately surrounding the marker, measured in each direction from the center point of the monument, all as situated on the property listed under Tax Parcel 01301250, located at 6645 Neck Road and owned by Herseng Yang.

Commissioner Partee seconded motion.

Commissioner Munger said I wanted to ask Commissioner Boone if he’d be amenable to excepting out the area of the public roads in that 38’ radius. I like the overall motion, I just want to remove any public roadways from that area as a designated historic marker.

Commissioner Boone said I can amend my motion that says 38’ not to include any part of Neck Road.

Emily Sloop, Town Attorney, said I would agree with staff's recommendation that we get a metes and bounds description for this particular designation given that we are changing it from a circular 38' radius to exclude the right-of-way. You can include that in the motion that it is a requirement to have a metes and bounds description.

Commissioner Boone said so amended.

Commissioner Partee seconded amended motion.

Motion carried by unanimous vote.

Ordinance attached hereto as Exhibit No. 8.

Stumptown Road Project Discussion. Stephen Trott, Director of Engineering, asked if the Town should apply for CRTPO funds and if yes, what is that match percentage. The application that we turned in in draft format included the minimum 20 percent match. If the Town Board would like to go along with that and approve that, we already have the application in. If the Board would like to have an additional percentage match above that 20, we could do that. Since the submittal deadline has passed the TCC has met and during their presentation last week found out that these were the overall, don't know specific projects, but these are the dollar amounts of projects that have been submitted so far. If the eligible pot is \$46 million, if you add up everything that could be a roadway designation it's short of that, so it looks like most everything or everything that was submitted as a roadway project if eligible may get funding.

Commissioner Kidwell made a motion to approve the Resolution to approve a 20 percent local match of \$1.289 million towards the requested amount of \$5.156 million from CRTPO for the Stumptown Project.

Commissioner Munger seconded motion.

Motion carried unanimously.

Hambright Road Pedestrian Crossing. Stephen Trott, Director of Engineering, reviewed request received recently regarding enhanced pedestrian crossing along Hambright Road in the vicinity of CMS complex at Hambright and Old Statesville Road. The request was for an enhanced pedestrian crossing across Hambright Road so residents from the Stoneybrook Station subdivision can get to the south side and go to J. M. Alexander Middle or Blythe Elementary. What we have heard from the police officer that is out in the area during the day is that a teacher from the elementary school does walk across the street and down the street to the subdivision to help kids walk back to the elementary school each day. We did do a pedestrian count out there and there were a little over 20 people over the course of two days that crossed the street in this general area. What staff wanted to get some feedback on is does the Town Board want staff to ask NCDOT for permission to do an enhanced pedestrian crossing in that area.

Commissioner Kidwell made a motion for staff to move forward seeking direction from NCDOT for a pedestrian crosswalk at Hambright at J. M. Alexander.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Mr. Trott asked if there was any additional insight from the Board concerning a request brought up earlier in the year for possible pedestrian enhancement at North Meck High.

Commissioner Phillips suggested not making a decision at this time, and request staff talk to Charlotte DOT, because if the Town installs a pedestrian crossing on the Huntersville side at Old Statesville, I would like to see Charlotte step up and make it more accessible on the Alexandriana side as well.

Municipal Government Structure Changes. Anthony Roberts, Town Manager, reviewed the options to change Board terms – ordinance option and referendum option. *Refer to PowerPoint attached hereto as Exhibit No. 9.*

Commissioner Munger suggested the Board consider transitioning to 4-year terms and if they would be staggered terms.

Commissioner Partee suggested having a workshop to discuss Board terms.

Commissioner Boone pointed out that the Town of Cornelius tried 4-year terms and it did not work, so they went back to 2-year terms.

Following discussion on 2-year versus 4-year terms, Commissioners Partee, Boone and Munger volunteered to serve on a subcommittee to meet with the Town Attorney to gather information.

The subcommittee will bring something back to the Board at the first meeting in March.

Best Practices for Town Board Motions. Emily Sloop, Town Attorney, noted that information in the agenda packet is what I consider to be best practices for motions as far as drafting a motion, things to be aware of, making the motion, clarification of the motion and also changing votes and motions for reconsideration. *Refer to Best Practices attached hereto as Exhibit No. 10.*

Commissioner Munger suggested a checklist for motions to indicate has it been reviewed by the attorney, has it been reviewed by the department head, who is making the motion, etc.

In discussing making motions, there was not a clear consensus to use a checklist. It was suggested that if it be left to individual Board members if they want to use a checklist. It was agreed that motions should be well thought out and if needed take a pause when making a motion to make it is correct.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Provided update from Metropolitan Transit Commission.
- Lake Norman Economic Development Corporation is working 26 active projects, 21 of which are in Huntersville.

Commissioner Kidwell

- Veterans Day Parade and Ceremony is this Saturday.
- Next Charlotte Regional Transportation Planning Organization meeting is November 16.

Commissioner Kovacs

- Wine on the Vine event was a success.

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Boone

- Andrew Sales was recognized by the Lake Norman Chamber of Commerce at their Public Safety Luncheon as Firefighter of the year from Huntersville Fire Department.

Commissioner Phillips

- No Report.

Commissioner Partee

- Wine on the Vine event was a success.
- Advocate for gun safety – Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Munger

- Wine on the Vine event was a success.
- Next Public Art Commission meeting is November 9.
- Consider supporting local non-profits.

Mayor Bales announced Coffee with a Cop is tomorrow and reminded everyone of the Veterans Day Parade.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2023.

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Janet Pierson, Town Clerk

Date: January 3, 2023

Subject: Approval of Minutes - November 21, 2022

EXPLAIN REQUEST:

Consider approving the minutes of the November 21, 2022 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**November 21, 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 5:15 p.m. on November 21, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Derek Partee and Stacy Phillips. Commissioner Lance Munger was not present.

Mayor Bales called the Pre-meeting to order.

New Town Hall Update. Brent Green, Creech & Associates, provided update on listening sessions and schematic design for new Town Hall. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

It was the general consensus of the Board that the site design include a drive aisle from NC 115.

It was the general consensus of the Board to use Option B (Board Room on the left on the first floor) for the location of the Board Room.

Closed Session. Commissioner Phillips made a motion to go into 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.

Commissioner Boone seconded motion.

Motion carried 5 to 0.

Upon return from closed session, there being no further business, the Pre-meeting was adjourned.

**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 November 21, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Derek Partee and Stacy Phillips. Commissioner Lance Munger was not present.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales presented Lifesaving Award to Officer Garrett, Officer Prendergast, Officer Shaw and Officer Ortega of the Huntersville Police Department.

Melissa Easley, 9414 Misty Arbor Way, said I am your new CMS School Board Rep. I wanted to come here tonight to introduce myself and to let you know I am here for you.

Mike Murphy, 8514 Brentfield Road, said I moved here 12 years ago. Originally, I lived in the apartments next to Birkdale and then owned a townhome in Birkdale and in 2017 I moved to the golf course side. I recognize this item has been moved from the agenda, but I'm still here to speak about the rezoning and special use permit request for Birkdale by North American Properties and urge you all to decline it outright. Recently I saw a news story that caught my attention and I'll just read the headline "Southpark Mall Reopens After Brief Shutdown – No Shots Reported CMPD Says." While Southpark is outside of our bubble, it's only 8 miles away, so I started thinking let's just search Northlake Mall and then go to the news filter. There's five stories that have occurred in 2022. Here's one in October – "One Dead After Fight Leads to Shooting at Restaurant near Northlake Mall Police Confirm." August 22 – "Man Killed in Saturday Morning Shooting Near Northlake Mall." June – "CMPD Investigating Homicide at Apartment Complex." The fourth and fifth stories are very similar, so that sort of thing doesn't happen in Birkdale, does it. It's a quaint village, right. A couple of weeks ago you can imagine my shock when I was at a dinner party and someone said did you hear about the carjacking in Birkdale. I said what are you talking about, you're nuts. No carjackings happen in Birkdale. I couldn't find anything in the local news, nothing on Facebook. I searched the Town website, didn't see any incident reports, so I asked the person who told me whoever told you this please introduce me to them. I spoke to this woman, she wants to remain anonymous because she's a business owner and she told me that on Saturday, November 5, at 1 p.m. she was walking on the corner at Girl Supply. She saw a vehicle facing the wrong way on the wrong side of traffic with a man frantically trying to get into the passenger door. The car sped off, almost hit her. It happened so fast she could not take a picture of it, and she had her phone in her hand. The car drove into Birkdale and she knew that because she could hear the muffler. She said had her kids been with her they probably would have been hit. She was very uncomfortable and went to her car to decompress. Police were arriving on the scene. There is a publicly available police report. I forwarded that to all of you in an email. This sort of thing is shocking to me. I would just ask what kind of community do we want to live in. This does not need to be a partisan issue, but to me it is a political issue at this point. It's a basic safety issue. It's a quality of life issue and we have this desire for character in our communities and I don't think you can just build character. Character doesn't come with constant development and redevelopment. I would ask you all to help force a pause. Let the dust settle and let's focus on infrastructure improvements in the area. On a regular basis I see kids crossing the street on the wrong side of the crosswalk, dodging in between traffic. I can tell you with my

family it does not feel safe to cross a crosswalk from the golf course side into Birkdale. And even being there for the Christmas tree lighting the other day, when I used to live in the townhomes cars parked everywhere in the townhome communities, but this year all of the parking at Summit Coffee and Inizio was taken up. The entire golf course lot was full. You had large groups of people crossing the street and it just generally feels unsafe.

Thomas Wright, 8203 Strandhill Road, said we have lived in Birkdale for 9 years. We've lived in the area for 33 years. I can remember back when we moved here, Exit 28 had I think a Ham and Egg restaurant and a Texaco station and then Exit 25 was not even thought of at that time. I know there's several factors that's going to affect your decision as far as the Birkdale expansion is concerned. I know you are having to work with the DOT and from what I've heard, they are no charm to work with. They are very slow to make decisions. Very few of the members, if any, are elected. We realize you have to work with that. We understand that you are concerned about the taxbase for the area. That's part of your job and we understand that, too. But I believe that another part of your job is to protect the citizens from events that will very detrimentally affect them individually and the community at large. The traffic situation that will be caused by the NAP expansion is not in the best interest of the homeowners individually or the area in general. I know you will have a lot more detailed information about why we are against this, but it is your job to make this decision. We understand it's a difficult decision, but I just wanted to point out that there are other reasons for you to make the right decision, which we think is to turn down the proposal.

Catherine Wright, 8203 Strandhill Road, said I'm in Birkdale Village as a homeowner and that was my husband. I don't know that I have a whole lot to add beyond what he said, but I just want to thank you for the privilege of speaking to you. I thank you for everything you do and for standing on the fence for us trying to make decisions for our taxbase, but also for the people that you represent. We're grateful for everything you do and it's a lot of hard work and I understand, so Mayor Bales and Commissioners and all of the Town Board, I just want to acknowledge that we began the Birkdale Village planning with a little hope and excitement that there was new investment in our commercial village. We just live a couple of blocks off of there and we like that they were taking more interest in keeping it cleaner and nicer and everything, so we were kind of excited about all their plans and were very open. I have to say though as time has moved on, there has begun to develop a lot of distrust in NAP and their ability to pull in the right kind of business that is congruent with our current styles, and also the feeling that communication has been very poor which builds some distrust in what they are trying to do. As well we've had a little more time to look at the situation with infrastructure and I can remember many freeze frames at 3:09 in the afternoon when I was looking at cars backed up all the way down 73 in both directions and it took three lights to get out of Birkdale Village. There's something that just kind of glares out at me and when this gas leak occurred not so long ago, we were worried were we supposed to evacuate or not. It turns out we didn't need to, but what if we had needed to and this was further beyond. Then we're looking at the infrastructure issue that it's so hard to even get on the interstate now with all the traffic we have and I began to worry about what if we're an evacuation route, are we going to wait and try to make the ends meet in the middle or are we going to just go gangbusters with these silos of development that are so dense all over the place that all of a sudden we wake up one day and we can't get out of our neighborhoods when there is a disaster. That's pretty concerning to me and I just think maybe we just hold off a little more and we move more slowly with this kind of development until we have DOT meet the needs of our infrastructure so that we cannot be in that kind of situation.

Suzanne Villar, 17130 Bridgeton Lane, said I appreciate the opportunity to talk with the council tonight. As the Town Council is aware, North American Properties is seeking approval for a very large expansion within the existing Birkdale Village retail footprint. As you are also aware, residents of the community

surrounding Birkdale Village have already expressed serious concerns about this project over current and anticipated worsening traffic, parking, and safety issues. Anyone who was present in Birkdale Saturday afternoon and evening for the Birkdale Village Christmas parade and tree lighting saw firsthand the gridlock that we are concerned about. This was my husband's and I 11th Christmas parade and tree lighting and we've never seen anything like this before. What we saw Saturday confirmed our worst fears and the fears of many of our neighbors, specifically that people wanting to park in the village Saturday night had to drive in continuous circles trying to find a parking spot, eventually backing traffic onto Sam Furr. We've already heard tonight that many people ended up parking on the other side of Sam Furr. It got so bad in the village that Huntersville PD had to direct traffic onto Townley and into our neighborhood to park in order to move cars off of and out of the log jam at Sam Furr. Our son-in-law who drove in from Davidson via Catawba reported to us that people were parking in Robbins Park and walking to the village. Cars were parked on both sides of some streets including Bridgeton Lane, which is one of the widest streets in our neighborhood, making them impossible for anything other than a compact car to drive through. Alleyways that allow us access to our driveways and our homes were blocked by desperate and thoughtless visitors. Had any residents needed to leave the neighborhood to seek medical attention, it would surely have taken much longer than normal due to parking and traffic issues, if it proved even possible to get out at all. Fire engines and ambulances would not have been able to serve many homes and even Huntersville patrol cars would not have been able to service many addresses. And all of this was without any active construction within Birkdale or on Sam Furr by DOT or across the highway at the driving range and that already permitted new development. As many have already said tonight, on behalf of my family, my neighbors, and the welfare of the community as a whole, I'm asking every member of the council to please delay any decision or approval of North American Properties retail expansion project until traffic, parking, safety and construction coordination problems have been adequately addressed with concrete solutions that North American Properties can fund and control themselves.

Nick O'Shaughnessy, 8217 Parkton Gate Drive, said you know how I feel. You've heard from me several times. You've received emails from me quite frequently. I do have a letter here from a neighbor of mine who could not be here and with your approval I would like to read it. He feels strongly. He's up in wherever he lives at a funeral so he couldn't make it tonight. He asked me to read his letter. *Letter from Peter Romaniello outlining his concerns over the Birkdale Village project attached hereto as Exhibit No. 2.*

Merlin Villar, 17130 Bridgeton Lane, said I just wanted to give you a thought, maybe from a slightly different angle than some of the things you've heard. Right now, Huntersville has a very successful business park on Reese Boulevard, behind the hospital. It's got a lot of room. It's got a lot of parking. It's got a lot of space to expand. It's a beautiful business park. Why would you even consider allowing North American Properties to build a business park in the front of Birkdale, because that's what this is. This is an office building and a hotel. They are talking about a conference center. It's something that is totally out of place with the intention of what Birkdale Village was supposed to be. It's no secret that North American Properties is lusting after the Regal Theatre lot. If they buy that, this business park is going to expand there. A business park doesn't belong there. You have a great business park right off of Gilead. Birkdale Village is not and never should be considered a business park for expansion, so what is the compelling reason for Huntersville to change the zoning on this to allow this company to build a business park where we live.

Kim Zarsadias, 17303 Inglewood Lane, said I just want to say thank you for listening to us and I just want to say that I do understand why North American Properties wants to add to Birkdale Village. They need more foot traffic to make it successful and we all want it to be successful. What they are proposing with

the high buildings and not adding the infrastructure just seems like too much. I've been a resident of Birkdale Village, I was one of the original ones, I've lived there for 23 years. I know that Birkdale Village was used as a model for many other mixed-use properties around the world and now here we are going to model ourselves after another mixed-use property in Alpharetta, Georgia that supposedly is very successful, but we've read some reviews that show us that it's not as desirable as we are being told it is. I'm just asking you all to consider this jewel that we have in our neighborhood. I feel like a lot of us are older people, we have all this nostalgia of what used to be. I have a 24 year old daughter who when she finishes grad school I think she will come back here to live and she wants to live in Birkdale Village and she's the future. She's not happy with what's being proposed. I just think that we can do better. This is going to be a 10-year long project. How do we know what they are proposing right now that's in Alpharetta, Georgia is going to be what in 10 years. I think we need to press North American Properties to be more forward thinking. I think the extra traffic is just going to drive people away.

Tammy Davis, 17114 Bridgeton Lane, said I've been in Birkdale Village for 21 years. My house was built during the first phase of construction. I guess you could say I lived through the entire birth of this community that I call home. To say that we have loved it here would be a complete understatement. In fact, over the last 13 years we've added three children and 1,500 sq. ft. to our home so that it would accommodate our growing family. Birkdale Village has provided us not only a lifestyle we love, but a strong sense of community and family. When we walk into just about any restaurant or store, we are all addressed by name. This type of community is not commonplace. It is unique, but it is also fragile. I would feel remiss if I did not speak up today and try with every ounce of my being to protect what I hold so dear. A little over a year ago, this special community, which I will admit was in need of repair and updating, was bought by a company that I trusted wholeheartedly. I joined in on many of the preliminary meetings and drank the Kool-Aid as did many of my neighbors and friends. When I heard they were going to create a new stage, the buildings were going to be repainted and repaired, and the storefronts were going to be spruced up, I was thrilled. Looking back now it is easy to decipher that we were fed a healthy dose of word manipulation to get us all in line like sheep to NAP's greater agenda. Little by little Mr. Perry started to uncover his ultimate plan, which was to outbuild and overpopulate Birkdale Village. His tone shifted from we consider you all our partners to an arrogant, domineering, unapologetic opportunist. In fact, at the last meeting I attended I expressed my concern for the overcrowded streets and the people that were now starting to park in front of my house, which I feel is very invasive. His exact words to me were maybe you should go move on a farm somewhere. That was absolutely, unconscionable demeaning. For the last 21 years I have made my life here. I planted my roots here and my voice matters. Navigating Birkdale Village is already a complete nightmare. I have to tack on a 10-minute buffer to any place I have to go. I notice more and more people dropping off their teens and tweens to come here and hang out. I am a woman in her early 40's with three kids. I am a mega spender in Birkdale Village. I fit the demographic that helps keep Birkdale thriving, but I am finding it less appealing to shop, especially on weekends, as I don't want to endure mobs of obnoxious, vulgar teens that use this space as their new mall and their meet-up place. Tim Perry has been asked many times how he plans to handle security, parking, gridlock and traffic, but just like the great and powerful oz he hides behind the green curtain and uses his magical bait and switch tactics. In closing, no Mr. Perry, I'm not going to take your unsolicited advice and move to a farm, nor am I going to hide under a rock because some corporate suits in a glass tower think they can bully this community into building what they think is beneficial to us all. The only people who will benefit from this monstrosity is Tim Perry, his counterparts, by adding to their portfolios and their wallets and I am asking you all sitting up there today to please hear my voice and be my voice.

Mary Ann Turetsky, 16927 Birkdale Commons Parkway, said I live in the apartments in Birkdale. I've lived there for three years. The first year I signed a new lease, the original owners raised my rent \$50.

Last year NAP raised my rent \$300. My neighbors across the hall moved out in the summer. The boy upstairs in his early 30's is moving out because his rent is going up \$400. The saddest of all my neighbors is my friend Margie, whose husband had a stroke and last Christmas Eve they called her and told her she had four weeks to get out of the apartment because they wanted to renovate. Her husband was a security guard at Birkdale, so many of the employees knew Lee and begged NAP to let them stay. They stayed, but they raised their rent \$700. They are going to move now as he is in Hospice to the Birkdale Apartments across Sam Furr Road which will be \$600 less in rent for them. The shop owner Nina who owns a dress store is not getting her lease renewed because Tim said he only wants high-end stores like J. Jill and LuLuLemon. Nina is the sole support of her family. Her husband is dying of cancer. The Corkscrew isn't being renewed either because Tim doesn't want any competition for his beer garden. The Corkscrew was in our village since its inception. Red Rocks has been told that they need a \$800,000 rent out to stay in that place. eeZ has already met their renovations of \$1 million. Dresslers is on the bubble. They haven't decided. Tim is only catering to high-end shops and he wants to move people like me and my neighbors out. He just wants DINKs, which are the dual income, no kids, millennials in there now. NAP wants to recoup their investment and doesn't care who they step on or throw away in the process. They are not improving Birkdale as they want everybody to believe. They are pushing us out one by one to continue their grand scheme and see it come to fruition. Please help us and don't let them do that to us. We don't deserve that. I'm a widow. I'm 75 and I just need a place to live and I was very happy and felt safe in Birkdale. My grandchildren live 400' away in a home and I was happy there and now they want me to move out. They are giving me two months and they said I can come back in two months at a rent increase. After I move all my furniture out, my clothes, go find a place to live for two months, and then they will allow me to come back at an increase.....not fair. They're pushing everybody. Please help us.

Dawn Snow, 8132 Evanston Falls Road, said as you are aware there was a big event in Birkdale Village on Saturday with Santa and the tree lighting. The new owners of Birkdale Village, NAP, have made it clear that they intend to host and bring in many other events like this throughout the year, with huge crowds of people. With the proposed rezoning, the crowds will certainly be even larger than what we have seen already. These new owners are creating a safety hazard for our once quaint village and neighborhood and turning it into an overdeveloped outdoor mall, which is negatively affecting us. Hopefully you have viewed the videos I emailed the Board to show what our neighborhood experienced on Saturday with the inadequate parking. Unfortunately, this is predictive of what our neighborhood will face on a regular basis if the Town chooses to approve this rezoning as the parking will still be grossly inadequate, especially during any type of events. The new owners do not seem to care about the impact their greed has on our quality of life or safety. We need you to step up and put a stop to this insanity. On Saturday there was nowhere for people to park, so they were parking all along our narrow neighborhood streets, in front of houses and behind alleyways, and they were parking on both sides of the street, making them impassable and dangerous as shown in the videos. I would hate to think what would happen if there was a fire or if first responders needed to get to any of the homes on these streets. With no regards to the residents now, I can't even imagine what their plans will do to our property values. Who is going to want to live here when they can barely get to their house. Here are some of the comments from that situation on Saturday from Facebook. Comment 1 – what a hot mess. How does any emergency truck, fire, ambulance get through. Comment 2 – I have never seen Birkdale as crowded as it was tonight. The traffic was at a standstill. Crazy. Comment 3 – It was insane. I was Uber driving and the cars were parked along streets almost to Robbins Park. I could barely get through. The streets aren't wide enough in your neighborhood for all the cars parked in there. Comment 4 – Huntersville Police were directing traffic into our neighborhood down Townley as soon as they came into Birkdale. They had the road blocked on the parkway at Townley between Banana Republic and Talbots. Two police officers with their two cars blocking the center of the parkway were directing all traffic into our neighborhood down

Townley. Comment 5 – The people crossing Sam Furr in the dark pushing strollers and carrying babies was ridiculous. There was nowhere to park as far away as Firebirds or the golf course. I hate to say this, but I predict a pedestrian tragedy there at Birkdale is now a safety hazard. Comment 6 – I don't understand how people can park in front of other people's homes when you don't live there or visiting them. Pretty rude. What if a fire truck had to get through there. In closing I will say that this is not unique to Birkdale because it's modeled after Avalon and if you read the reviews from Avalon, you will see that they have the very same problems with parking, so please consider all of this.

AGENDA CHANGES

Commissioner Boone made a motion to move Item 8.F (Adopt 2023 Town Board Regular Meeting Schedule) to Item 10.E. Commissioner Phillips seconded motion. Motion carried 5 to 0.

Commissioner Phillips made a motion to adopt the agenda as amended. Commissioner Kidwell seconded motion. Motion carried 5-0 (Commissioner Kovacs was not present at dais, therefore her vote was recorded as a vote in favor).

CONSENT AGENDA

Approval of Minutes. Commissioner Phillips made a motion to approve the minutes of the October 3, 2022 Regular Town Board Meeting. Commissioner Kidwell seconded motion. Motion carried 5 to 0 (Commissioner Kovacs was not present at dais, therefore her vote was recorded as a vote in favor).

FY19 Electric Write-offs. Town staff and ElectriCities have cooperatively worked at collecting final electric accounts to accurately reflect the amount customers owe the Town. As we did in FY21, 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 0.13 percent of the total 2019 Electric revenue and 169 customers.

Commissioner Phillips made a motion to approve FY19 electric write-offs. Commissioner Kidwell seconded motion. Motion carried 5 to 0 (Commissioner Kovacs was not present at dais, therefore her vote was recorded as a vote in favor).

System Betterment Grant and Budget Amendment. On behalf of the Town of Huntersville, a System Betterment grant of \$5,000 was applied for from ElectriCities of NC 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 and contract service expense.

Commissioner Phillips made a motion to accept System Betterment Grant and budget amendment. Commissioner Kidwell seconded motion. Motion carried 5 to 0 (Commissioner Kovacs was not present at dais, therefore her vote was recorded as a vote in favor).

Resolution – Commerce Centre Drive Project. Commissioner Phillips made a motion to adopt resolution to acquire right-of-way and/or easements for the construction of Commerce Centre Drive

Project. Commissioner Kidwell seconded motion. Motion carried 5 to 0 (Commissioner Kovacs was not present at dais, therefore her vote was recorded as a vote in favor).

Resolution attached hereto as Exhibit No. 3.

150th Anniversary Celebration Committee Appointment Change. Commissioner Phillips made a motion to approve the 150th Anniversary Celebration Committee Rural Hill appointment change from Jessica Bustamante to Kim Baylor Manley. Commissioner Kidwell seconded motion. Motion carried 5 to 0 (Commissioner Kovacs was not present at dais, therefore her vote was recorded as a vote in favor).

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #TA22-06. Petition #TA22-06 is 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.

Brian Richards, Assistant Planning Director, noted the applicant has requested a deferral to the January 17, 2023, meeting.

Commissioner Boone made a motion to defer decision on Petition #TA22-06 to January 17, 2023, at 6:00 p.m. at the Town Hall located at 101 Huntersville-Concord Road, as requested by the applicant.

Commissioner Phillips seconded motion.

Motion carried 5 to 0.

Petition #R22-01. Petition #R22-01 is 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 Town Manager, noted the applicant has requested a deferral to the January 17, 2023, meeting.

Commissioner Boone made a motion to defer decision on Petition #R22-01 to January 17, 2023, at 6:00 p.m. at the Town Hall located at 101 Huntersville-Concord Road, as requested by the applicant.

Commissioner Phillips seconded motion.

Motion carried 5 to 0.

Petition #R22-03. Petition #R22-03 is 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, Senior Planner, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

Mr. James noted the applicant has included the following on the new site plan:

- Sidewalk connection from Can Branch Way through the development
- Second row of street trees along April Mist Trail for added buffer.
- Retention pond access.

The Planning Board does recommend approval of this rezoning.

Commissioner Partee made a motion in considering the proposed Rezoning Application #R22-03, Huntersville Retirement Residence, the Town Board of Commissioners 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 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. The 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.

Commissioner Phillips said do we need to include in this motion anything about the pond or is this all encompassing.

Emily Sloop, Town Attorney, said he said all of the outstanding comments and based on Jesse's report, it sounds like they already have been addressed in the updated plans.

Commissioner Phillips seconded motion.

Motion carried 5 to 0.

Petition #TA22-07. Petition #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 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. 5.*

Planning staff is concerned about the impact of this amendment, but recommends approval of the text amendment as written to comply with State legislation.

The Huntersville Ordinances Advisory Board recommended approval on September 1, 2022. The public hearing was held October 3, 2022, with no public comments. The Planning Board recommended approval on October 25, 2022.

Commissioner Boone made a motion 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 the State legislation. It is reasonable and in the public interest to amend the zoning because it is necessary to coordinate the Huntersville Zoning Ordinance to comply with State legislation.

Commissioner Partee seconded motion.

Commissioner Boone said I don't feel real comfortable about it because there's really not a lot of definitions of words in this, but I feel it is something we have to do because it's coming down from the state. Saying that, everything coming down from the state doesn't actually make it good for the Town of Huntersville, but I believe it would be the law we have to follow.

Mayor Bales said that is why we have it on our Legislative Agenda, to work with the General Assembly for that very reason.

Commissioner Kidwell said we talked a little bit about this at the public hearing. The state continues to throw things down this way without true clarification. They say units, what does that mean – one, two, ten, twenty, thirty. They have no clue. They don't pay attention. I think this is an opportunity for the Town to actually throw something back to the state and put a percentage on it and make them do their homework – make them actually go back at this bill, if they so choose, they may say whatever, they may not come at us, they may come back and say you can't do that and then we could argue the point well you didn't really give us clear definition. If the motion was amended to say 10 percent of the units have to be for affordable housing to meet the harmony or not meet the harmony requirements and mixed across unit size, so let's say it's a 300-room apartment complex. I would like to say percentage of that 10 percent equally to be one, two and three bedrooms to give a better opportunity for those at the 80 percent a chance. That's where I'm at. I appreciate the Town Attorney sending an email today and I appreciate her information on that. I think this is just one of those items where we have to push back, and we have to force the state to start paying more attention to things that they are putting in their bills, so they know that it is impacting not just our community.

Commissioner Kovacs said I'm on the same wavelength. I appreciate you bringing up it being equally spread across the number of bedrooms in the apartment because I think that's really important, but when I read units I just read it as open to interpretation and I would rather start off with a percentage and then if the state told us that it wasn't appropriate to do that, we could go back rather than having projects come in, get approved and one apartment be put in, that's affordable housing. This is our chance to get something back for our community and help speak for them, so I agree with the idea of a percentage around I think around 10 percent.

Emily Sloop, Town Attorney, said I just want to clarify that it wouldn't be necessarily the state or General Assembly coming back and telling us that we cannot do this. It would rather be a developer suing us and taking us to court and the court then making a judicial interpretation that we could not have that in our ordinance.

Commissioner Kidwell said if that's the case, I welcome that. I welcome the verbiage to go in front of a judge and make a decision that says the state didn't do their job, so the Town had to take action and come up with a number.

Commissioner Phillips said I think it's a joke to hide stuff in other bills. I also don't want the Town of Huntersville to get sued and our taxpayers have to pay for that. Davidson has gotten a little reckless in some of what they have done. They are now getting sued by Lennar. They got in trouble for their tree save. It's not our money, it's the taxpayers' dollars and what I'm very concerned about is us tying ourselves up in litigation and then we can't advocate to the General Assembly in the future. I prefer going to Raleigh and taking a chance and talking face-to-face with these people. I hate this because it's not fair to us, but I just don't want to put ourselves in a mess that we can't walk out of, because even though Munger is not here, he loves to say the only person that wins in a lawsuit are the attorneys.

Commissioner Partee said I think our Town Attorney pretty much covered it because I had made a note prior to coming into the meeting today regarding on the part of officials like ourselves, elected officials, I think it's political overreach to lock in developers to a certain number when in fact the statute does specifically state two or more and that leaves it up to the developer. If they are compassionate enough to know that they can give or build affordable housing, I think it's more or less up to them.

Ms. Sloop said just as a point of clarification, it does not say specifically two or more, but in discussing with the subject matter experts at the UNC School of Government, they had actually made the comment that a court could interpret it as one and so we had decided because the word units with an s is plural, that it needed to be at least two.

Commissioner Phillips said is units a legal term of measurement.

Ms. Sloop said no.

Commissioner Kidwell said it's comical to think that the legislative body up there who, many who practice law, would use a term that's not legal. We have to think about this, are we going to then accept what they have sent us down here with a term that's really not applicable without true definition.

Commissioner Phillips said I was going to ask does this have to be done today. Can we defer it, talk to our representatives in Raleigh. Ours are going to be sworn back in, so that's not an issue. But I don't know what the best practical route or suggestions.

Ms. Sloop said the statute is already effective and we make best efforts to update our ordinances as quickly as possible once that legislative change becomes effective. The statute itself would trump our local ordinance even if we did not have this in there.

Commissioner Kovacs said when we are talking affordable housing does that mean that they can have less rent to allow the person that does the upkeep to live there or like would that qualify or a police officer to live there at a smaller rate.

Ms. Sloop said it would have to be incomes below 80 percent of the area median income.

Mayor Bales called for the vote to approve Petition #TA22-07.

Motion carried 3 to 2 (Commissioners Boone, Partee and Phillips in favor; Commissioners Kidwell and Kovacs opposed).

Town Board Regular Meeting Schedule for 2023. Commissioner Boone made a motion to adopt the 2023 Town Board Regular Meeting Schedule with the amendment to cancel the second meeting of November 2023.

Commissioner Phillips seconded motion.

Mayor Bales noted that many municipalities that have two meetings a month cancel both meetings in July.

Motion carried 5 to 0.

