

**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

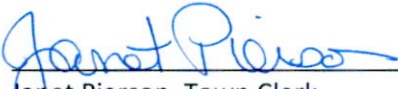
- Happy Thanksgiving.
- Consider supporting Cool Kids Clubhouse.

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 3rd day of January, 2023.


Janet Pierson, Town Clerk



NEW TOWN HALL

Schematic Design
Update

11.21.2022

EDFICE
CREECH
&
ASSOCIATES



Attachment No. 1
Page 1 of 16
Date 11-21-2022

NEW TOWN HALL PARAMETERS

1 EXISTING TOWN HALL
RENOVATION
1 STORY
8,025 TOTAL GSF

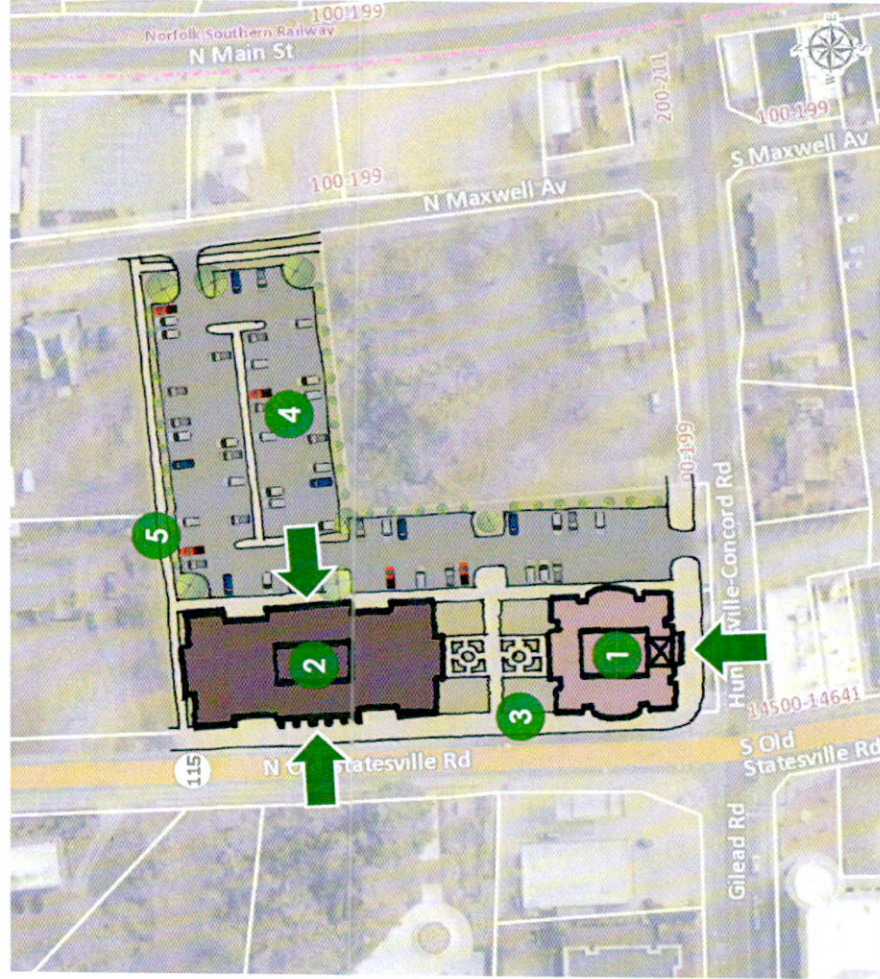
2 NEW TOWN HALL
ANNEX
4 STORIES
54,500 TOTAL GSF

3 CIVIC GREEN

4 PARKING
APPROX. XX SPACES

5 POTENTIAL GREENWAY
EXTENSION

PUBLIC ENTRANCE



- Re-uses square-footage in existing town hall
- Maintains corner presence
- Easy phasing of construction
- Mid-block green space offers shelter from busy corner intersection
- Existing Town Hall could become Community Space
- Everyone located under 1 roof
- Space within building for Town Hall to grow
- Potential for future parking deck

PUBLIC INPUT SUMMARY

THE TEAM FACILITATED 3 PUBLIC LISTENING SESSIONS AND HAS AN ONLINE SURVEY OPEN FOR TWO WEEKS

A wide range of valid comments that span from...

PROVIDE ADEQUATE STAFF SPACE TO INCLUDE MARKET TYPE SPACE FOR VENDORS TO SET THE TONE FOR FUTURE DEVELOPMENT

IDEAS THAT WERE MENTIONED MORE THAN ONCE

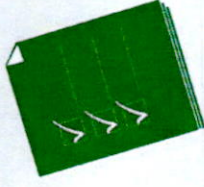
- The existing town hall should be repurposed to offer a variety of community spaces for a wide range of user groups
- Provide restrooms accessed from the exterior when the town hall is closed
- Provide an entrance into the new town hall from the courtyard
- Include integrated town history and art displays in public areas
- The aesthetic of the New Town Hall Annex should complement the existing Town Hall but not match it
- The design should provide an “AHA!” moment or signature element



13

IN-PERSON
ATTENDEES

+



14

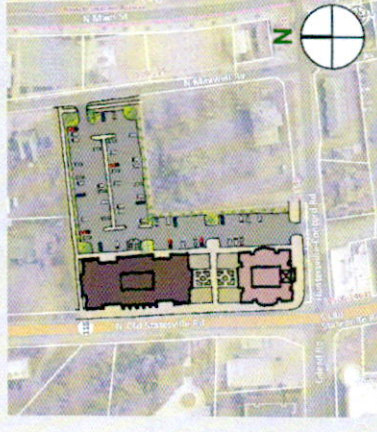
ONLINE
RESPONSES

Attachment No. 1
Page 3 of 16
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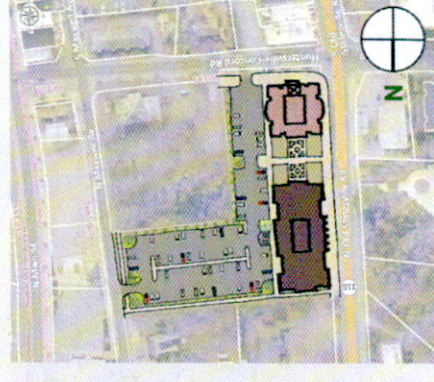
| SCHEMATIC DESIGN DRIVERS

- 1 Should the site design include a drive aisle from 115?
- 2 Should the Board Room be located in the center of the building or off to 1 side?
- 3 Should there be any large community spaces in the new building, or should these be located in the existing Town Hall?
- 4 What elements should be included in the outdoor space created between the existing Town Hall and new Town Hall?

DRAWING LEGEND

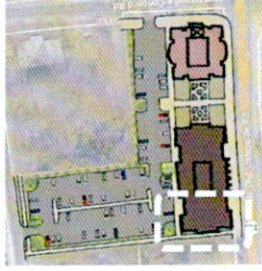
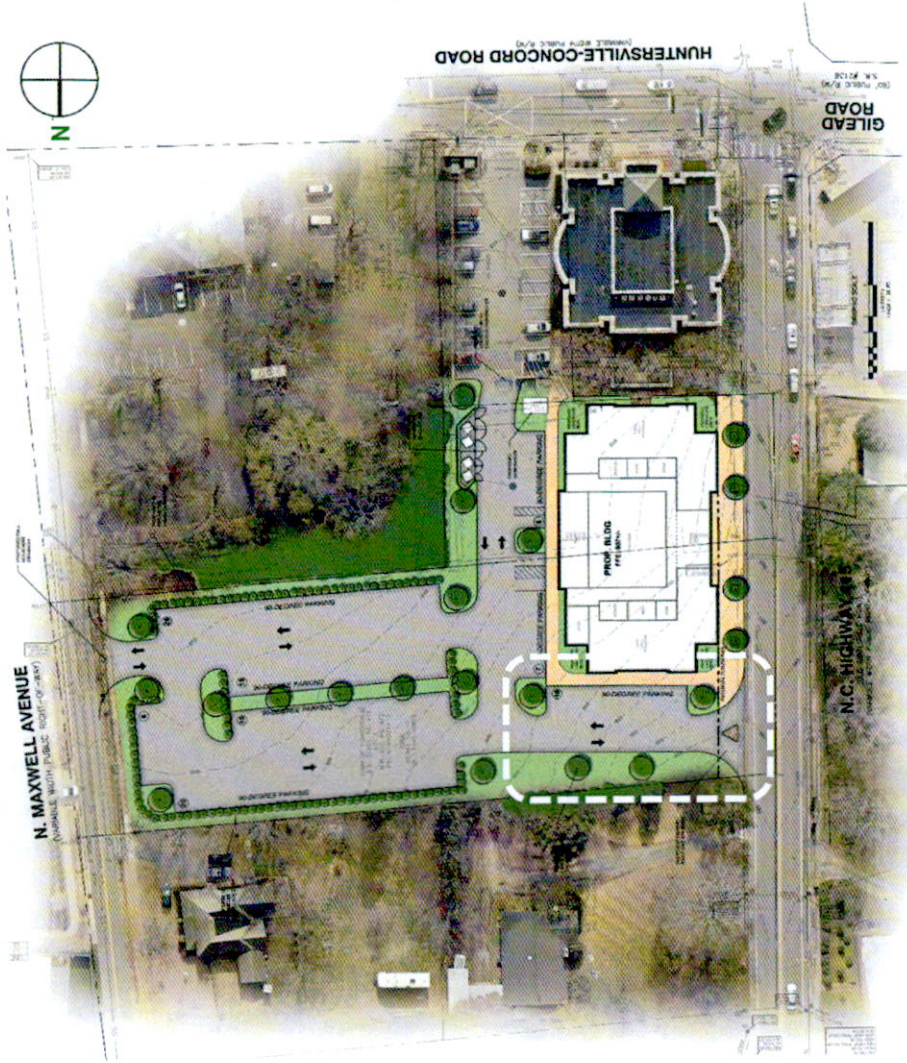


SITE PLAN WITH TRUE NORTH ORIENTATION



SITE PLAN WITH PLAN NORTH ORIENTATION

SITE GRADING SKETCH



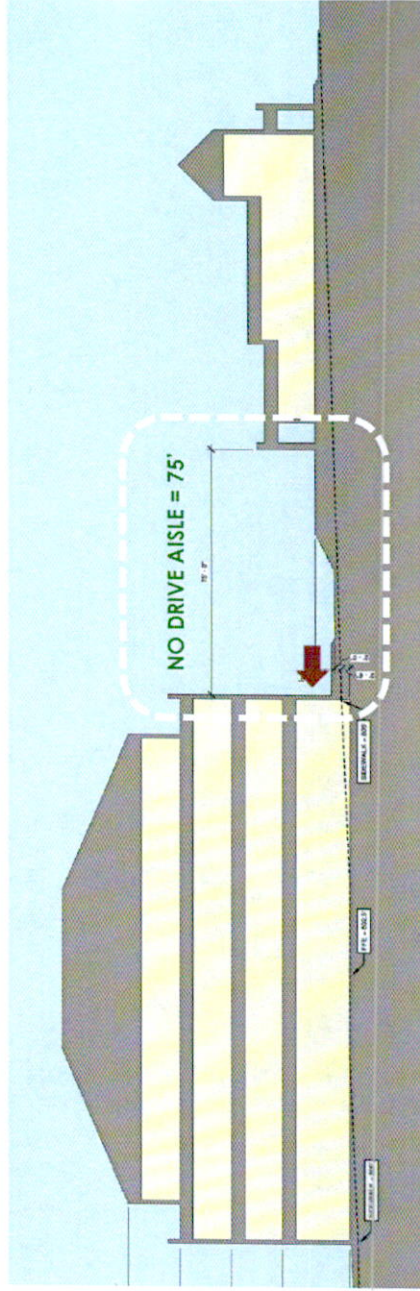
EARLY CONCEPT
DIDN'T PROVIDE A
DRIVE AISLE FROM 115

- FINISH FLOOR OF EXISTING TOWN HALL = **813.29**
- FINISH FLOOR OF NEW BUILDING AT SIDEWALK = **802**
- FINISH FLOOR OF NEW BUILDING AT PARKING LOT = **806**
- CURRENT PROPOSED FFE FOR TOWN HALL ANNEX = **808**
- **11 FEET OF GRADE CHANGE FROM ETH TO TOWN HALL ANNEX MAIN ENTRANCE**
- **6 FEET OF GRADE CHANGE AT ENTRANCE TO NEW(RAMPS)**
- POTENTIAL REQUIREMENT FOR RIGHT TURN LANE ON 115
- **INCLUDING THE ENTRY DRIVE FROM 115 SHIFTS THE BUILDING CLOSER TO EXISTING TOWN HALL**

SECTION DIAGRAMS

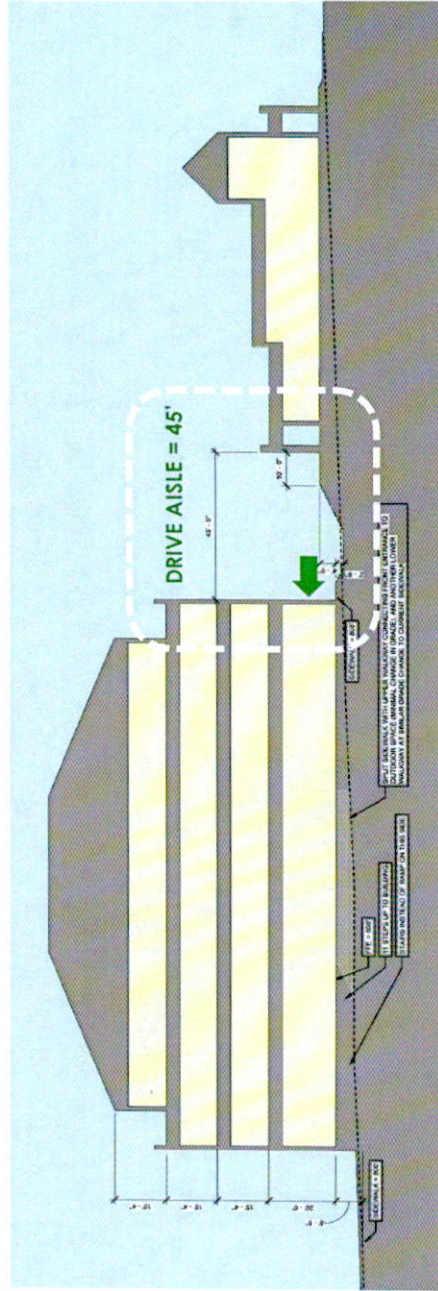
Finish floor halfway between the elevation at the ends of the building (802') , meaning no ramps or stairs needed to get to the front door