Meeting Schedule attached hereto as Exhibit No. 6.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Expressed appreciation to everyone that came out for the Veterans Day Parade and Ceremony and to the American Legion for all of their work.
- Last week Lake Norman Economic Development Corporation hosted the Journey360 Program where we took students from the three area high schools to three advanced manufacturing sites, in addition to CPCC.
- The Metropolitan Transit Commission received an update on the Charlotte Transit Center's redevelopment and their public engagement update.
- Met last week with new school board member Melissa Easley.

Commissioner Phillips
No Report

Commissioner Boone
No Report

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Kidwell

- Provided update from the Charlotte Regional Transportation Planning Organization meeting.
- Attended the Beyond 77 Mobilization Prioritization meeting.

Commissioner Partee

- Happy Thanksgiving.
- Consider supporting Cool Kids Clubhouse.

Mayor Bales wished everyone a happy Thanksgiving.

Commissioner Kovacs wished everyone a happy Thanksgiving.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2023.

DRAFT

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Janet Pierson, Town Clerk

Date: January 3, 2023

Subject: Approval of Minutes - December 5, 2022

EXPLAIN REQUEST:

Consider approving the minutes of the December 5, 2022 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 5, 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 5:15 p.m. on December 5, 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.

Solar Billing Methodologies. David Lucore, ElectriCities, presented information to the Board on Solar Billing Methodologies. *Refer to PowerPoint Presentation attached hereto as Exhibit No. 1.*

**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 December 5, 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 Kidwell requested that any presentations for pre-meetings be made available electronically when the agenda is sent out.

Commissioner Kovacs requested update on mobile app.

Kim Strickland, Public Information Officer, announced the Town's mobile app is now live.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

FY22 Financial Statements Presentation. Beau Hildebrand, Martin Starnes, presented the FY22 audited financial statements. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

Greenway, Trail, and Bikeway Commission Update. Tim Sandborne and Diane McLaine, Greenway, Trail and Bikeway Commission, provided update to the Board. *Refer to PowerPoint attached hereto as Exhibit No. 3.*

Mecklenburg County Assessor's Office Property Revaluation. Brad Fowler, Assistant Assessor, presented update on the 2023 Revaluation. *Refer to PowerPoint attached hereto as Exhibit No. 4.*

David Schurr, 17142 Pennington Drive, said for every person you see in this room, there are dozens of families being represented that are unable to attend in person due to work and family obligations, but I can assure you their sentiments echo all of our speakers. I'm a long-time resident for over 20 years in Birkdale Village and prior to that I lived in the townhouses across the street in Birkdale. I've seen this area change greatly over the years. For the most part the change was welcome, with the addition of stores and services. In fact, I distinctly recall walking into Birkdale Village while it was under construction and wondered where all the people would be coming from to fill the apartments and the houses. Since that time, I've seen the corridor of NC 73 from I-85 to beyond 321 fill in with housing and retail with Huntersville being the epicenter. We now have greatly overburdened our infrastructure. Birkdale Village's original concept was mixed-use retail and residential, with the ability to shop and stroll. The addition of multi-family housing, office space and a hotel are not in keeping with the original intent that attracted the residents to this unique neighborhood. We now have come to a critical point where development in the neighborhood has gone beyond an inconvenience. I never thought I would see graffiti in the neighborhood, but the greenway has been violated. I never thought I'd see open drug traffic, but that's going on in the parking lots in Birkdale. Birkdale has a neighborly feel, but it's losing that quality. Maybe that's going on everywhere, but I want to reverse this. There's nothing wrong with progress, but there's something to be said for thoughtful planning and respect for the legacy of the neighborhood when moving forward. Please bear this in mind along with the safety and quality of life issues that you are entrusted with as representatives of the residents of Huntersville. Tonight, I'm following your advice to be involved in the decision making in our community. I want to see purposeful economic development and growth in a meaningful way and North American Properties proposal is not in alignment with these goals. I respectfully ask that their request be declined.

Nick O'Shaughnessy, 8217 Parkton Gate Drive, said I've shared my thoughts with you over the past few weeks concerning the credibility of North American Properties and the lack of transparency in their proposed designs, in terms of aesthetics, parking, traffic. I've had a few extra thoughts and I've come to another possible scenario. It's a theory. You can call it whatever you like, it's just my personal opinion. The current applicant appears to be on your documents DDR and NAP seems to be acting as a property manager/partner. They have brought some cash investors into the deal to cosmetically dress-up the village. Pocket change compared to the apparent value of their development. I think that their proposal is to get substantial rezoning approved with the sole intent of creating future value. I don't think they have any intent of building any of this stuff. I think they are going to do what Mr. Tim described as an Atlantic Station Project where they didn't lay a brick, quoting from Mr. Tim Perry. My theory is that their intent is to get the rezoning approved and within the 5-year vesting period DDR/NAP would sell the

project for way more than it's worth right now – megabucks, I'm not talking small dollars. If you can imagine buying a project which includes the 125-room hotel, 150,000 sq. ft. of Class A and 360 more apartments, it's worth a lot more than it is as it stands right now. My comment to you is more of an appeal. They can promise you the world, but they don't have any intention of building anything, so they can promise anything because the new owner doesn't have to do anything more than what's on the rezoning document, which is minimal, just to meet code minimally. I just don't want you guys and my community to be caught up in a bait and switch.

Sydney Zarsadias, 17303 Inglewood Lane, said I have lived in the neighborhood behind Birkdale Village for 22 years now, almost my whole life. I have loved Birkdale Village for the breath of fresh air that it is as a child, a high schooler, and even more now as a young adult. I have always hoped to move back to Birkdale Village so my future family is able to enjoy the Birkdale Village that I did. It's a recipe that so many other mixed-use communities try to mimic. They try to go bigger and better, but still none have the same success or sense of community that Birkdale Village has established. No others, despite their best efforts, have customers who have been returning every single week for the past 22 years. That's a good business. The updates that have been made are a wonderful enhancement to the village, however the future plans are not an enhancement but a change that will drive up the very community that makes Birkdale Village so successful. There's a reason that Chick-fil-a doesn't make cheeseburgers and there's a reason they scrapped the new Coke recipe. When you have something special like what Birkdale Village has you can enhance it absolutely but the last thing you want to do is completely change the recipe. At the end of the day if I wanted a burger, I'd go to Burger King and if I wanted a big convention center I'd go to Atlanta. I hope you keep this in mind as you make your decisions and know that I speak for myself and my community in acknowledging that the enhancement of Birkdale Village is a positive thing but also recognizing that this drastic change will make Birkdale Village something it is not and something that it's never meant to be. What we have now is so sought after because of its uniqueness. Let's keep it that way.

Kim Zarsadias, 17303 Inglewood Lane, said I just want to make another comment this week about Birkdale Village. As I've said before I understand why we need development. I guess one additional comment I wanted to make is that I want you all to know that this is just not Birkdale Village residents that share our sentiment. I feel like I'm very well connected in the community through my children's schools. I know a lot of people. I know a lot of people in the Birkdale Golf Course, the Hamptons. Everybody I talk to really has mixed feelings on this development, leaning toward not liking the majorness of it, the high buildings, the excess traffic. For example, I just had coffee with an old friend that lives in Birkdale Golf Course this afternoon and she was saying how herself and people that she talks to, they are longing for the quaintness that we always had. I don't think that the tall buildings, convention center, lends itself to that quaintness and what people are looking for and as my daughter just spoke about, the specialness of it.

Lisa Schurr, 17142 Pennington Drive, said as a resident of Pennington Drive I'd like to provide a firsthand account of the congestion and safety issues already affecting us. Pennington is one of the main arteries or cut-through streets linking Catawba Avenue to Birkdale Village. Emergency vehicles utilize our street on a routine basis responding to calls from the village, however garbage trucks, landscaping trucks, Amazon, UPS, FedEx and mail delivery vehicles create an ongoing obstacle course slowing their response time. This does not even account for the regular traffic from residents and the increase in traffic from non-residents. As the surrounding areas have developed over the years, our street is effectively reduced to a single lane with commuters who enter and exit the neighborhood. Anytime a traffic event occurs on I-77, Catawba, Sam Furr or Westmoreland, our street becomes a detour. The recent gas line incident at Westmoreland brought traffic on Pennington to an impasse for over an hour. Weekends,

concerts, special events, they only add to the congestion and this would only worsen with more residents, office space and a hotel. Here again I hesitate to think of how emergency responders get through or how an evacuation materializes with the introduction of additional commuters as a result of the developer's proposal. We moved to the neighborhood because it was a quaint and quiet village. Our family felt safe and we'd walk to the stores, we'd arrange play dates and dine at the restaurants. Birkdale has changed from a shopping area with a neighborly feel to a hangout with patrons who are less invested in our community and treat the area with a general disrespect. The developer's proposal would only worsen the transition. My family as a result has shifted to frequenting restaurants and movies outside of Birkdale because of the large groups of teens that loiter, driving recklessly and perpetrating theft. We limit our visits to Birkdale Village to certain days and certain hours. Please do not push these families and their purchasing power away. Once they are gone, they are gone. I respectfully ask that you decline this rezoning request and make certain we manage growth in a meaningful way. Before voting, please imagine yourself and your children living in this environment. Lastly, I reluctantly ask you to imagine yourself or a family member in need of medical or emergency services, but unable to receive a lifesaving response. I pray that none of us will ever be in this situation.

Kerry Edelstein, 8810 Camberly Road, said I know I have spoken to some of you about this already and I want to actually plus one to what has already been said. I completely agree with all the comments that have been made, including public safety and I actually also share Nick's concern. I think that is something you should be taking really seriously, that this might not even be real. I'm a big believer that to vote for this rezoning you have to believe it's both real and realistic and I don't believe it's either real or realistic. Like Nick said, I have some reservations about whether or not this plan is even real and I really share the rest of the community's concerns about public safety and infrastructure constraints. The night of the Christmas tree lighting I happened to also be coming from the Renaissance Festival. We got stranded in that parking lot for an hour unable to leave and we were one of the first people to leave. There were hundreds of cars stranded there for probably two hours and when we were finally able to exit which we only did because my husband got out and traversed the whole parking lot in the dark to figure out how we could exit, we discovered that a Huntersville Police Officer had actually blocked one of the exits.....not only wasn't moving people out, had blocked people in and wasn't rerouting them. It took us an hour to get out and then we got to Birkdale where the Huntersville Police were routing everybody into Birkdale Greens which we had been promised wouldn't happen and Bridgeton Lane was completely blocked. It was impassable, you couldn't get through it. If there had been a public safety emergency you wouldn't have been able to do anything on both ends of that. I tell this story because to double the infrastructure of Birkdale which is what you are proposing doing here between apartments and extra retail and office space, you have to be able to plan ahead for infrastructure and I don't see in here that happening, so it feels to me that we are missing an opportunity to talk about what could be by wasting our time talking about what definitely can't be. This is not a realistic petition and we're listening to a manipulative out of state real estate developer that doesn't even live here and know our community. The silver lining is it's brought a lot of us together. I actually met a bunch of neighbors through this and I think that's really great and some really awesome ideas have come out of it and you are not getting to hear the good ideas of what Birkdale could be and how we could go into the future because we are so focused on this thing that isn't practical, that isn't realistic, so I feel like we need to just put this behind us so we can start to discuss what actually could be. These ideas that NAP put forth are very vanilla, they are a newer version of Birkdale that don't lack the charm that Kim and Sydney were just talking about and we can do better, we deserve a healthy, realistic, architecturally harmonious beautiful quaint inspirational partnership here that allows us to continue to thrive. We are not a rescue mission, we are not a project, we are an existing thriving community. I think we all know in our heart of hearts this petition isn't it and you need to vote no.

AGENDA CHANGES

Commissioner Munger made a motion to remove Item 8.C from the Consent Agenda because the text amendment is still under review by the Huntersville Ordinances Advisory Board and subject to revision.

Commissioner Phillips seconded motion.

Motion carried unanimously.

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

Commissioner Munger seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Call for Public Hearing – Petition #TA22-13. Commissioner Phillips made a motion to call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on Town utility poles. Commissioner Kovacs seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA22-12. Commissioner Phillips made a motion to call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #TA22-12, a request by the Huntersville Town Board for a text amendment to Article 4 of the Zoning Ordinance clarifying the amount of residential and commercial first floor area allowed in a mixed-use Urban Workplace and Shopfront building type. Commissioner Kovacs seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R22-06. Commissioner Phillips made a motion to call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #R22-06, a request by Hotel Ventures of Lake Norman, Inc. to rezone +/- 2.66 acres located at 16221 Northcross Drive (Parcel #00930115) from Corporate Business-Conditional District to Corporate Business-Conditional District. Commissioner Kovacs seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #ANNEX22-01. Commissioner Phillips made a motion to call a public hearing for January 3, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #ANNEX 22-01, a request by Earl House III and Terrix Deanna Williams to annex 0.45 contiguous acres of Parcel #019-201-25 into the Town of Huntersville. Commissioner Kovacs seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

None

OTHER BUSINESS

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

Nathan Farber, Planner I, noted the applicant has requested a withdrawal of Petition #TA22-06. This petition had previously been deferred to January 17, but moving forward the applicant plans to impose the conditions of the text amendment onto the rezoning that has also been deferred to January 17.

Commissioner Boone made a motion to approve the withdrawal of the Text Amendment TA22-06 at the request of the applicant DDRTC Birkdale Village, LLC in a letter dated November 28, 2022.

Commissioner Phillips seconded motion.

Commissioner Kovacs said what was the original reasoning to choose quasi-judicial instead of administrative approval.

Susan Irvin, Irvin Law Group, 19726 Zion Avenue, Cornelius, said originally the text amendment did not include a quasi-judicial component. That was something that was requested by the staff. The special use permit has certain findings of fact and conclusions of law that have to be found or that are proven by the applicant to win that case. For that reason, it doesn't provide the flexibility of a conditional zoning. Basically, if the applicant proves the case, according to the statute and ordinance the Town Board has to approve the special use permit. A conditional rezoning would give the Town more flexibility to address any concerns. We originally did not come in with that. That was something that was requested by staff and the applicant was fine with doing it that way.

Commissioner Kovacs said I know that with the recent us kind of getting rid of the quasi-judicial process as the norm and going administrative, if it was recommended for the applicant to do a quasi-judicial process as opposed to administrative, can you clarify why.

Jack Simoneau, Planning Director, said in the ordinance today we have when hotels go over a certain height they have to get a special use permit. That's already been in the ordinance and this discussion started knowing that six stories requires a special use permit, a nine or ten story should as well. That's how we got here. We understand where the limitations are. We understand quasi-judicial. It's sworn testimony, facts. But that's how we got here, it was being consistent with what has already been established in the ordinance.

Commissioner Kovacs said what are the benefits that the applicant is looking for to be able to move from the special use permit to the conditional rezoning, if these changes go through.

Ms. Irvin said I would say there are a few. The main one is that the special use permit takes an important element of the plan out of the global discussion during the conditional zoning and so when you are looking at a project proposal, you want to be able to look at everything at once instead of trying to kind of make a decision kind of in two parts. It kind of ends up with a very strained process.

Commissioner Munger said in the event this were to pass, can I know have discussions with Ms. Irvin and NAP about anything related to Birkdale Village.

Emily Sloop, Town Attorney, said right now what we are voting on is their request to withdraw their application for a text amendment to the ordinance. My understanding is that if their withdrawal is

granted, they are then going to go back and amend their conditional rezoning plans which will then be submitted for you all to consider. Because a conditional rezoning is a legislative process, you are not bound by the same limitations that you would be if it were quasi-judicial in terms of ex parte communications.

Commissioner Munger said would I still then most likely have to wait until the new proposal is submitted or are we pretty much free and clear.

Ms. Sloop said you are able to speak with them about the proposal, but my understanding is that proposal as it is today is going to change.

Commissioner Kidwell said what I'm hearing is take it away from quasi-judicial to where if it doesn't meet certain guidelines like the harmony, staff probably based off guidelines wouldn't approve it, so let's remove it and gives an opportunity for them to then individually discuss their plans going forward with each Board member.

Ms. Sloop said because I've heard a couple times now about staff approval, but this would never have been an administrative approval. It would have been either legislative or quasi-judicial.

Commissioner Kidwell said I should say quasi-judicial since staff is going quasi-judicial now, that's what I mean by that.

Ms. Sloop said I'm not sure I understand that comment.

Commissioner Kidwell said I think this kind of reminds me a lot of before I was on the Board with NorthState and listening to how many times that they spoke to individual commissioners and the commissioners had individual conversations and it wasn't shared with everybody on the Board. It just seems.....I'm not getting a good feel from it.

Commissioner Kovacs said this could have never been administrative at all.

Ms. Sloop said no, it's not a by-right project.

Commissioner Munger said in the event that you should contact me to have any discussions, I want Kidwell in the room with me.

Commissioner Kidwell said no, thank you.

Mayor Bales called for the vote to approve withdrawal of Petition #TA22-06.

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

Revised 2022 Town Board Meeting Schedule. Commissioner Munger made a motion to adopt revised 2022 Town Board Meeting Schedule, canceling the December 20 Regular Town Board Meeting.

Commissioner Phillips seconded motion.

Motion carried unanimously.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Commended Parks & Recreation for their work on A Huntersville Christmas.
- Lake Norman Economic Development Corporation currently has 31 active projects, 25 of which have an interest in Huntersville. Speed networking event was held last week with all three area high schools.

Commissioner Kidwell

- No Report.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Boone

- Wished everyone a Merry Christmas and looking forward to a great 2023.

Commissioner Phillips

- Provided update from Visit Lake Norman.

Commissioner Munger

- Attended the Huntersville Ordinances Advisory Board Meeting on December 1. HOAB will hold a special virtual meeting on December 15.
- Provided update from the Public Art Commission.
- Wished everyone Happy Holidays.
- Consider donating to local non-profits.

Commissioner Partee

- Attended Lake Norman Chamber of Commerce Diversity Forum and Discussion on Race Relations.
- Wished everyone Merry Christmas and Happy New Year.
- Consider donating to Cool Kids Clubhouse.

Mayor Bales invited everyone to the Noon Year's Eve party to kick-off the 150th for Huntersville on December 31.

Commissioner Kidwell said I recently saw a Facebook post from one of our residents and while their 5-year old was playing in the backyard, they uncovered a firearm. This was a firearm with a full magazine and one in the chamber. This individual had a child who listened very attentively, put down the firearm, in which he was able to confiscate it from him and turn it over to the police. It was a firearm that was used in an attempted robbery not too far away. The reason I bring this up is I have often heard Commissioner Partee speak and I agree with locking your firearms up. But I think there's also another element to that and it's something that I was raised with and I'm raising my daughter with and have been raising her since her 6th birthday was respecting a firearm and understanding what to do if you see a firearm, whether you may think it's fake or real, get an adult right away. Never touch a firearm. Firearm safety was understanding the importance of it and the magnitude of it. When I read this post it hit me, I'm like I've got an 8-year old daughter and I'm training her one way but I've got a 9-month old

son and I know this individual. I have a lot of respect for this individual and I think he has a great family. He's just a phenomenal guy and if something tragic would have happened I would have been beside myself, so tonight I'm asking people of Huntersville, not only lock up your firearms as Commissioner Partee often mentions, but also I encourage you to teach your family about firearm safety and what to do if they should see one or if they see a friend touching one or have one to not touch it and immediately get an adult.

Mayor Bales wished everyone happy holidays.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2023.

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: January 3, 2023

Subject: Beatties Ford at Gilead Road Project Right-of-way/Easements Resolution

EXPLAIN REQUEST:

Adopt resolution to acquire right of way and/or easements for the construction of Beatties Ford at Gilead Road project.

ACTION RECOMMENDED:

Adopt resolution to acquire right of way and/or easements for the construction of Beatties Ford at Gilead Road project.

FINANCIAL IMPLICATIONS:

Bond Funds

ATTACHMENTS:

1. R-2023-01 Resolution-ROW-Beatties Ford at Gilead



**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 BEATTIES FORD AT GILEAD RD 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 Beatties Ford at Gilead Rd 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 Beatties Ford at Gilead Rd 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 January 2023; and

WHEREAS, the Town’s proposed property acquisition process for the Beatties Ford at Gilead Rd 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 Beatties Ford at Gilead Rd 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 3rd day of January, 2023.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A - PARCEL INDEX
BEATTIES FORD AT GILEAD RD

PARCEL #	PARCEL ID #	PROPERTY OWNER NAME
1	013-131-02	Presbyterian Church Gilead Associate Reformed
2A	013-131-03	Daniel E Phillips & Madeline T Phillips
2B	013-131-04	Daniel E Phillips & Madeline T Phillips
3	009-022-03	Daniel E Phillips & Madeline T Phillips & Gardner Haddix
4	009-022-09	Blythe Landing Self Storage, LLC
5	009-022-04	Huntersville Fire Department, Inc.
6	009-022-14	Kitty Soesbee & James Soesbee
7	009-022-17	Seth Soesbee & Marla Soesbee
8	015-011-29	Scott Beard & Samantha Beard
9	015-011-07	Edgar Biggers III

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Heather Maloney, Senior Planner

Date: January 3, 2023

Subject: Charlotte Regional Transportation Planning Organization Resolution

EXPLAIN REQUEST:

Adopt resolution to request approval from Charlotte Regional Transportation Planning Organization (CRTPO) for the functional reclassification of 0.4 miles of Stumptown Road to a Minor Collector.

ACTION RECOMMENDED:

Adopt resolution.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. R-2023-02 Resolution to CRPTO for reclassification



RESOLUTION OF THE TOWN OF HUNTERSVILLE TO REQUEST APPROVAL FROM CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CRTPO) FOR THE FUNCTIONAL RECLASSIFICATION OF 0.4 MILES OF STUMPTOWN ROAD TO A MINOR COLLECTOR

Whereas, Stumptown Road is currently classified as a local street; and

Whereas, the current and future function of Stumptown road is significantly higher than that of a local street, and a planned extension of the roadway across NC 115 and the Norfolk Southern railroad will result in Stumptown Road being a critical collector within the Town of Huntersville road network; and

Whereas, Stumptown Road currently serves as an important east-west connection between US 21 and NC 115; and

Whereas, the traffic counts on Stumptown Road were around 8,000 in 2016, and are projected to be 14,000 by 2045; and

Whereas, US 21 is being widened as part of NCDOT STIP Project U-5771 and will likely result in increased traffic on Stumptown Road; and

Whereas, for these reasons, the Town of Huntersville wishes to request to the CRPTO for the functional reclassification of 0.4 miles of Stumptown Road to a minor collector; and

Whereas, the Town of Huntersville has prepared a request for the functional reclassification for the CRTPO, attached as Exhibit A.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Commissioners approves the request to CRPTO, as shown on the attached Exhibit "A" for the functional reclassification of 0.4 miles of Stumptown Road, as shown on the attached Exhibit "B" to a minor collector.
2. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to effect the provisions of this Resolution; and
3. This Resolution shall be effective as of the date its adoption.

Adopted this ___th day of January, 2023.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney

Exhibit A
Request for Reclassification



November 1, 2022

Neil Burke
Deputy Director
Charlotte Regional Transportation Planning Organization (CRTPO)
600 E. Fourth Street, 8th Floor
Charlotte, NC 28202-2853
Subject: Request for Change to Functional Classification System

Dear Mr. Burke:

Please find attached information relating to a request from the Town of Huntersville to the Charlotte Regional Transportation Planning Organization for a change to the functional classification of 0.4 miles of Stumptown Road in Huntersville. The current and future function of this road is significantly higher than that of a local street, and a planned extension of the roadway across NC 115 and the Norfolk Southern railroad will result in Stumptown Road being a critical collector within our road network.

To justify this request, we offer the following details:

- Stumptown Road currently serves as an important east-west connection between US 21 and NC 115.
- A planned extension across NC 115 and the railroad tracks, and the corresponding closure of six surrounding railroad crossings, will result in Stumptown Road being a more significant east-west route.
- Stumptown Road will connect into Ramah Church Road, which is currently classified as a major collector, and Ramah Church Road's railroad crossing will be one of the six closures as part of the Stumptown Road extension project.
- The traffic counts on Stumptown Road were around 8,000 in 2016, and are projected to be 14,000 by 2045.
- US 21 is being widened as part of NCDOT STIP Project U-5771 and will likely result in increased traffic on Stumptown Road.

For these reasons, the Town of Huntersville is requesting that the functional classification of Stumptown Road, between US Highway 21 (Statesville Road) and NC Highway 115 (Old Statesville Road), be changed to a minor collector, as the current and future use and function of this street is more consistent with that of a collector than of a local street.

Please let me know if any additional information is needed to process the requested changes.

Sincerely:

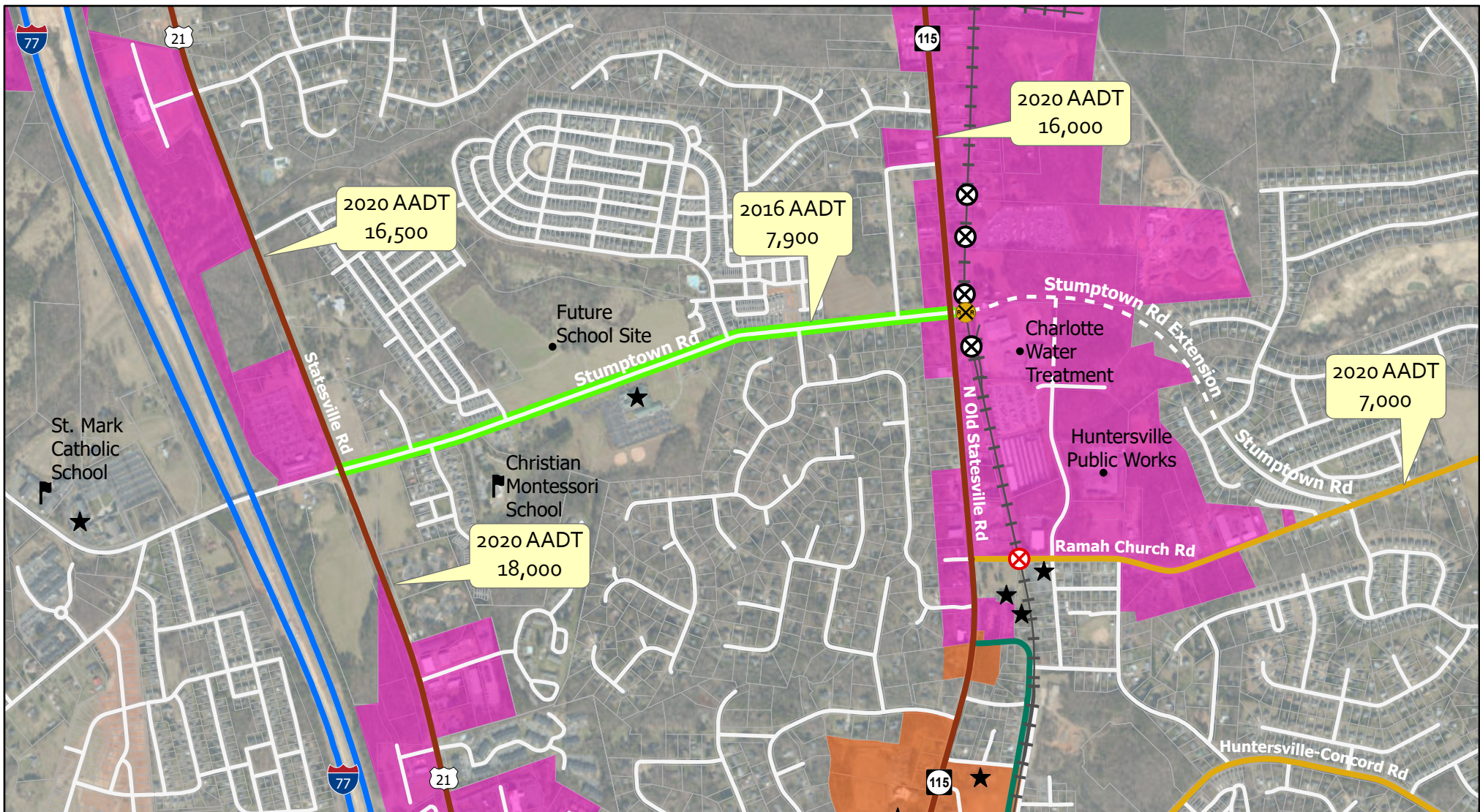
A handwritten signature in blue ink, appearing to read "Hmaloney", is placed above the typed name.

Heather Maloney
Senior Transportation Planner
hmaloney@huntersville.org
(704) 766-2214

Planning

Post Office Box 664 • 105 Gilead Road, Third Floor • Huntersville, NC 28070
phone 704.875.7000 • fax 704.992.5528 • www.huntersville.org

Exhibit B
Map of Stumptown Road Request



— Federal Aid System Request

Functional Classifications

— Interstate

— Minor Arterial

— Major Collector

— Minor Collector

— Local

- - - Proposed Roadway (dash)

X New At-Grade RR Crossing

At-Grade RR Crossing Closures

X Private

X Public*

*One additional public railroad crossing closure will occur at Dellwood Drive, south of the map extent.

Destinations

▮ Schools

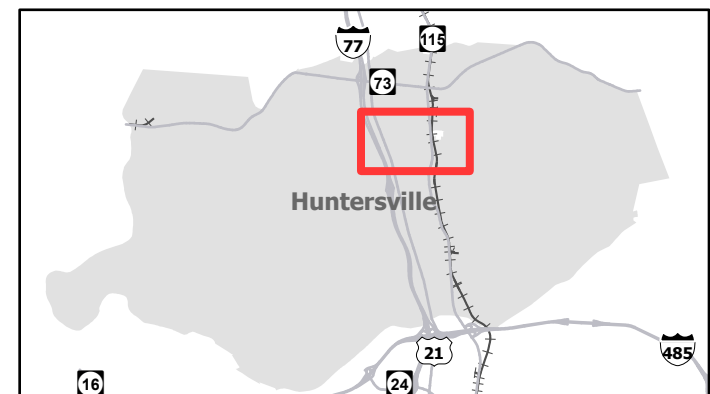
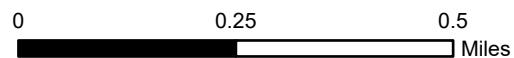
★ Churches

• Other

Zoning Districts

■ Commercial Districts

■ Mixed Use Districts



**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Jack Simoneau, Planning Director

Date: January 3, 2023

Subject: Petition #TA22-17 Buffer Yard Amendment

EXPLAIN REQUEST:

Call a public hearing for February 6, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #TA22-17, a Zoning Ordinance text amendment by the Huntersville Planning Department to Section 7.5.3 increasing the buffer width when higher density major residential subdivisions adjoin lower density development.

ACTION RECOMMENDED:

Call Public Hearing for February 6, 2023

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: David Peete, Principal Planner

Date: January 3, 2023

Subject: Petition #R22-05 Public Hearing Request

EXPLAIN REQUEST:

Call a public hearing for February 6, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #R22-05 Oak Grove Hill Expansion, a request by Carver Bowman, LLC to rezone +/- 45.12-acres generally located north of Mt. Holly-Huntersville Road, east of Beatties-Ford Road and south of Pembroke Road to rezone from existing Neighborhood Residential - Conditional District (existing Oak Grove Hill CD-Rezoning) and Rural (R) to Neighborhood Residential - Conditional District (REVISED Oak Grove Hill CD-Rezoning) for a 156-lot subdivision; (Parcel #s 01526443, 01526504, 0152606, 01526460, 015254432, 01526456, 01526432, 01526450, 01526455, 01526428, 01526429 & 015264431).

ACTION RECOMMENDED:

Call Public Hearing for February 6, 2023 at 6:00

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: January 3, 2023

Subject: Petition #TA22-13 Public Hearing

EXPLAIN REQUEST:

Conduct a public hearing on Petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on Town utility poles.

ACTION RECOMMENDED:

Conduct a public hearing.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA22-13 Staff Report
2. Text Amendment Application
3. Ordinance for Adoption
4. GS_160D-910 Manufactured Homes
5. GS_143-145 Manufactured Home Definition
6. Senate Bill 105: 160D-937
7. GS_160D-937 Access to Utility Poles
8. GS_160D-938 Wireless Applicability
9. November & December HOAB Minutes

TA22-13 – Mobile Home Skirting, Permit Application, & Tower Colocation

PART 1: DESCRIPTION

TA22-13 is a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend:

1. Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements for manufactured homes to comply with G.S. Chapter 160D-910;
2. Article 11.6.1(a) Zoning Compliance to clarify application requirements;
3. Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on town utility poles.

PART 2: BACKGROUND

TA22-13 addresses three separate topics: skirting requirements for manufactured homes; application requirements for zoning use permits; and colocation on town utility poles.

1. Manufactured Home Skirting

The Zoning Ordinance requires masonry skirting for all manufactured homes, whether the land that the home sits on is owned or leased by the owner of the manufactured home. Masonry skirting is required for aesthetic and practical purposes (i.e. protection of pipes, home temperature regulation, prevention of animal intrusion, etc.). General Statute Chapter 160D-910(g) was amended to state masonry skirting shall not be required if the manufactured home is located on land leased to the owner of the manufactured home. When presenting the text amendment to the Huntersville Ordinance Advisory Board, the question was raised if the Town could require non-masonry skirting in such cases. It was determined by the Town Attorney that the Town could require non-masonry skirting. Staff then updated the amendment language to require non-masonry skirting if masonry skirting could not be required.

Below are three scenarios that identify whether masonry or non-masonry skirting would be required.

1. Joe owns the land and Joe owns and resides in the manufactured home= masonry skirting required
2. Joe owns the land and Joe owns the manufactured home but leases the manufactured home/land to Tim= masonry skirting required
3. Joe owns the land but leases the land to Tim, owner of the manufactured home= non-masonry skirting required

2. Permit Application

Staff is amending Article 11.6.1 Zoning Compliance, to specify that the application for a zoning permit must be signed by the property owner(s). Staff already requires this but recently had a property owner refuse to sign an application for a zoning use permit that the tenant of their property was applying for. Staff was unable to issue the zoning permit without the property owner signature. At the suggestion of the Town Attorney, staff is proposing an amendment to codify the requirement.

3. Communication Tower

Staff is amending the Commercial Communication Tower standards to specify towers must comply with G.S. Chapter 160D-937 on the collocation of wireless facilities on town utility poles. Chapter 160D-937 was amended to clarify that private utility poles are not subject to the standards under 160D-937. 160D-937 applies to town owned utility poles and has standards on the right to collocate on town utility poles and the fees, terms, and conditions for collocation.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

TA22-13 is consistent with Land Use Policies LU-10, LU 10.1, and LU 11.1 of the 2040 Community Plan.

- Policy LU-10: Encourage a diversity of housing options.
 - LU 10.1: Align housing options with resident needs and promote attainable housing options.
 - Staff comment: The manufactured home skirting amendment lessens the burden on those who own the manufactured home but lease the land the home sits on. Those who lease land for their manufactured home are more likely to move the home to a new lot from time to time. The amendment will help reduce the cost and burden of having to install and then un-install masonry skirting when moving the manufactured home to a new lot. For some people, this could make owning a manufactured home more attainable.
- 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.
 - Staff comment: Regarding the manufactured home amendment, to help protect the aesthetic of existing neighborhoods, Huntersville will still require non-masonry skirting for manufactured homes located on land leased to the homeowner.

TA22-13 is consistent with all other policies of the Huntersville 2040 Community Plan as portions of the amendment are necessary to comply with State Legislature.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board had discussion on the text amendment at the November 3, 2022 meeting. The Huntersville Ordinances Advisory Board (HOAB) recommended approval (7-1) of the proposed text amendment on December 1, 2022.

PART 6: PUBLIC HEARING

January 1, 2023

PART 7: PLANNING BOARD RECOMMENDATION

January 24, 2023

PART 8: TOWN BOARD RECOMMENDATION

February 20, 2023

PART 9: ATTACHMENTS

1. Text Amendment Application
2. Ordinance for Adoption
3. G.S. 160D-910 Manufactured Homes
4. G.S. 143-145 Manufactured Home Definition
5. Senate Bill 105: 160D-937
6. G.S. 160D-937 Access to Utility Poles
7. G.S. 160D-938 Wireless Applicability
8. November 3rd and December 1st HOAB Minutes

PART 10: STATEMENT OF CONSISTENCY – TA22-13

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA22-13, Planning Staff recommends approval based on consistency with policies LU-10, LU 10.1, and LU 11.1 of the Huntersville 2040 Community Plan and 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: In considering the proposed amendment TA22-13, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA22-13, 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: In considering the proposed amendment TA22-13, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)	DENIAL: In considering the proposed amendment TA22-13, 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 10/01/22

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): _____ Section(s): _____

Current Ordinance

See attached

Proposed Text

See attached

Reason for Proposed
Change

To comply with G.S. 160D-910 on manufactured home
skirting & comply with G.S. 160D-937 on the
co-location of wireless facilities on town owned utility poles.
Also to update permit application standards for Zoning Use
permits.

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 Department

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

Signature Kayleigh Mielenz Date 10/01/22

Title Planner I Email Kmielenz@huntersville.org

Address of Applicant 105 Gilead Rd, 3rd Floor, Huntersville, NC 28070

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: 10/01/22

Staff Initials: KIM

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE ARTICLE 3.3.1(a) MANUFACTURED HOME OVERLAY DISTRICT TO UPDATE SKIRTING REQUIREMENTS FOR MANUFACTURED HOMES TO COMPLY WITH G.S. CHAPTER 160D-910 AND TO AMEND ARTICLE 11.6.1(a) ZONING COMPLIANCE TO CLARIFY APPLICATION REQUIREMENTS AND TO AMEND ARTICLE 9.9 COMMERCIAL COMMUNICATION TOWER TO COMPLY WITH G.S. CHAPTER 160D-937 ON CO-LOCATING WIRELESS FACILITIES ON TOWN UTILITY POLES

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 3.3.1(a) Manufactured Home Overlay District (MH-O), Permitted Uses, is hereby amended as follows:

a) Permitted Uses

Uses permitted by right

- all uses permitted by right in the underlying district, according to the standards of the underlying district
- family care homes

Uses permitted with conditions

- all uses permitted with conditions in the underlying district, according to the standards and conditions associated with the underlying district.
- Manufactured Homes, provided that:
 - (a) The home shall be set up in accordance with the standards set by the North Carolina Department of Insurance.
 - (b) A continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home. **Notwithstanding the foregoing, neither masonry walls nor masonry skirting shall be required for manufactured homes located on land leased to the owner of the manufactured home; however, non-masonry skirting shall be installed on such manufactured homes.**
 - (c) The home will have all wheels, transporting lights, and towing apparatuses removed.
 - (d) The structure must be at least 14 feet in width along the majority of its length.
 - (e) The roof shall have at least a 3:12 pitch.
 - (f) Exterior wall and roofing materials and finishes shall be comparable in composition, appearance and durability to those commonly used in conventional residential construction. As examples, exterior walls would be expected to be covered in wood, stucco, brick, stone, other masonry materials, or similar conventional exterior finishes. Roofing material should consist of wood shingle, wood shake, synthetic composite shingle, ceramic tile, concrete tile, or similar conventional roofing materials.

(g) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Article 11.6.1(a) Zoning Compliance is hereby amended as follows:

11.6 Zoning Compliance

.1 Zoning Compliance

- a. A completed application form for a Zoning Permit shall be submitted by filing a copy of the application in the office of the Zoning Administrator. **All applications shall be signed by the property owner(s).**
- b. The **Zoning** Administrator shall approve the Zoning Permit unless ~~he~~ **the Zoning Administrator** finds, after reviewing the application and consulting with the applicant that:
 - 1) The requested Permit is not within ~~his~~ **their** jurisdiction according to the Permitted Uses; or
 - 2) The application is incomplete; or
 - 3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this ordinance (not including those requirements for which a variance has been granted); or
 - 4) If required under Article 14, no Traffic Impact Assessment has been approved by the Town.

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Article 9.9 Commercial Communication Tower is hereby amended as follows:

9.9 Commercial Communication Tower

A Commercial Communication tower shall meet the following standards:

1. To encourage future shared use of commercial communication towers, the tower owner must demonstrate that the tower will support a specified number of antennas and must file a letter of intent with the town to lease the space to other users in good faith. In turn, the owner may charge users a proportionate share of capital, financing, and operating costs, plus the cost of insulating equipment so that the transmissions do not interfere with one another. To encourage collocation of commercial communication antenna and facilities and to reduce the need for new commercial communication towers, co-location of such antennae and facilities shall be permitted on any commercial communication tower or tower for radio communication for business or governmental purposes of which the tower was in existence on July 20, 2009, regardless of when it was constructed, the underlying zoning district, or any condition of approval for the existing tower other than a condition which was imposed or accepted by the Board of Commissioners. To the extent practical as determined by the Planning Director, all standards of this Section 9.9 shall be applicable.

- .2 No new commercial communication tower may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the proposed tower is to serve.
- .3 The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray.
- .4 Fencing must be provided to secure the communication equipment on site. If chain link or similar fencing material is used on the site, an opaque screen shall be provided on the exterior side of the fence.
- .5 All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.
- .6 Equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.
- .7 Towers shall not be artificially lighted except to ensure human safety as required by the Federal Aviation Administration (FAA) regulations. To the extent possible, tower lighting shall be located and directed to avoid flashing or shining into the interior spaces of dwellings.
- .8 An opaque screen expected to reach minimum 8' height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation shall be preserved to the extent possible.
- .9 No more than one communication tower shall be constructed on a single tract of land.
- .10 If such a structure is located on a lot adjacent to a lot or lots located in a residential or mixed-use district, it must be located at least 200 feet from all property lines adjacent to the residential or mixed use district(s).
- .11 To be permitted as an incidental accessory use in any zoning district, a tower shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside religious institution steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Planning Department for approval. The affirmative decision of the Planning Department shall be based upon a determination that the proposed tower is so camouflaged as to be unnoticeable to the public; or if placed upon a utility transmission line tower, that the additional equipment would not further diminish the quality of the view from surrounding properties and public streets, nor would additional light(s) intrude upon the private interior or exterior living areas of existing dwellings.
- .12 Commercial Communication Towers, in addition to meeting criteria 9.9.1-9.9.10, may be allowed in the Rural (R) district only if they meet the following criteria and are subject to a Special Use Permit, according to the procedures of Section 11.4.10:
 - a. The height of the commercial communication tower may not exceed 199 feet above ground level;

- b. The commercial communication tower may only be placed on properties in eight and a half (8.5) acres on a tract that existed as an eight and a half (8.5) acre tract or greater on February 6, 2012;
- c. The commercial communication tower must be set back a distance of at least 500 feet from any public right-of-way and 200 feet from any property line;
- d. The commercial communication tower may only be placed on a property where it will not require artificial illumination;
- e. The commercial communication tower must provide technically-suitable space for at least four (4) users;
- f. The commercial communication tower must be set back a distance of at least the tower's fall zone, as certified by a North Carolina Professional Engineer, from any occupied structure.
- g. All commercial communication towers in the Rural district shall be constructed using a monopole design.
- h. A new communication tower cannot be placed within a one-mile radius of an existing tower.

.13 Collocation on town-owned utility poles shall be in accordance with N.C.G.S. § 160D-937.

.14 Nothing in Article 9.9 shall be interpreted to conflict with the provisions of N.C.G.S. § 160D-938.

Section 4. EFFECTIVE DATE

This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: November 3, 2022 & December 1, 2022

PUBLIC HEARING DATE: January 3, 2023

PLANNING BOARD MEETING: January 24, 2023

TOWN BOARD DECISION: February 20, 2023

§ 160D-910. Manufactured homes.

(a) The General Assembly finds that manufactured housing offers affordable housing opportunities for low- and moderate-income residents of this State who could not otherwise afford to own their own home. The General Assembly further finds that some local governments have adopted zoning regulations that severely restrict the placement of manufactured homes. It is the intent of the General Assembly in enacting this section that local governments reexamine their land-use practices to assure compliance with applicable statutes and case law and consider allocating more residential land area for manufactured homes based upon local housing needs.

(b) For purposes of this section, the term "manufactured home" is defined as provided in G.S. 143-145(7).

(c) A local government may not adopt or enforce zoning regulations or other provisions that have the effect of excluding manufactured homes from the entire zoning jurisdiction or that exclude manufactured homes based on the age of the home.

(d) A local government may adopt and enforce appearance and dimensional criteria for manufactured homes. Such criteria shall be designed to protect property values, to preserve the character and integrity of the community or individual neighborhoods within the community, and to promote the health, safety, and welfare of area residents. The criteria shall be adopted by ordinance.

(e) In accordance with the local government's comprehensive plan and based on local housing needs, a local government may designate a manufactured home overlay district within a residential district. Such overlay district may not consist of an individual lot or scattered lots but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes.

(f) Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land. The terms "mobile home" and "trailer" in any valid restrictive covenants running with the land shall include the term "manufactured home" as defined in this section.

(g) A local government may require by ordinance that manufactured homes be installed in accordance with the Set-Up and Installation Standards adopted by the Commissioner of Insurance; provided, however, a local government shall not require a masonry curtain wall or masonry skirting for manufactured homes located on land leased to the homeowner. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-117, s. 6(a).)

§ 143-145. Definitions.

The following definitions apply in this Article:

- (1) Act. – The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., federal regulations adopted under the Act, and any laws enacted by the United States Congress that supersede or supplement the Act.
- (2) Commissioner. – The Commissioner of Insurance of the State of North Carolina or an authorized designee of the Commissioner.
- (3) Repealed by Session Laws 1999-393, s. 2.
- (4) HUD. – The United States Department of Housing and Urban Development or any successor agency.
- (5) Inspection department. – A North Carolina city or county building inspection department authorized by Chapter 160A or Chapter 153A of the General Statutes.
- (6) Label. – The form of certification required by HUD to be permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States to indicate that the manufactured home conforms to all applicable federal construction and safety standards.
- (7) Manufactured home. – A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

- (8) Repealed by Session Laws 1999-393, s. 2. (1969, c. 961, s. 2; 1971, c. 1172, s. 1; 1985, c. 487, s. 7; 1987, c. 429, ss. 10, 19; 1999-393, s. 2.)

process and review applications for collocated small wireless facilities, (ii) the amount charged by the city for permitting of any similar activity, or (iii) one hundred dollars (\$100.00) per facility for the first five small wireless facilities addressed in an application, plus fifty dollars (\$50.00) for each additional small wireless facility addressed in the application. In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection.

(f) ~~Subject to the limitations provided in G.S. 160A-296(a)(6), a~~ A city may impose a technical consulting fee for each application, not to exceed five hundred dollars (\$500.00), to offset the cost of reviewing and processing applications required by this section. The fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. A city may engage an outside consultant for technical consultation and the review of an application. The fee imposed by a city for the review of the application shall not be used for either of the following:

...."

SECTION 38.10.(n) G.S. 160D-936 reads as rewritten:

"§ 160D-936. Use of public right-of-way.

...

(f) Except as provided in this Part, a city may assess a right-of-way charge under this section for use or occupation of the right-of-way by a wireless ~~provider, subject to the restrictions set forth under G.S. 160A-296(a)(6).~~ provider. In addition, charges authorized by this section shall meet all of the following requirements:

...."

SECTION 38.10.(o) G.S. 160D-937 reads as rewritten:

"§ 160D-937. Access to city utility poles to install small wireless facilities.

...

(i) ~~This section shall not apply to an excluded entity. Nothing in this Part shall be construed to apply to an electric membership corporation organized under Chapter 117 of the General Statutes that owns or controls poles, ducts, or conduits and is exempt from regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended. Nothing in this section shall be construed to affect the authority of an excluded entity electric membership corporation to deny, limit, restrict, or determine the rates, fees, terms, and conditions for the use of or attachment to its utility poles, city utility poles, poles or wireless support structures by a wireless provider. This section shall not be construed to alter or affect the provisions of G.S. 62-350, and the rates, terms, or conditions for the use of poles, ducts, or conduits by communications service providers, as defined in G.S. 62-350, are governed solely by G.S. 62-350. For purposes of this section, "excluded entity" means (i) a city that owns or operates a public enterprise pursuant to Article 16 of Chapter 160A of the General Statutes consisting of an electric power generation, transmission, or distribution system or (ii) an electric membership corporation organized under Chapter 117 of the General Statutes that owns or controls poles, ducts, or conduits, but which is exempt from regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended. G.S. 62-350, of poles, ducts, or conduits owned by electric membership corporations.~~

SECTION 38.10.(p) This section is effective when it becomes law. Subsections (b) through (k) of this section expire December 31, 2024.

STATE SURPLUS COMPUTERS FOR NONPROFITS

SECTION 38.11.(a) G.S. 143-64.03 reads as rewritten:

"§ 143-64.03. Powers and duties of the State agency for surplus property.

(a) The State Surplus Property Agency is authorized and directed to:

§ 160D-937. Access to city utility poles to install small wireless facilities.

(a) A city may not enter into an exclusive arrangement with any person for the right to collocate small wireless facilities on city utility poles. A city shall allow any wireless provider to collocate small wireless facilities on its city utility poles at just, reasonable, and nondiscriminatory rates, terms, and conditions, but in no instance may the rate exceed fifty dollars (\$50.00) per city utility pole per year. The North Carolina Utilities Commission shall not consider this subsection as evidence in a proceeding initiated pursuant to G.S. 62-350(c).

(b) A request to collocate under this section may be denied only if there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles, and those limitations cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities at the reasonable and actual cost of the city to be reimbursed by the wireless provider. In granting a request under this section, a city shall require the requesting entity to comply with applicable safety requirements, including the National Electrical Safety Code and the applicable rules and regulations issued by the Occupational Safety and Health Administration.

(c) If a city that operates a public enterprise as permitted by Article 16 of Chapter 160A of the General Statutes has an existing city utility pole attachment rate, fee, or other term with an entity, then, subject to termination provisions, that attachment rate, fee, or other term shall apply to collocations by that entity or its related entities on city utility poles.

(d) Following receipt of the first request from a wireless provider to collocate on a city utility pole, a city shall, within 60 days, establish the rates, terms, and conditions for the use of or attachment to the city utility poles that it owns or controls. Upon request, a party shall state in writing its objections to any proposed rate, terms, and conditions of the other party.

(e) In any controversy concerning the appropriateness of a rate for a collocation attachment to a city utility pole, the city has the burden of proving that the rates are reasonably related to the actual, direct, and reasonable costs incurred for use of space on the pole for such period.

(f) The city shall provide a good-faith estimate for any make-ready work necessary to enable the city utility pole to support the requested collocation, including pole replacement, if necessary, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant. For purposes of this section, the term "make-ready work" means any modification or replacement of a city utility pole necessary for the city utility pole to support a small wireless facility in compliance with applicable safety requirements, including the National Electrical Safety Code, that is performed in preparation for a collocation installation.

(g) The city shall not require more make-ready work than that required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to other communications service providers for similar work and shall not include any consultant fees or expenses.

(h) Nothing in this Part shall be construed to apply to an entity whose poles, ducts, and conduits are subject to regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended, or under G.S. 62-350.

(i) Nothing in this Part shall be construed to apply to an electric membership corporation organized under Chapter 117 of the General Statutes that owns or controls poles, ducts, or conduits and is exempt from regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended. Nothing in this section shall be construed to affect the authority of an electric membership corporation to deny, limit, restrict, or determine the rates, fees, terms, and conditions for the use of or attachment to its utility poles or wireless support structures by a wireless provider. This section shall not be construed to alter or affect the provisions of G.S. 62-350, and the rates, terms, or conditions for the use by communications

service providers, as defined in G.S. 62-350, of poles, ducts, or conduits owned by electric membership corporations. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-180, s. 38.10(o).)

§ 160D-938. Applicability.

(a) A city shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any stadium or athletic facility. This subsection does not apply to a stadium or athletic facility owned or otherwise controlled by the city. This subsection does not prohibit the enforcement of applicable codes.

(b) Nothing contained in this Part shall amend, modify, or otherwise affect any easement between private parties. Any and all rights for the use of a right-of-way are subject to the rights granted pursuant to an easement between private parties.

(c) Except as provided in this Part or otherwise specifically authorized by the General Statutes, a city may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way of State-maintained highways or city rights-of-way by a provider authorized by State law to operate in the rights-of-way of State-maintained highways or city rights-of-way and may not regulate any communications services.

(d) Except as provided in this Part or specifically authorized by the General Statutes, a city may not impose or collect any tax, fee, or charge to provide a communications service over a communications facility in the right-of-way.

(e) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this Part does not authorize the provision of any communications services or the installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility, in the right-of-way. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

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 Thursday, November 3, 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, A. Hallman, K. Jones, H. Whittaker, and F. Gammon

Voting Members Absent: B. Skelly, J. Kluttz, T. Finlay

Non-Voting Members Present: Commissioner Boone, J. Simoneau, T. Barron, E. Sloop, and J. Glass

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the October 6, 2022, Regular Meeting Minutes

Motion: K. Jones made a Motion to Approve the October 6, 2022, minutes. A. Hallman seconded the motion.

Vote: The motion passed unanimously (6-0).

Public Comments

No comments.

Action Agenda

Item 4A. Consider recommendation on petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on Town utility poles K. Mielenz, Planner I presented text amendment TA22-13 in three parts, the first part related to amending Article 3.3.1(a) to update skirting requirements to comply with NCGS Chapter 160D-910 for manufactured homes. Staff reviewed that the proposed amendments would update the skirting requirements for manufactured homes that are leased to the homeowner.

T. Taylor asked if the amendment would eliminate all under pinning or just masonry since only masonry is mentioned and some type of under pinning would be recommended. Staff responded that the current proposed statement would eliminate the masonry requirement.

F. Gammon asked who owns the manufactured home that is being leased out. M. Jones stated that if the owner of the land and home are the same then this exemption does not apply. If the owner of the land and the owner of the home are not the same person, then this exemption would apply.

H. Whittaker agreed that we may want to specify more clearly how the exemption applies with the proposed wording. He then asked why this would be an exemption for some and not others. Staff responded and shared the exact wording of the state statute and stated that the proposed amendment is to comply with the state statute. Staff continued that we are in agreement with the statement T. Taylor made that requiring some skirting would be a good recommendation and we could require an alternative skirting and not require masonry skirting.

K. Jones asked if existing landowners leasing to manufactured homes would be required to comply with this amendment. Staff responded that existing properties this applies to would be grandfathered in until which time a request to place a manufactured home was placed and then the amendment would apply.

M. Jones asked if this state statute is creating an unintended consequence of owners and renters being treated differently. Staff responded that it is possible that is occurring but this is not being proposed by staff, it is a state statute that we must comply with.

Motion: M. Jones made a motion to defer this item to the December 2022 meeting and requested that Staff provide additional language to address alternative skirting options for manufactured home owners that are leasing land and for staff to provide a rent versus own legal perspective referencing Adam Lovelady's article from 5/24/22 regarding build to rent communities from the UNC School of Government site. H. Whittaker seconded the motion.

Vote: The motion passed unanimously (6-0).

Staff provided the background on the requested amendment to Article 11.6.1(a) Zoning Compliance to clarify application requirements and that all applications shall be signed by the property owner and the proposed amendment to comply with NCGS Chapter 160D-937 on co-locating wireless facilities on town utility poles.

Item 4B: Consider an amendment to Section 7.3.3 of the Zoning Ordinance to increase the buffer yard width when a proposed development is more dense than adjoining existing development.

J. Simoneau, Planning Director advised that the Board could take this item for discussion or recommendation today. Staff explained that when amendments were made to the Subdivision Ordinance process there were adjustments that changed conformity from a requirement to a general guideline. Changing "Conformity" from a **Requirement** to a **General Guideline** does not allow the town to modify the 20'-wide buffers between developments on a case-by-case basis. The proposed amendment would allow buffer widths to be 20 or, where the proposed development is more than 2 times greater than the existing adjoining development, 40 feet..

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 Thursday, December 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, A. Hallman, K. Jones, H. Whittaker, F. Gammon, B. Skelly, and T. Finlay

Voting Members Absent: J. Kluttz

Non-Voting Members Present: Commissioner Munger, J. Simoneau, T. Barron, E. Sloop, and J. Glass

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the November 3, 2022, Regular Meeting Minutes

Motion: A. Hallman made a Motion to Approve the Amended November 3, 2022, minutes. H. Whittaker seconded the motion.

Vote: The motion passed unanimously (8-0).

Public Comments

No comments.

Action Agenda

Item 4A. Consider recommendation on petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on Town utility poles K. Mielenz, Planner I presented text amendment TA22-13 in three parts, the first part related to amending Article 3.3.1(a) to update skirting requirements to comply with NCGS Chapter 160D-910 for manufactured homes. Staff reviewed the updated proposed amendment following the discussion of the text amendment at the November 2022 Ordinance Advisory Board meeting to reflect that masonry skirting would not be required but alternative skirting would still be required. The second and third part of the proposed amendment have not adjusted from the November 2022 Ordinance Advisory Board meeting.

Commissioner Munger asked staff if consideration was given for non-masonry skirting to be permitted in all manufactured home cases. Staff responded that was not a consideration.

M. Jones asked if this meets the test of equal protection, the question being, are similarly situated persons treated similarly. E. Sloop responded referencing the A. Lovelady statements that there are examples in our statutes where the form of ownership is distinct, and you can treat different situations differently based on ownership. Lease versus own can be considered differently because that authority has been granted to do so by the General Assembly.

M. Jones asked if constitutionally this met the requirements of equal protection. E. Sloop commented that since skirting is required in both cases they are being treated equally. M. Jones stated that since the materials are different, he does not find them to be equal.

Motion: F. Gammon made a Motion to recommend Approval of TA22-13, manufactured home skirting, permit application and tower co-location and advancement to Public Hearing, Planning Board and Town Board. B. Skelly seconded the motion.

Vote: The motion passed unanimously (8-0)

Item 4B: Consider an amendment to Section 7.3.3 of the Zoning Ordinance to increase the buffer yard width when a proposed development is more dense than adjoining existing development.

J. Simoneau, Planning Director explained that with the adjustments to land development that is now approved administratively versus through quasi-judicial occurred it removed the Town's ability to increase a setback requirement as they have done in the past. This amendment would require new development with twice the density of the adjacent existing development to increase the buffer to a minimum of 40 feet in all zoning except Town Center. Staff presented examples of how this has been applied to previously approved development. Staff presented three options based on the November 2022 discussion of this item by the Ordinance Advisory Board.

A. Hallman asked Staff to confirm that the buffer can be reduced if granted through conditional rezoning. Staff confirmed that is correct.

K. Jones commented on the conditional rezoning not effectively communicating the buffer reductions that are requested at neighborhood meetings. Staff confirmed that the legal requirement is to inform the adjacent properties.

H. Whittaker expressed support for Option 3 as presented.

M. Jones commented that in his opinion he does not see a consistent procedure when a parcel is adjacent to multiple parcels with varying densities and asked if there should be a formula with a weighted average applied to determine the buffer size. Staff responded that staff is comfortable with the clarity and process with what is presented but if the Ordinance Advisory Board wishes to make a recommendation, that will be presented with this amendment request as it moves forward.

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Jesse James, Senior Planner

Date: January 3, 2023

Subject: Petition #R22-06 Public Hearing

EXPLAIN REQUEST:

Conduct a public hearing on Petition #R22-06, a request by Hotel Ventures of Lake Norman, Inc. to rezone +/- 2.66 acres located at 16221 Northcross Drive (Parcel #00930115) from Corporate Business-Conditional District to Corporate Business-Conditional District for a 109 room hotel proposal.

ACTION RECOMMENDED:

Conduct a public hearing

FINANCIAL IMPLICATIONS:

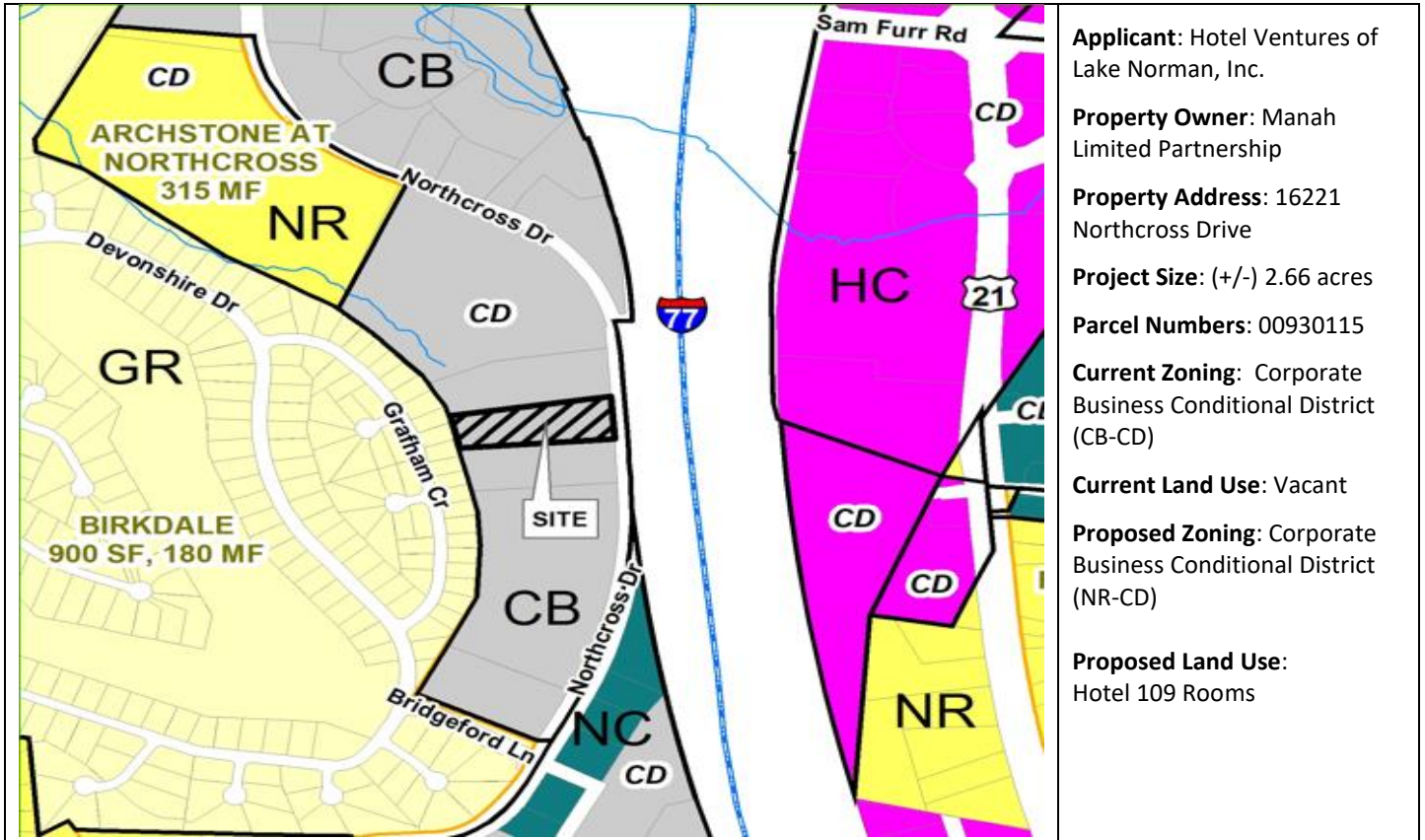
N/A

ATTACHMENTS:

1. R22-06 PH 1-3-23 Staff Report 1
2. Rezoning_Town_of_Huntersville_General_Application
3. Northcross_Hotel_Rezoning_Set
4. Architectural_Plans_and_Elevations
5. Northcross Corporate Center 1-28-97
6. CLTW_WTSLetter_NORTHCROSS_HOTEL,_McDowell_Creek_WWTP,
7. Neighborhood Meeting Notes & Attendees
8. TIA_Determination_10-3-22

Petition R22-06 Northcross Hotel

PART 1: PROJECT SUMMARY



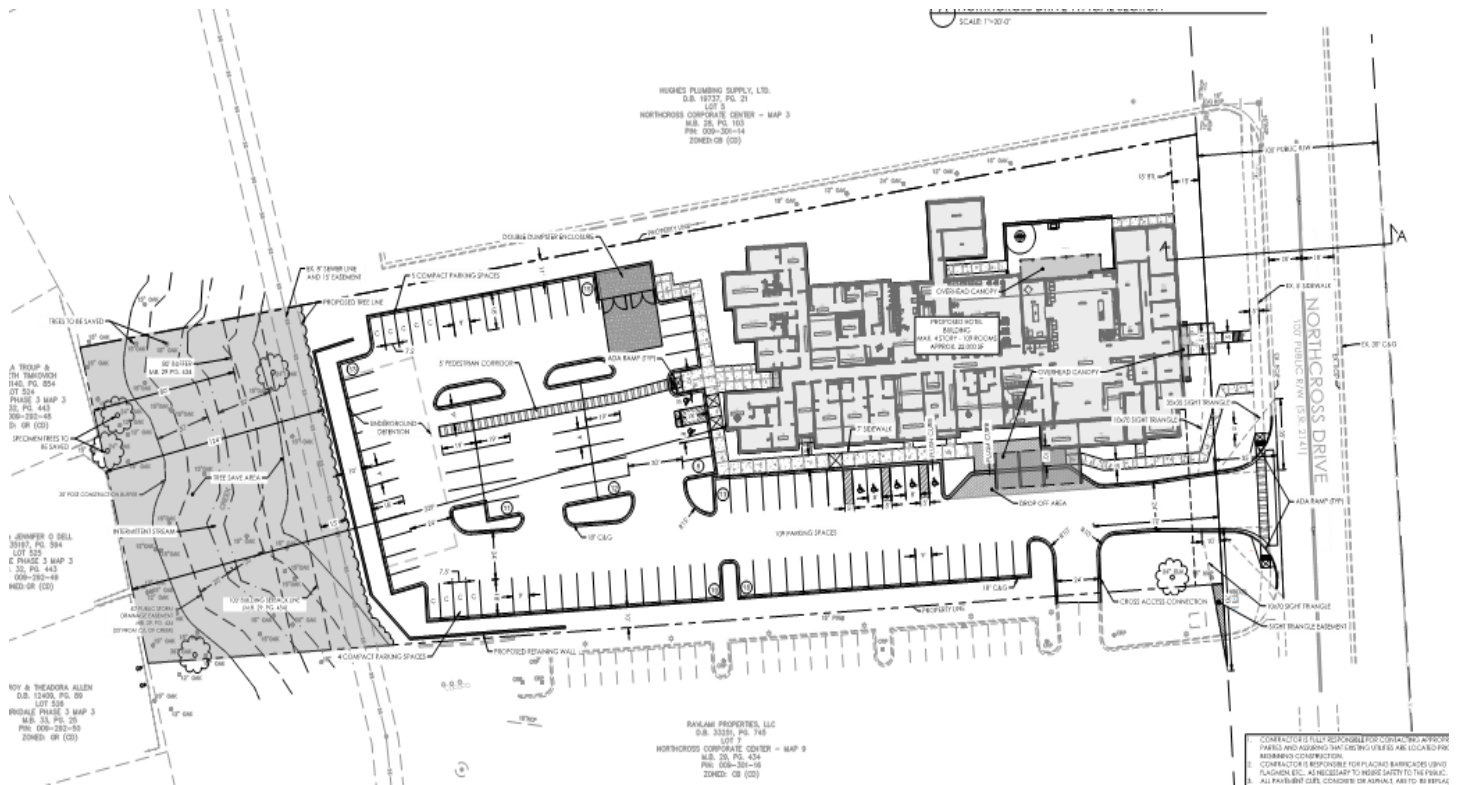
1. Purpose: Rezone 2.66-acres at 16221 Northcross Drive from Corporate Business Conditional District (CB-CD) to Corporate Business Conditional District (CB-CD) to accommodate for a proposed 4-story 109 room hotel. CB-CD is proposed due to the exclusion of hotels as a permitted use under the current CB-CD plan. This application also requires an approved Special Use Permit due to the proximity of an adjacent residential zoned district within 250 feet.
2. Hotels are not a permitted land use under the original Business Park Conditional District (BP-CD) Northcross Corporate Center plan (site plan attached, approved prior to Huntersville jurisdiction and later amended in 1994 by Town of Huntersville), however under the 1996 adoption of the current zoning ordinance, BP was replaced with the Corporate Business District zoning in which hotels are a permitted land use with conditions.
3. 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. The proposal calls for a maximum height of 47 feet, this height times three equals 141 feet. The separation distance proposed under the condition above is at 339 feet, which can be seen in the provided site plans attached.
4. Adjoining Zoning and Land Uses.
North: Corporate Business Conditional District– Office/Service
South: Corporate Business Conditional District- Restaurant

East: Northcross Drive and I-77

West: General Residential- Single Family Residential.