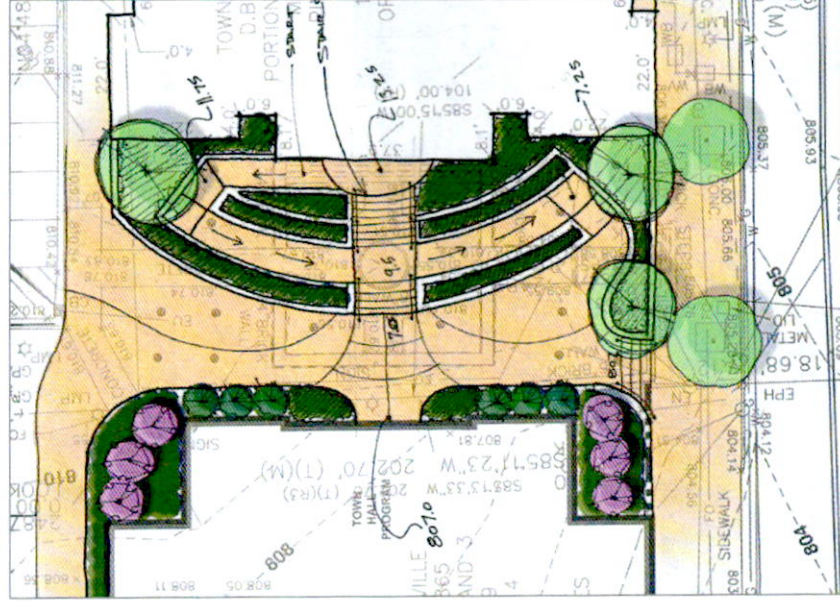
CONNECTION TO COURTYARD CHALLENGING DUE TO GRADE CHANGE



Finish floor raised 6' from halfway between the elevation at the ends of the building (808') and ramps/stairs within an arcade bring you to the front door

CONNECTION TO COURTYARD FEASIBLE





OPTION B

PROMENADE STAIRS WITH NO RAMP
REQUIRED AGAINST TOWN HALL ANNEX

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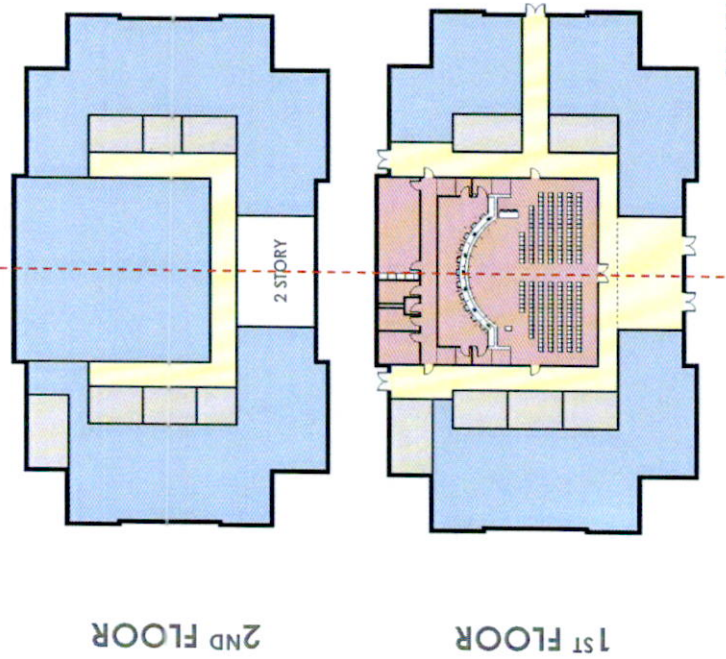
SCHEMATIC DESIGN DRIVERS

WHERE SHOULD THE BOARD ROOM BE LOCATED?

- CHAMBER
- TOWN HALL PROGRAM
- CIRCULATION
- CORE

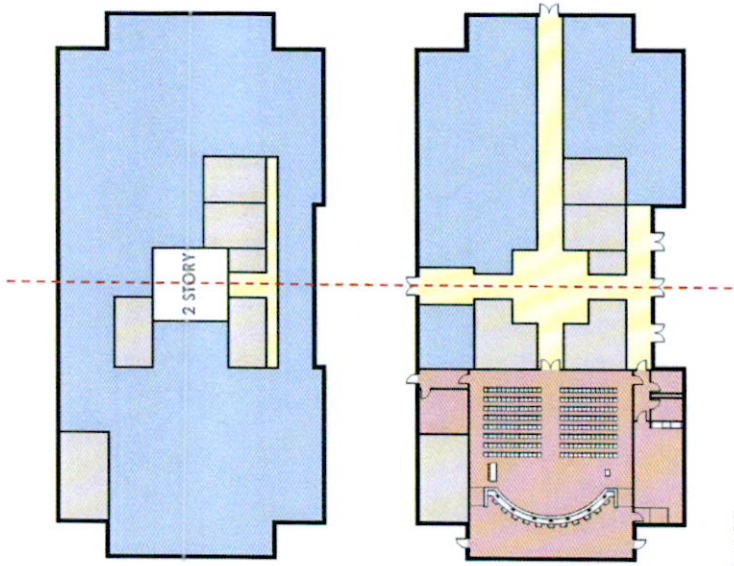
OPTION A

CHAMBER IN THE CENTER ON THE FIRST FLOOR



OPTION B

CHAMBER ON THE LEFT ON THE FIRST FLOOR



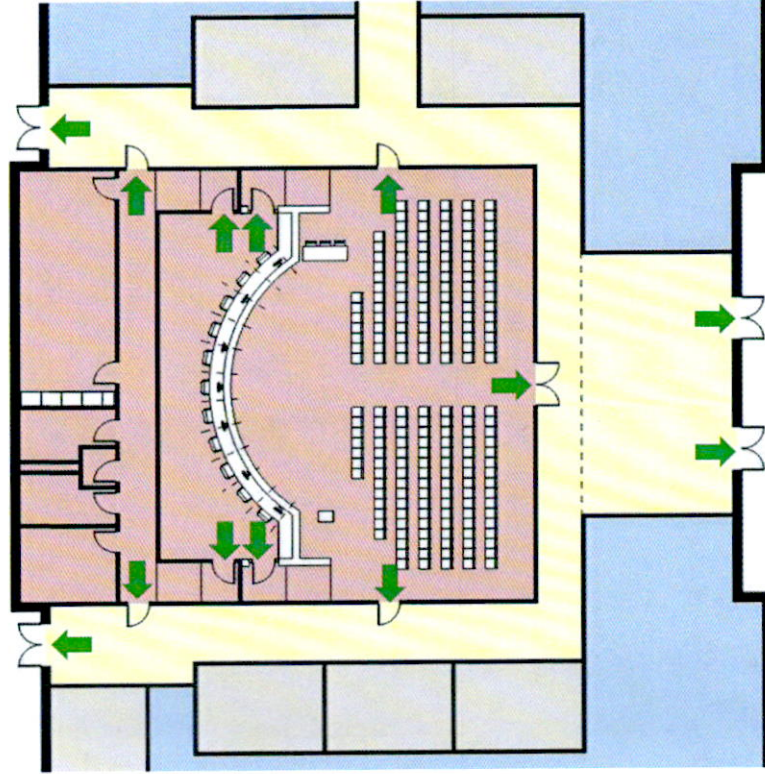
CHAMBER LOCATION STUDIES

HOW DOES THE LOCATION CHANGE ACCESS AND SUPPORT SPACES?



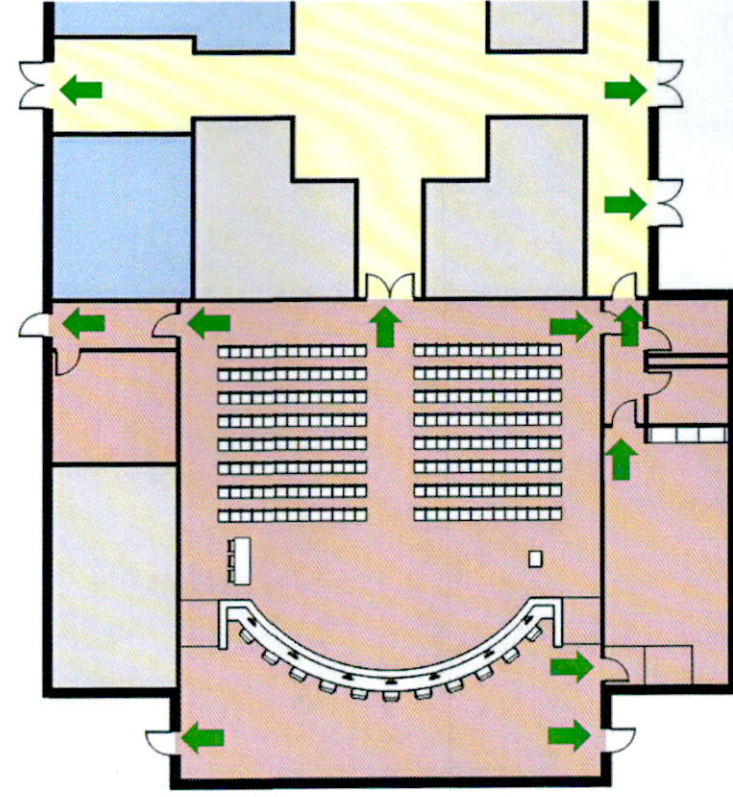
OPTION A

CHAMBER IN THE CENTER ON THE FIRST FLOOR
SUPPORT SPACES DIRECTLY BEHIND THE DAIS



OPTION B

CHAMBER ON THE LEFT ON THE FIRST FLOOR
SUPPORT SPACES BESIDE THE DAIS

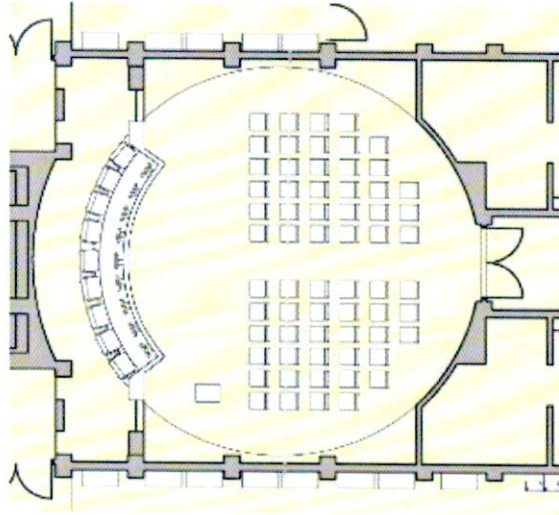


THE OPTION A CHAMBER LAYOUT CAN BE ROTATED AND UTILIZED IN OPTION B IF DESIRED

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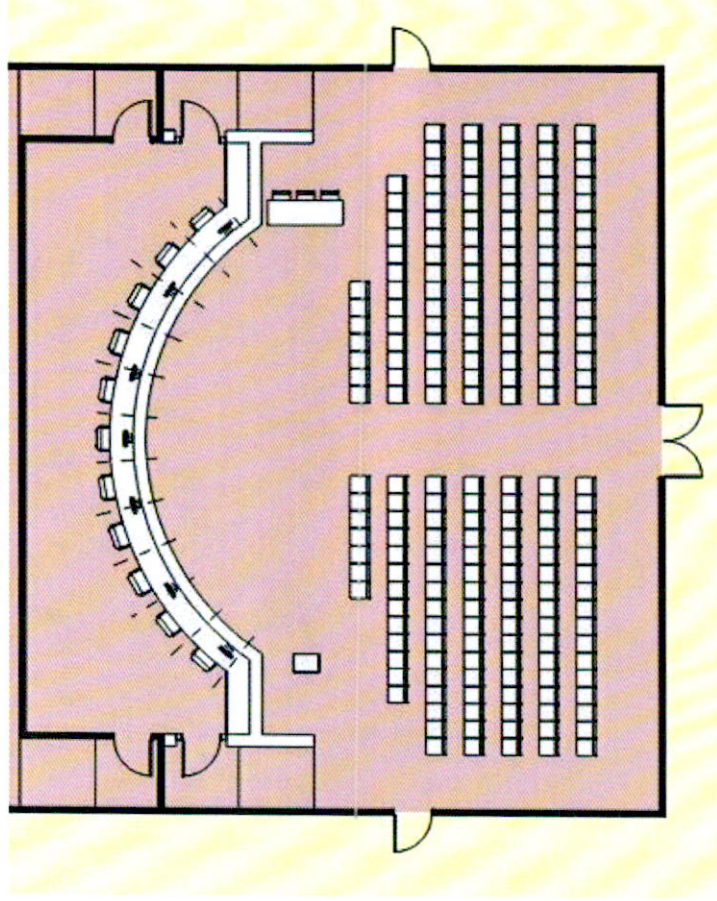
BOARD ROOM SCALE COMPARISON

EXISTING TOWN HALL



- 64 audience seats
 - 1,100 sf
 - 9 at dais
- Each person on the dais has +/-24" surface area

NEW TOWN HALL

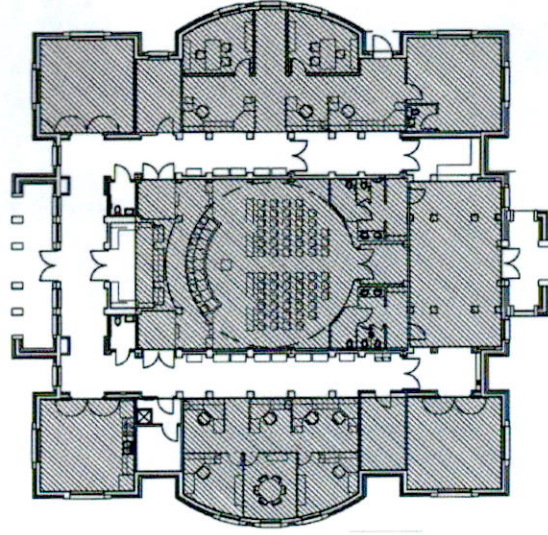
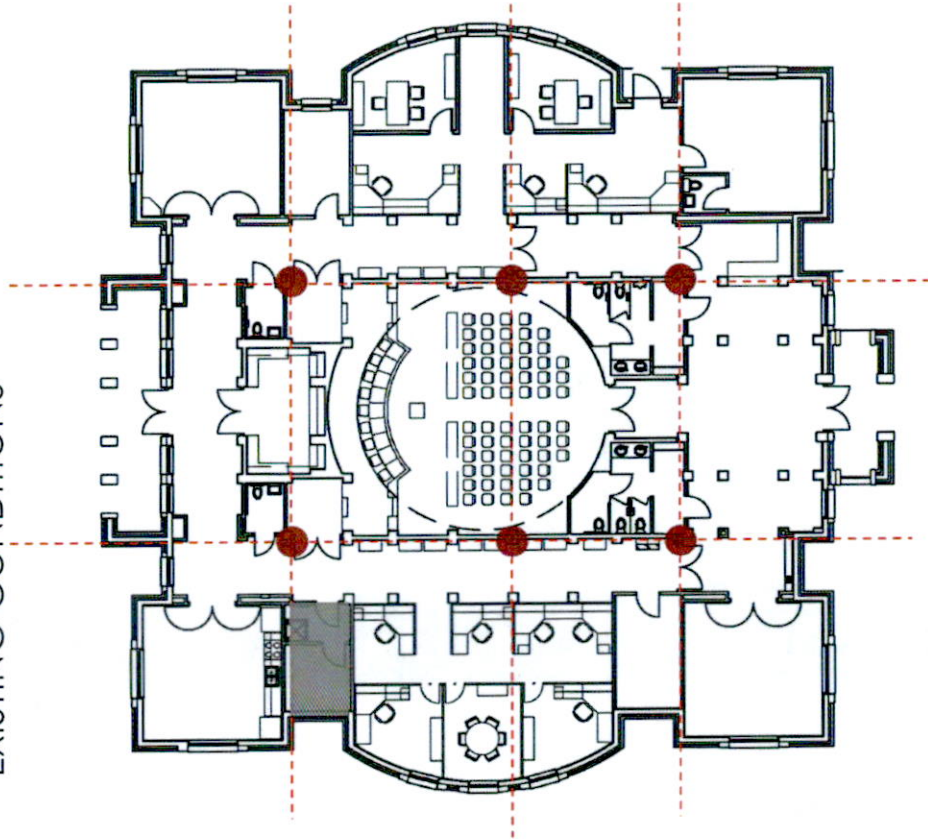