5. A neighborhood meeting was held on Thursday, November 17, 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 Northcross Drive.

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 four story hotel with 109 rooms, fronting Northcross Drive.
- 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 scaling back of forth level floor area. This is seen most clearly by the proposed site plan above and the elevation provided below.

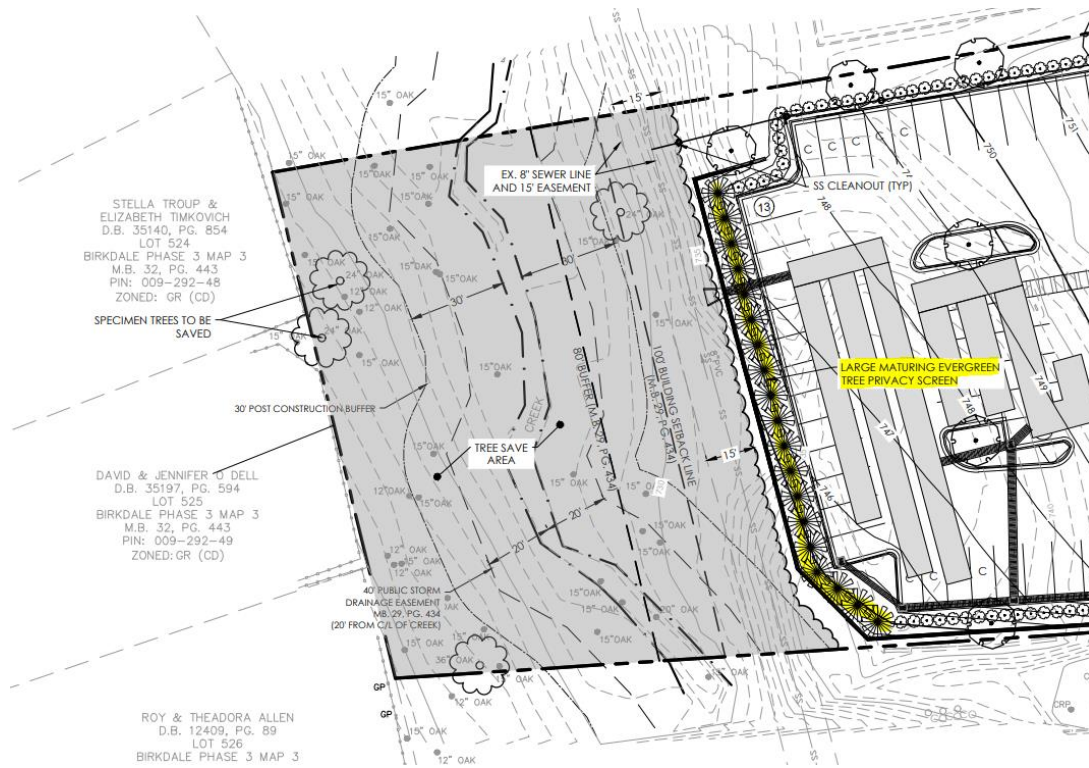


- The proposed rear elevation is also scaled back to give massing relief to the adjacent single family residential neighborhood. Rear windows have also been designed to overlook the commercial projects to the side property lines and not the residential zone. This can be seen below.



- Article 7.5: Requires an 80 foot in width buffer abutting residential property. The applicant is offering 124 feet of undisturbed buffer with existing vegetation which exceeds the minimum requirement. In addition to the buffering width

that exceeds the requirement, the applicant is offering an additional row of large maturing evergreen trees along the back of the parking lot to allow for supplemental evergreen buffering due to much of the existing buffering being of the deciduous variety as seen below:



- Minimum Tree Preservation (canopy tree save) for Corporate Business is 0%. The applicant is proposing to save 124 feet of existing canopy buffering the western property line.
- Minimum Tree Preservation (specimen tree save) for Corporate Business is 30%. The Rezoning Plan saves roughly 40% 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.
- One minor modification is requested. The applicant is requesting that the overall height below the parapet wall be increased from the 45 foot maximum height permitted to 47 feet.

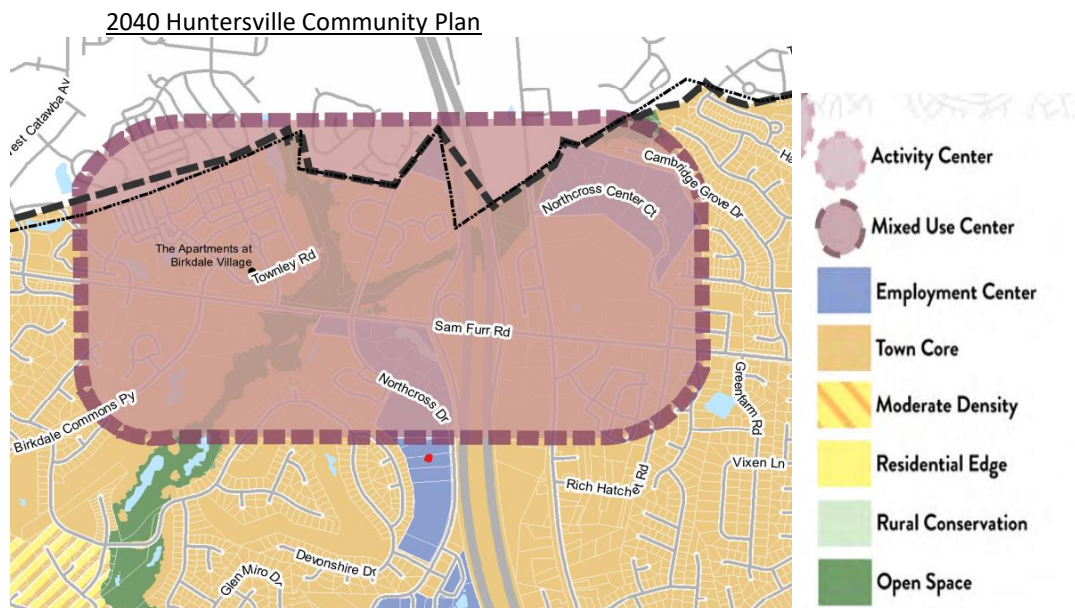
PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

The Application for Determination was submitted on 9/29/22 and is based on a 109 Room hotel. 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:

- LU 5.1: Allow more intense development only where transportation infrastructure and utilities already exist.
Comment- This parcel is located where transportation and utility infrastructure exist.
- LU 6.2: Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.
Comment- This parcel is within the Town Core.
- LU 7.1: Require all new development to adhere to the following design principles:

- All buildings shall front a public street or open space
- 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.
- Improve connectivity, particularly for pedestrians and vehicles.

Comment- The proposed plan fronts the public street with emphasis on the human scale, locates parking in the rear of the building and is well screened, and allows for connectivity for pedestrians with sidewalks internally that connect to the street sidewalk, and the proposed plan provides a driveway connection with the adjacent commercial site.

- EV 1.3: Inventory and protect strategic development sites.

- Allow new commercial or multi-family land uses in Employment Centers only if they are complimentary and do not jeopardize large employment sites' viability.

Comment-This site is approximately 2.66 acres and is adjacent to developed sites on all sides. This proposal would not jeopardize any large employment sites and it is complementary to the adjacent developed commercial sites by adding a mixture of uses in that general area.

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 Northcross Hotel is consistent with the overall character of the surrounding area. The additional buffering of the single family properties to the west and the breaking up of the massing in accordance with article 3.2.9 make this rezoning proposal consistent with the character of the existing development in the immediate vicinity of the subject property.

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

STAFF COMMENT:

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 R22-06, Northcross Hotel, staff recommends approval as submitted with the proposal being consistent with the Huntersville 2040 Community Plan policies LU 5.1, 6.2, 7.1, and EV-1.3. Furthermore, Hotels are a use by right with conditions under the Corporate Business zoning district and this proposal complies with all applicable ordinances with only one minor modification requested for additional two feet of height above the maximum allowed in the district.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing is scheduled for January 3, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board Meeting is scheduled for January 24, 2023.

PART 8: TOWN BOARD RECOMMENDATION

Town Board Meeting is scheduled for February 20, 2023.

PART 9: ATTACHMENTS

- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C-Northcross Corporate Center Approved CD Plan
- C – Charlotte Willingness To Serve Letter
- D – Neighborhood Meeting Report (11-17-22)
- E- TIA Determination

PART 10: CONSISTENCY STATEMENT – R22-06 Northcross Hotel

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning petition R22-06, Northcross Hotel, staff recommends approval as submitted as the proposal is consistent with the Huntersville 2040 Community Plan policies LU 5.1, 6.2, 7.1, and EV 1.3. The Proposed development is consistent with the surrounding development's character by varying the massing of buildings to reduce perceived scale and volume and further, provides additional buffering than required by code with the adjacent single family residential zoning to the West. <u>It is reasonable and in the public interest to approve the Rezoning Plan because the rezoning is consistent with the envisioned use and development pattern set forth in the 2040 Community Plan.</u>	APPROVAL: APPROVAL: In considering the proposed rezoning application R22-06, Northcross Hotel, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	APPROVAL: APPROVAL: In considering the proposed rezoning application R22-06, Northcross Hotel, 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 R22-06, Northcross Hotel, the Planning Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	DENIAL: DENIAL: In considering the proposed rezoning application R22-06, Northcross Hotel, 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>
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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 09-26-2022

Name of Project Northcross Hotel Rezoning Phase # (if subdivision) _____

Project Address 16221 Northcross Drive, Huntersville NC 28078

Parcel Identification Number(s) (PIN) 00930115

Current Zoning District CB (CD) Proposed District (for rezoning only) CB (CD)

Property Size (acres) 2.66 acres Street Frontage (feet) 196 feet

Current Land Use Vacant

Proposed Land Use(s) 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.

This project consists of the rezoning for this parcel to allow for a 4-story Hotel.

The hotel building footprint is approximately 20,225 sf with 110 rooms.

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 Hotel Ventures of Lake Norman, Inc. Phone 404-368-9227
☒ 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: Hitesh Patel

Title Vice President Email hpatel@hotelventuresinc.com

Address of Applicant 3836 HONORS WAY, MARTINEZ GA 30907

7. Property Owner (If different than applicant)

*Printed Name Manah Limited Partnership 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 Nagiba A. Habashi Printed Name Nagiba A. Habashi
Nagiba A. Habashi (Sep 28, 2022 16:39 EDT)

Title _____ Email shabashi@nsmgpa.com

Address of Property Owner 16115 Weatherly Way, Huntersville NC 28078

* 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.

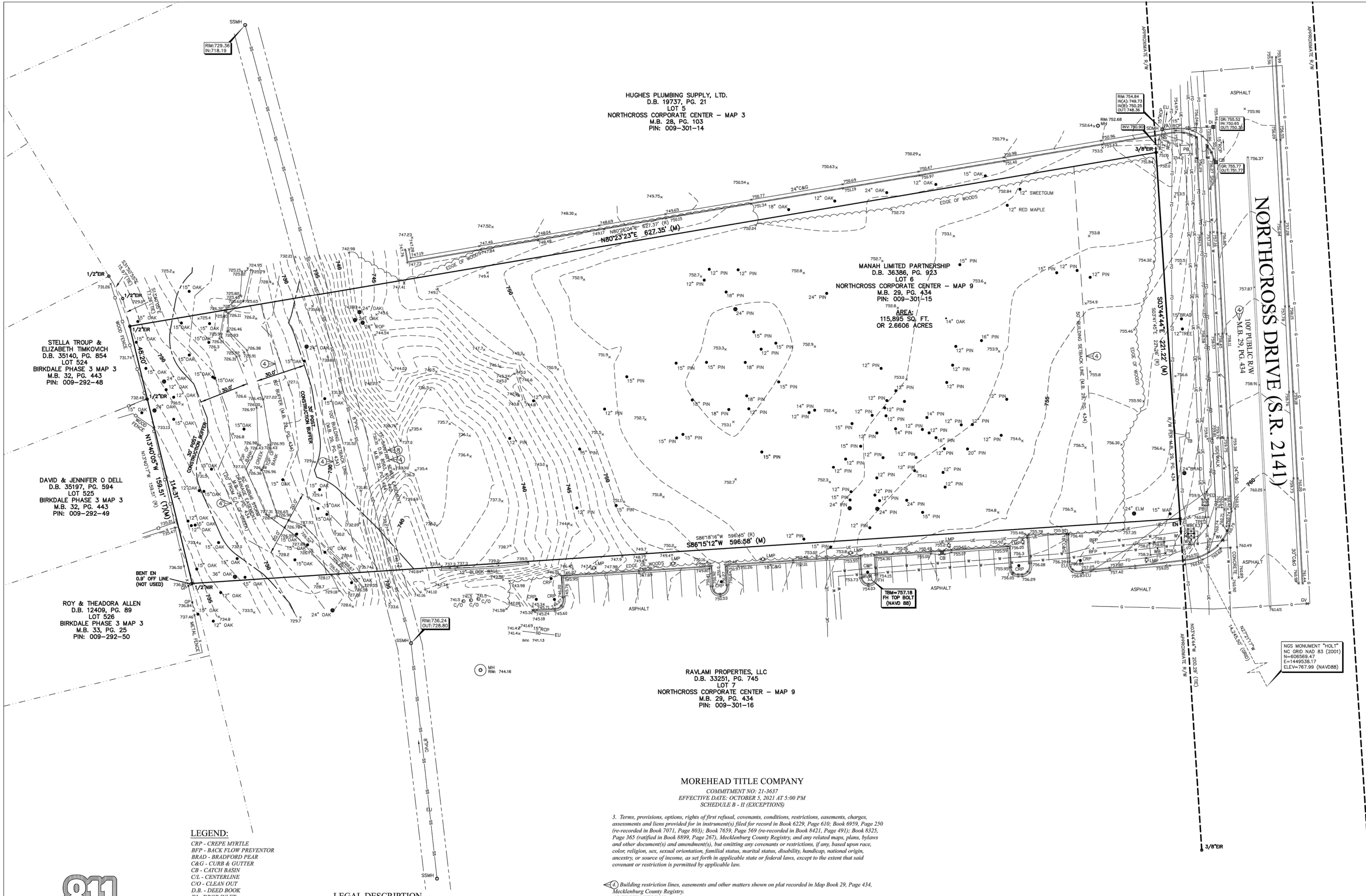
8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
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Design Firm	Name of Contact	Phone	Email
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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



- UTILITIES:**
- POWER**
- ELECTRICITIES
 - (704) 948-0530
- TELEPHONE**
- BELL SOUTH TELECOMMUNICATIONS
 - 1-888-757-6500
- WATER & SEWER**
- CHAR-MECK. UTILITY DEPT. (CMUD)
 - (704) 336-2564 WATER
 - (704) 337-6064 SEWER
- GAS**
- PIEDMONT NATURAL GAS CO.
 - 1-800-752-7304
- CABLE TELEVISION**
- SPECTRUM
 - 1-800-892-2253
- LEGEND:**
- CRP - CREPE MYRTLE
 - BFP - BACK FLOW PREVENTOR
 - BRAD - BRADFORD PEAR
 - C&G - CURB & GUTTER
 - CB - CATCH BASIN
 - CL - CENTERLINE
 - C/O - CLEAN OUT
 - D.B. - DEED BOOK
 - DI - DROP INLET
 - ER - EXISTING IRON ROD
 - EU - EXISTING NAIL
 - EU - END UNKNOWN
 - FI - FIRE HYDRANT
 - GM - GAS METER
 - GP - GATE POST
 - GR - GRATE
 - GV - GAS VALVE
 - INV - INVERT
 - LMP - LAMP POST
 - (M) - MEASURED
 - MAP - MAPLE
 - MB - MAP BOOK
 - MH - MANHOLE
 - N.G.S. - NATIONAL GEODETIC SURVEY
 - NIR - NEW IRON ROD
 - PB - POWER BOX
 - PG - PAGE
 - PIN - PARCEL IDENTIFICATION NUMBER
 - PIN - PINE
 - PL - PROPERTY LINE
 - POP - POPLAR
 - PVC - PLASTIC PIPE
 - (R) - RECORDED
 - R/W - RIGHT-OF-WAY
 - RCF - REINFORCED CONCRETE PIPE
 - RIGHT-OF-WAY (NOT SURVEYED)
 - SETBACK
 - FIBER OPTIC LINE
 - GAS LINE
 - POWER LINE (UNDERGROUND)
 - SANITARY SEWER PIPE
 - STORM DRAIN PIPE
 - WATER LINE
 - WOOD FENCE

LEGAL DESCRIPTION

ALL THAT CERTAIN PARCEL OF LAND LOCATED IN THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBABLE AS FOLLOWS:

BEING ALL OF LOT 6 OF THE NORTHROSS CORPORATE CENTER - MAP 9 AS SHOWN ON PLAT OF THE SAME RECORDED IN MAP BOOK 29, PAGE 434 OF THE MECKLENBURG COUNTY REGISTRY.

BEING THE SAME PROPERTY AS DESCRIBED IN MOREHEAD TITLE COMPANY COMMITMENT NO. 21-3637, HAVING AN EFFECTIVE DATE OF OCTOBER 5, 2021.

RECORDED BEARINGS - REFERENCES

(R) M.B. 29, PG. 434

LINE LEGEND:

- EASEMENT
- FENCE
- PROPERTY LINE
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY
- RIGHT-OF-WAY (NOT SURVEYED)
- SETBACK
- FIBER OPTIC LINE
- GAS LINE
- POWER LINE (UNDERGROUND)
- SANITARY SEWER PIPE
- STORM DRAIN PIPE
- WATER LINE
- WOOD FENCE

MOREHEAD TITLE COMPANY

COMMITMENT NO. 21-3637

EFFECTIVE DATE: OCTOBER 5, 2021 AT 5:00 PM

SCHEDULE B - II (EXCEPTIONS)

3. Terms, provisions, options, rights of first refusal, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in instrument(s) filed for record in Book 6229, Page 610; Book 6959, Page 250 (re-recorded in Book 7071, Page 803); Book 7639, Page 569 (re-recorded in Book 8421, Page 491); Book 8325, Page 365 (cited in Book 8899, Page 267); Mecklenburg County Registry, and any related maps, plans, plats and other document(s) and amendment(s), but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

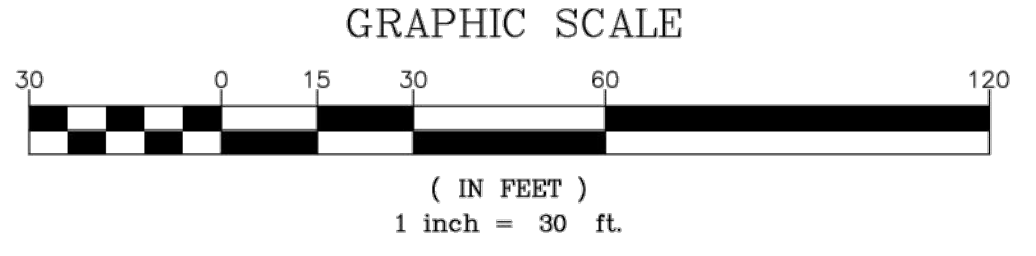
4. Building restriction lines, easements and other matters shown on plat recorded in Map Book 29, Page 434, Mecklenburg County Registry, AS SHOWN HEREON

5. Lease to Duke Power Company recorded in Book 1019, Page(s) 444, Mecklenburg County Registry. BLANKET IN NATURE; CONTAINS NO PLOTTABLE ITEMS

6. Right of Way to State Highway and Public Works Commission recorded in Book 1785, Page(s) 101, Mecklenburg County Registry. REFERENCED PLANS ARE FOR U.S. HIGHWAY 21 (PROJECT NO. 6538); DOES NOT AFFECT SUBJECT PROPERTY

7. Memorandum of Action in favor of the State Highway Commission recorded in Book 3421, Page(s) 285 and a Judgment recorded in Book 3658, Page 443, Mecklenburg County Registry. REFERENCED PLANS ARE FOR U.S. INTERSTATE 77 (PROJECT NO. 81654302); DOES NOT AFFECT SUBJECT PROPERTY

8. Easement to City of Charlotte recorded in Book 8563, Page(s) 440, Mecklenburg County Registry. AS SHOWN HEREON



TITLE LEGAL DESCRIPTION:

The Land is described as follows:

Being all of Lot 6, Northcross Corporate Center, as shown on map recorded in Map Book 29, Page 434, Mecklenburg County Registry.

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED SEPTEMBER 02, 2015. MAP NUMBER: 3710464100K; ZONE X

THIS IS TO CERTIFY THAT ON THE 12TH DAY OF JULY 2022, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1.600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED: *C. Clark Neilson*

- NOTES:**
1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
 2. ALL CORNERS MONUMENTED AS SHOWN.
 3. NO RECOVERABLE MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
 4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
 5. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
 6. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
 7. ELEVATIONS BASED ON N.G.S. MONUMENT "HOLT", ELEVATION = 767.99 FEET, NAVD 88.
 8. IN THE ABSENCE OF ANY KNOWN OFFICIAL DOCUMENTATION (E.G. NCDOT RIGHT-OF-WAY (R/W) TAKING DEED, HIGHWAY MAP, ETC.), THE NCDOT R/W WIDTH IS PRESUMED TO BE THE NOMINAL WIDTH OF THE ROAD. BYWAY OR HIGHWAY INCLUSIVE OF THE SHOULDERS CURRENTLY MAINTAINED BY NCDOT. MOREOVER, SAID WIDTH HAS FURTHER BEEN DEFINED BY THE NCDOT AS THE WIDTH FROM BACK-OF-DITCH ON ONE SIDE OF A GIVEN ROAD TO THE BACK-OF-DITCH ON THE OPPOSITE SIDE OF SAID ROAD. FURTHERMORE, THE PHYSICAL PRESENCE OF PUBLIC UTILITIES OCCUPYING SUCH CLAIMED MAINTENANCE WIDTH PROVIDES FURTHER EVIDENCE SUPPORTING THE EXISTENCE OF SAID PRESCRIPTIVE R/W WIDTH.

ZONING:

ZONING RESTRICTIONS AS PER ZONING ORDINANCE: SUBJECT PROPERTY ZONED: CB (CD)

NOTE: NO ZONING REPORT HAS BEEN PROVIDED TO THE SURVEYOR, PURSUANT TO ALTA TABLE A ITEM 6. OWNER / DEVELOPER TO VERIFY ZONING REQUIREMENTS PRIOR TO FURTHER DEVELOPMENT OF SITE.

FOR FURTHER INFORMATION CONTACT THE TOWN OF HUNTERSVILLE PLANNING DEPARTMENT AT 704-992-3528.

PARKING:

NO MARKED PARKING SPACES WERE OBSERVED AT TIME OF SURVEY.

GPS CERTIFICATION:

I, C. CLARK NEILSON, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: A11-10,000
- (2) POSITIONAL ACCURACY: NORTH=0.0009, EAST=0.004, VERT=0.007
- (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC
- (4) DATE OF SURVEY: AUGUST 02, 2022
- (5) DATUM/EPOCH: NAD83(2011)/NAD83
- (6) PUBLISHED/FIXED-CONTROL USE: NGS MONUMENT "HOLT"
- (7) GEOID MODEL: GEOID18(CONUS)
- (8) COMBINED GRID FACTOR: 1.00000000
- (9) UNITS: U.S. SURVEY FEET

ALTA/NSPS CERTIFICATION:

TO: HOTEL VENTURES OF LAKE NORMAN, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11, AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 12, 2022.

C. Clark Neilson 8-3-2022
C. CLARK NEILSON, L-3212 DATE
PROFESSIONAL LAND SURVEYOR
cneilson@bphpharm.com

AREA: 115,895 SQ. FT. OR 2.6606 ACRES

REVISIONS				ALTA/NSPS LAND TITLE SURVEY PREPARED FOR:			
11/01/2022	—	TREE	DESCRIPTIONS	REVISED			
				16221 NORTHROSS DRIVE			
				TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, N.C.			
				DEED REFERENCE: 36386-923			
				MAP REFERENCE: 29-434			
				TAX PARCEL NO: 009-301-15			
				R.B. PHARR & ASSOCIATES, P.A.			
				SURVEYING & MAPPING			
				LICENSE NO: C-1471			
				989 E. 7TH ST., #100 CHARLOTTE, N.C. 28204 TEL: (704) 376-2186			
				SCALE: 1" = 30'			
				DATE: JULY 12, 2022			
				JOB NO. 94309			
				CRAW: WH			
				DRAWN: BS			
				REVISED:			

TREE PROTECTION NOTES:

PROTECTIVE BARRICADES SHALL BE PLACED AROUND ALL PROTECTED TREES DESIGNATED TO BE SAVED IN DEVELOPMENT AREAS, PRIOR TO THE START OF DEVELOPMENT ACTIVITIES OR GRADING. PROTECTIVE BARRICADES SHALL REMAIN IN PLACE UNTIL DEVELOPMENT ACTIVITIES ARE COMPLETE OR CONSTRUCTION IN ACCORDANCE WITH STANDARDS SET FORTH IN THIS SECTION COMMENCES. THE AREA WITHIN THE PROTECTIVE BARRICADE SHALL REMAIN FREE OF ALL BUILDING MATERIALS, DIRT OR OTHER CONSTRUCTION DEBRIS, CONSTRUCTION TRAFFIC, STORAGE OF VEHICLES AND MATERIALS, AND GRADING SHALL NOT TAKE PLACE WITHIN THE DRIPLINE OF THE EXISTING TREES TO BE PROTECTED. BARRICADES SHALL BE ERECTED AT A MINIMUM DISTANCE FROM THE BASE OF PROTECTED TREES ACCORDING TO THE FOLLOWING STANDARDS:

- A. FOR TREES 10" OR LESS DBH: PROTECTIVE BARRICADES SHALL BE PLACED A MINIMUM DISTANCE OF 5' FROM THE BASE OF EACH PROTECTED TREE, OR OUTSIDE THE DRIPLINE, WHICHEVER IS GREATER.
- B. FOR TREES GREATER THAN 10" DBH: PROTECTIVE BARRICADES SHALL BE PLACED AT A MINIMUM DISTANCE EQUAL TO 10' FROM THE BASE OF THE PROTECTED TREE PLUS AN ADDITIONAL 1' FOR EACH ADDITIONAL 1" DBH GREATER THAN 10" DBH, OR OUTSIDE THE DRIPLINE, WHICHEVER IS GREATER.
- C. CONSTRUCTION ACCESS TO A SITE SHOULD OCCUR WHERE AN EXISTING OR PROPOSED ENTRANCE/EXIT IS LOCATED.
- D. EXCEPT FOR DRIVEWAY ACCESS POINTS, SIDEWALKS, CURB AND GUTTER, NO PAVING WITH CONCRETE OR OTHER IMPERVIOUS MATERIALS WITHIN A TREE DRIPLINE SHALL BE ALLOWED.
- E. WHERE GRADING WITHIN A TREE DRIPLINE CANNOT BE AVOIDED.
- F. LIMIT CUT AND FILL TO 1/2 TO 3/4 THE AREA WITHIN THE DRIPLINE.
- G. AVOID CUT AND FILL AROUND ENTIRE CIRCUMFERENCE OF TRUNK.
- H. WHERE GRADING LEAVES ROOTS EXPOSED, CUT ROOTS CLEAN.
- I. AVOID FILLING WITHIN THE DRIPLINE OF A TREE WITHOUT SOME MECHANISM TO ALLOW AIR AND WATER TO REACH THE ROOTS.

TREE SAVE CALCULATIONS

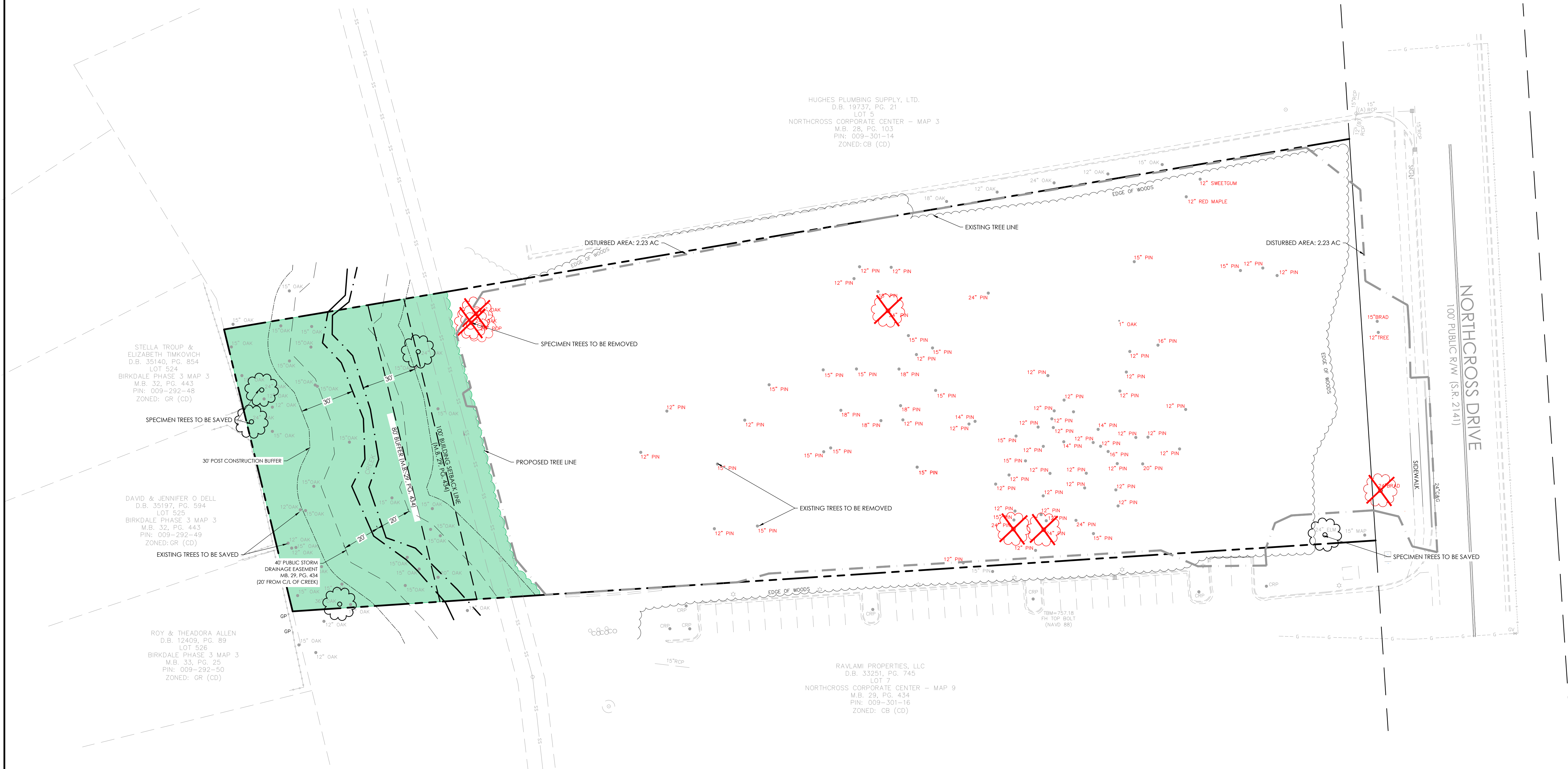
EXISTING CANOPY REQUIRED TO BE SAVED - 0%
EXISTING SPECIMEN TREES REQUIRED TO BE SAVED - 30% (CB)

EXISTING SPECIMEN TREES ON SITE	12 SPECIMEN TREES
EXISTING SPECIMEN TREES REQUIRED TO BE SAVED	0.3x 12 = 3.6 SPECIMEN TREES
SPECIMEN TREES TO BE SAVED	5 SPECIMEN TREES

SPECIMEN TREE TABLE		
SIZE (IN)	SPECIES	INVENTORY
24	OAK	KEEP
24	OAK	KEEP
36	OAK	KEEP
24	OAK	KEEP
24	OAK	REMOVE
24	OAK	REMOVE
26	POPLAR	REMOVE
24	PINE	REMOVE
24	PINE	REMOVE
24	PINE	REMOVE
24	PEAR	REMOVE
24	ELM	KEEP

LEGEND

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



- 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.



NORTHCROSS HOTEL

PARCEL ID: 00930115

16221 NORTHCROSS DR HUNTERSVILLE NC 28078

TREE SAVE PLAN

REVISIONS:

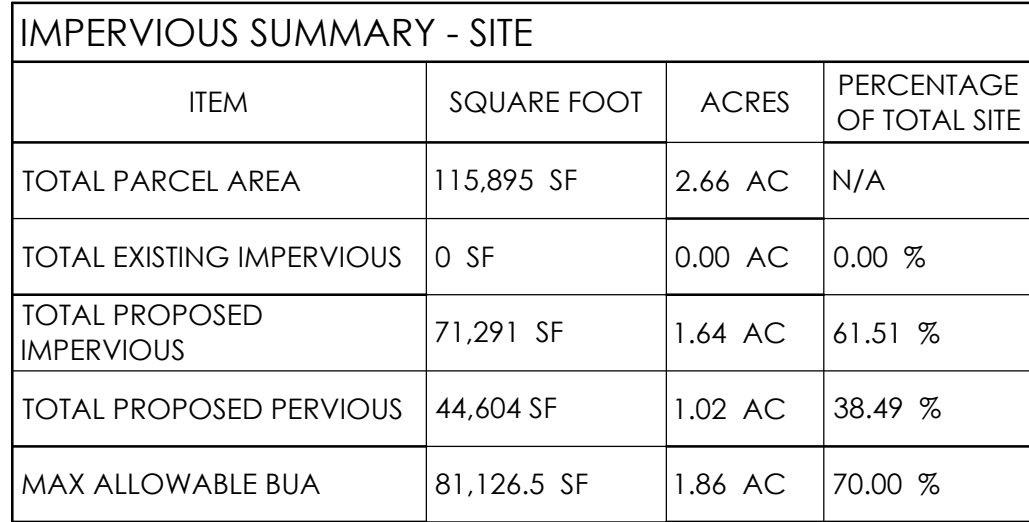
2022/12/07 - REZONING/SUP. COMM.

Z02A TREE SAVE PLAN.DWG

PROJECT NUMBER: 221088

DATE: 09/15/2022 DRAWN BY: TSF

SHEET Z02A OF 5



SITE DATA	
LOCATION: 14221 NORTHCROSS DRIVE HUNTERSVILLE, MECKLENBURG COUNTY 28078	
(PARCEL ID: 00930115)	
CURRENT ZONING: CB (CD)	PROPOSED ZONING: CB (CD)
CURRENT USE: VACANT	PROPOSED USE: HOTEL
CONTACT: HENSONFOLEY (JAY HENSON) 704-875-1615	
ITEM	PROVIDED
TOTAL PARCEL AREA	2.66 ACRES (115,895 SF)
PRINCIPAL USE(S)	HOTEL
LOT & BUILDING TYPE	URBAN WORKPLACE
MAX. BUILDING HEIGHT	47'
ZONING DISTRICT	CB (CD)
OVERLAY DISTRICT	PA-2 MTN ISLAND LAKE WATERSHED
PERCENT IMPERVIOUS ALLOWED	HIGH DENSITY - 70%
BUILD TO LINE	0' - 15' SIDE & REAR - 0'
CORNER SETBACK	REPLICATE FRONTAGE CONDITIONS
WATERSHED	McDOWELL
FEMA MAP NUMBER	3710465100K
FEMA EFFECTIVE DATE	09/02/2015
SOIL TYPE	CeD2, CeB2

TOTAL REQUIRED PARKING SPACES - 1 SPACE PER ROOM PLUS ONE SPACE FOR EVERY 500 SF OF ANCILLARY USE	109 ROOMS + 0.3F ANCILLARY USE = 109 PARKING SPACES
TOTAL REQUIRED ADA PARKING SPACES	5 ADA SPACES ; 1 VAN ACCESSIBLE SPACE
TOTAL PROVIDED PARKING SPACES	109 PARKING SPACES
TOTAL PROVIDED ADA PARKING SPACES	7 ADA SPACES ; 1 VAN ACCESSIBLE SPACE

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

- EROSION CONTROL PLANS WILL COMPLY WITH CURRENT ORDINANCES AND BE APPLIED FOR DURING THE COMMERCIAL SITE PLAN PROCESS.
- WATER QUALITY, POST CONSTRUCTION, AND STORM WATER MANAGEMENT WILL . COMPLY WITH THE CURRENT ORDINANCES AND WILL BE APPLIED FOR DURING THE SITE PLAN PROCESS.

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121 Gilead, Huntersville NC 28078
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NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-3999

NORTHCROSS HOTEL

PARCEL ID: 00930115

REZONING PLAN

[illegible]

DATE: 09/15/2022 DRAWN BY: TS

Z03

5

- 7.1. GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE. FREE THE SURFACE OF ALL OBSTACLES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, SLOES, AND ELEVATIONS INDICATED.
- 7.2. PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES TO NEW GRADES.
- 7.3. CUT OUT SOFT SPOTS, FILL LOW SPOTS, AND TRIM HIGH SPOTS TO COMPLY WITH REQUIRED SURFACE TOLERANCES.
- 7.4. PROVIDE A DRAINAGE SYSTEM TO REMOVE EXCESS DIRECT WATER AWAY FROM BUILDINGS AND TO PREVENT PONDING. FINISH SUBGRADE TO REQUIRED ELEVATIONS WITHIN THE FOLLOWING TOLERANCES:
 - 7.4.1. DRIVEWAYS: PLUS OR MINUS 1/2 INCH (13 MM)
 - 7.4.2. WALKS: PLUS OR MINUS 1/4 INCH (25 MM)
 - 7.4.3. PAVEMENTS: PLUS OR MINUS 1/2 INCH (13 MM)
 - 7.4.4. GRADING INSIDE BUILDINGS: FINISH SUBGRADE TO A TOLERANCE OF 1/2 INCH (13 MM) WHEN TESTED WITH A 10-FOOT (3-M) STRAIGHTEDGE.
8. FIELD QUALITY CONTROL
- 8.1. TESTING AGENCY: OWNER WILL ENGAGE A QUALIFIED GEOTECHNICAL ENGINEERING TESTING AGENCY TO PERFORM TESTS AND REPORTS.
- 8.2. ALLOW TESTING AGENCY TO INSPECT AND TEST SUBGRADES AND EACH FILL OR BACKFILL LAYER. PROCEED WITH SUBSEQUENT EARTH MOVING ONLY AFTER TEST RESULTS FOR PREVIOUSLY COMPLETED WORK ARE AVAILABLE.
- 8.3. FOOTING SUBGRADE: AT FOOTING SUBGRADES, AT LEAST ONE TEST OF EACH SOIL STRATUM WILL BE PERFORMED TO VERIFY DESIGN BEARING CAPACITY. THE TESTING AGENCY WILL PROVIDE THE REMOVAL OF EACH FOOTING SUBGRADE MAY BE BASED ON A VISUAL COMPARISON OF SUBGRADE WITH TESTED SUBGRADE WHEN APPROVED BY ARCHITECT.
- 8.4. PAVING SUBGRADE: AT PAVING SUBGRADES, AT LEAST ONE TEST OF SUBGRADE WILL BE PERFORMED FOR EACH 1000 SQ. FT. OF SUBGRADE, ACCORDING TO ASTM D 1556, ASTM D 2167, ASTM D 2922, AND ASTM D 2937. AS APPLICABLE, TESTS WILL BE PERFORMED AT THE FOLLOWING LOCATIONS AND FREQUENCIES:
 - 8.4.1. DRIVEWAYS: AT EACH BENCH MARK 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 NOT FEWER THAN TWO TESTS.
 - 8.4.2. FOUNDATION WALL BACKFILL: AT EACH COMPACTED BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 100 FT (30 m) OR LESS OF WALL LENGTH, BUT NOT FEWER THAN TWO TESTS.
 - 8.4.3. TRENCH BACKFILL: AT EACH COMPACTED INITIAL AND FINAL BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 150 FT (46 m) OR LESS OF TRENCH LENGTH, BUT NOT FEWER THAN TWO TESTS.
- 8.5. 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 TO ACHIEVE REQUIRED DEGREE OF COMPACTION AND RETEST UNTIL SPECIFIED COMPACTION IS OBTAINED.

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

2. **COMPLIANCE** ENFORCEMENT LINE MUST BE MARKED AND MAINTAINED ON SITE UNTIL FINAL REMEDIATION IS COMPLETED.

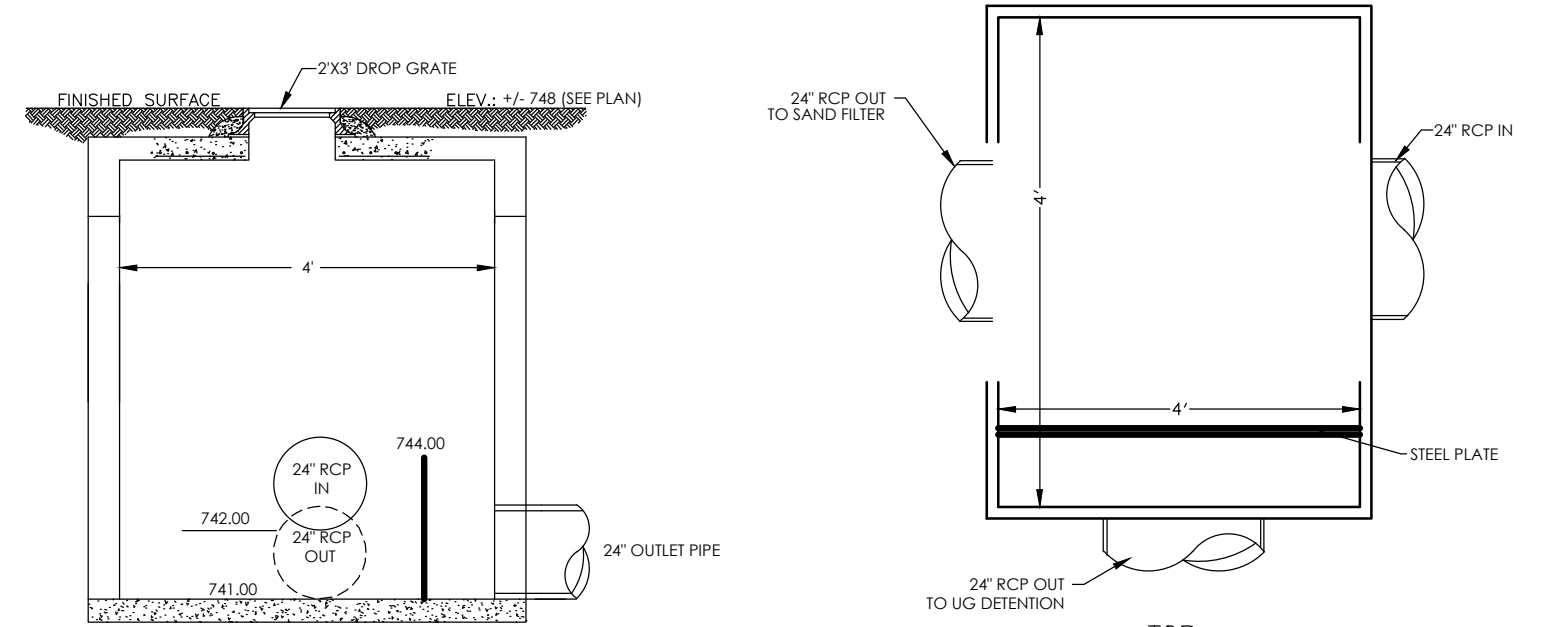
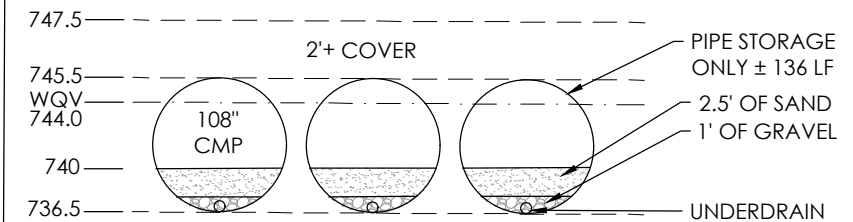
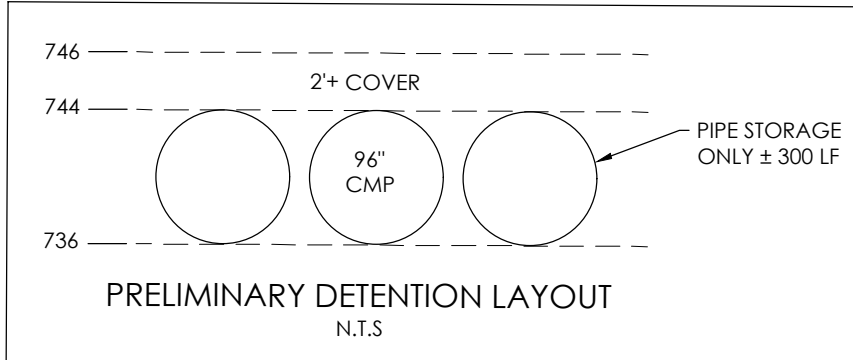
3. INSPECTIONS SHALL BE CONDUCTED AS PRESCRIBED BY THE MAINTENANCE COVENANT.

4. ADDITIONAL INSPECTIONS MAY BE CONDUCTED BY THE TOWN OF HUNTERVILLE LAND USE DEPARTMENT OR THE HUNTERVILLE ENVIRONMENTAL SERVICES AGENCY (HESA) AT ANY TIME, BUT NOT LIMITED TO: ROUTINE INSPECTIONS; RANDOM INSPECTIONS; INSPECTIONS BASED UPON COMPLAINTS OR OTHER NOTICES OF POSSIBLE VIOLATIONS; INSPECTIONS OF SPILLAGE BASINS AND OTHER STRUCTURES; INSPECTIONS OF EROSION CONTROL MEASURES; INSPECTIONS OF CONTAMINANTS OR POLLUTANTS OR WITH DISCHARGES OF A TYPE WHICH ARE MORE AREALY OR FREQUENTLY DISCHARGED THAN THOSE FOR WHICH THE BMP WAS DESIGNED; INSPECTIONS OF STANDARDS OR THE HESA STORED WATER PERMIT; AND JOINT INSPECTIONS WITH OTHER ENFORCEMENT AGENCIES. INSPECTIONS MAY BE CONDUCTED WITHOUT NOTICE. INSPECTIONS INCLUDED ARE LIMITED TO: REVIEWING MAINTENANCE AND REPAIR RECORDS; SAMPLING CHANGES TO THE BMP; AND GROUNDWATER MONITORING. INSPECTIONS MAY ALSO INCLUDE EVALUATING THE CONDITION OF BMPs AND STORM MANAGEMENT PRACTICES.

5. **RIGHT OF ENTRY FOR INSPECTION** WHEN ANY NEW BMP IS INSTALLED ON PRIVATE PROPERTY, THE HESA HAS THE RIGHT OF ENTRY TO INSPECT THE BMP. THE HESA HAS THE RIGHT OF ENTRY TO THE ENVIRONMENTAL SERVICES AGENCY THE RIGHT TO ENTER THE PROPERTY AT REASONABLE TIMES AND IN A REASONABLE MANNER FOR THE PURPOSE OF INSPECTION. THIS INCLUDES THE RIGHT OF ENTRY TO THE PROPERTY OF THE HESA. THE HESA HAS THE RIGHT OF ENTRY TO THE ENVIRONMENTAL SERVICES AGENCY HAS A REASONABLE BASIS TO BELIEVE THAT A VIOLATION OF THE BMP HAS OCCURRED OR MAY OCCUR. THE HESA HAS THE RIGHT OF ENTRY TO THE PROPERTY FOR REMEDIATION OF A PUBLIC NUISANCE OR CORRECTION OF A VIOLATION OF THIS BMP.

1. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES, WHEN FIELD CONDITIONS WARRANT OFF-SITE CONSTRUCTION. PERMISSION MUST BE OBTAINED FROM THE AFFECTED OWNER'S.
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 CHANNEL BOUNDARY LINE ARE SUBJECT TO THE RESTRICTIONS IMPOSED BY THE FLOODWAY REGULATIONS OF THE TOWN OF HUNTERSVILLE AND MECKLENBURG COUNTY.
5. THE MECKLENBURG COUNTY ENGINEERING DEPARTMENT OR THE TOWN OF HUNTERSVILLE 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. PAVES, IRRIGATION SYSTEMS, ETC.) IN THE RIGHT-OF-WAY REQUIRE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE TOWN OF HUNTERSVILLE OR DEPARTMENT OF TRANSPORTATION BEFORE INSTALLATION.
7. ALL ROOF DRAINS TO CONNECT TO UNDERGROUND STORM DRAINAGE SYSTEM.

DRAINAGE AREA = 2.13 AC
-10,000 CF PER ACRE=21,316 CF STORAGE

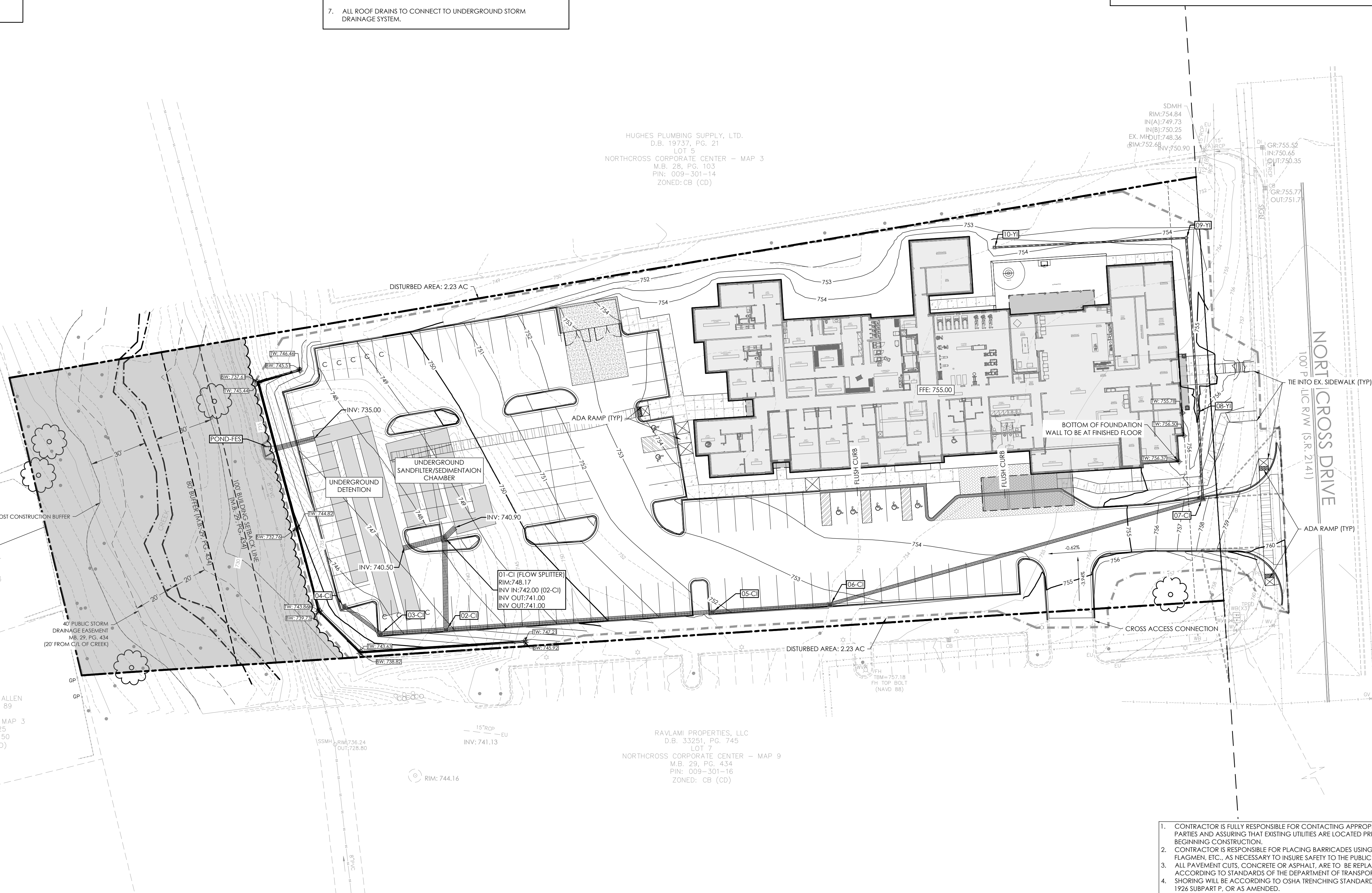
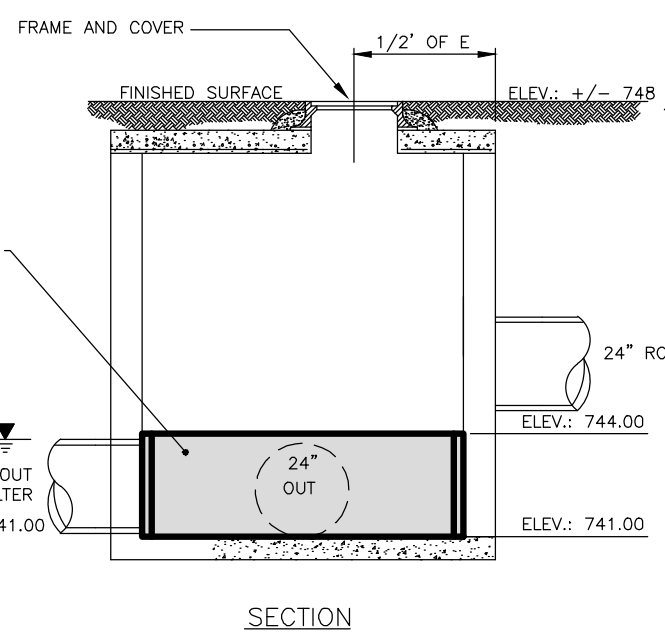
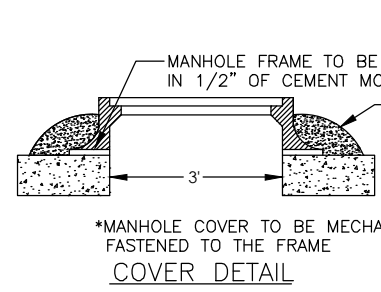


MANHOLE FRAME TO BE EMBEDDED IN 1/2" OF CEMENT MORTAR

3"

MANHOLE COVER TO BE MECHANICALLY ATTACHED TO THE FRAME

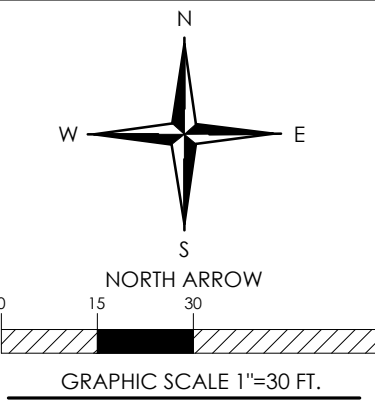
COVER DETAIL



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



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NORTHCROSS HOTEL

PARCEL ID: 00930115

16221 NORTHCROSS DR HUNTERSVILLE NC 28078

PRELIM GRADING PLAN

REVISIONS:

2022/12/07 - REZONING/SUP COMM.

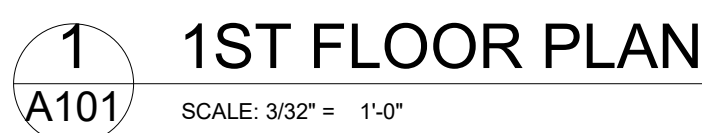
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PROJECT NUMBER: 221088

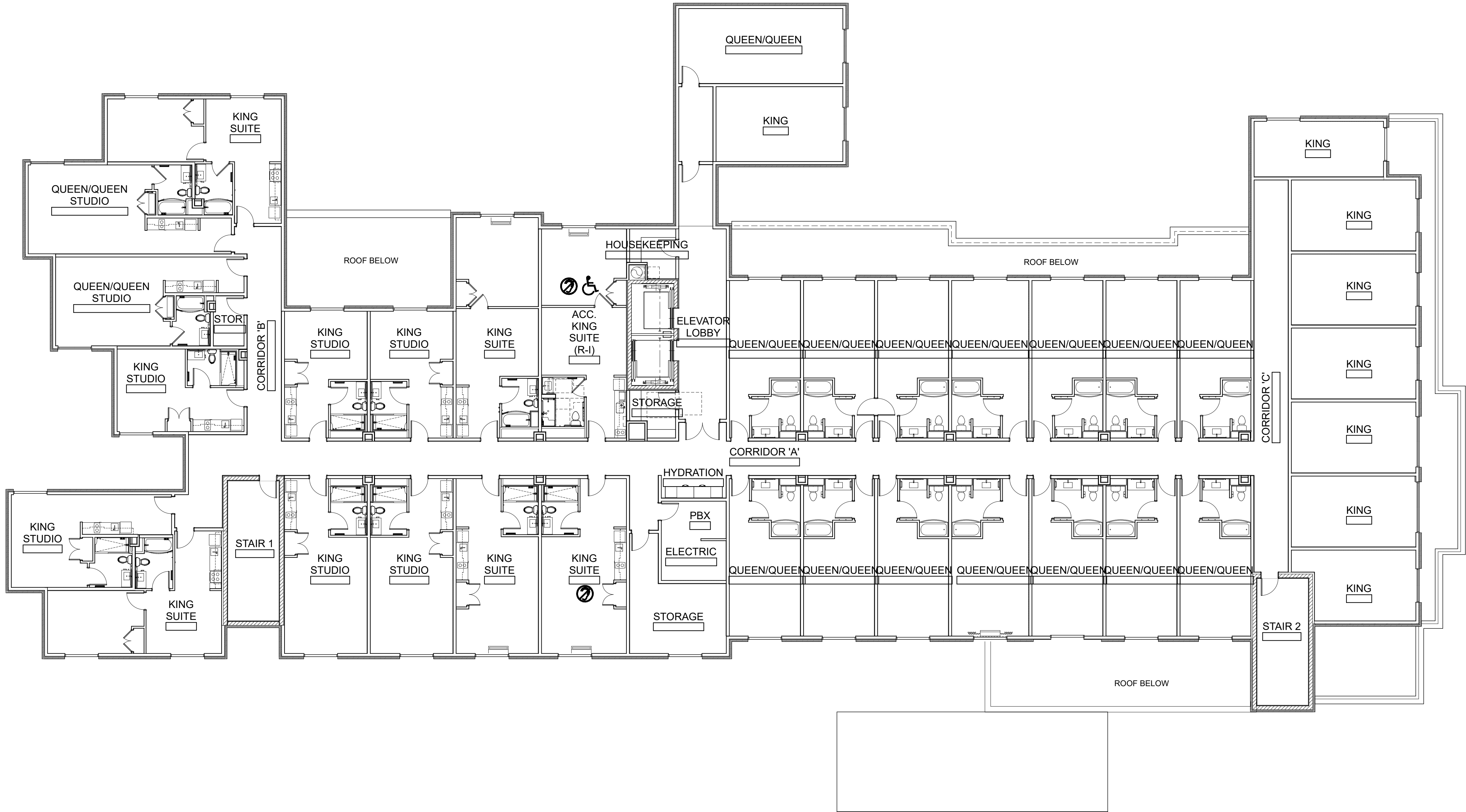
DATE: 09/15/2022 DRAWN BY: TSF

SHEET Z04 OF 5



BUILDING SQUARE FOOTAGE	
STORY	SQFT
1ST FLOOR PLAN	19,770
2ND FLOOR PLAN	17,449
3RD FLOOR PLAN	17,449
4TH FLOOR PLAN	17,449
	72,117 ft ²

1
A102 2ND FLOOR PLAN
SCALE: 3/32" = 1'-0"



GUESTROOM MATRIX		
Home Story	STORY	Quantity
1ST FLOOR PLAN	ACC. QUEEN/QUEEN (R-I)	1
	KING	1
	KING STUDIO	4
	KING SUITE	3
	QUEEN/QUEEN	2
	QUEEN/QUEEN STUDIO	2
2ND FLOOR PLAN	ACC. KING SUITE (R-I)	1
	KING	8
	KING STUDIO	6
	KING SUITE	5
	QUEEN/QUEEN	15
	QUEEN/QUEEN STUDIO	2
3RD FLOOR PLAN	ACC. KING SUITE (TUB)	1
	ACC. QUEEN/QUEEN (TUB)	1
	KING	8
	KING STUDIO	6
	KING SUITE	5
	QUEEN/QUEEN	14
4TH FLOOR PLAN	QUEEN/QUEEN STUDIO	2
	KING	14
	KING STUDIO	2
	QUEEN/QUEEN	6
		109

BUILDING SQUARE FOOTAGE	
STORY	SQFT
1ST FLOOR PLAN	19,770
2ND FLOOR PLAN	17,449
3RD FLOOR PLAN	17,449
4TH FLOOR PLAN	17,449
	72,117 ft²

OVERALL SECOND FLOOR PLAN

SHEET

A102

isomham

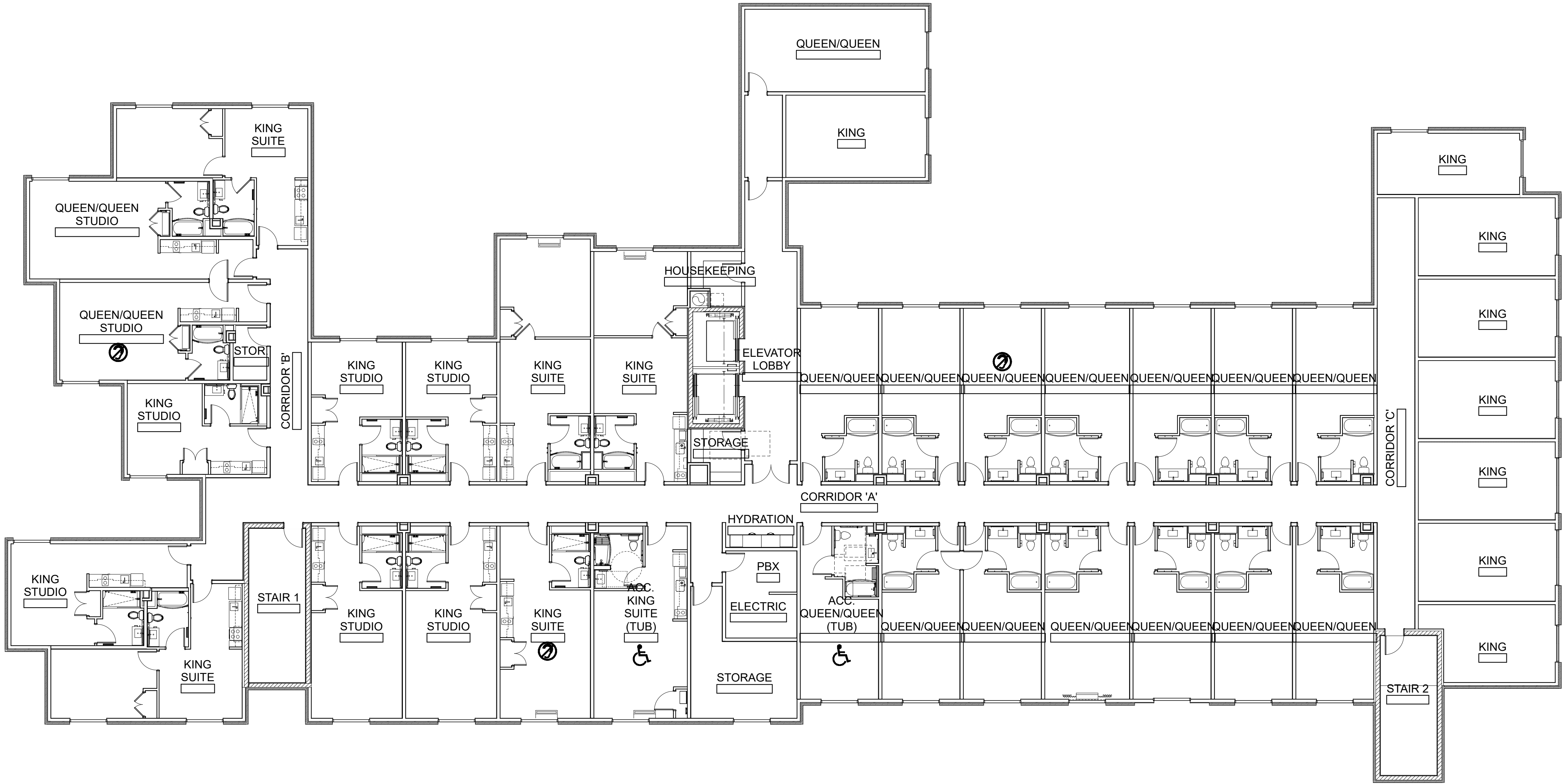
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1
A103 3RD FLOOR PLAN
SCALE: 3/32" = 1'-0"