- 200 audience seats
 - 2,900 sf
 - 11 at dais
- Each person on the dais has 48" surface area

EXISTING TOWN HALL STUDIES

EXISTING CONDITIONS

- 6 STEEL COLUMNS FRAME UPPER ROOF LEVEL
- PERIMETER WALL IS LOAD BEARING
- ELECTRICAL CLOSET AND JANITOR REMAIN
- KITCHEN REMAINS
- CORNER SPACES REMAIN
- EVERYTHING ELSE FAIR GAME
- **CHANGE IN USE TO ASSEMBLY REQUIRES MORE PLUMBING FIXTURES (5 F)**

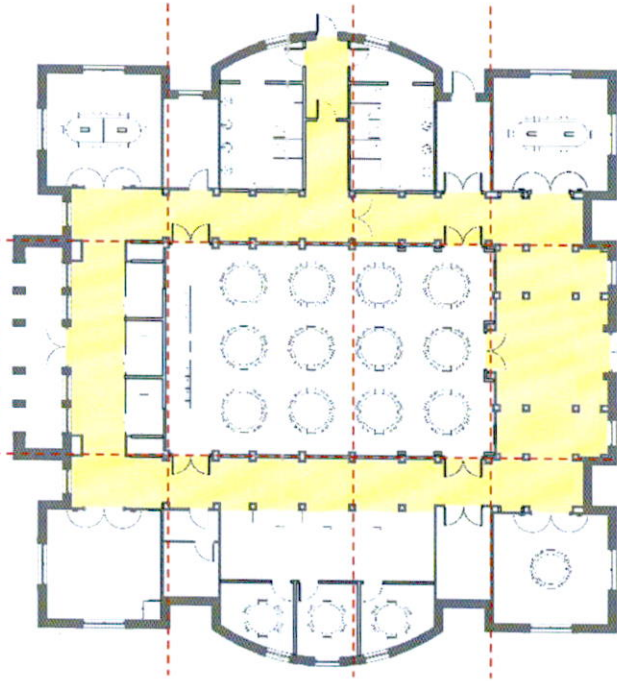


EXISTING TOWN HALL STUDIES

CIRCULATION

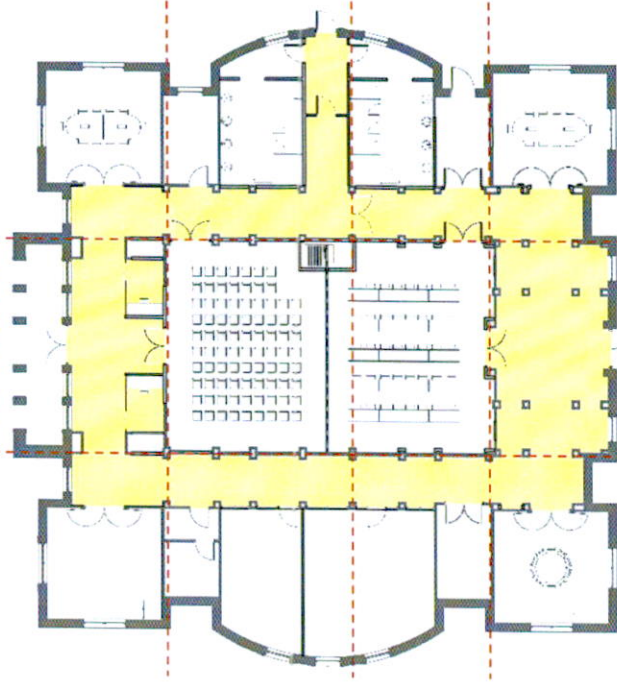
WHAT TYPE OF ASSEMBLY SPACES SHOULD BE INCLUDED?

OPTION A



LARGE ASSEMBLY SPACE IN CENTER
100 BANQUET SEATING
200 LECTURE SEATING
SMALL CONFERENCE ROOMS
TOUCHDOWN SPACES

OPTION B

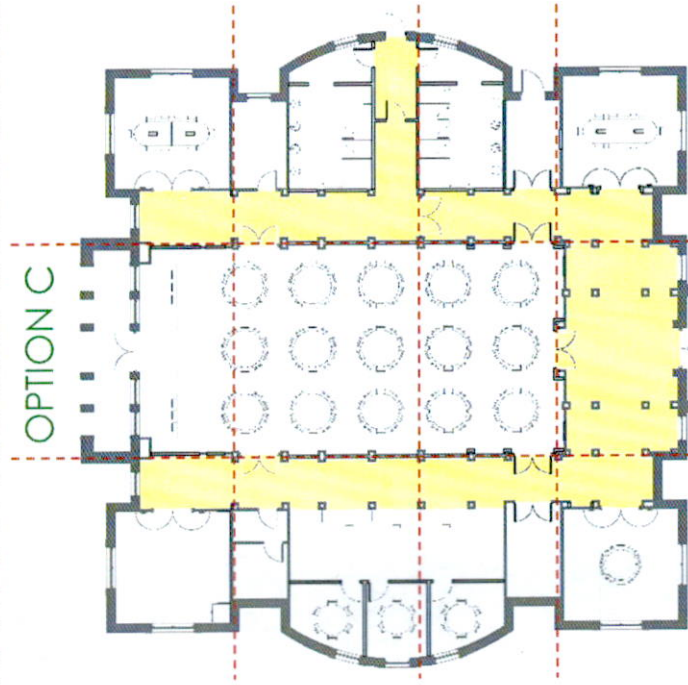


SUBDIVIDABLE ASSEMBLY SPACE IN CENTER
40 SEMINAR SEATING EACH
84 LECTURE SEATING EACH
CLASSROOM SPACES
TOUCHDOWN SPACES

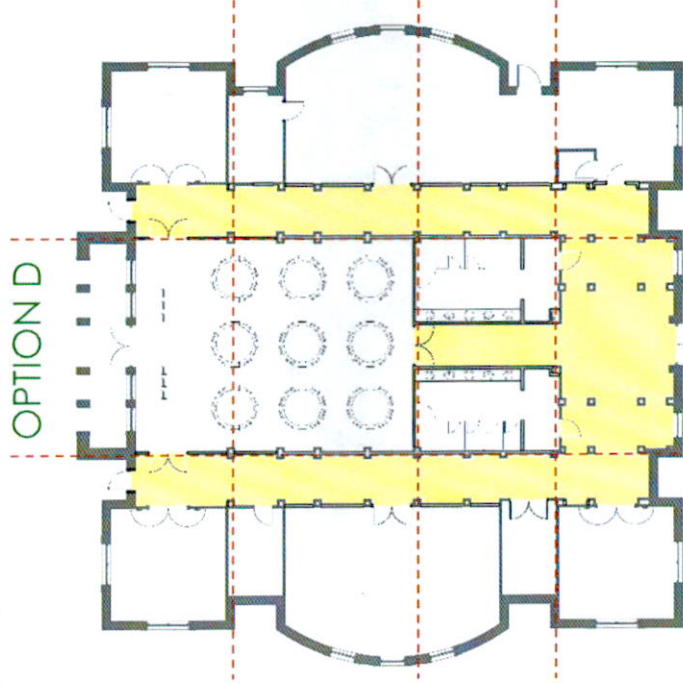
EXISTING TOWN HALL STUDIES

WHAT TYPE OF ASSEMBLY SPACES SHOULD BE INCLUDED?

 CIRCULATION



LARGEST ASSEMBLY SPACE IN CENTER
SPACE EXTENDS TO EXTERIOR
150 BANQUET SEATING
280 LECTURE SEATING
SMALL CONFERENCE ROOMS



SPACE EXTENDS TO EXTERIOR
BATHROOMS GROW IN PLACE
90 BANQUET SEATING
180 LECTURE SEATING
LARGE P&R PROGRAM SPACE

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EXISTING TOWN HALL STUDIES

CIRCULATION

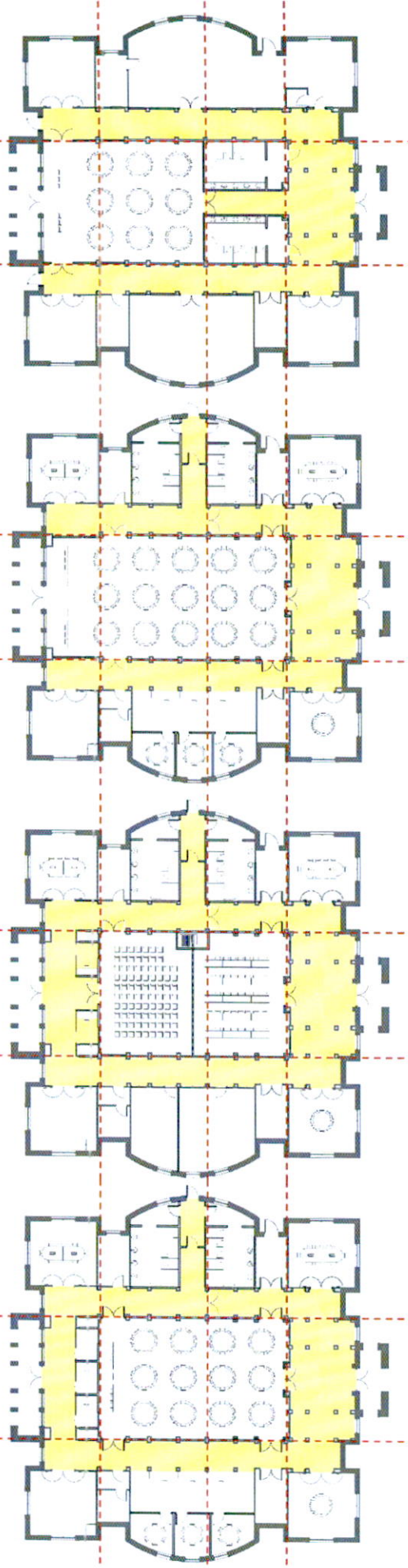
WHAT TYPE OF ASSEMBLY SPACES SHOULD BE INCLUDED?

OPTION A

OPTION B

OPTION C

OPTION D



EDIFICE
CREECH
ASSOCIATES

PEER COMPARISONS

*Population figures are 2019 Certified
Municipal Estimates from NC OSB State
Demographer

TOWN/CITY	POPULATION	TOWN/CITY HALL SF	SF PER POPULATION	YEAR BUILT	BOARD ROOM SEATS	COMMUNITY ROOM ?
WITHIN MECKLENBURG COUNTY						
Town of Cornelius	32,144	27,302 SF	0.85	1999	80	YES
Town of Davidson	13,625	35,245 SF	2.59	2022	46	YES
Town of Huntersville	62,528	26,289 SF	0.42	1997/2010	64	NO
Town of Matthews	31,071	18,506 SF	0.60	2001	171	NO
Town of Mint Hill	27,754	19,400 SF	0.70	2012	98	YES
Town of Pineville	9,533	21,544 SF	2.26	2022	112	YES
WITHIN CLOSE PROXIMITY TO MECKLENBURG COUNTY						
Town of Indian Trail	39,829	18,687 SF	0.47	2016	84	YES
Town of Mooresville	42,594	30,580 SF	0.72	1968/2006	184	NO
City of Concord	95,453	76,000 SF	0.80	2015	219	NO
City of Gastonia	76,930	52,676 SF	0.68	1930	34	NO
City of Kannapolis	49,324	54,824 SF	1.11	2015	192	YES

* Footprint of 26,289 sf includes Town Hall (8,000 sf) and Town Center 3rd floor (18,289 sf)

THE EXISTING TOWN HALL/TOWN CENTER IS UNDERSIZED COMPARED TO YOUR PEERS

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Date 11-21-2022

November 21, 2022

Town of Huntersville, NC
Ms. Melinda Bales, Mayor

My name is Peter Romaniello and I live at 15821 Trenton Place Road.

Please note that due to a family emergency, I am not able to attend the meeting tonight, but instead this letter will be read by _____ on my behalf.

Mayor Bales -

I am a resident at the Greens at Birkdale Village and am writing to express my extreme concerns over the proposed building height zoning changes and the overall project scale and scope that is being proposed for Birkdale Village by NAP.

I and many other residents have been attending both Town Meetings and Birkdale Village Community Meetings to hear exactly what is being proposed. In doing so, we have found that NAP (specifically their representative, Mr. Tim Perry) has not been transparent, has "misrepresented" the facts to us in an attempt to "sell" the project to us, and has been very dismissive of our major concerns over parking, traffic, and safety.

Based on the proposals made by NAP, here is a summary of those concerns.

- While constructing two parking garages with a total capacity of over 900 spaces might sound like a good idea, the reality is that only a fraction of those spaces can actually be used for patrons of Birkdale Village
- The parking garage behind the proposed apartment building is specifically for use by the residents/renters and the proposed hotel
- The parking garage behind the proposed office building is dedicated for use by the Office tenants and employees during the day (Monday through Friday) and only available to patrons of Birkdale Village on nights and weekends.
- Essentially, the proposed parking improvements will only offer moderate increases in parking capability, and only on nights and weekends.

Next is traffic...

- We all know and understand how difficult it can be to drive through the Village as it currently is.
- The reality is that the traffic entering and existing the Village would be greatly impacted by the improvements...
 - There would be up to 450 cars that would be entering the Village in the mornings during the week for the Office Building.

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Page 1 of 2
Date 11-21-2022

- Those same 450 cars would have to exit the Village in the late afternoons during the week.
- We know that an average of only 5-6 cars makes it through a green light onto Sam Furr Road...imagine how long it would take for all of those cars to exit!
- Now, compound that with all of the cars from the residents at the Apartment Building that would be exiting to go to work in the mornings and then returning during rush hour. It can only be described as a disaster.

And finally, safety...

- No matter the "quality level" of the Apartment Building, Hotel, and Office Building, the reality is that when you increase the number of people in an area, the potential for crime also increases. *CAR JACKING NON 5 ARMED ROBBERY HIT + RUN @ TOTAL*
- There have been a number of instances as of late with groups of teenagers (specifically) that have resulted in a response of increased security from NAP.
- Even small things have not been considered...like where would all of the children who live at the Apartment Building go to play outside? There is no proposed park, playground, etc. So what are they going to do? Sit inside all day?

Finally, we have to all consider the balance between proper growth for Huntersville and the potential destruction of one of its most endearing features, Birkdale Village. While there are certainly places for major commercial growth, Birkdale Village is not one of them.

Sincerely,
 Peter Romaniello
 15821 Trenton Place Road
 Huntersville, NC 28078

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 Page 2 of 2
 Date 11-21-2022



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

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

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

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

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

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

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

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

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

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Date 11-21-2022

Resolution No. R-2022-36
Page 1 of 3

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

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

Adopted this 21st day of November, 2022.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney

Attachment No. 3
Page 2 of 3
Date 11-21-2022

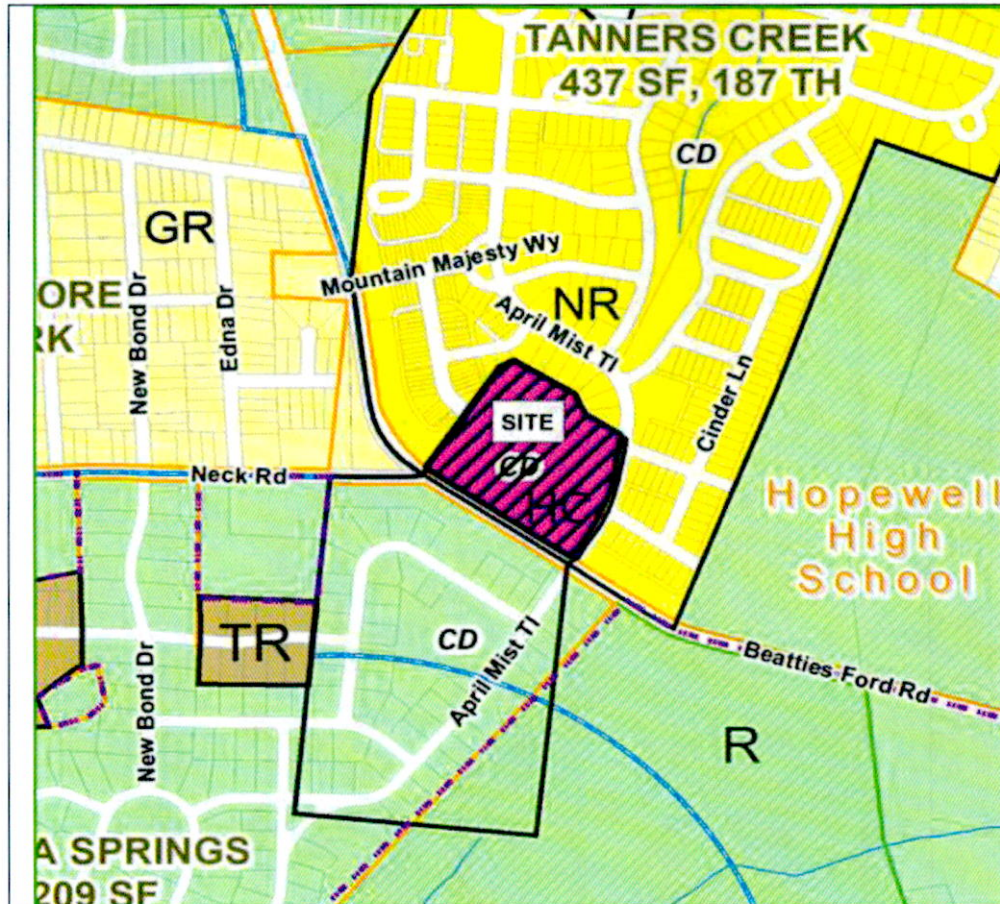
EXHIBIT A - PARCEL INDEX
Commerce Centre Drive

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

Attachment No. 3
Page 3 of 3
Date 11-21-2022

Petition R22-03 Huntersville Retirement Residence

PART 1: PROJECT SUMMARY



Applicant: Alan Spragins,
Hawthorn Devco, LLC

Property Owner: Same

Property Address: 6925 April
Mist Trail

Project Size: (+/-) 9.219 Acres

Parcel Numbers: 01516113

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

Current Land Use: Vacant

Proposed Zoning:
Neighborhood Residential
Conditional District (NR-CD)

Proposed Land Use:
Congregate Housing 148 unit

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

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Date 11-01-2022

North: Neighborhood Residential Conditional District- Single Family Residential
South: Rural Conditional District- Single Family Residential
East: Neighborhood Residential Conditional District- Single Family Residential
West: Neighborhood Residential Conditional District- Multi-Family Attached Residential.

5. A neighborhood meeting was held on Tuesday, August 30, 2022 and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment D).
6. Notice for this rezoning petition was sent via letter to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Beatties Ford Road, April Mist Trail and Cane Branch Way.

PART 2: REZONING/SITE PLAN



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

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



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

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



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

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Date 11-21-2022

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

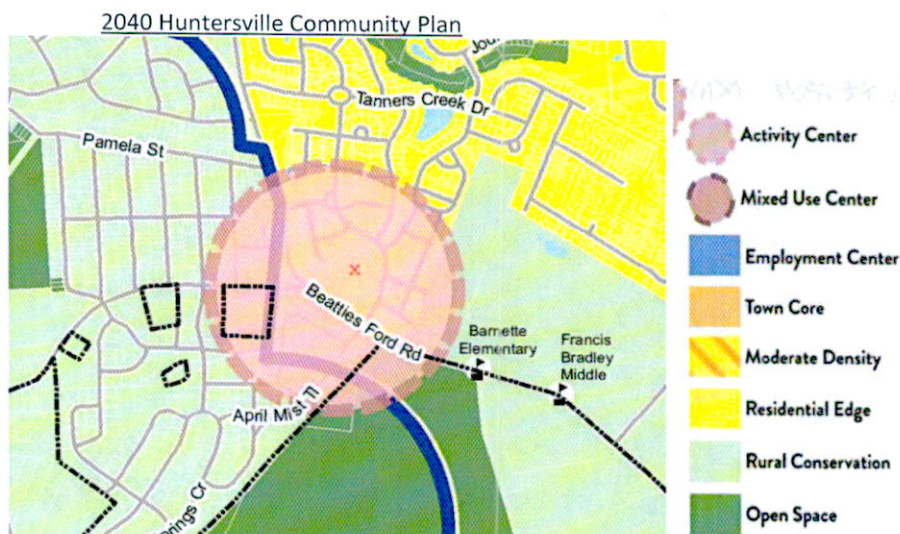
PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

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

PART 4: REZONING CRITERIA

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

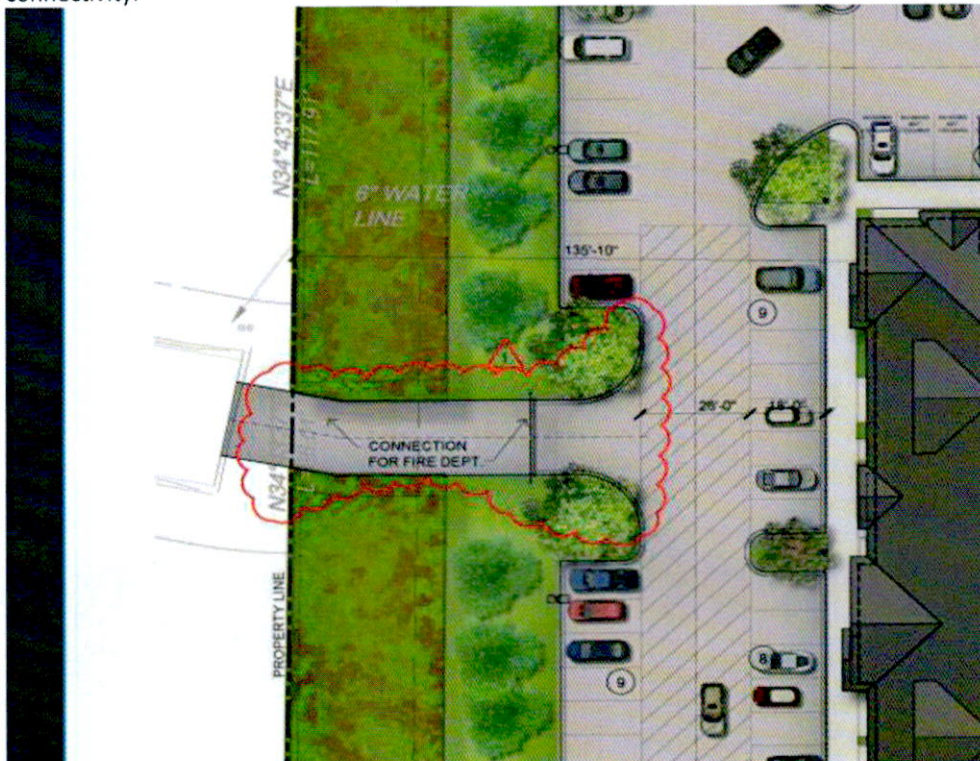


STAFF COMMENT – Staff finds the proposed use/project is **consistent** with the following policies of the 2040 Huntersville Community Plan:

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

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Page 4 of 54
Date 11-21-2022

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



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

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

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

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

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

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

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

There is no indication this project will have a negative impact on public facilities and or services.

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

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, historical or cultural resources.

PART 5: STAFF RECOMMENDATION

In considering the proposed rezoning petition R22-03, Huntersville Retirement Residence, staff recommends approval as submitted as the proposal is consistent with the Huntersville 2040 Community Plan policies LU 2.1, 10.5, EOS-6, and PS-5.1 as well as the design recommendations within the Beatties Ford Road Corridor Small Area Plan. Although this project does not provide the mix of land uses detailed in Policy LU-6 by removing commercial uses in this Activity Center, it does diversify the housing option and further, it is consistent with the surrounding neighborhood's character by preserving the rural landscape of the Beatties Ford Road Corridor.

PART 6: PUBLIC HEARING COMMENTS

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

PART 7: PLANNING BOARD RECOMMENDATION

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

PART 8: TOWN BOARD RECOMMENDATION

Town Board Meeting is scheduled for November 21, 2022.

PART 9: ATTACHMENTS

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

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Date 11-21-2022

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

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



General Application

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

1. Application Type

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

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

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

2. Project Data

Date of Application June 30, 2022

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

Project Address 6925 April Mist Trail

Parcel Identification Number(s) (PIN) 01516113

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

Property Size (acres) 9.219 acres Street Frontage (feet) _____

Current Land Use Vacant

Proposed Land Use(s) Congregate Housing

Is the project within Huntersville's corporate limits?

Yes ☒ No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.

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

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

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Date 11-21-2022

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

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

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature [Signature] * Printed Name: Alan Spragins

Title COO Email Contact: KNeznanski@HawthornCG.com

Address of Applicant 2260 McGilchrist Street SE Salem, OR 97302

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

7. Property Owner (if different than applicant)

*Printed Name _____ Phone _____

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____ Printed Name _____

Title _____ Email _____

Address of Property Owner _____

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

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

8. Development/Design Firm Contact Information

Hawthorn Devco LLC	Kristi Neznanski	503-400-9239	KNeznanski@HawthornCG.com
Development Firm	Name of Contact	Phone	Email
Timmons Group	Brian Crutchfield	704-227-1563	Brian.Crutchfield@timmons.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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

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Date 11-21-2022

Last updated December 2020

HUNTERSVILLE RETIREMENT RESIDENCE

6925 APRIL MIST TRAIL HUNTERSVILLE, NC

PID - 0156113

EPM: 438995

DATED: JUNE 29, 2022



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Date 11-21-2022

PROPERTY OWNER:
LATA VILLAGE LLC
701 CRESTDALE DR
MATTHEWS NC 28105

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

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

LANDSCAPE ARCHITECT:
LENITY ARCHITECTURE, INC
3150 KETTLE COURT SE
SALEM, OREGON 97301
503-399-1090
CIVIL ENGINEER:
TIMMONS GROUP
610 EAST MOREHEAD STREET, SUITE
250 CHARLOTTE, NC 28202
704-227-1563

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

LANDSCAPE SHEET INDEX:
• L1.1 LANDSCAPE PLAN
ELECTRICAL SHEET INDEX:
• ES.0 SITE PHOTO METRICS
• ES.1 SITE PHOTO METRICS
CIVIL SHEET INDEX:
• RZ-000 COVER SHEET
• RZ-100 SURVEY
• RZ-101 TREE SAVE PLAN
• RZ-200 SITE PLAN
• RZ-300 GRADING & STORMWATER PLAN
• RZ-301 PRE-DEVELOPMENT DRAINAGE MAP
• RZ-302 POST-DEVELOPMENT DRAINAGE MAP
• RZ-400 VEHICLE MANEUVERING PLAN



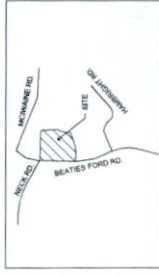
lenity
architecture, inc.

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

Huntersville Retirement Residence
Huntersville, NC

HAWTHORN
SENIOR LIVING
8150 NE Vossler Mall Dr., Suite 200
Vancouver, WA 98662-2570
(360) 275-1550 Fax (360) 275-1546
A0.0

HUNTERSVILLE, NC



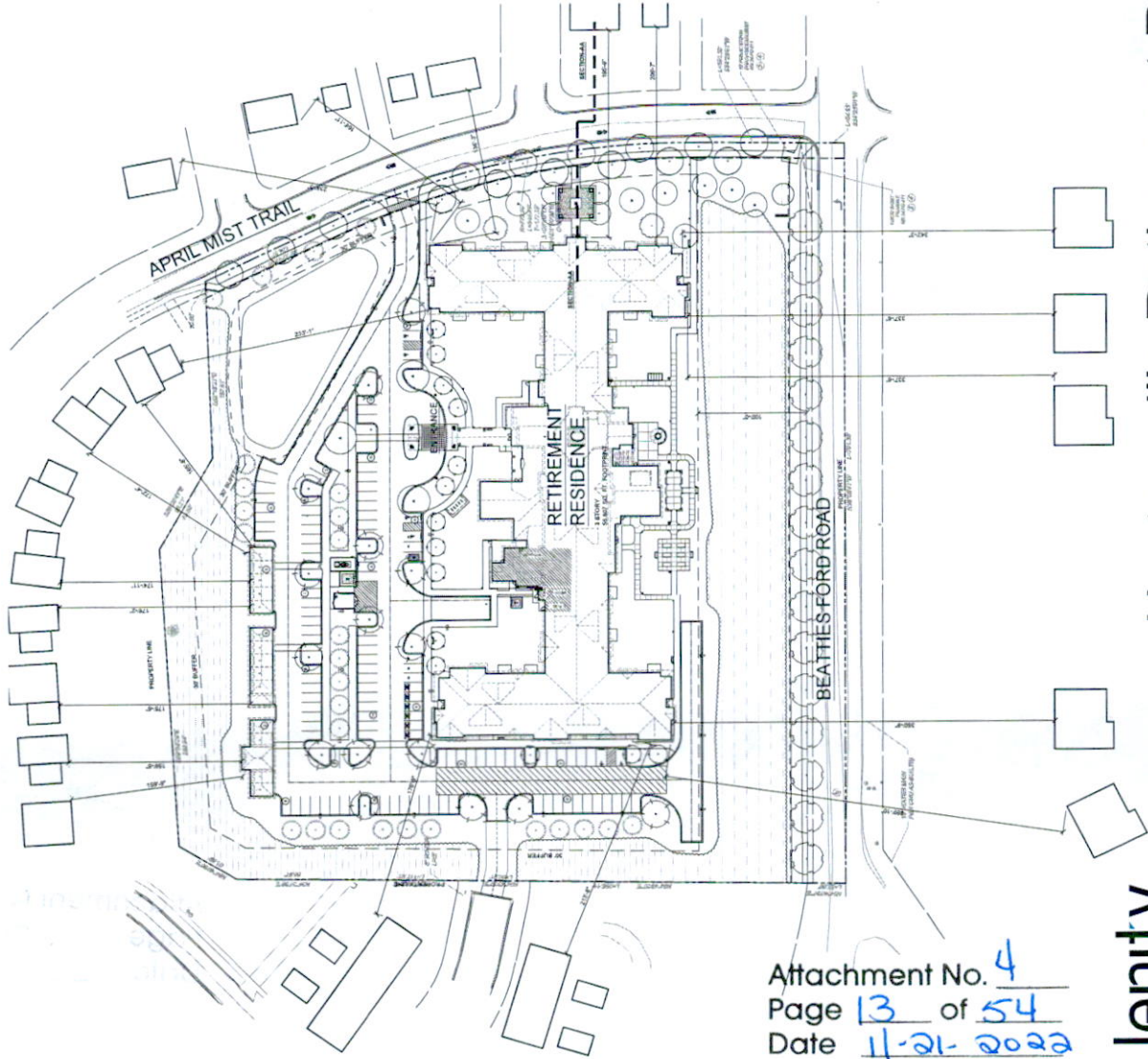
SITE EXHIBIT -
NEIGHBOR
DIMENSIONS

DATE: 04/20/2022
CURRENT SUBMISSION:
REVISION 1: 04/20/2022



HAWTHORN
SENIOR LIVING
8310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98685-2170
(206) 275-1550 Fax (206) 275-1540