GUESTROOM MATRIX		
Home Story	STORY	Quantity
1ST FLOOR PLAN	ACC. QUEEN/QUEEN (R-I)	1
	KING	1
	KING STUDIO	4
	KING SUITE	3
	QUEEN/QUEEN	2
	QUEEN/QUEEN STUDIO	2
2ND FLOOR PLAN	ACC. KING SUITE (R-I)	1
	KING	8
	KING STUDIO	6
	KING SUITE	5
	QUEEN/QUEEN	15
	QUEEN/QUEEN STUDIO	2
3RD FLOOR PLAN	ACC. KING SUITE (TUB)	1
	ACC. QUEEN/QUEEN (TUB)	1
	KING	8
	KING STUDIO	6
	KING SUITE	5
	QUEEN/QUEEN	14
4TH FLOOR PLAN	QUEEN/QUEEN STUDIO	2
	KING	14
	KING STUDIO	2
	QUEEN/QUEEN	6
		109

BUILDING SQUARE FOOTAGE	
STORY	SQFT
1ST FLOOR PLAN	19,770
2ND FLOOR PLAN	17,449
3RD FLOOR PLAN	17,449
4TH FLOOR PLAN	17,449
	72,117 ft²

OVERALL THIRD FLOOR PLAN

SHEET

A103

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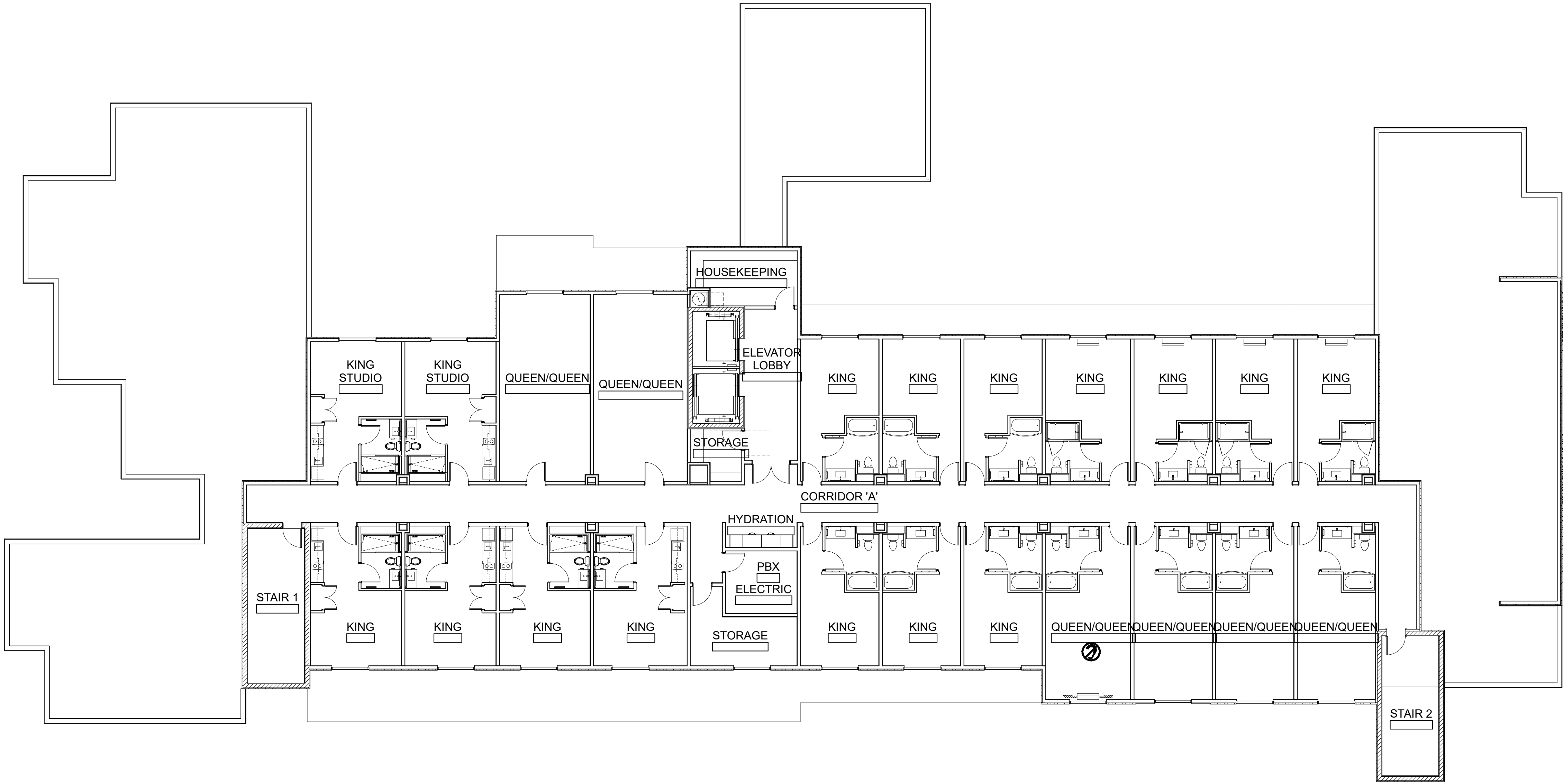
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DRAWN BY	APPROVED
VGW	RWH
PROJECT #	DATE
21019	08/04/22

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ALL CONTRACTORS AND SUB-CONTRACTORS SUBMITTING BIDS ON THIS PROJECT SHALL BE REQUIRED TO RECEIVE THE ENTIRE SET OF DRAWINGS. BROKEN SETS ARE NOT ALLOWED FOR BIDDING PROJECTS. UNDER NO CIRCUMSTANCES ARE THE DRAWINGS TO BE SCALED!!!

NOT RELEASED FOR CONSTRUCTION



GUESTROOM MATRIX		
Home Story	STORY	Quantity
1ST FLOOR PLAN	ACC. QUEEN/QUEEN (R-I)	1
	KING	1
	KING STUDIO	4
	KING SUITE	3
	QUEEN/QUEEN	2
	QUEEN/QUEEN STUDIO	2
2ND FLOOR PLAN	ACC. KING SUITE (R-I)	1
	KING	8
	KING STUDIO	6
	KING SUITE	5
	QUEEN/QUEEN	15
	QUEEN/QUEEN STUDIO	2
3RD FLOOR PLAN	ACC. KING SUITE (TUB)	1
	ACC. QUEEN/QUEEN (TUB)	1
	KING	8
	KING STUDIO	6
	KING SUITE	5
	QUEEN/QUEEN	14
	QUEEN/QUEEN STUDIO	2
4TH FLOOR PLAN	KING	14
	KING STUDIO	2
	QUEEN/QUEEN	6
		109

BUILDING SQUARE FOOTAGE	
STORY	SQFT
1ST FLOOR PLAN	19,770
2ND FLOOR PLAN	17,449
3RD FLOOR PLAN	17,449
4TH FLOOR PLAN	17,449
	72,117 ft²



SCALE: 3/32" = 1'-0"

NOT RELEASED FOR CONSTRUCTION

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PROJECT # 21019	DATE 08/04/22

DRAWN BY VGW	APPROVED RWH
PROJECT # 21019	DATE 08/04/22

[illegible]



September 21, 2022

Mrs. Tess Fallova
Henson Foley Design
121 Gilead Rd
Huntersville, NC 28078

**SUBJECT: PRELIMINARY CAP REVIEW
NORTHCROSS HOTEL
16221 NORTHCROSS DRIVE, HUNTERSVILLE, NC 28078**

After an analysis by Charlotte Water's Capacity Assurance Program (CAP) of the sanitary sewer system associated with the proposed **NORTHCROSS HOTEL** development, it was determined that there is currently sufficient capacity to accommodate the proposed sewer flow (**19,250 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 **PRELIMINARY CAP REVIEW (Pre-CAP)**, **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,

Pedro Galarreta

Pedro Galarreta BSCE, BBA / Engineering Assistant
CHARLOTTE WATER / charlottewater.org

Northcross Hotel Rezoning Neighborhood Meeting

November 17th, 2022 | 6:00pm-7:30pm | Meeting location: *Springhill Suites
13610 Reese Blvd W,
Huntersville NC*

Meeting called by: Hotel Ventures of Lake Norman, Inc.

Type of meeting: Neighborhood Meeting for Northcross Hotel Rezoning R22-06 and SUP22-02

INVITEES

Please see list of invitees attached below.

ATTENDEES

Hitesh Patel – Hotel Ventures of Lake Norman, Inc.

Rakesh Patel – Hotel Ventures of Lake Norman, Inc.

Jay Henson – HensonFoley

Tess Fallova – HensonFoley

Jesse James – Town of Huntersville Planning Staff

Richard Johnson – Grafham Circle Resident

Debbie Moody – Grafham Circle Resident

Stella Troud – Grafham Circle Resident

Michel Allgood – Grafham Circle Resident

Monica Meda – Grafham Circle Resident

Peter Bourke – Grafham Circle Resident

Emerson Bourke – Grafham Circle Resident

MAIN TOPICS AND CONCERNS

1. Is a new hotel needed? There are so many others in close proximity.

Response: Market research is done by hotel owners/developers to evaluate whether or not a hotel is viable. The applicant has been in the hotel business 40 years and owns an existing hotel in the area and is familiar with the supply/demand trends of the local hotel market.

2. Many hotel developers will build a nice hotel but then sell to someone who lets the hotel deteriorate and bring a 2-star hotel.

Response: It is not the plan or financially feasible to build an expensive Marriott brand hotel and sell.

3. Can you move the large sign from the south side of the building to the east side (fronting Northcross Drive)

Response: Absolutely, we can move all signage to be along Northcross Drive.

4. How does your project affect the sound study done years ago for the future NCDOT I-77 connection to Northcross Drive?

Response: NCDOT sound study is not applicable to this property. See response 6 below regarding noise concerns.

5. The hotel is going to allow guests to be able to see into my 2 story windows due to the windows that are facing West.

Response: See changes number 2 and 3 below.

6. Is taking down all of the trees going to cause more noise from I-77?

Response: No, the hotel will become a solid noise barrier along with the addition of numerous evergreen trees to the rear of the parking lot.

CHANGES MADE AS RESULT OF THE NEIGHBORHOOD MEETING

1. The applicant has moved all signage to the east side of the building, along Northcross Drive.
2. The applicant has relocated the windows on the west side of the building so they are not directly facing the neighborhood.
3. The applicant is providing a large maturing evergreen tree screen at the rear of the parking lot so that there is an additional visual and sound buffer between residents of Grafham Circle and guests at the hotel.

PARCEL_ID	OWNER_NAME	MAILING_ADDRESS	CITY	STATE	ZIP_CODE
00930103	MANAH LIMITED PARTNERSHIP,	16115 WEATHERLY WAY	HUNTERSVILLE	NC	28078
00930114	HUGHES PLUMBING SUPPLY LTD,	ONE HUGHES WAY	ORLANDO	FL	32805
00930116	RAVLAMI PROPERTIES LLC,	12521 MCCORD RD	HUNTERSVILLE	NC	28078
00930144	AMAJES CORP,	PO BOX 220	CORNELIUS	NC	28031
00930107	16511 NORTHCROSS LLC,	16511 NORTHCROSS DR	HUNTERSVILLE	NC	28078
00930115	MANAH LIMITED PARTNERSHIP,	16115 WEATHERLY WAY	HUNTERSVILLE	NC	28078
00930140	AMAJES CORP,	PO BOX 220	CORNELIUS	NC	28031
00930111	AMAJES CORP,	PO BOX 220	CORNELIUS	NC	28031
00930125	TANOA REALTY LLC,	14020 MCCORD RD	HUNTERSVILLE	NC	28078
00930143	AMAJES CORP,	PO BOX 220	CORNELIUS	NC	28031
00930130	CARTER SCOTT GROUP LLC,	16405 NORTHCROSS DR A	HUNTERSVILLE	NC	28078
00930145	CAMI PROPERTIES LLC,	8712 LINDHOLM DR STE 302	HUNTERSVILLE	NC	28078
00930128	QUIST FAMILY ENTERPRISES LLC,	1443 MOUNT ISLE HARBOR DR	CHARLOTTE	NC	28214
00930133	SOUTHLAKE PROPERTIES LLC,	903 NORTHEAST DR	DAVIDSON	NC	28036
00930156	COX REAL ESTATE GROUP LLC,	16315 NORTHCROSS DR STE F	HUNTERSVILLE	NC	28078
00930120	LWE PROPERTIES LLC,	16507-A NORTHCROSS DR	HUNTERSVILLE	NC	28078
00929249	O DELL, DAVID J O DELL, JENNIFER DRUM	16124 GRAFHAM CIR	HUNTERSVILLE	NC	28078
00929252	CHIPRE, RAUL F CALCAMO LEZAMA, GLADYS J ALONZO	16106 GRAFHAM CR	HUNTERSVILLE	NC	28078
00929253	BRACEY, LOU N	16044 GRAFHAM CR	HUNTERSVILLE	NC	28078
00929250	ALLEN, THEADORA L ALLEN, ROY L JR	16118 GRAFHAM CR	HUNTERSVILLE	NC	28078
00930139	KARE PARTNERS LLC,	2675 COURT DR	GASTONIA	NC	28054
00929245	JOHNSON, RICHARD	16210 GRAFHAM CR	HUNTERSVILLE	NC	28078
00929251	2019-1 IH BORROWER LP, C/O INVITATION HOMES,	1717 MAIN ST STE 2000	DALLAS	TX	75201
00929248	TROUP, STELLA TIMKOVICH, ELIZABETH	16130 GRAFHAM CIR	HUNTERSVILLE	NC	28078
00929246	AMH NC PROPERTIES LP,	30601 AGOURA RD SUITE 200	AGOURA HILLS	CA	91301
00929527	HARDEE, LAUREN HARDEEN, ANDREW	8818 ST BRIDES CT	HUNTERSVILLE	NC	28078
00929254	ALLGOOD, DWAYNE P ALLGOOD, MICHELE K	16038 GRAFHAM CR	HUNTERSVILLE	NC	28078
00929247	BOURKE, JACLYN LEE BOURKE, PETER ROBERT	16136 GRAFHAM CR	HUNTERSVILLE	NC	28078
00929534	BRIRIBUZE, CLAUDINE U BRIRIBUZE, ERIC	8817 ST BRIDES CT	HUNTERSVILLE	NC	28078
00930121	MEISTRICH, DAVID ALAN	15812 PINE KNOLL LN	HUNTERSVILLE	NC	28078
00929538	LI, YING	8819 SINGLETON CT	HUNTERSVILLE	NC	28078
00930136	O`LEARY BOYS LLC,	16419 E NORTHCROSS DR	HUNTERSVILLE	NC	28078
00930110	AMAJEA CORP,	PO BOX 220	CORNELIUS	NC	28031
00930126	FOX, RUSSELL	16507-G NORTHCROSS DR	HUNTERSVILLE	NC	28078

00930122	BOULANGER, ANDREW M BOULANGER, GENEVIEVE N	12009 LAWINGS CORNER DR	HUNTERSVILLE	NC	28078
00930109	CHERRY, JUNE B CHERRY, JOHN R	16501 NORTHCROSS DR STE A1	HUNTERSVILLE	NC	28078
00930155	COX REAL ESTATE GROUP LLC,	16315 NORTHCROSS DR STE F	HUNTERSVILLE	NC	28078
00930127	FOX, RUSSELL	16507-G NORTHCROSS DR	HUNTERSVILLE	NC	28078
00930124	CAUTHEN, TERESA L CAUTHEN, RAY D	16507 NORTHCROSS DR UNIT E	HUNTERSVILLE	NC	28078
00930129	NSR HOLDINGS LLC,	16419 NORTHCROSS DR STE C	HUNTERSVILLE	NC	28078
00930132	PURPLE PENGUIN PROPERTIES INC,	12717 GREEN ASHE DR	HUNTERSVILLE	NC	28078
00930152	KARE PARTNERS LLC,	2675 COURT DR	GASTONIA	NC	28054
00930141	AMAJES CORP,	PO BOX 220	CORNELIUS	NC	28031
00930134	NSR HOLDINGS LLC,	16419 NORTHCROSS DR STE C	HUNTERSVILLE	NC	28078
00930137	GOODMAN, ALAN FRANKLIN	13000 MOORESVILLE RD	DAVIDSON	NC	28036
00930146	CAMI PROPERTIES LLC,	8712 LINDHOLM DR STE 302	HUNTERSVILLE	NC	28078
00930153	COX REAL ESTATE GROUP LLC,	16315 NORTHCROSS DR STE F	HUNTERSVILLE	NC	28078
00930154	COX REAL ESTATE GROUP LLC,	16315 NORTHCROSS DR STE F	HUNTERSVILLE	NC	28078
00930142	AMAJEA CORP,	PO BOX 220	CORNELIUS	NC	28031
00930151	KARE PARTNERS LLC,	2675 COURT DR	GASTONIA	NC	28054
00930123	CANAAN PROPERTY MANAGEMENT LLC,	131 VANCE CRESCENT DR	MOORESVILLE	NC	28117
00930147	KARE PARTNERS LLC,	2675 COURT DR	GASTONIA	NC	28054
00930150	KARE PARTNERS LLC,	2675 COURT DR	GASTONIA	NC	28054
00930135	NSR HOLDINGS LLC,	16419 NORTHCROSS DR STE C	HUNTERSVILLE	NC	28078
00930131	AP EVOLUTION LLC,	16405 NORTHCROSS DR STE D	HUNTERSVILLE	NC	28078
00930138	AP EVOLUTION LLC,	16405 NORTHCROSS DR STE D	HUNTERSVILLE	NC	28078
00930108	CHERRY, JOHN R CHERRY, JUNE B	16501 NORTHCROSS DR STE A1	HUNTERSVILLE	NC	28078
00930148	KARE PARTNERS LLC,	2675 COURT DR	GASTONIA	NC	28054
00930149	KARE PARTNERS LLC,	2675 COURT DR	GASTONIA	NC	28054

HOA Notifications

Birkdale HOA	8915 Devonshire Drive	Huntersville	NC	28078
MacAulay HOA	16023 Hallaton Drive	Huntersville	NC	28078

Planning Board Members

Town Board Members

Planning Staff (Jesse James and Brian Richards)



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: Hotel Ventures of Lake Norman, Inc.

Project Name: Northcross Hotel Rezoning

Project Address: 16221 Northcross Drive, Huntersville NC 28078

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

This project consists of the rezoning for this parcel to allow for a 4-story Hotel.

The hotel building footprint is approximately 20,225 sf with 110 rooms.

Applicant

Printed Name Hotel Ventures of Lake Norman, Inc. Phone 404-368-9227

☒ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership

☐ Other: _____

Signature

H. Patel

Title Vice President

Email hpatel@hotelventuresinc.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 9/29/22

Daily Trips Anticipated 769

Peak Hour Trips Anticipated AM 48 PM 54

TIA Required (Yes/No) No

Date of Determination: 10/3/22

Comments: Determination based on a 110 room Hotel.

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Jack Simoneau, Planning Director

Date: January 3, 2023

Subject: Petition #TA22-12 Public Hearing

EXPLAIN REQUEST:

Conduct a public hearing on Petition #TA22-12, a request by the Huntersville Town Board to amend Article 4 of the Zoning Ordinance clarifying first floor residential and commercial area requirements for Shopfront and Workplace mixed-use buildings.

ACTION RECOMMENDED:

Conduct a public hearing.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA22-12 PH Staff Report 1-3-23
2. Text Amendment Application
3. TA22-12 Ordinance
4. HOAB Minutes on TA 22-12
5. Table of Municipalities

TA 22-12 – Town of Huntersville: Clarifying First Floor Residential and Commercial Area for Shopfront and Workplace Mixed-Use Buildings

PART 1: DESCRIPTION

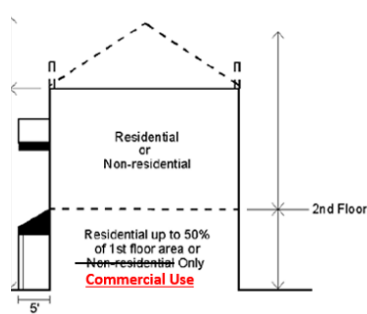
TA 22-12 is a request by the Huntersville Town Board to amend Article 4 of the Zoning Ordinance clarifying first floor residential and commercial area requirements for Shopfront and Workplace mixed-use buildings.

PART 2: BACKGROUND

First floor Shopfront and Workplace Buildings have the following standard: “Residential up to 50% of 1st floor area or Non-residential Only”.

The Town Board disagreed with staff assigning shared residential and non-residential floor area (i.e., mechanical rooms, maintenance space, etc.) as non-residential floor area. They requested an amendment indicating that only floor area dedicated 100% to non-residential uses would qualify as non-residential floor area.

Through the review process, it was determined the term “non-residential” should be replaced by the term ‘commercial’ as it better aligned with the Town Board’s intentions and is defined in the Zoning Ordinance (see below).



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. **First floor commercial area shall include floor area used exclusively for commercial use and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.**

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

The proposed text amendment **could be supported** by the following policies in the Huntersville 2040 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.

LU 6.2: Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.

LU 6.3: Small scale, neighborhood-serving commercial and office uses may be allowed in Town Core and Moderate Density areas specified on the Future Land Use map at key locations if designed in a context sensitive manner.

Staff Comment: The proposed text amendment clarifies ambiguities for calculating residential and commercial floor area and may remove barriers to constructing mixed-use buildings.

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

EV 1.4: Review development standards to support business growth.

- Support efforts to improve efficiency and responsiveness of the development review process for development proposals. Regularly review the market to ensure that standards are in line with current demand.
- Prioritize changes to standards that would encourage small business growth.

Staff Comment: The proposed text amendment clarifies ambiguities for calculating residential and commercial floor area and may remove barriers to constructing mixed-use buildings.

Policy EV-2: Encourage existing economic assets and entrepreneurial business development.

EV 2.1: Promote and encourage local businesses, particularly small businesses.

EV 2.2: Leverage Downtown as a unique destination.

EV 2.3: Attract businesses to Downtown.

Staff Comment: The proposed text amendment clarifies ambiguities for calculating residential and commercial floor area and may remove barriers to constructing mixed-use buildings.

Policy DT-1: Encourage future development in the Downtown area to adhere to the Regulating Plan.

DT 1.1: Encourage vertical mixed-use development with active visual engagement between the street and the ground and upper floors along Active Frontages

DT 1.2: In Tier 1 areas, encourage multistory buildings and allow for a mix of uses, including commercial, office, and residential.

Staff Comment: The proposed text amendment clarifies ambiguities for calculating residential and commercial floor area and may remove barriers to constructing mixed-use buildings.

PART 4: STAFF RECOMMENDATIONS

Approval. See Part 9 below.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The HOAB heard the request at the November 3, December 1 and December 15, 2022, meetings. At the 12/15/22 meeting the HOAB voted 5-3 in favor to defer TA22-12 until next regularly scheduled meeting on January 5, 2023 and include aspects of rules of construction in that recommendation (Section 12.1 of the Zoning Ordinance).

PART 6: PUBLIC HEARING

January 3, 2023

PART 7: PLANNING BOARD RECOMMENDATION

To be held January 24, 2023

PART 8: ATTACHMENTS

1. Application
2. Ordinance
3. Huntersville Ordinance Advisory Board Minutes November 3, December 1 and December 15, 2022, Minutes
4. Floor Area Requirement Comparison of Nearby Cities

PART 9: STATEMENT OF CONSISTENCY

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA22-12, the Planning Staff recommends approval based on the amendment being consistent with LU-6, EV-1, EV-2, and DT-1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment clarifies first floor residential and commercial area requirements.	APPROVAL: In considering the proposed amendment TA22-12, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA22-12, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
	DENIAL: In considering the proposed amendment TA22-12, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u> of the Huntersville 2040 Community Plan. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)	DENIAL: In considering the proposed amendment TA22-12, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u> of the Huntersville 2040 Community Plan. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)



Text Amendment Application

Date of Application October 4, 2022

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 Ord. Article(s): 4 Section(s): Shopfront & Workplace Bldg.

Current Ordinance See attached

Proposed Text See attached

Reason for Proposed Change To clarify determination of residential/ non-residential/commercial floor area in a mixed-use building (Shopfront & Workplace building type)

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 Jack Simoneau

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

Signature Jack Simoneau (For Huntersville Town Board) Date 10/4/22

Title Planning Director Email jsimoneau@huntersville.org

Address of Applicant PO Box 664, Huntersville, NC 28070

Property Owner (if different than applicant)

* Printed Name N/A

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

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

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

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

Date Received By Planning Department: October 4, 2022

Staff Initials: JS

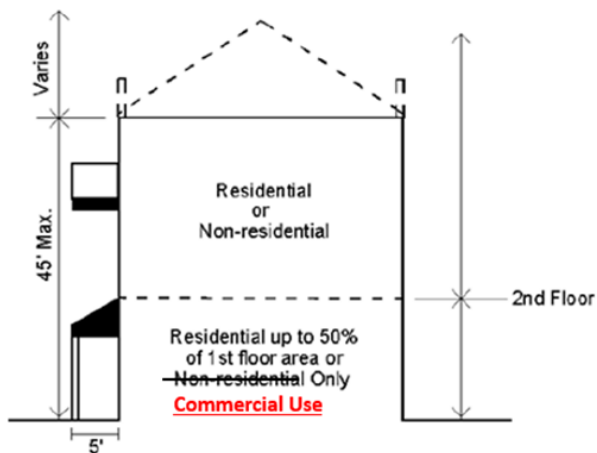
AN ORDINANCE TO AMEND ARTICLE 4, URBAN WORKPLACE AND SHOPFRONT BUILDINGS OF THE ZONING ORDINANCE TO CLARIFY THE RESIDENTIAL AND COMMERCIAL FLOOR AREA REQUIREMENTS

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12, Definitions, of the Zoning Ordinance is hereby amended by modifying the definition of Commercial Use and adding a new definition of non-residential use as follows:

Commercial use. A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, branch banks, financial services, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), inns, theatres, restaurants without drive-through windows, bars, and day care facility as a principle use. Each use permitted in the commercial use category shall also meet any applicable conditions set out in Article 9, Conditions for Certain Uses. Excluded from the commercial use category are adult uses; vehicle, boat, or manufactured home sales, service, and repair; drive-through windows as a principal or accessory use; wholesale sales; heavy manufacturing; outdoor storage; **floor area that is shared with residential uses as provided in Article 4;** outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

Non-residential use. All uses that are not a residential use.

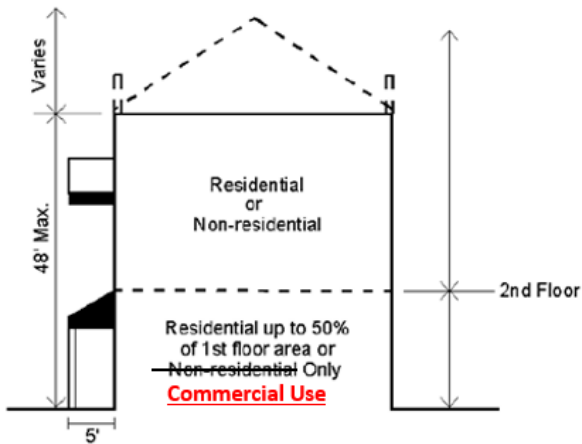
Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4, Workplace Building, of the Zoning Ordinance is hereby amended as follows:



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 in the Highway Commercial (HC) zoning district may exceed the maximum building height (shown above), not to exceed six (6) stories, subject to the provisions of Article 9.45.
6. **First floor commercial floor area shall include floor area used exclusively for commercial use and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.**

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4, Shopfront Building, of the Zoning Ordinance is hereby amended as follows:

TA 22-12: Residential and Commercial Floor Area



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. **First floor commercial area shall include floor area used exclusively for commercial use and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.**

Section 4. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: November 3, December 1, and December 15, 2022

PUBLIC HEARING DATE: January 3, 2023

PLANNING BOARD MEETING: January 24, 2023

TOWN BOARD DECISION: February 20, 2023

HOAB November 3, 2022, Minutes

Item 4C: Consider a Town Board sponsored amendment to Article 4, Urban Workplace and Shopfront Building Types clarifying how to count residential and non-residential floor areas in mixed-use buildings.

J. Simoneau, Planning Director reviewed the recent approved plan that identified that referencing non-residential space may not be achieving the desired results of the use of the space. The proposed amendment would adjust 'non-residential' to 'commercial' use for shopfront and workplace building types with the added wording to achieve the percentage indicated being used for commercial purposes only.

K. Jones reviewed the use of 'up to' in the proposed language and when would a developer be allowed to adjust this requirement. Staff confirmed that the proposed language would allow for the residential use to vary from 0 – 50% with the remaining square footage being used for commercial and a developer can always request a conditional rezoning that the Town Board would have to decide to grant or not grant on a variance from the standard.

K. Jones asked if 100% commercial could be proposed. Staff stated that the Board could offer that recommendation, staff would recommend keeping it as it is since there are times that commercial may not make sense on the first floor of these buildings, such as when facing a side property yard.

F. Gammon commented on approaches to the language that could create the requirement for this to be a conditional rezoning and allow for the developer to come before the Planning and Town Board to assist with avoiding further issues.

A. Hallman commented that she would like to see greater commercial percentage on the first floor in Town Center and that commercial areas that do not face the storefront may be a good opportunity for start-up businesses with a lower rent option that can be connected to larger businesses.

M. Jones commented that there seems to be two pieces to this, the ordinance, and the interpretation. Staff agreed that clarity is the goal and the proposed language is intended to achieve that. M. Jones commented that a clear and consistent method for interpretation of the Board, motions, Staff, and the Ordinances.

NOTE: NO MOTION WAS MADE AS THIS WAS A DISCUSSION ITEM.

HOAB December 1, 2022, Minutes

Item 4C: Consider a Town Board sponsored amendment to Article 4, Urban Workplace and Shopfront Building Types clarifying how to count residential and non-residential floor areas in mixed-use buildings.

J. Simoneau, Planning Director presented the proposed amendment that would adjust 'non-residential' to 'commercial' use for shopfront and workplace building types with the added wording to achieve the percentage indicated being used for commercial purposes only. Staff reviewed research completed of a comparison of mixed-use standards in Downtown for local area municipalities.

F. Gammon referenced paragraph 5 of Article 4, Shopfront Building Types and asked about the reference to 40% habitable area requirement. Staff responded that this refers to an existing building and would be different criteria than the land development criteria being discussed.

F. Gammon shared that there is no definition for 'commercial, residential or non-residential' in the Ordinance and this could leave it open to interpretation which seems to lend to the confusion. Staff responded that the proposed amendment is to clarify the text and use and staff is comfortable with interpreting this in reviewing land development.

K. Jones commented that she would like the requirement to be 75% or greater for commercial use.

A. Hallman agreed that it should be 75% or greater for commercial use particularly because this is for Town Center, and we are focused on invigorating our Downtown and we do not have that many existing store front/shop front roads, so we need this type of requirement to attract as much commercial development as possible. She then expressed her support of definitions for words as F. Gammon stated. She agreed that the purpose of the definitions is not for staff but rather for developers who may have one use and definition of terms and may not choose to update the descriptions on their plans which can lead to lack of clarity between developers, planners, and citizens as to what the intended use is for that space. The definition and the implementation of the words would be important. Staff commented that the new software for the Ordinances will allow you to search for a word and find all references to that word which will assist with accessing existing definitions such as commercial.

F. Gammon commented that he agreed with the recommendations of 75% commercial, but he does not want to be too restrictive for a developer. He would recommend a 75% commercial, 25% residential through a modification request to be approved by the Town Board so they could view the circumstances of that development and not overregulate the developer.