A1.2



Huntersville Retirement Residence

Huntersville, NC

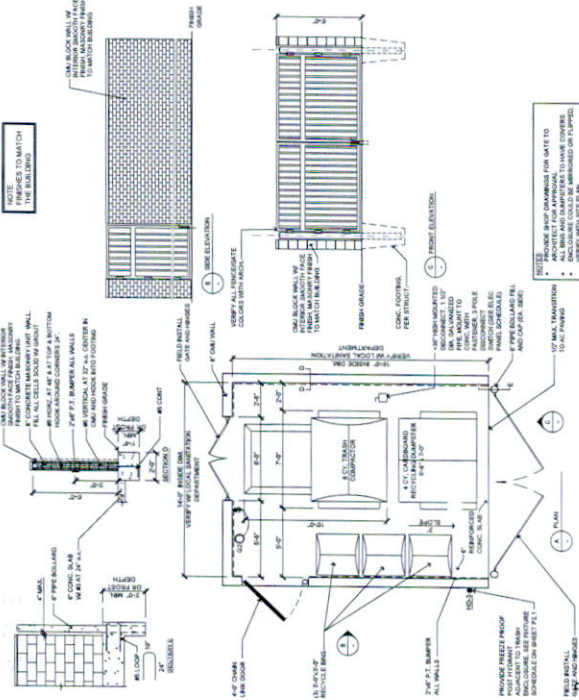
Attachment No. 4
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Date 11-21-2022

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architecture, inc.
3750 Kettle Court SE, Salem, Oregon 97301
503 399 1090 • 503 399 0565 • lenityarchitecture.com



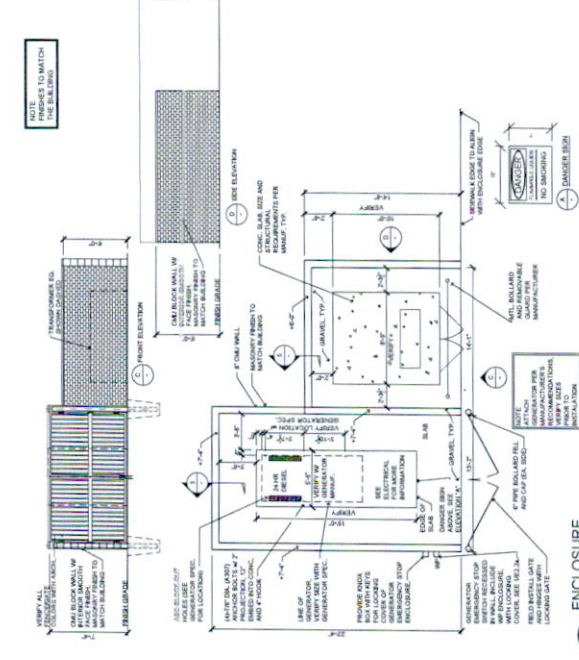
SITE SECTION - AA

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



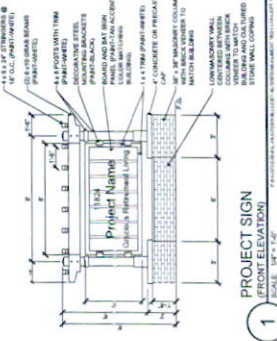
TRASH AND RECYCLING ENCLOSURE

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



ENCLOSURE (EMERGENCY GENERATOR)

SCALE: 3/8" = 1'-0"



PROJECT SIGN

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

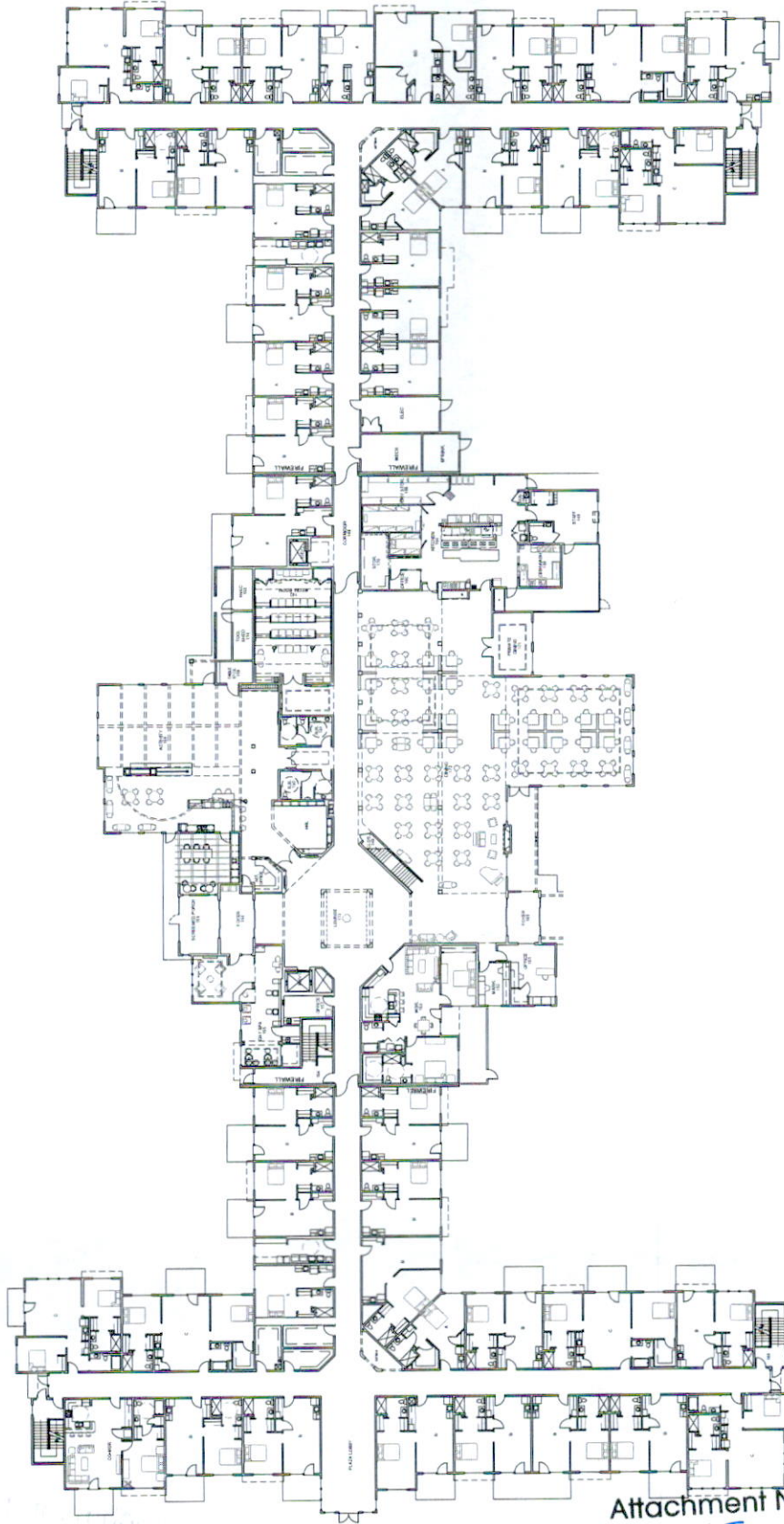
SITE EXHIBIT -
SECTION AND
MISC DETAILS

DATE: 02/01/2022
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
REVISION: 2 - 09/04/2022



Huntersville Retirement Residence

Huntersville, NC



FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 CURRENT SUBMISSION
 REVISION 1 - 11/21/2022

HAWTHORN
 SENIOR LIVING
 8310 NE Vancouver Mall Dr., Suite 200
 Vancouver, WA 98662-4210
 (360) 213-1552 Fax (360) 213-1540

A2.1

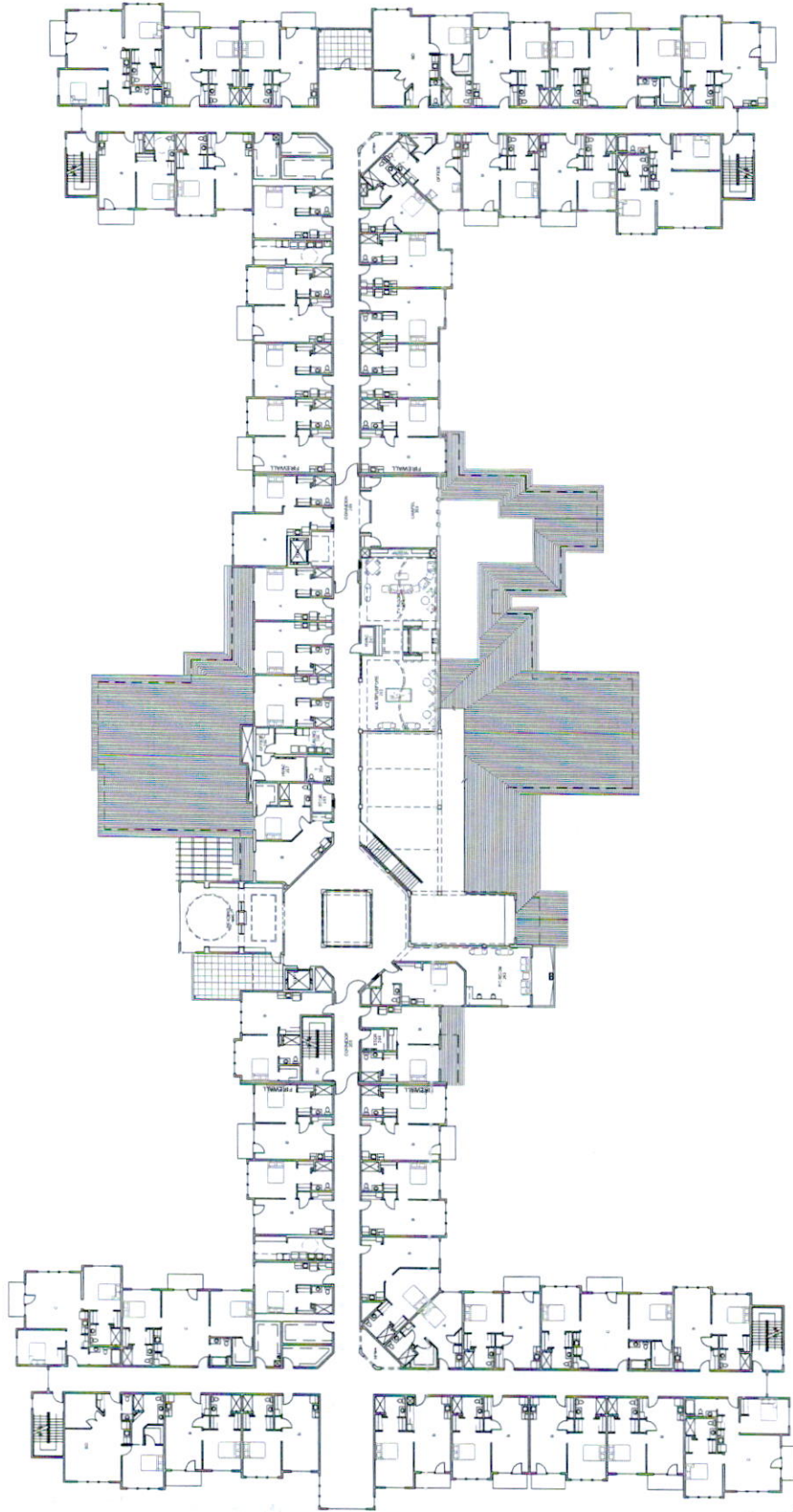
Huntersville Retirement Residence

Huntersville, NC

lenity
 architecture, inc.

2550 Kettle Court SE, Salem, Oregon 97301
 #503 399 1090 #503 399 0565 www.lenityarchitecture.com

Attachment No. 4
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 Date 11-21-2022



SECOND FLOOR PLAN
DATE: 10/20/2022
DRAWN BY: J. H. H. H.
CURRENT SUBMISSION
REVISION: 1-10/20/2022

HAWTHORN
SENIOR LIVING
8310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-2713
(509) 275-1555 Fax (509) 275-1540