Commissioner Munger agreed that the true definition of commercial would be beneficial to alleviate confusion. He then referred to the local area municipality research that was shared and commented that the wording of Concord is good phrasing. Staff agreed that presenting the definition with the proposed amendment would be beneficial. The current definition of commercial use is all encompassing.

Commissioner Munger responded that the goal is to clearly identify that a mailroom, storage room or other shared space are not what is intended. The intention is tax revenue generating space.

M. Jones requested staff bring up MuniCode and the definition for Commercial in the Zoning Ordinance.

F. Gammon recommended the implied understandings be included in the definition such as storage rooms, HVAC space when used for commercial only versus HVAC that is shared with commercial and residential. E. Sloop commented that the Ordinances currently define residential and commercial, and she would recommend the addition of non-residential to the definitions as 'everything not residential.'

M. Jones commented that the definition piece and interpreting Town Board conditions and the Ordinance in a consistent fashion is also critical, and he recommends it be wrapped into this as well.

Motion: M. Jones made a motion to call a virtual Special Meeting of the Ordinance Advisory Board on Thursday, December 15, 2022, at 3:30 p.m. to hear Items 4C, 5A, 5B & 5C from the December 1, 2022, agenda and to include an Item 5D to discuss forming sub-committees. K. Jones seconded the motion.

Vote: The motion passed unanimously (8-0).

HOAB December 15, 2022, Minutes

Item 4A: Consider recommendation on petition TA22-12, a Town Board sponsored text amendment to Article 4, Urban Workplace and Shopfront Building Types to clarify how to count residential and non-residential floor areas in mixed-use buildings.

J. Simoneau, Planning Director reviewed the proposed amendment with the normal definition of commercial use, exclusions to commercial use category as outlined in Article 4. Staff reviewed local area communities and it is staff's recommendation for commercial use requirement to be at 50%. This is an increase over the current requirements, and it is Staff's opinion that it would be a disincentive to increase the first-floor commercial requirement to 75-100%.

A. Hallman commented that she would support an increased percentage requirement for commercial since developers would still have the opportunity to request that be reduced with the Town Board.

M. Jones asked Staff to confirm that definition of non-residential and commented on concerns over the clarity. Staff stated that this is not a new definition and Staff is comfortable with it.

M. Jones asked Staff if the definition should be improved with the statements added by E. Sloop that all Commercial is Non-Residential but not all Non-Residential is Commercial. Staff responded that the Board is welcome to make a recommendation of that. M. Jones followed up that he thinks the definition of Non-Residential should be more specific because in his mind he does not necessarily think Commercial.

A. Hallman asked when this will go to Public Hearing. Staff responded that Public Hearing is January 3, 2023, and a recommendation from the Ordinance Advisory Board would be preferable. The Town Board could also keep the Public Hearing open and not close it and forward it to the Planning Board, otherwise it would go to the Planning Board on January 24, 2023, and then to the Town Board for final decision on February 20, 2023.

A. Hallman followed up and said it would be nice to understand more of what the Non-Residential uses could be that are not Commercial and additional time to figure that out would be helpful.

M. Jones commented that the interpretation is also important to create a more comprehensive solution which he believes is what the Town Board was trying to address. He then stated that he has written up some recommendations to the rules of construction for the Zoning Ordinance and Subdivision Ordinance that he thinks would be in keeping with the solution that the Town Board is seeking. Staff responded that they would defer to Legal to weigh in since staff's concern is that the rules of construction amendments have not been advertised so if there is going to be discussion on amending Section 2.2 of the Subdivision Ordinance or Section 12.1 of the Zoning Ordinance, that needs to be a clear agenda item. E. Sloop responded that this is a Special Meeting, and that discussion is not on the agenda we should wait until it is properly advertised to discuss it. M. Jones commented that he brought this up at each of the previous two discussions on this item so he does not understand how this would be new or unrelated. Staff commented that it was understood M. Jones wanted to work on those sections, but it was not clear that was meant to be in conjunction with TA22-12, so the sections referenced have not been advertised.

F. Gammon commented that his understanding of the Rules of Procedure was that the Board had more leniency to discuss the ordinances that may apply but he would defer to Legal.

A. Hallman said that if it cannot legally be discussed now then the Board should not spin their wheels discussing part of the problem versus the entire solution that as a Board they should be considering for clarity for all future users of the Zoning Ordinance for years to come.

F. Gammon followed up that he does not want to encumber this text amendment with discussion that has not been totally vetted and will slow down the process. It may be appropriate for discussion in Item 5A on how to improve the Zoning Ordinance.

M. Jones asked Commissioner Munger if in his opinion the proposed text amendment is a comprehensive solution that addresses the concerns expressed by the Town Board that led to the proposal of the amendment. Commissioner Munger commented that while he can see room for improvement it is a step in the right direction, and he would be open to the Ordinance Advisory Board trying to work out whatever additions may be appropriate. Another consideration is that the Town Board does review the notes forwarded from the Ordinance Advisory Board meetings and that is taken into consideration when determining how to proceed and what the final amendment should look like when the Town Board reviews it.

M. Jones then asked Commissioner Munger if he felt like conditions imposed by the Town Board that the applicant agrees to should have precedence over other aspects or everything else. Commissioner Munger stated he would defer to Legal. Staff clarified that the Board is specifically authorized in the Ordinance through conditional rezoning to modify existing codes which takes precedence.

M. Jones said he would entertain a motion to defer if the Board was with him to broaden the discussion related to this text amendment to include the aspects he has brought up.

Motion: K. Jones made a Motion to Defer TA22-12 until next regularly scheduled meeting and include aspects of rules of construction in that recommendation. A. Hallman seconded the motion to support some more thought about what non-residential but not commercial is.

F. Gammon asked Staff if their recommendation would now fall after Town Board Public Hearing. Staff responded it is possible that Town Board will decide to leave Public Hearing pending feedback from this Board. F. Gammon stated that he would not support this motion because he does not feel the adjustments can be vetted and prepared to be ready with the adjustments requested by the January meeting. He would prefer for this text amendment to continue as proposed and the additional items for discussion be heard under item 5A of the agenda or another text amendment proposal.

H. Whittaker asked what is driving the January deadline. Staff advised the legal ad and this item being heard twice by this Board have created the January meeting schedule. The Town Board does not necessarily have to close the public hearing if they choose to hold it open to hear from the Ordinance Advisory Board. Commissioner Munger commented that from the Town Board perspective if it is the wish of the Ordinance Advisory Board to have the public hearing held open until there is a recommendation from this Board that the Town Board will look favorably on that.

M. Jones asked if a special request to the Town Board can be made to hold the public hearing open. Staff said it is appropriate to make that request. Commissioner Munger commented that he will need 4 votes but he does not see that as being a huge hurdle.

Vote: The motion passed (5-3) with T. Finlay, F. Gammon, B. Skelly opposed

	Definition of Mixed-Use?	1st Floor Use Restriction for Mixed-Use Buildings in the Downtown?
Huntersville	Mixed-Use Building: The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.	Yes, mixed-use buildings allowed up to 50% of the 1st floor area as residential
Charlotte	Mixed-Use Development: Development of a project with a residential component listed in the Residential Uses category and a nonresidential component listed in the Commercial Uses category or the Industrial Uses category of the Use Matrix in Article 15.	No
Cornelius	Mixed-Use Building: Buildings with the ground floor occupied by commercial/retail/service uses and residential units above	Yes, the ground floor of any mixed-use building shall exclusively contain retail, service, or office uses.
Davidson	None	Yes, the 1st floor facing the primary streets of a mixed-use building (storefront building type) shall be designed to accommodate retail uses
Matthews	Mixed Use Development: A development which includes at least two of the following uses: office, institutional, civic, residential, and/or service/retail in 1 or more buildings or a combination of single and mixed use buildings in a pedestrian-oriented environment.	Yes, 1st floor of a mixed-use building in the Historic Urban Core zoning district must devote 50% of the gross floor area to "retail acitvities". The term “retail” includes the sales of merchandise and personal services, but not drive-through financial services.
Mooresville	Mixed-Use: A single structure or tract of land containing more than one type of use, where the different types of uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.	In the Traditional Downtown zoning district, vertical mixed-use development with residential uses above ground-floor nonresidential development is encouraged but not required .
Concord	Mixed Use Building: A vertically integrated mixed-use building. The building is able to accommodate a wide variety of uses, including apartments for sale or rent, small professional offices, ground floor retail or restaurant.	Yes, the first floor (street level) of any new multi-story building in the City Center zoning district shall be devoted to retail, commercial, and service uses. Such buildings shall include said uses along not less than 50% of its street frontage.

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Nathan Farber, Planner I

Date: January 3, 2023

Subject: Petition #ANNEX 22-01 Public Hearing

EXPLAIN REQUEST:

Conduct a public hearing on Petition # ANNEX 22-01, a request by Earl House III and Terrix Deanna Williams, to annex 0.45 acres into the Town of Huntersville.

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

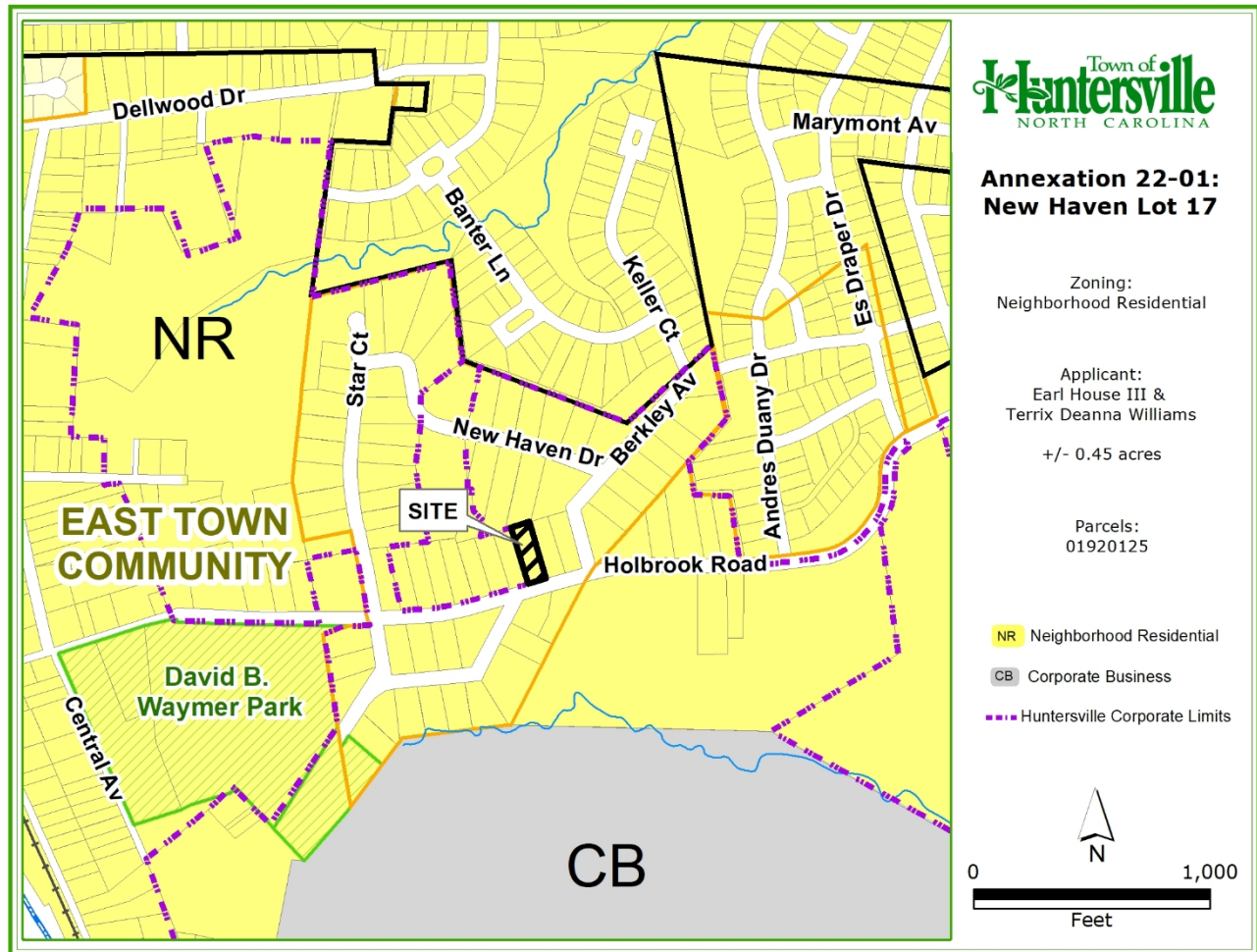
1. Staff Report
2. Attachment A - Annexation Petition
3. Attachment B - Annexation Plat
4. Attachment C - Certificate of Sufficiency
5. Attachment D - Resolution of Intent to Annex
6. Attachment E - Public Hearing Ad
7. Attachment F - Metes & Bounds Description

Annexation Petition # 22-01 (Contiguous) New Haven Lot 17

EXPLANATION OF THE REQUEST

Petition Annex #22-01 is a request for contiguous annexation into the Town of Huntersville of 0.45 acres consisting of ten (1) parcel (PIN# 019-20-125).

LOCATION



BACKGROUND

The property owners, Earl House III and Terrix Deanna Williams, have filed a petition to consider voluntary contiguous annexation (see Exhibit A) pursuant to North Carolina General Statutes Section 160A-58.1; the proposed area to annex is 0.45 acres.

All statutory requirements for annexation have been met:

- A petition requesting annexation was received on October 28, 20221 (see Exhibit A).
- The Town Clerk certified the sufficiency of the petition on December 22, 2021 (see Exhibit C).
- On December 5, 2021, the Board of Commissioners set the date for the public hearing to be held on January 3, 2022.
- Notice of the public hearing was placed in a newspaper of general circulation. The notice appeared in the Charlotte Observer on December 18 and 25, 2022 (see Exhibit E).

STAFF RECOMMENDATION

Since all statutory requirements have been met in full, staff recommends that the Board of Commissioners approve the petition with Mayor's signature on the associated ordinance. If the final action of this annexation takes place on January 3, 2023, the voluntary contiguous annexation would also become effective on January 3, 2023.

ATTACHMENTS

Attachment A – Contiguous Annexation Petition
Attachment B – Annexation Plats
Attachment C – Certificate of Sufficiency
Attachment D – Resolution of Intent to Annex
Attachment E - Public Hearing Ad
Attachment F – Metes & Bounds Description



PETITION REQUESTING ANNEXATION

To the Board of Commissioners of the Town of Huntersville:

1. We, the undersigned owners of all or a part of the real property described on the metes and bounds description attached hereto, request that the described area be annexed to the Town of Huntersville.

2. The area to be annexed is ☒ (contiguous) ☐ (non-contiguous) [circle one] to the primary corporate limits of the Town of Huntersville. The petitioner attaches hereto and submits as part of the petition:

(a) a metes and bounds description of the parcel(s) identified in paragraph 1, and

(b) a plat, suitable for recordation in the office of the Mecklenburg County Register of Deeds, showing the area proposed for annexation with relation to the primary corporate limits of the Town of Huntersville.

3. The petitioner ☒ (does) ☐ (does not) [circle one] claim vested rights in the property pursuant to N.C.G.S. 153A-344.1 or 160A-385.1. The basis of this claim of vested rights is as follows:

4. This petition may be one of multiple petitions of all owners within the described area and, if so, shall be considered as a single petition. If petitioner is the owner of a portion of described area, a brief description of that portion (for example, lot number on a recorded plat or tax parcel number), as of the date of this petition, is as follows:

Parcel: 01920125 - Lot 17 - New Haven/Vermillion

Annexation Petition (2013 version)

Earl House III & Terrix Deanna Williams

Property Owner(s)

14509 Holbrooks Rd. Huntersville, NC 28078

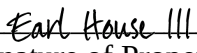
Address of Property Owner(s)

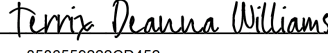
757-768-6745 - Earl 910-658-7892 - Deanna

Telephone Number

earl.house3@gmail.com

E-mail address

DocuSigned by:

Signature of Property Owner

DocuSigned by:

8586559222CD452...

10/28/2022

10/28/2022

Date



CERTIFICATE OF SUFFICIENCY

To the Board of Commissioners of the Town of Huntersville, North Carolina:

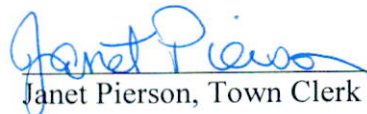
I, Janet Pierson, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the Town of Huntersville primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

The undersigned therefore certifies that the petition is sufficient for the voluntary annexation of a contiguous area pursuant to NCGS §160A-31.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Huntersville this 29th day of November, 2022.




Janet Pierson, Town Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO N.C.G.S. 160A-31

(New Haven Lot 17 Property)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Board of Commissioners have directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Huntersville, North Carolina that:

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at the Town Hall at 6:00 p.m. on the Januar 3rd day of January 2023.

Section 2. The area proposed for annexation is described as follows:

(Metes and bounds description attached hereto as Exhibit A.)

Section 3. Notice of said public hearing shall be published in the Charlotte Observer, a newspaper having a general circulation in the Town of Huntersville, at least ten (10) days prior to the date of said public hearing.

Mayor

Town of Huntersville, North Carolina

ATTEST:

Town Clerk

Exhibit A: New Haven Lot 17 Property Metes & Bounds.

ALL that certain piece, parcel or tract of land lying and being in the Town of Huntersville, Huntersville Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

Legal Description: PARCEL ID: 01920125

BEGINNING AT A 3/4" REBAR WITH STATE PLANE COORDINATES (NAD83 / NSRS2011 / SPC) NORTHING = 605,477.87' & EASTING = 1,454,851.25', SAID POINT BEING ON THE NORTHERN MARGIN OF HOLBROOKS ROAD AND RUNNING THE FOLLOWING CALLS: S74°12'53"W A DISTANCE OF 79.99' TO A 1" IRON REBAR. THENCE N15°43'38"W A DISTANCE OF 249.86' TO A 1" IRON REBAR. THENCE N74°01'56"E A DISTANCE OF 79.65' TO A 1/4" IRON REBAR. THENCE S15°48'21"E A DISTANCE OF 250.12' TO THE POINT AND PLACE OF BEGINNING. BEING 0.45 ACRES.

Containing 0.45 acres.

THANK YOU for your legal submission!

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

ORDER DETAILS

Order Number:
IPL0101395

Order Status:
Submitted

Classification:
Legals & Public Notices

Package:
CLT - Legal Ads

Final Cost:
51.00

Payment Type:
Account Billed

User ID:
IPL0021908

ACCOUNT INFORMATION

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

TRANSACTION REPORT

Date
December 8, 2022 11:24:56 AM EST

Amount:
51.00

SCHEDULE FOR AD NUMBER IPL01013950

December 19, 2022
The Charlotte Observer

PREVIEW FOR AD NUMBER IPL01013950**NOTICE OF PUBLIC HEARING**

The public is put on notice that the Town of Huntersville will hold a public hearing on Tuesday, January 3, 2023 at 6PM on the question of annexing the following describe territory, requested by petition filed pursuant to NCGS 160A-31, to annex to the Town of Huntersville certain contiguous property. This public hearing will be held in person or virtually at Town Hall located at 101 Huntersville-Concord Road Huntersville NC 28078. Please confirm the meeting format and how to participate in public comments, if you so choose, on the published meeting agenda one week prior to the meeting. The property subject to the Petition consists of +/- 0.45 acres, (Meck Co. PIN are 019-201-125) and described as follows documents are on file with the Huntersville Planning Department:

Legal Description: PARCEL ID: 01920125

BEGINNING AT A 3/4" REBAR WITH STATE PLANE COORDINATES (NAD83 / NSRS2011 / SPC) NORTHING = 605,477.87' & EASTING = 1,454,851.25', SAID POINT BEING ON THE NORTHERN MARGIN OF HOLBROOKS ROAD AND RUNNING THE FOLLOWING CALLS: S74°12'53"W A DISTANCE OF 79.99' TO A 1" IRON REBAR. THENCE N15°43'38"W A DISTANCE OF 249.86' TO A 1" IRON REBAR. THENCE N74°01'56"E A DISTANCE OF 79.65' TO A 1/4" IRON REBAR. THENCE S15°48'21"E A DISTANCE OF 250.12' TO THE POINT AND PLACE OF BEGINNING. BEING 0.45 ACRES.

The public is invited to attend the hearing and comment on the proposed changes. Substantial changes may occur to the request based on comments. For further information please contact the Planning Dept. at 704-875-7000 or go to www.huntersville.org.
W00000000
Publication Dates

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



Bateman Civil Survey Company, PC
2524 Reliance Avenue
Apex, NC 27539

Phone: (919) 577-1080
Fax: (919) 577-1081
info@batemancivilsurvey.com

Legal Description: PARCEL ID: 01920125

BEGINNING AT A 3/4" REBAR WITH STATE PLANE COORDINATES (NAD83 / NSRS2011 / SPC) NORTHING = 605,477.87' & EASTING = 1,454,851.25', SAID POINT BEING ON THE NORTHERN MARGIN OF HOLBROOKS ROAD AND RUNNING THE FOLLOWING CALLS: S74°12'53"W A DISTANCE OF 79.99' TO A 1" IRON REBAR. THENCE N15°43'38"W A DISTANCE OF 249.86' TO A 1" IRON REBAR. THENCE N74°01'56"E A DISTANCE OF 79.65' TO A 1/4" IRON REBAR. THENCE S15°48'21"E A DISTANCE OF 250.12' TO THE POINT AND PLACE OF BEGINNING. BEING 0.45 ACRES.

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Nathan Farber, Planner I

Date: January 3, 2023

Subject: Ordinance for Petition #ANNEX 22-01

EXPLAIN REQUEST:

Consider adopting an ordinance approving Petition #ANNEX 22-01, a request by Earl House III and Terrix Deanna Williams, to annex 0.45 contiguous acres into the Town of Huntersville.

ACTION RECOMMENDED:

Consider Decision

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

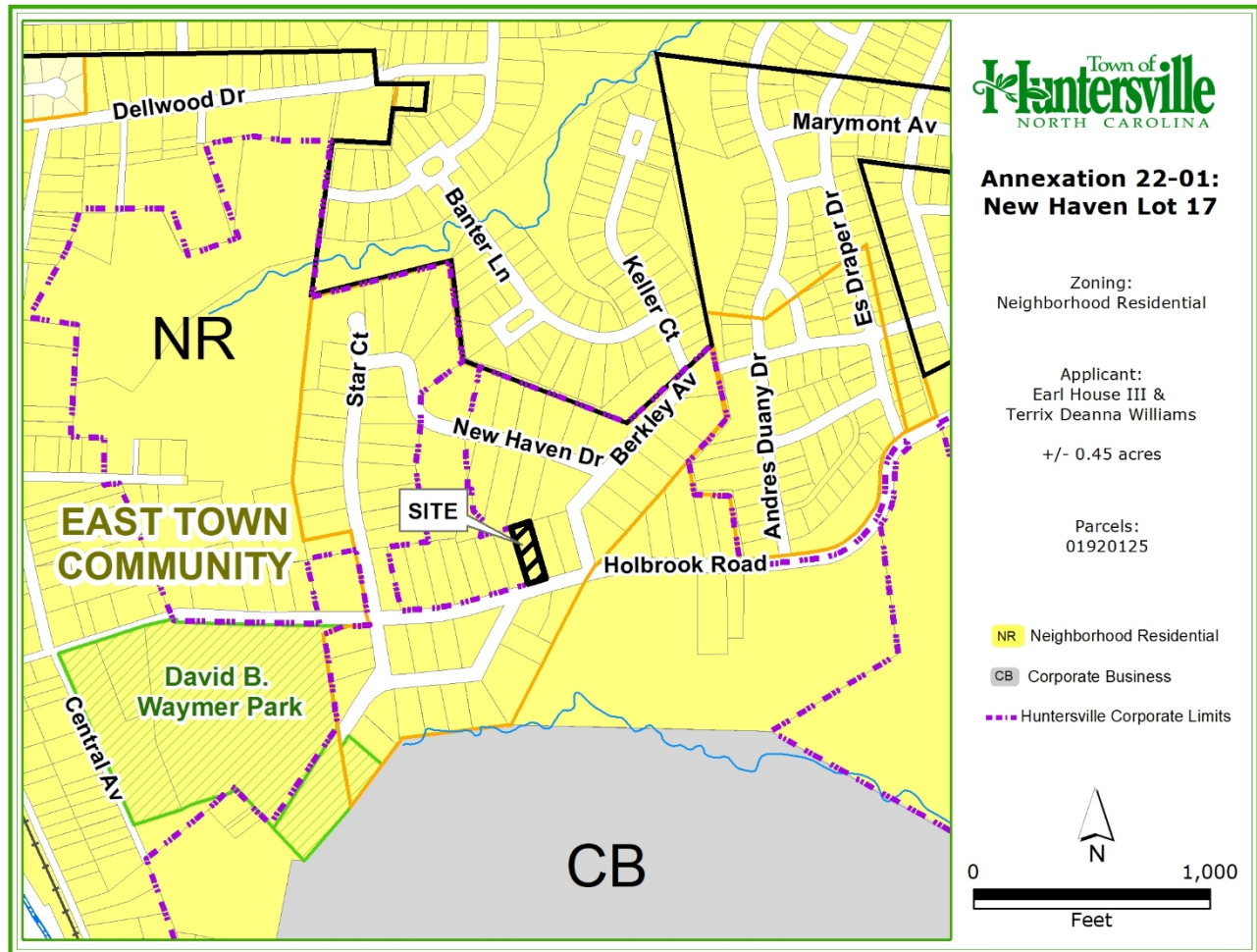
1. Staff Report
2. Annexation Ordinance
3. Contiguous Annexation Plat
4. Metes and Bounds Description
5. Certificate of Sufficiency

Annexation Petition # 22-01 (Contiguous) New Haven Lot 17

EXPLANATION OF THE REQUEST

Petition Annex #22-01 is a request for contiguous annexation into the Town of Huntersville of 0.45 acres consisting of ten (1) parcel (PIN# 019-20-125).

LOCATION



BACKGROUND

The property owners, Earl House III and Terrix Deanna Williams, have filed a petition to consider voluntary contiguous annexation (see Exhibit A) pursuant to North Carolina General Statutes Section 160A-58.1; the proposed area to annex is 0.45 acres.

All statutory requirements for annexation have been met:

- A petition requesting annexation was received on October 28, 20221 (see Exhibit A).
- The Town Clerk certified the sufficiency of the petition on December 22, 2021 (see Exhibit C).
- On December 5, 2021, the Board of Commissioners set the date for the public hearing to be held on January 3, 2022.
- Notice of the public hearing was placed in a newspaper of general circulation. The notice appeared in the Charlotte Observer on December 18 and 25, 2022 (see Exhibit E).

STAFF RECOMMENDATION

Since all statutory requirements have been met in full, staff recommends that the Board of Commissioners approve the petition with Mayor's signature on the associated ordinance. If the final action of this annexation takes place on January 3, 2023, the voluntary contiguous annexation would also become effective on January 3, 2023.

ATTACHMENTS

Attachment A – Contiguous Annexation Petition
Attachment B – Annexation Plats
Attachment C – Certificate of Sufficiency
Attachment D – Resolution of Intent to Annex
Attachment E - Public Hearing Ad
Attachment F – Metes & Bounds Description

**AN ORDINANCE TO ANNEX CONTIGUOUS AREA INTO THE CORPORATE
LIMITS OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA**

Annexation Ordinance 2022-01
(New Haven Lot 17 – 0.45 acres)

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-31 to annex the area described herein; and

WHEREAS, the Board of Commissioners has directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Huntersville Town Hall at 6:00 p.m. on the 3rd day of January 2023, after due notice by publication in The Charlotte Observer on December 18th and December 25th, 2021; and

WHEREAS, the Board of Commissioners hereby finds that the area described therein meets the standards of G.S. 160A-31; and

WHEREAS, the Board of Commissioners further finds that said petition, (i) has been signed by all of the owners of real property within the area proposed for annexation; (ii) is otherwise valid; (iii) the public health, safety, and welfare of the inhabitants of the Town of Huntersville and of the area proposed for annexation will be best served by the annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina;

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Huntersville as of the 3rd day of January 2023:

See Exhibit A attached hereto for a metes and bounds description of the subject tract

Section 2. Upon the effective date, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Huntersville and shall be entitled to the same privileges and benefits as other parts of the Town of Huntersville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Huntersville shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 3rd day of January 2023.

Mayor:

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

Exhibit A: New Haven Lot 17 - Property Description

ALL that certain piece, parcel or tract of land lying and being in the Town of Huntersville, Huntersville Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

Legal Description: PARCEL ID: 01920125

BEGINNING AT A 3/4" REBAR WITH STATE PLANE COORDINATES (NAD83 / NSRS2011 / SPC) NORTHING = 605,477.87' & EASTING = 1,454,851.25', SAID POINT BEING ON THE NORTHERN MARGIN OF HOLBROOKS ROAD AND RUNNING THE FOLLOWING CALLS: S74°12'53"W A DISTANCE OF 79.99' TO A 1" IRON REBAR. THENCE N15°43'38"W A DISTANCE OF 249.86' TO A 1" IRON REBAR. THENCE N74°01'56"E A DISTANCE OF 79.65' TO A 1/4" IRON REBAR. THENCE S15°48'21"E A DISTANCE OF 250.12' TO THE POINT AND PLACE OF BEGINNING. BEING 0.45 ACRES.



Bateman Civil Survey Company, PC
2524 Reliance Avenue
Apex, NC 27539

Phone: (919) 577-1080
Fax: (919) 577-1081
info@batemancivilsurvey.com

Legal Description: PARCEL ID: 01920125

BEGINNING AT A 3/4" REBAR WITH STATE PLANE COORDINATES (NAD83 / NSRS2011 / SPC) NORTHING = 605,477.87' & EASTING = 1,454,851.25', SAID POINT BEING ON THE NORTHERN MARGIN OF HOLBROOKS ROAD AND RUNNING THE FOLLOWING CALLS: S74°12'53"W A DISTANCE OF 79.99' TO A 1" IRON REBAR. THENCE N15°43'38"W A DISTANCE OF 249.86' TO A 1" IRON REBAR. THENCE N74°01'56"E A DISTANCE OF 79.65' TO A 1/4" IRON REBAR. THENCE S15°48'21"E A DISTANCE OF 250.12' TO THE POINT AND PLACE OF BEGINNING. BEING 0.45 ACRES.



CERTIFICATE OF SUFFICIENCY

To the Board of Commissioners of the Town of Huntersville, North Carolina:

I, Janet Pierson, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the Town of Huntersville primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

The undersigned therefore certifies that the petition is sufficient for the voluntary annexation of a contiguous area pursuant to NCGS §160A-31.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Huntersville this 29th day of November, 2022.




Janet Pierson, Town Clerk

**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Michael Jaycocks, Director of Parks & Recreation

Date: January 3, 2023

Subject: Greenway, Trail and Bikeway Commission Appointments

EXPLAIN REQUEST:

The Greenway, Trail and Bikeway Commission has three three-year terms that need to be filled. All three terms will end on December 31, 2025. The Town received nine applications. Christianna Beirne has reapplied for her expired term. Applicant No. 3 has applied for the Greenway Commission as well as the Public Art Commission. Applicant No. 6 has applied for the Greenway Commission as well as the Parks & Recreation Commission.