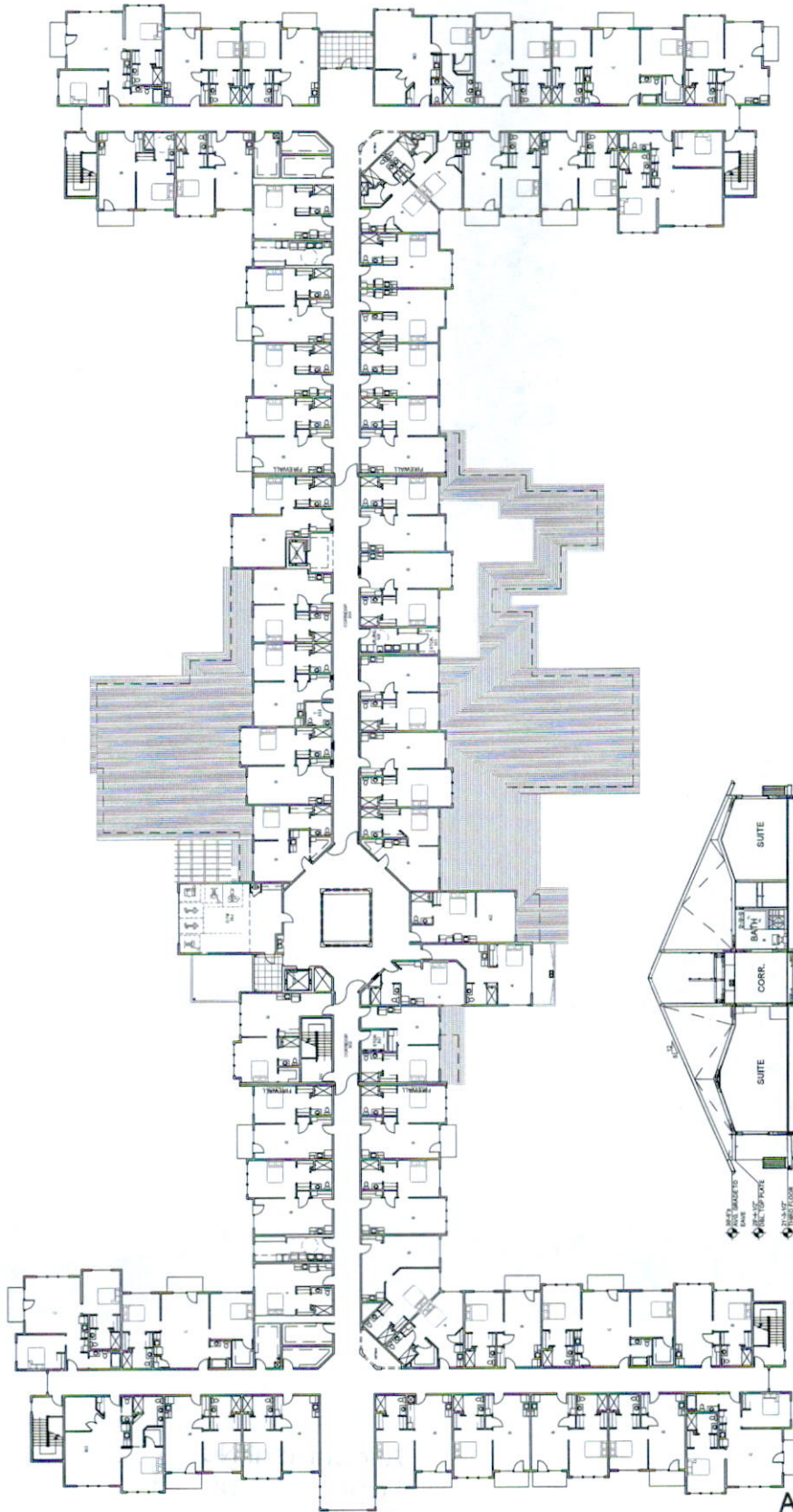
A2.2

Huntersville Retirement Residence

Huntersville, NC

Attachment No. 4
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Date 11-21-2022

tenity
architecture, inc.
3550 Kettie Court SE, Salem, Oregon 97301
#503.399.1090 #503.399.0545 www.tenityarchitecture.com



THIRD FLOOR PLAN
DATE: 11/20/2022
SCALE: 1/8" = 1'-0"
DRAWN BY: J. HARRIS
REVISION: 1 - 11/20/2022

HAWTHORN
SENIOR LIVING
8310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98685-8270
(509) 273-1550 Fax (509) 273-1540

A2.3

Huntersville Retirement Residence

Huntersville, NC

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

Attachment No. 4
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Date 11-21-2022

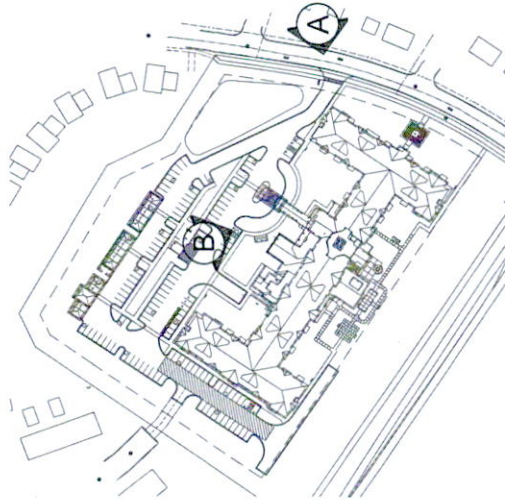
tenity
architecture, inc.

3550 Kettle Court SE, Salem, Oregon 97301
503 399 1090 # 503 399 0545 www.tenityarchitecture.com



(A) VIEW FROM APRIL MIST TRAIL LOOKING SOUTH WEST

SCALE: N.T.S.



RENDERING KEY

SCALE: N.T.S.



(B) FRONT ENTRY LOOKING SOUTH EAST

SCALE: N.T.S.

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architecture, inc.

3550 Kettle Court SE, Salem, Oregon 97301
#503.399.1090 #503.399.0565 lenityarchitecture.com

Huntersville Retirement Residence

Huntersville, NC

EXTERIOR RENDERINGS

DATE: 06/06/2022
DRAWN BY: J. HAWTHORN
REVISION: 2-26/2022

HAWTHORN
SENIOR LIVING

9310 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-5270
(408) 215-1559 Fax (408) 215-1540

A4.1

Attachment No. 4
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Date 11-21-2022



(C) FRONT FACADE LOOKING SOUTH EAST
SCALE N.T.S.



RENDERING KEY
SCALE N.T.S.



(D) C WING FACADE LOOKING SOUTH WEST
SCALE N.T.S.

Huntersville Retirement Residence

Huntersville, NC

EXTERIOR RENDERINGS

DATE: 10/20/2022
DRAWN BY: J. L. HARRIS
REVISION: 1. 10/20/2022

HAWTHORN
SENIOR LIVING

8310 NE Vinovance Mall Dr., Suite 200
Vancouver, WA 98662-5210
Phone: (360) 215-1550 Fax: (360) 215-1540

A4.2

NOTE: LANDSCAPING
REQUIRED PER COMMENTS



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



RENDERING KEY
SCALE: N.T.S.



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

Huntersville Retirement Residence

Huntersville, NC

Attachment No. 4
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Date 11-21-2022

lenity
architecture, inc.
1350 Kellie Court SE, Salem, Oregon 97301
P 503.399.1050 F 503.399.0565 W lenityarchitect.com

NOT TO SCALE
REVISED PER COMMENTS

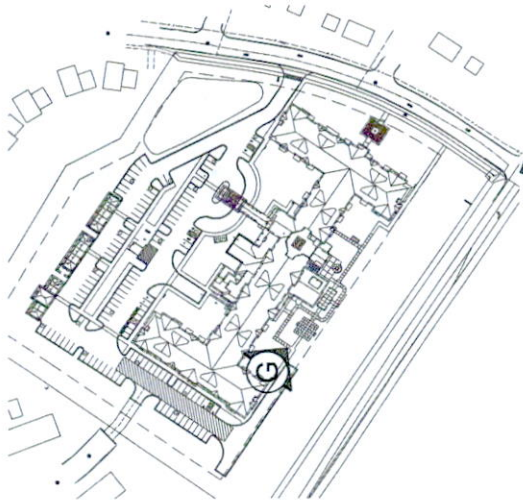
EXTERIOR RENDERINGS
DATE: 04/19/2022
DRAWN BY: J. HARRIS
REVISIONS: 2 - 10/19/2022

HAWTHORN
SENIOR LIVING
9110 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98662-5210
(360) 213-1550 Fax (360) 213-5460

A4.3



G REAR FACADE LOOKING SOUTH EAST
SCALE: 1/8" = 1'-0"



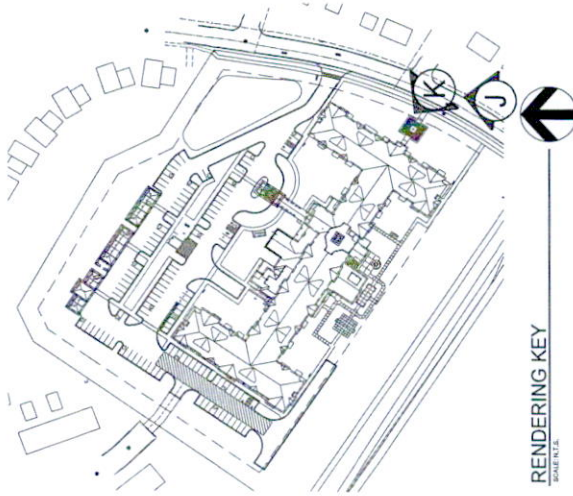
RENDERING KEY
SCALE: 1/8" = 1'-0"



H CORNER OF BEATTIES FORD RD. & APRIL MIST TRAIL LOOKING NORTH WEST
SCALE: 1/8" = 1'-0"



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



RENDERING KEY
DATE N.T.S.



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

Huntersville Retirement Residence

Huntersville, NC

EXTERIOR RENDERINGS

DATE: 10/20/2022
DRAWN BY: J. HENLEY
REVISION: 1-10/20/2022

HAWTHORN
SENIOR LIVING

3710 SE VANDERBILT AVE. D., Suite 200
Vancouver, WA 98662-8270
(360) 213-1550 Fax (360) 213-1540

A4.5

Attachment No. 4
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Date 11-21-2022

lenity
architecture, inc.

3750 Kenia Court SE, Salem, Oregon 97301
#503.899.3290 #503.899.0585 lenityarchitecture.com



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



RENDERING KEY
SCALE: N.T.S.



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

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Page 23 of 54
Date 11-21-2022

lenity
architecture, inc.
350 Ketta Court, SE, Salem, Oregon 97301
#503.399.1090 #503.399.0565 lenityarchitecture.com

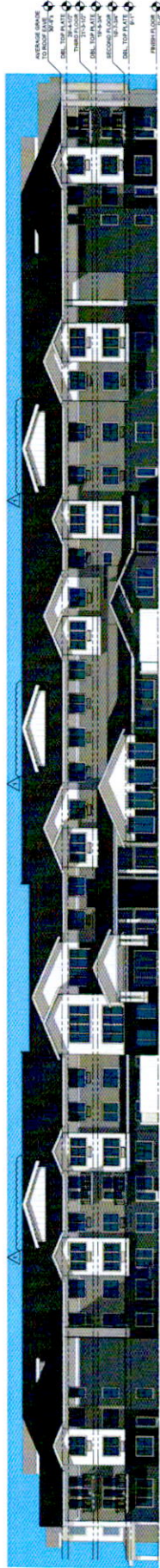
EXTERIOR RENDERINGS

DATE: 11/21/2022
DRAWN BY: J. J. JENSEN
CHECKED BY: J. J. JENSEN
REVISION 1 - 11/21/2022

HAWTHORN
SENIOR LIVING

9010 NE Vancouver Mall Dr., Suite 200
Vancouver, WA 98665-4275
(509) 274-1022 Fax (509) 274-1540

A4.6



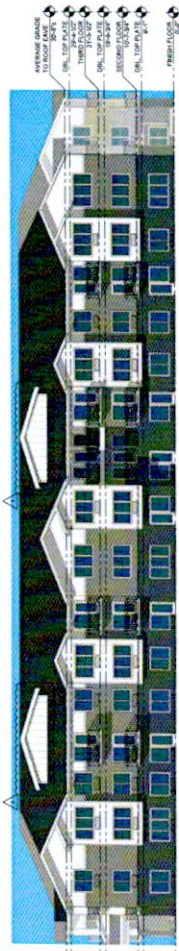
A FRONT (NORTH EAST) ELEVATION

SCALE: 1/8" = 1'-0" (TYP. ALL DIMENSIONS SHOWN ARE APPROXIMATE)



B WING B (SOUTH EAST) ELEVATION

SCALE: 1/8" = 1'-0" (TYP. ALL DIMENSIONS SHOWN ARE APPROXIMATE)



C WING B (NORTH WEST) ELEVATION

SCALE: 1/8" = 1'-0" (TYP. ALL DIMENSIONS SHOWN ARE APPROXIMATE)



D REAR (SOUTH WEST) ELEVATION

SCALE: 1/8" = 1'-0" (TYP. ALL DIMENSIONS SHOWN ARE APPROXIMATE)



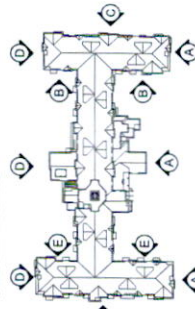
E WING C (NORTH WEST) ELEVATION

SCALE: 1/8" = 1'-0" (TYP. ALL DIMENSIONS SHOWN ARE APPROXIMATE)



F WING C (SOUTH EAST) ELEVATION

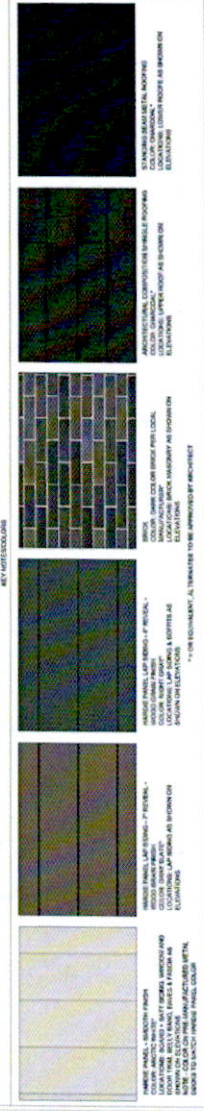
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ELEVATION KEY

SCALE: N.T.S.

KEY MATERIALS



lenity
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301
#503.399.1090 #503.399.0565 lenityarchitecture.com

Huntersville Retirement Residence

Huntersville, NC

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Date 11-21-2022

EXTERIOR ELEVATIONS

DATE: 11/21/2022
REVISION: 2 - 08/26/2022

HAWTHORN
SENIOR LIVING

9310 NE VANDANUM AVE. DR., Suite 200
VANDANUM, WA 98652-2570
(509) 231-1555 Fax (509) 231-1548

A5.1

APRIL MIST TRAIL			
ID	CDT	Manufacturer	Quantity
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APRIL MIST TRAIL

RETIREMENT RESIDENCE

BEATTIES FORD ROAD

lenity
architecture, inc.