ACTION RECOMMENDED:

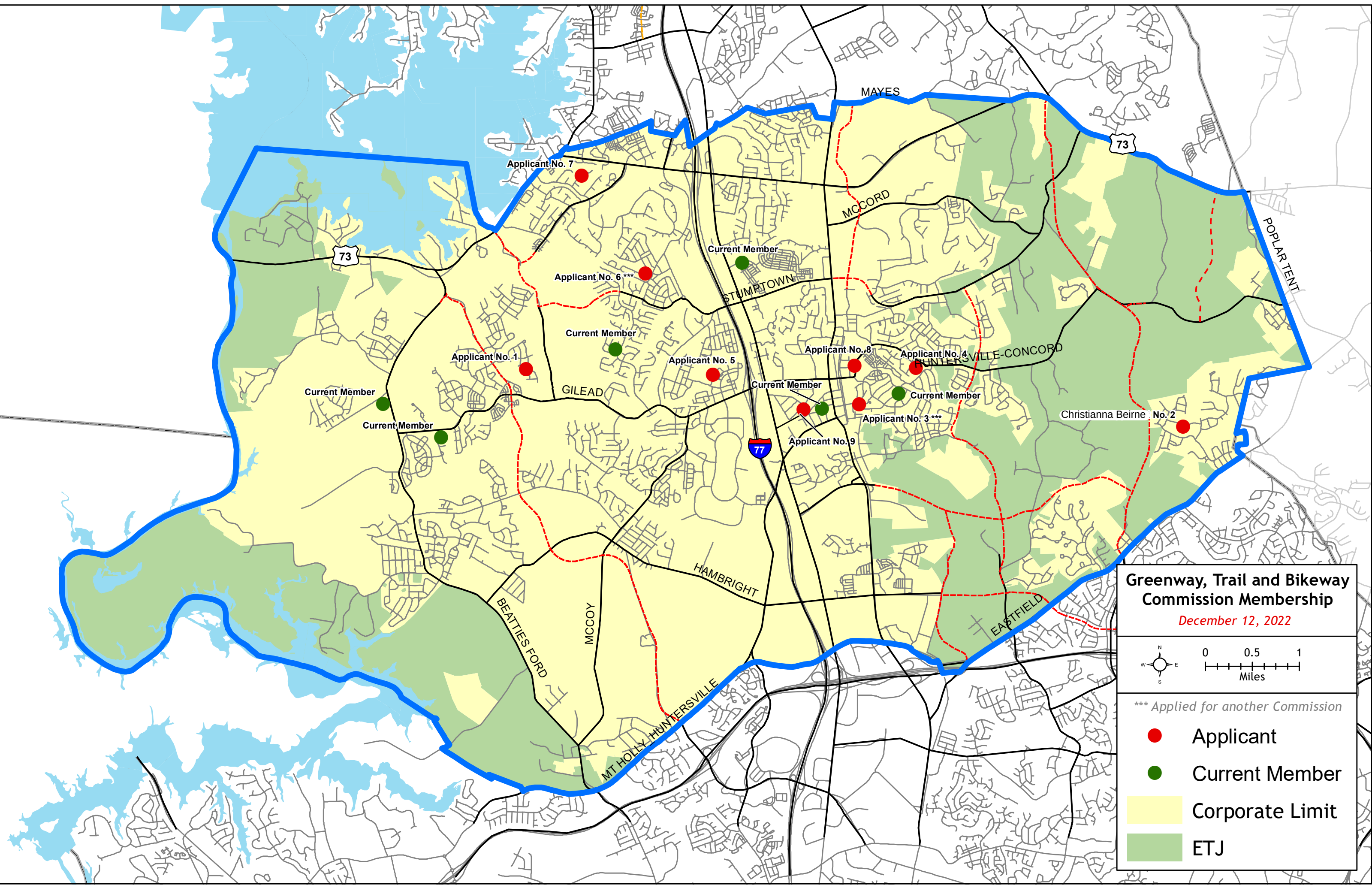
Consider appointing three members to the Greenway, Trail and Bikeway Commission.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Greenway Trail and Bikeway Commission Map - 2023
2. Greenway Trail and Bikeway Commission Applications - 2023



Tramaine Mills

From: noreply@civicplus.com
Sent: Thursday, November 17, 2022 12:53 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation Director of Project Management

Place of Employment Hospitality Logistics

Approximate hours per month for serving on Advisory Board 10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On I am not currently on any other Town or Country Boards

Education Bachelor of Arts

Business &/or Civic Experience Currently manage a team of 10 project managers, oversee large scale hotel renovations

Areas of Expertise and Interests/Skills Certified Project Manager (PMP), avid user of the Huntsville Greenways

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

2.

Tramaine Mills

From: noreply@civicplus.com
Sent: Thursday, November 17, 2022 2:12 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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

Greenway, Trail, & Bikeway Commission Application

First Name	Christianna
Last Name	Beirne
Address	14202 Timbergreen dr
City	Huntersville
State	NC
Zip Code	28078
Phone Number	4408222055
Email Address	Beirne@outlook.com
Present Occupation	Stay at home mom
Place of Employment	NA
Approximate hours per month for serving on Advisory Board	10
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	Greenway, parks and rec 2022 I applied last year and only served one year. I have faithfully attended meetings and participated in organizing the Wine on the Vine event.
Education	Cleveland State University - BS in Criminology
Business &/or Civic Experience	I achieved my Gold Award in 2010 from The Girl Scouts through a community project I managed. I served this year on the Greenway committee and helped plan and organize the Wine on the Vine event.

Areas of Expertise and
Interests/Skills

I have worked years in customer service oriented roles and Administrative assistant jobs. I have excellent time management and organizational skills which were essential in planning the Wine on the Vine event this year. I have a bachelors in Criminology which focused on statistics and research. I look forward to using that education to help the committee plan future greenway routes to reach all of the communities in Huntersville.

I live in Skybrook which has felt disconnected to the Huntersville community as a whole and part of the reason why I joined the committee last year. I want to bring Skybrook into the conversation to have the greenways reach our community.

I am a 30 year old mom to 3 with 1 on the way. I believe I bring a unique voice to the committee being the youngest with the most amount of kids. I have a highly vested interest in Huntersville growing and expanding the parks and Rec system. I take my children to the existing greenways and parks and we are frequent visitors of downtown Huntersville. We love this community and want to see it continue to grow.

Electronic Signature Agreement I agree.

Electronic Signature Christianna J Beirne

Email not displaying correctly? [View it in your browser.](#)

Tramaine Mills

From: noreply@civicplus.com
Sent: Thursday, November 17, 2022 2:17 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City Huntersville

State Nc

Zip Code 28078

Phone Number

Email Address

Present Occupation Nascar tire changer / business owner

Place of Employment Team Penske p

Approximate hours per month for
serving on Advisory Board 5-10

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On *Field not completed.*

Education High School

Business &/or Civic Experience Business owner

Areas of Expertise and
Interests/Skills Bike Enthusiast

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

Tramaine Mills

From: noreply@civicplus.com
Sent: Friday, November 18, 2022 2:24 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation Ramp Controller (Tower)

Place of Employment American Airlines (35 years)

Approximate hours per month for serving on Advisory Board 8

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On None

Education B.A., International Relations, Geography

Business &/or Civic Experience HOA President, a long time ago, in a far, far away galaxy. I did own my a business of my own at one point. Mail order corporation, for some 12 years.

Areas of Expertise and Interests/Skills I have been rock climbing for over 20 years, but much less know, as I have grown older. I have substituted that for simply hiking in natural areas and parks, and also

biking in trails of suburban areas. Nature's anti-depressant. It is my firm belief that all communities NEED to have accessible natural areas, trails, greenways, in order to enjoy the outdoors without having to drive for hours elsewhere. These suburban outdoor resources are the perfect complement for growth, not only providing areas to exercise, but also, and perhaps more important, providing alternative modes of "green transportation". Being able to bike to, say, Publix, through a greenway, would make use of cars optional on occasion. This in itself is a great goal, and can go hand-in-hand with urban growth. I for one would not want to live in a sterile urban environment where there are no trees, no options to go into nature within 15 minutes, where vehicle use is not optional. In any case, this is my interest in participating in the Greenway, Trail, & Bikeway Commission. The time is now to continue establishing these resources, before all of Huntersville is swallowed in concrete, every tree destroyed,

Electronic Signature Agreement I agree.

Electronic Signature

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Tramaine Mills

From: noreply@civicplus.com
Sent: Friday, November 18, 2022 8:26 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078-0347

Phone Number

Email Address

Present Occupation Saleman

Place of Employment Spirited Cyclist

Approximate hours per month for serving on Advisory Board *Field not completed.*

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On *Field not completed.*

Education Bachelor's Degree

Business &/or Civic Experience Previously did project management and permitting for a sign company, working with plan reviews etc.

Areas of Expertise and Interests/Skills I'm a passionate cyclist and cycling advocate, interested in making my community better connected, more walkable and bikable, and less car dependent.

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

Tramaine Mills

From: noreply@civicplus.com
Sent: Sunday, November 20, 2022 3:13 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City Huntersville

State nc

Zip Code 28078

Phone Number

Email Address

Present Occupation Architect

Place of Employment Haskell

Approximate hours per month for
serving on Advisory Board 6

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On *Field not completed.*

Education Bachelor's of Architecture / Masters of Architecture /
Masters of Business Administration

Business &/or Civic Experience 25 years as an architect (healthcare type buildings)
where creating engaging indoor and outdoor spaces is
paramount for patient satisfaction and healing

Areas of Expertise and
Interests/Skills 2022 Huntersville 101 graduate. I am an avid runner and
visit Huntersville parks and greenways often. I appreciate

getting around town safely and would like to help open more opportunities for recreation to my fellow townspeople.

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

Tramaine Mills

From: noreply@civicplus.com
Sent: Tuesday, November 22, 2022 8:08 AM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation Real Estate Broker

Place of Employment Self Employed with Corcoran HM Properties

Approximate hours per month for serving on Advisory Board 12

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On *Field not completed.*

Education BA English Winthrop University

Business &/or Civic Experience I came to real estate in the Huntersville area with a diverse business and marketing background in corporate, conservation, and equestrian organizations, I have served on nonprofit boards dedicated to recreation, the arts, and preservation.

**Areas of Expertise and
Interests/Skills**

I am uniquely qualified as both a real estate and preservation professional. As a former Executive Director of three land trusts (one of which was in Tryon, NC), I led efforts to conserve areas for preservation and recreation, during which time I served on the North Carolina Land Trust Council as well as the Steering Committee of Blue Ridge Forever, which as a collective protected 10,000 acres. In addition, I have spearheaded a variety of outdoor nonprofit fundraising events.

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

8.

Tramaine Mills

From: noreply@civicplus.com
Sent: Wednesday, November 23, 2022 11:03 AM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078-6331

Phone Number

Email Address

Present Occupation Currently Seeking PT Work (Former Small Business Owner)

Place of Employment N/A

Approximate hours per month for serving on Advisory Board 5-10 Hours or as needed

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On N/A

Education BS Industrial Relations (Human Resources) Le Moyne College Syracuse, NY (1 semester at the Polytechnic of North London UK)

Business &/or Civic Experience Former Co-Owner CVM Ventures, LLC dba Sport Clips Haircuts. My husband and I owned and operated two franchise locations of Sport Clips Haircuts. I handled day to day operations such as recruiting, training, marketing,

customer service, social media, ordering supplies, etc.
I've held Human Resources roles in insurance,
technology and aerospace manufacturing sectors.
Long time volunteer with Angels and Sparrows

**Areas of Expertise and
Interests/Skills**

Fourteen years of small business ownership expanded
my more traditional education in Human Resources to a
lesson in adaptability and creativity in dealing with a tight
labor market, client relations, and later COVID. I feel I am
well prepared to participate on a diverse board working
toward a common goal.

I enjoy being outdoors walking and gardening. My
husband has been on both the greenway and parks
advisory boards and I have been so happy to see the
fruits of those long ago meetings like Rosedale Nature
Park and The Vine. I have a strong interest in maintaining
and building upon our shared green spaces. I'd like to
see Huntersville map out our Treasure Trees and utilize
native plants and trees as we build out our greenway
system and parks. I now live in the Downtown
Huntersville core and enjoy walking/riding to area
businesses, the Grower's Market and all of the activities
at Veteran's Park.

Electronic Signature Agreement

I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

Tramaine Mills

From: noreply@civicplus.com
Sent: Wednesday, November 30, 2022 12:49 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

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

Greenway, Trail, & Bikeway Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation Clinical social worker

Place of Employment Self employed

Approximate hours per month for
serving on Advisory Board 6-10

Name of Any Town or County
 Boards/Committees/Commissions
 You Are Presently Serving On I'm currently serving on the Downtown Planning Steering
 Committee which is about to wrap-up. I've spent time
 outside of committee meetings working on this project
 and have perfect attendance.

Education Masters of Social Work (UNC Chapel Hill) and an
 undergraduate degree in Business Administration
 (UNCC)

Business &/or Civic Experience Currently serving on the DPSC. My undergraduate
 degree is in Business Administration. I've been a
 supervisor at a large insurance company, have worked
 for a non-profit and assisted with fundraising campaigns,

and I've also worked with small family businesses that are experiencing conflict.

Areas of Expertise and Interests/Skills

I am a cyclist who has done group rides such as the MS 150 fundraiser. I ride several times a week and am very interested in becoming involved with the Greenway Committee. I'm very excited about the new greenways coming to our area and would love to be a part of making sure things run as smoothly as possible. I work well with others and am willing to do work outside of the meetings to help with whatever is needed.

Electronic Signature Agreement

I agree.

Electronic Signature

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**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Michael Jaycocks, Director of Parks & Recreation

Date: January 3, 2023

Subject: Parks & Recreation Commission Appointments

EXPLAIN REQUEST:

The Parks & Recreation Commission has three three-year term openings and a one-year term opening. The Town received ten applications. Alisia Bergsman (Applicant No. 7), Kathy Lewis (Applicant No. 2), and Mark Burns (Applicant No. 9) have all reapplied for their expired terms. Applicant No. 5 has applied for the Parks & Recreation Commission as well as the Greenway Commission.

ACTION RECOMMENDED:

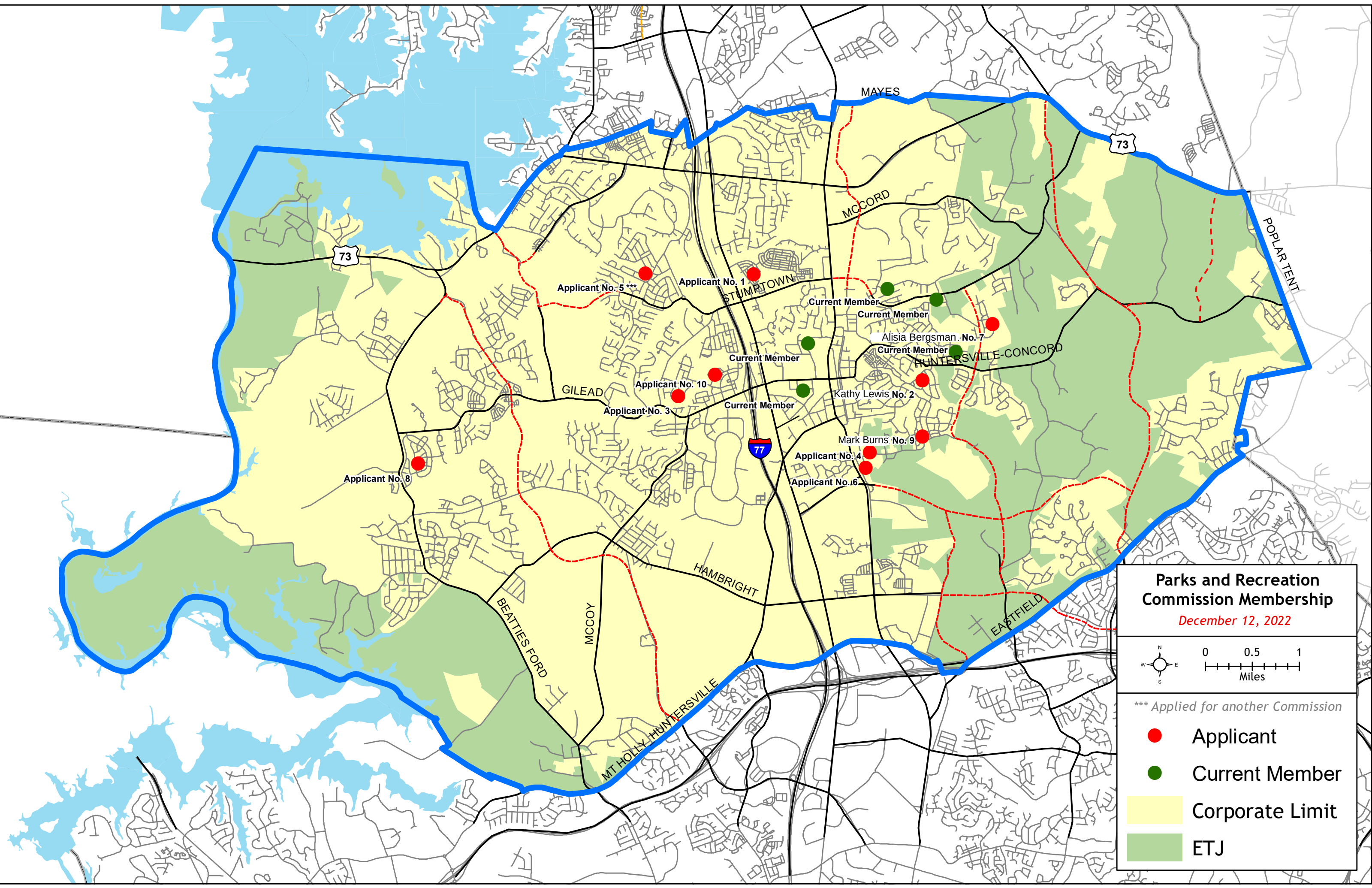
Consider appointing three members to the Parks and Recreation Commission for three-year terms and one member for a one-year term.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Parks and Recreation Commission Map - 2023
2. Parks and Recreation Commission Applications - 2023



Tramaine Mills

From: noreply@civicplus.com
Sent: Thursday, November 17, 2022 12:13 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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

Parks and Recreation Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation Data Management Analyst

Place of Employment Wells Fargo

Approximate hours per month for
serving on Advisory Board 8

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On *Field not completed.*

Education BS Finance and Risk Mgmt from USC

Business &/or Civic Experience Charlotte Gamecock Club Board member
ALS Association of North Carolina Chapter Ambassador

Areas of Expertise and
Interests/Skills Interested in building parks and rec as an attraction
Well versed in construction and building science

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

Tramaine Mills

From: noreply@civicplus.com
Sent: Friday, November 18, 2022 10:19 AM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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

Parks and Recreation Commission Application

First Name	Kathy
Last Name	Lewis
Address	12917 Blakemore Ave
City	Huntersville
State	NC
Zip Code	28078
Phone Number	(803)480-9342
Email Address	kathylewis01@gmail.com
Present Occupation	Project Manager
Place of Employment	Keller Technology Corp
Approximate hours per month for serving on Advisory Board	As Needed
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	Parks and Recreation Commission - Term Expires Dec, 22.
Education	BSEE, Old Domion University, MBA, The College of William & Mary
Business &/or Civic Experience	Am serving as Chair of the Huntersville, NC Parks and Recreation Commission. I both live and work in the town of Huntersville.

Areas of Expertise and
Interests/Skills

I have a Project Management Professional (PMP)
Certification and I'm interested in giving back to my
community by serving on this committee.

Electronic Signature Agreement

I agree.

Electronic Signature

Kathy C. Lewis

Email not displaying correctly? [View it in your browser.](#)

3.

Tramaine Mills

From: noreply@civicplus.com
Sent: Saturday, November 19, 2022 9:42 AM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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

Parks and Recreation Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation Clinical nurse specialist

Place of Employment Atrium Health

Approximate hours per month for
serving on Advisory Board 4

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On None

Education Highest degree is masters in nursing

Business &/or Civic Experience *Field not completed.*

Areas of Expertise and
Interests/Skills Interests and expertise include
development/implementation of projects that improve the
health and we'll being of targeted patient population.

Electronic Signature Agreement I agree.

Electronic Signature

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Tramaine Mills

From: noreply@civicplus.com
Sent: Thursday, December 1, 2022 3:20 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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

Parks and Recreation Commission Application

First Name

Last Name

Address

City Huntersville

State Nc

Zip Code 28078

Phone Number

Email Address

Present Occupation Recreation Assistant

Place of Employment Mecklenburg County Park and Recreation

Approximate hours per month for
serving on Advisory Board 12

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On Huntersville Downtown Plan Steering Committee
January 2023

Education AA

Business &/or Civic Experience Harris Horizons (owner) rehabilitation company
Mababu Live (President) nonprofit

Areas of Expertise and
Interests/Skills Event Planning
Fundraising
Community Activism

Electronic Signature Agreement I agree.

Electronic Signature

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5.

Tramaine Mills

From: noreply@civicplus.com
Sent: Sunday, November 20, 2022 3:12 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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

Parks and Recreation Commission Application

First Name

Last Name

Address

City Huntersville

State nc

Zip Code 28078

Phone Number

Email Address

Present Occupation Architect

Place of Employment Haskell

Approximate hours per month for
serving on Advisory Board 6

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On *Field not completed.*

Education Bachelor's of Architecture / Masters of Architecture /
Masters of Business Administration

Business &/or Civic Experience 25 years as an architect (healthcare type buildings)
where creating engaging indoor and outdoor spaces is
paramount for patient satisfaction and healing

Areas of Expertise and
Interests/Skills 2022 Huntersville 101 graduate. I am an avid runner and
visit Huntersville parks and greenways often. I appreciate

getting around town safely and would like to help open more opportunities for recreation to my fellow townspeople.

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

Tramaine Mills

From: noreply@civicplus.com
Sent: Sunday, November 20, 2022 3:44 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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

Parks and Recreation Commission Application

First Name

Last Name

Address

City Huntersville

State Nc

Zip Code 28078

Phone Number

Email Address

Present Occupation Self Employed

Place of Employment CLEAN Chicks

Approximate hours per month for serving on Advisory Board 0

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On None

Education Bachelor, Administration Criminal Justice

Business &/or Civic Experience
 Business Owner
 Girl Scout Co Leader
 After School Counselor
 Football Coach
 Non Profit Co Chair

**Areas of Expertise and
Interests/Skills**

My interest are highly focused on how we can support
the under served youth of huntersville and how we can
engage and support thier growth.

Electronic Signature Agreement

I agree.

Electronic Signature

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Tramaine Mills

From: noreply@civicplus.com
Sent: Sunday, November 20, 2022 5:47 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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

Parks and Recreation Commission Application

First Name	Alisia
Last Name	Bergsman
Address	14833 Keyes Meadow Way
City	Huntersville
State	NC
Zip Code	28078
Phone Number	704-975-8606
Email Address	abergsman@gmail.com
Present Occupation	Self-employed
Place of Employment	<i>Field not completed.</i>
Approximate hours per month for serving on Advisory Board	5-10
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	January 2020 - present: Town of Huntersville Parks and Recreation Commission
Education	Masters in International Relations - University of Queensland, Brisbane Australia; Bachelor of Science (Psychology and Anthropology) - University of Pittsburgh
Business &/or Civic Experience	School Leadership Team: Grand Oak Elementary, Piedmont IB Open Middle School Member, North Meck High School Band Booster Club Freelance Grant Writer Joint Director, Refugee Claimants Support Centre

Medical Case Manager, Quality Comprehensive Health Center

Areas of Expertise and Interests/Skills

My areas of expertise include:

- Working collaboratively with all stakeholders of a given project or program
- Knowledgeable of past, current, and future projects of both Huntersville and Mecklenburg County's Parks and Recreation departments
- Action-oriented and committed to equity, inclusion, and meeting the needs of all Huntersville residents when evaluating and giving input and making decisions about parks and recreation capital improvements

Electronic Signature Agreement

I agree.

Electronic Signature

Alisia Bergsman

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Tramaine Mills

From: noreply@civicplus.com
Sent: Monday, November 21, 2022 6:29 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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

Parks and Recreation Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation Insurance Operations

Place of Employment Branch Insurance

Approximate hours per month for
serving on Advisory Board 6

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On None

Education BA Business

Business &/or Civic Experience Home Owners Association Townhome Board Vice
President

Areas of Expertise and
Interests/Skills Budgeting, planning, operations

Electronic Signature Agreement I agree.

Electronic Signature

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Tramaine Mills

From: noreply@civicplus.com
Sent: Tuesday, November 22, 2022 3:54 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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

Parks and Recreation Commission Application

First Name	Mark
Last Name	Burns
Address	12710 ES Draper Drive
City	Huntersville
State	United States
Zip Code	28078
Phone Number	7042377820
Email Address	thebrit704@gmail.com
Present Occupation	Realtor
Place of Employment	Self employed
Approximate hours per month for serving on Advisory Board	10-20
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	Currently serving on PRC with expiry 2022
Education	England, UK - College educated to high standard
Business &/or Civic Experience	Spent time in England on Parish Council which represented the needs of local residents. Served through 2022 on Huntersville PRC.
Areas of Expertise and Interests/Skills	I enjoy giving time and energy into serving the local community where I live in order to think about what benefits may work best for the area at large.

Electronic Signature Agreement I agree.

Electronic Signature Marc Burns

Email not displaying correctly? [View it in your browser.](#)

Tramaine Mills

From: noreply@civicplus.com
Sent: Wednesday, November 23, 2022 8:36 AM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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

Parks and Recreation Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation Teacher & Entrepreneur

Place of Employment Self Employed

Approximate hours per month for serving on Advisory Board 10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On
 I have been a resident of Huntersville for over 20 years. This would be my first time actually applying for a board position. I have worked in management for schools for over 25 years. I know, I could bring great value to the Board

Education UNC Charlotte

Business &/or Civic Experience
 Founder of the Village Nature Community that services families in the Lake Norman area.

* Long time volunteer at the Hope House

Areas of Expertise and
Interests/Skills

Work Experience

Carolina Staffing

Director / Teacher / Coordinator / Nanny

August 2008 - Present

Responsibilities

Carolina Staffing company provides early childhood program with staffing all around Charlotte. I have assisted programs with business start up, short term teaching positions and marketing programs. I have supported programs through the Environmental Scale Rating Star program in NC. I helped one program achieve 5 Stars in less than 5 months and achieved it under budget.

LaPetite Academy / Academy Director

Director - Huntersville, NC 2004-2008

Operational leader to monitor compliance, enrollment, fundraising, community outreach, conduct monthly staff meetings, monitor payroll, staff schedule, maintain business operations. Increased the enrollment by 85% the first year of employment, maintained the top 25 centers in a corporate model of 1500 center, achieved a pilot school model under my leadership. Knowledge of the environmental scale ratings for NC, trainer for teaching first aid and CPR courses for division

The Goddard School / School Director

February 2003 to November 2004 (school closed)

Marketing the program, train the staff, conducting staff meeting, provide a secure and profitable organization, monitor state compliance, payroll and curriculum specialist and provide families with a professional service, achieved an 96 % on the quality assurance model and increased enrollment by 45% the first 8 months of operation

The Sunshine House / Center Director - Huntersville

February 2001 to November 2004

Monitor compliance, marketing, conduct tours, enrollment, conduct tours, monitor payroll, team building, Increased the enrollment by 73% the first year, achieved less the 2% in staff turn over, maintained full enrollment, maintain a pilot model business under my leadership.

Davidson Day School / Teacher / Director

Davidson, NC 1998-2001

Teaching, monitor state compliance, curriculum design, license program, marketing, fundraising, customer service, conduct tours, increased the enrollment by 45%, designed a individual learning plan model to personal the learning styles, team building. New Business Start Up - I successfully got this program registered in the Division of Child Development, designed the curriculum, completed all new business operations.

Education

Family & Child Development and Sociology
University of North Carolina at Charlotte

Curriculum / Program

- Trainer for ITS - SIDDS (Infant / toddler safe sleep & SIDS Risk Reduction)
- Completed Dr. Brazelton's course Touch Point training at UNC Charlotte. Touch points approach uses the child's behavior as their language. This is developed by showing each child compassion and understanding the language of children.

Electronic Signature Agreement I agree.

Electronic Signature

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**Town of Huntersville
Town Board
January 3, 2023**

To: Town Board

From: Michael Jaycocks, Director of Parks & Recreation

Date: January 3, 2023

Subject: Public Art Commission Appointments

EXPLAIN REQUEST:

The Public Art Commission has two 3-year terms that need to be filled. The Town received three applicants. Applicant No. 1 has applied for the Public Art Commission as well as the Greenway Commission.

ACTION RECOMMENDED:

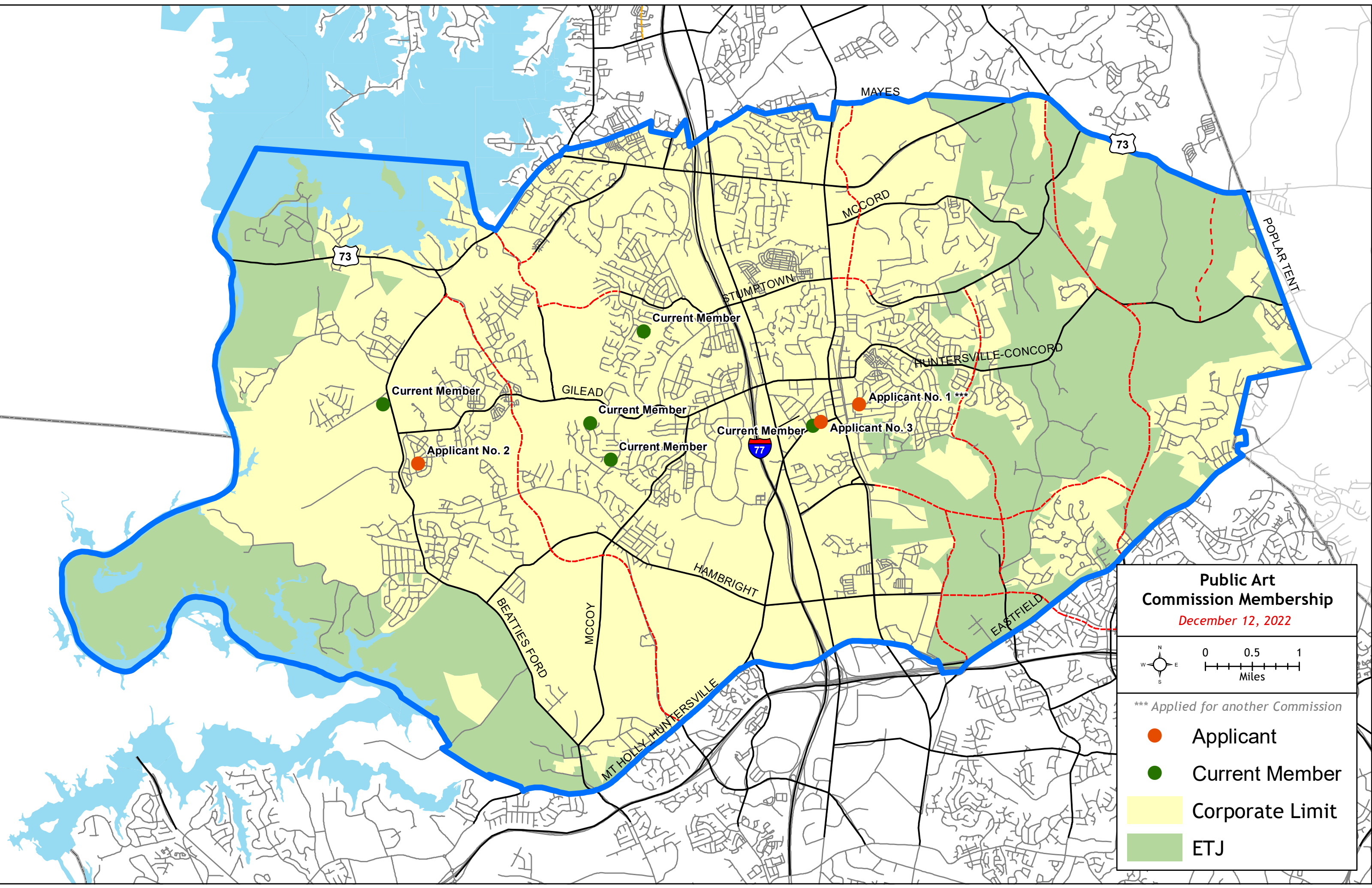
Consider appointing two new members to three-year terms on the Public Art Commission.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Public Art Commission Map 12-12-2022
2. Public Art Commission Applications - Redacted



1.

Tramaine Mills

From: noreply@civicplus.com
Sent: Thursday, November 17, 2022 2:13 PM
To: Parks and Rec
Subject: Online Form Submittal: Public Art Commission Application

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

Public Art Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation Nascar tire changer/ business owner

Place of Employment Team Penske

Approximate hours per month for
serving on Advisory Board 5

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On *Field not completed.*

Education High school

Business &/or Civic Experience Current business owner

Areas of Expertise and
Interests/Skills Powder coating/ metal working

Electronic Signature Agreement I agree.

Electronic Signature

Tramaine Mills

From: noreply@civicplus.com
Sent: Monday, November 21, 2022 6:09 PM
To: Parks and Rec
Subject: Online Form Submittal: Public Art Commission Application

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

Public Art Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation Principal Comms Advisor

Place of Employment Blue Cross NC

Approximate hours per month for
serving on Advisory Board 6

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On None

Education M.S., Integrated Marketing Communications, Roosevelt
University

Business &/or Civic Experience More than 15 years of experience spanning Corporate
Communications, Public Relations, Internal
Communications and Community Involvement

Areas of Expertise and
Interests/Skills Communications, planning, community relations,
diversity, equity and inclusion.

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)

3.

Tramaine Mills

From: noreply@civicplus.com
Sent: Tuesday, November 22, 2022 7:29 PM
To: Parks and Rec
Subject: Online Form Submittal: Public Art Commission Application

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

Public Art Commission Application

First Name

Last Name

Address

City Huntersville

State NC

Zip Code 28078

Phone Number

Email Address

Present Occupation UX Design and Research

Place of Employment Experis

Approximate hours per month for
serving on Advisory Board 4-6

Name of Any Town or County
Boards/Committees/Commissions
You Are Presently Serving On *Field not completed.*

Education MS Information Architecture and Knowledge
Management

Business &/or Civic Experience *Field not completed.*

Areas of Expertise and
Interests/Skills Design and Human Behavior, Architecture,
Woodworking, sewing, gardening

Electronic Signature Agreement I agree.

Electronic Signature

Email not displaying correctly? [View it in your browser.](#)