350 Kettle Court SE, Salem, Oregon 97301
503 399 1090 # 503 399 0565 lenityarchitecture.com

Huntersville Retirement Residence

Attachment No. 4
Page 26 of 54
Date 11-21-2022

NOTE: LAYOUTS SHOWN ARE FOR
SITE PLAN REFERENCE

SITE PHOTOMETRIC



HAWTHORN
SENIOR LIVING

3710 NE Vincennes Mall Dr., Suite 200
Vancouver, WA 98662-2473
(360) 275-1552 Fax (360) 275-1540

ES.0

SITE ACTIVITIES			
ID	Activity	Location	Notes
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002	Site Preparation	ENTIRE SITE	100000
003	Site Preparation	ENTIRE SITE	100000
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NOTE: LIGHTING RANGES DUE TO SITE PLANT RESPONSE

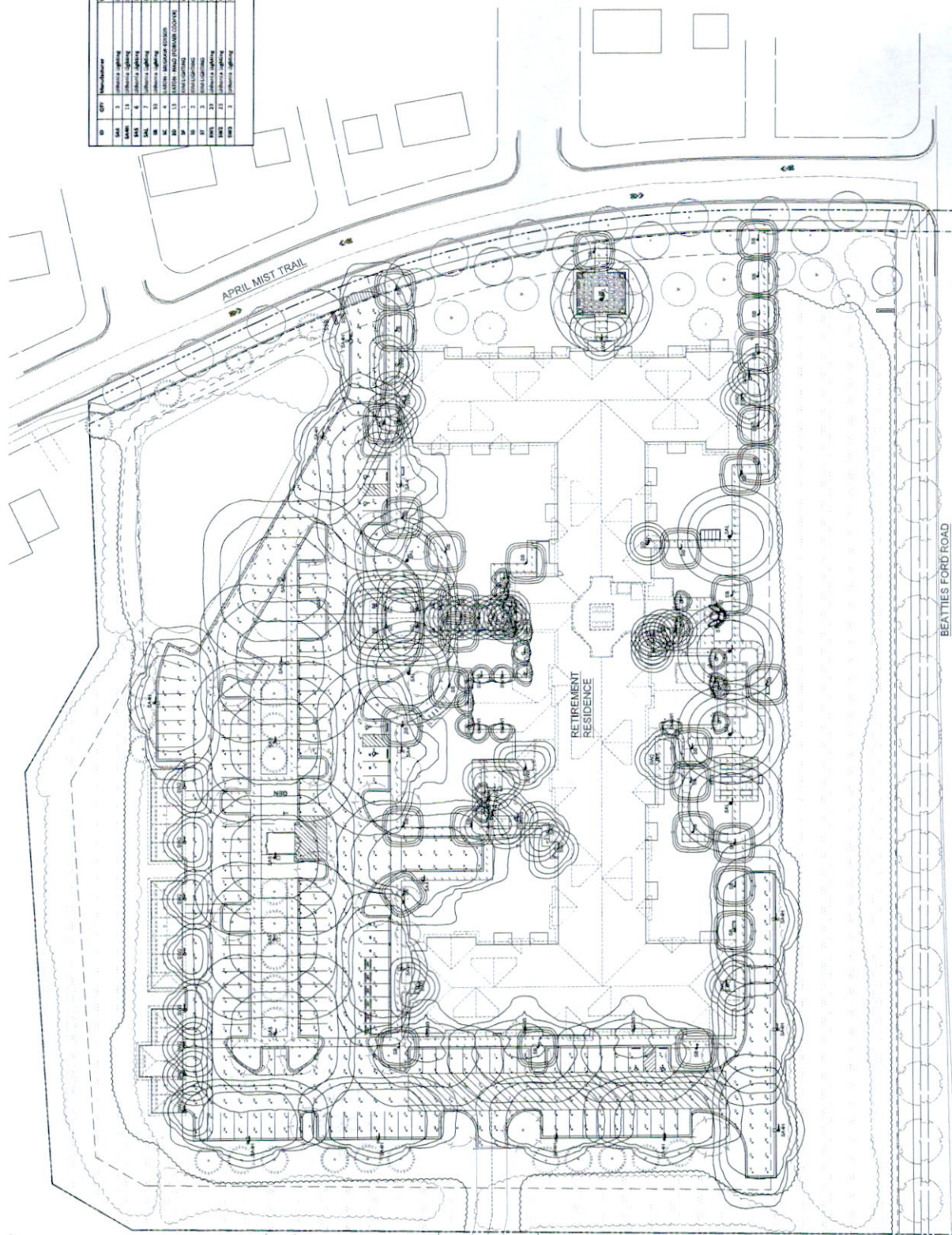
SITE PHOTOMETRIC

DATE: 11/21/2022
 TIME: 10:00 AM
 LOCATION: HUNTERSVILLE, NC
 PROJECT: HUNTERSVILLE RETIREMENT RESIDENCE

HAWTHORN
SENIOR LIVING

8010 NE Vancouver Mall Dr., Suite 200
 Vancouver, WA 98663-8710
 (509) 213-1550 Fax (509) 213-1540

ES.1



HUNTERSVILLE RETIREMENT RESIDENCE
TOWN OF HUNTERSVILLE, NC
MECKLENBURG COUNTY, NC

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

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

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

Attachment No. 4
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Date 11-21-2022

DRAWING INDEX	
TITLE	DRAWING
COVER SHEET	K2-000
SURVEY	K2-100
TREE SAVE PLAN	K2-101
SITE PLAN	K2-005
GRADING PLAN	K2-008
PRE-DEVELOPMENT DRAINAGE AREA MAP	K2-010
POST-DEVELOPMENT DRAINAGE AREA MAP	K2-011
VEHICLE MANEUVERING PLAN	K2-002



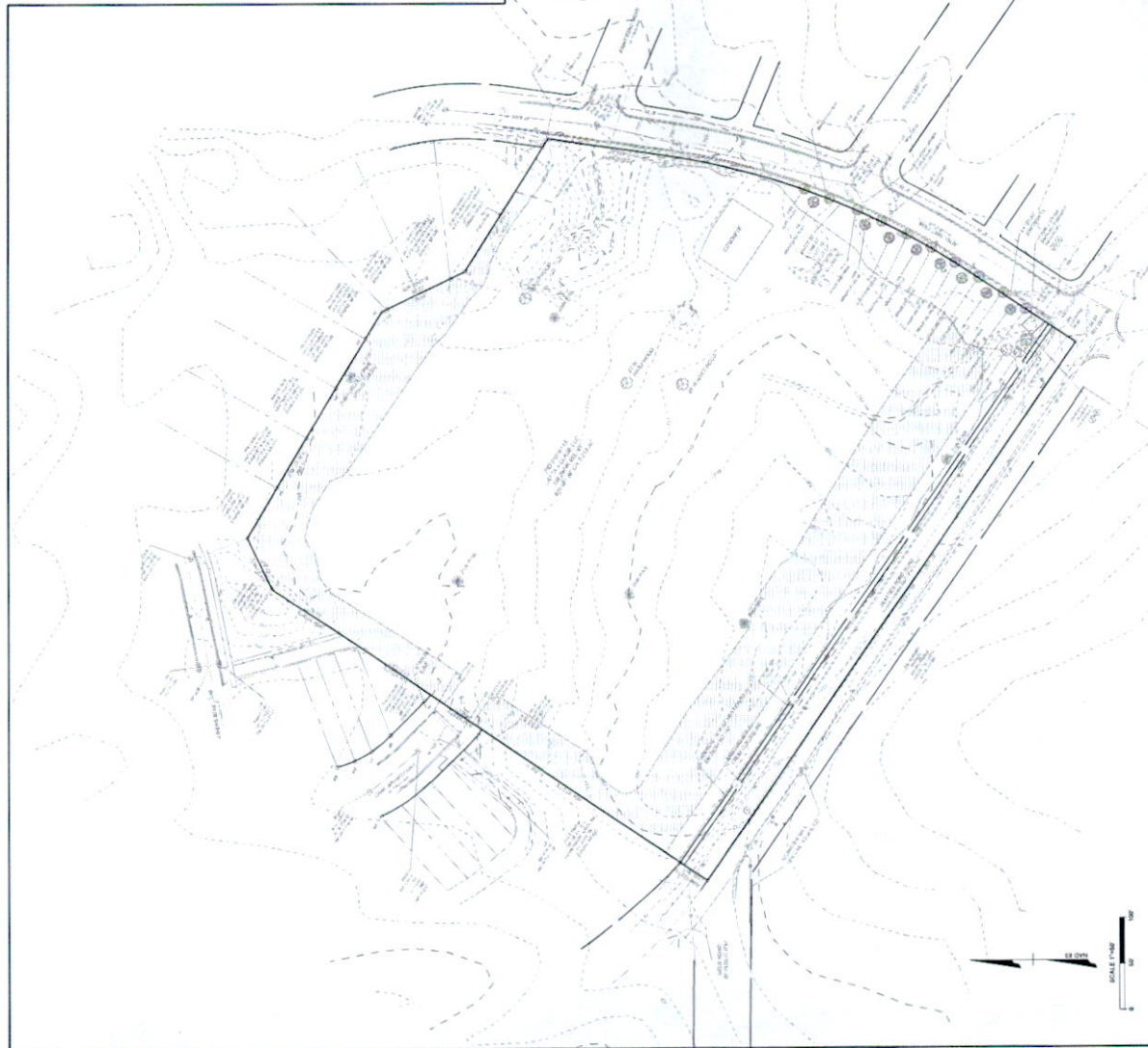
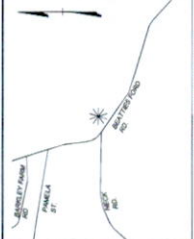
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SCALE: N.T.S.

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CHARLOTTE OFFICE
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202
TEL 704.602.6600 FAX 704.378.1078 www.zimmons.com
NORTH CAROLINA LICENSE NO. 14657

EXCEPTIONS FROM SOURCE 1 & PART 2

- [illegible]



OTTCOM307 NICHOLSON LLC

[Handwritten signature]

NOTED - 2017 APRIL 6 AM 10:08

STANDARD & BARNES

5-24-17

CAROL TALA
PROFESSIONAL
SEAL
1-3677
MICHAEL S. RUTLAND

[illegible][illegible]

Attachment No. 4
Page 29 of 54
Date 11-21-2022

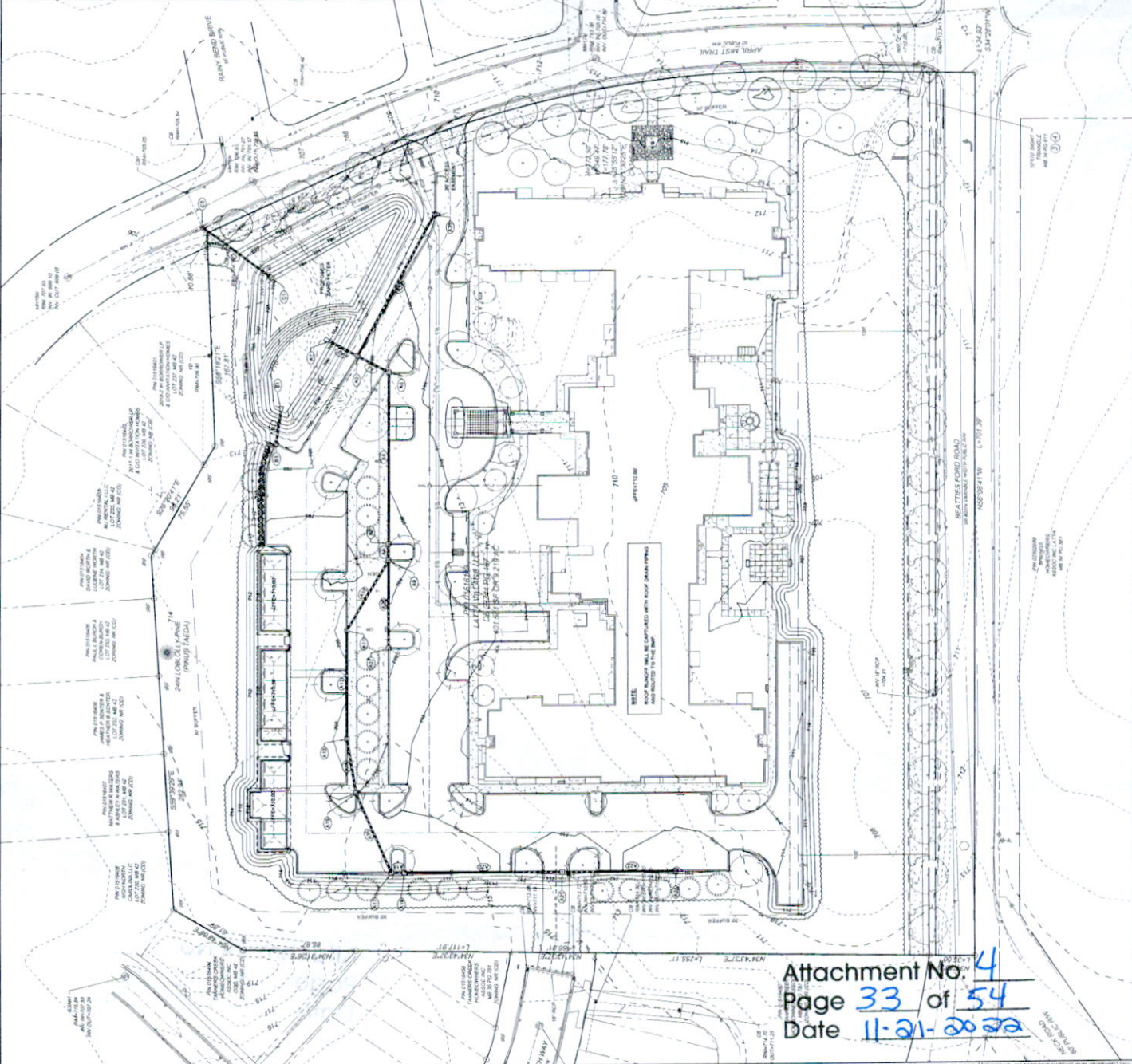
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TIMMONS GROUP

DATE		DATE	COUNTY #
	08/16/2022	09/27/2022	30 JUNE 2022
ADDRESS			
ADDRESS			

THIS DRAWING PREPARED AT THE
CHARLOTTE OFFICE
610 E. HUNTERDALE STREET, SUITE 250 | CHARLOTTE, NC 28202
TEL 704.662.8600 FAX 704.778.1078 www.hmcnc.com
North Carolina License No. C-1652

[illegible][illegible]

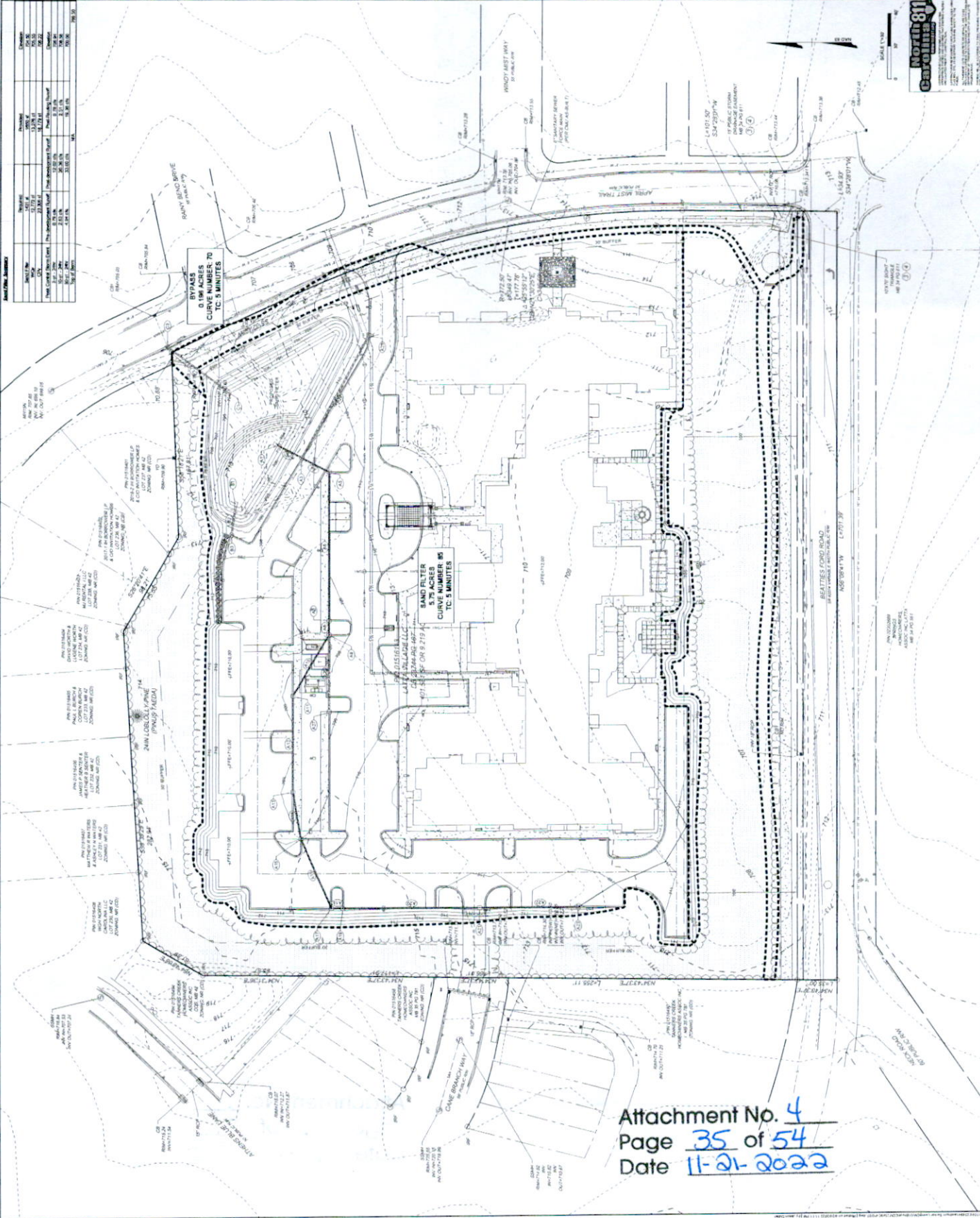
HUNTERSVILLE RETIREMENT RESIDENCE
TOWN OF HUNTERSVILLE, NORTH CAROLINA
POST-DEVELOPMENT DRAINAGE AREA MAP

TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION
ADDRESS: TOWN OF HUNTERSVILLE COMMENTS
DATE: 10/15/2022
BY: J. B. TIMMONS
SCALE: AS SHOWN
DESIGNED BY: J. B. TIMMONS
CHECKED BY: J. B. TIMMONS
DATE: 10/15/2022

THIS DRAINAGE MAP WAS PREPARED BY THE
CONSULTING ENGINEER
5110 E. HUNTERSVILLE ROAD, SUITE 200, HUNTERSVILLE, NC 28022
TEL: 704.433.8800 FAX: 704.433.1275 WWW.TIMMONSGROUP.COM



Attachment No. 4
Page 35 of 54
Date 11-21-2022



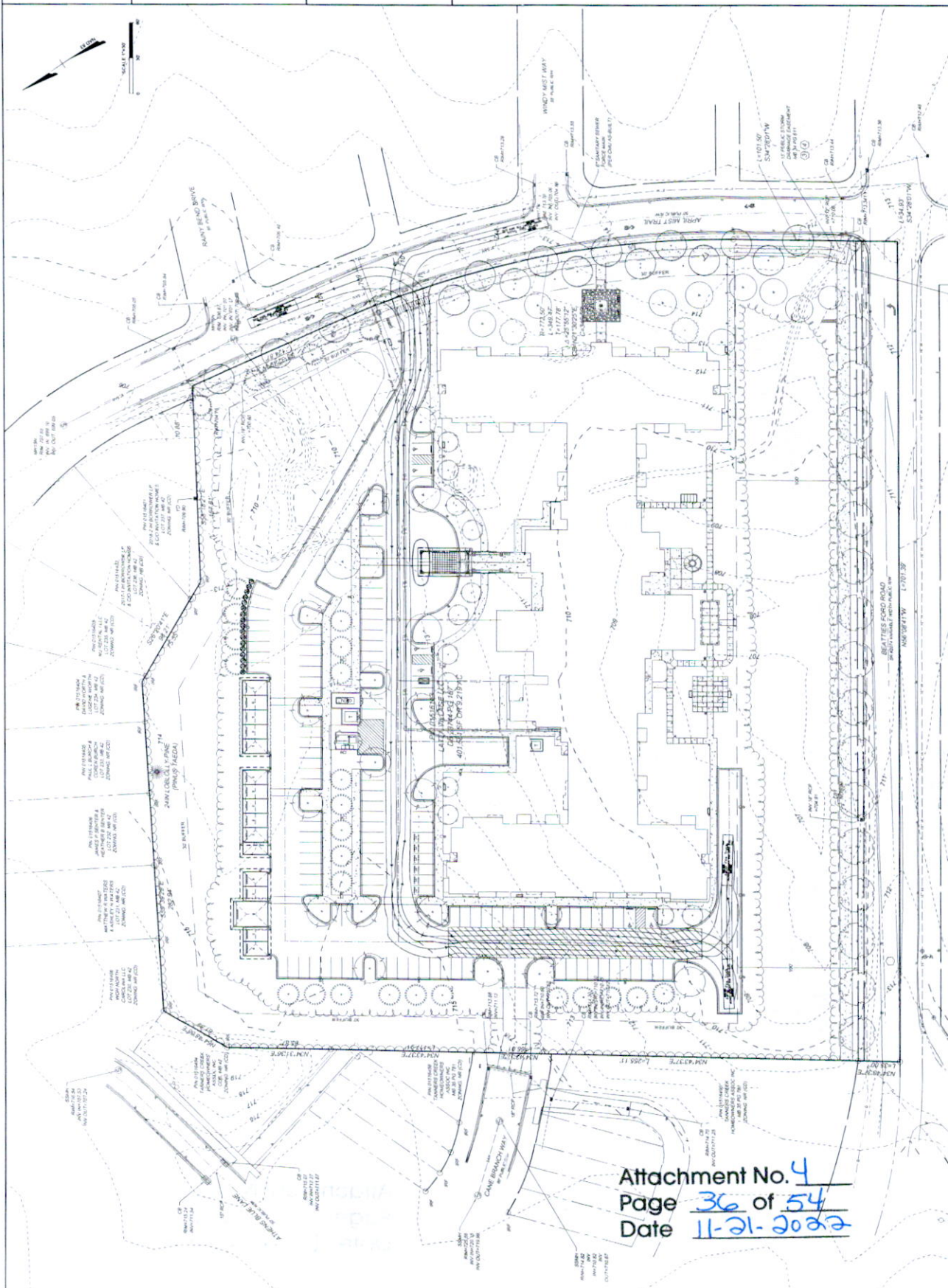
HUNTERSVILLE RETIREMENT RESIDENCE
TOWN OF HUNTERSVILLE, NORTH CAROLINA
VEHICLE MANEUVERING PLAN

52389
RZ-400

TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

DATE	06/16/2022
DESIGNED BY	R. CLARK
CHECKED BY	J. DOLAN
REVIEWED BY	
DATE	06/16/2022
REVISION DESCRIPTION	
ADDRESS: TOWN OF HUNTERSVILLE COMMENTS	
781 N. 400 EAST, HUNTERSVILLE, NC 28022	



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Date 11-21-2022



February 21, 2022

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

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

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

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

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

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

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

Sincerely,

Guillermo Anzola

Guillermo Anzola / Engineering Assistant
CHARLOTTE WATER / charlottewater.org

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Neighborhood Meeting Report

Prepared August 31st, 2022

Meeting Summary

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

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

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

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

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

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

Notifications

The meeting invitation was mailed via USPS to the following:

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

The meeting invitation was sent to the following via email:

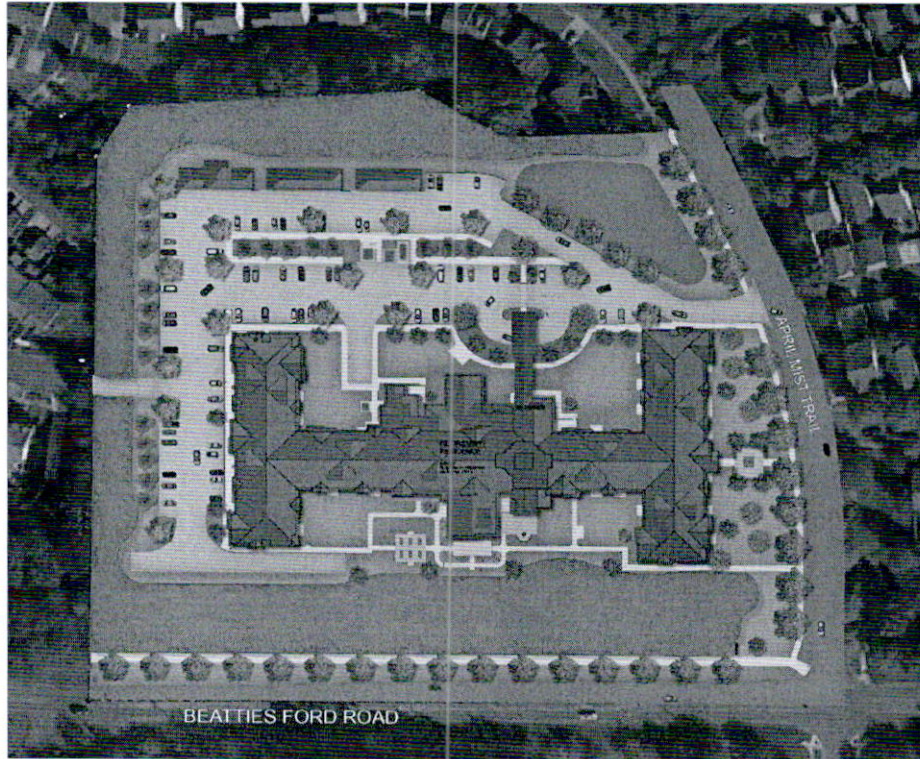
- Planning Staff – Jesse James
- Tanners Creek HOA Board
- Tanners Creek Townhome HOA Board
- Latta Springs HOA Representatives Cynthia Davis, Christina Paryani, and Rick Babb
- Town of Huntersville Planning Board Members
- Town of Huntersville Mayor and Town Board Members

Persons In Attendance

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

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

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



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

Tuesday, August 30th, 2022 at 6pm via Zoom

For the Zoom Meeting Link, please register in advance of the meeting.
Register here: bit.ly/HuntersvilleNeighborhoodMtg

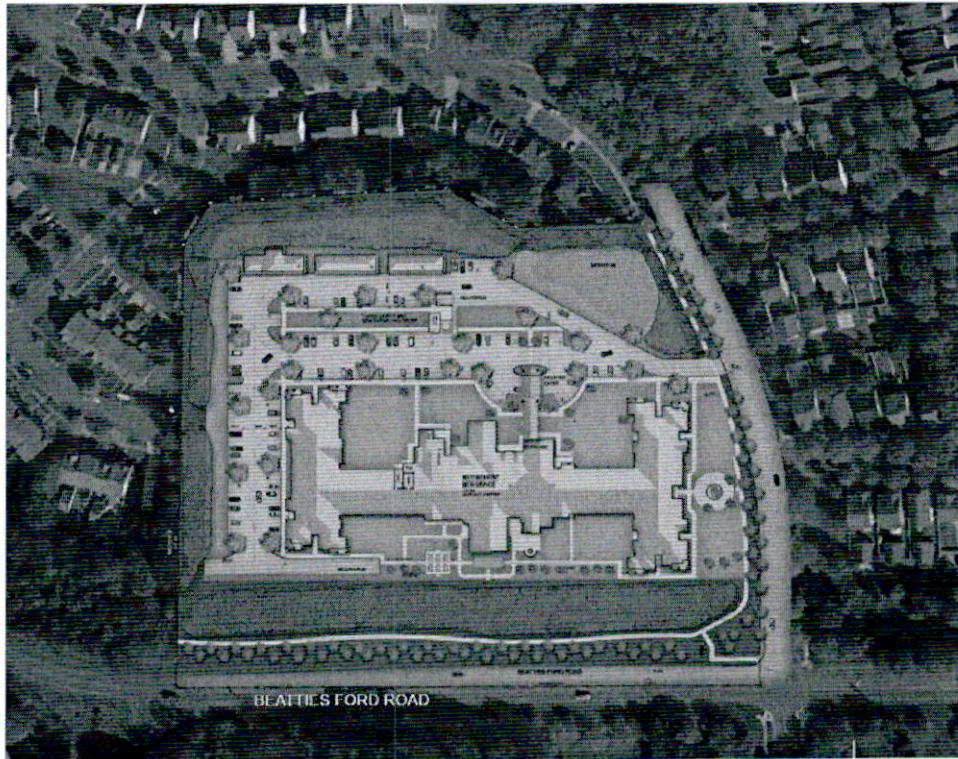
For more information or for assistance registering for the meeting, please contact:

Kristi Neznanski, Project Manager
KNeznanski@HawthornCG.com 503-400-9239

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Informational Meeting Notice for the proposed Huntersville Retirement Residence

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



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

Wednesday June 22nd, 2022 at 6pm via Zoom

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

Register here: bit.ly/HawthornHuntersville

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

Kristi Neznanski, Project Manager

KNeznanski@HawthornCG.com 503-400-9239

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Date 11-21-2022

6/22/2022 Zoom Meeting Registration Report		
First Name	Last Name	Email*
Alicia	Carr	e2000@yahoo.com
Arlene	Nazur	arlene@gmail.com
Ashley	Childers	ychilders@live.com
Bill	Bodar	rk086@yahoo.com
Bonnie	Peerbolte	rbolte@yahoo.com
Bonnie	Peerbolte	rbolte@yahoo.com
Brenda	Jensen	rendaj330@att.net
Carolyn	Johnson	care24@gmail.com
Christopher	Behm	behms@gmail.com
David	Wolff	volff10@gmail.com
David	Torres	d.torres@mac.com
Dawn	Suthard	uthard@gmail.com
Denny	Seitz	2seitz@yahoo.com
Geri	Addamo	rindow@gmail.com
Glenda	Snider	@urmedwatch.com
Gregory	Evans	hs1969@gmail.com
Gregory	Evans	hs1969@gmail.com
Howard	Washington	wash1@yahoo.com
Ian	Johnson	son40@yahoo.com
Jeff	Hicks	ks1272@gmail.com
Jessenia	Matute	ega713@gmail.com
Jessica	Phillips	is1012@gmail.com
Jessica	Barker	t.2004@gmail.com
Jim	Senter	nter71@gmail.com
Kimberly	Ackary	ommy@yahoo.com
L	Barahona	parahona@tiaa.org
Latonya	Johnson	uel55@yahoo.com
Laura	Orth	ra.orth@gmail.com
Leisa	Huntley	8342@hotmail.com
Leo	Marte	rte.leo@gmail.com
Linda	Zamora	hora4@reagan.com
Matt	Neznanski	nanski@gmail.com
P.	Iovino	bivloa@yahoo.com
Patricia	Friedman	lake@hotmail.com
Renee	Sanders	ves913@gmail.com
Robert	Llora	t.Llora@gmail.com
Spencer	Dobbins	bins07@gmail.com
Stephanie	Enz	sitz626@gmail.com
Stephanie	Wright	right1@yahoo.com
Steven	Wesner	vesner@gmail.com
Susan	Jellum	n@rocketmail.com
Tessie	McKoy	ckoy8@yahoo.com
Thomas	May	070@sbcglobal.net
Tim	Daley	13186@gmail.com
Zach	Soder	astalrecruiting.com

*email addresses are obscured to protect privacy

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8/30/2022 Zoom Meeting Registration Report		
First Name	Last Name	Email*
Jesse	James	s@huntersville.org
Lisa	Wenzel	ldwenzel@aol.com
Debra	George	orge95@gmail.com
Charlotte	Goode	ode@bellsouth.net
Robert	Llora	t.Llora@gmail.com
Laura	Orth	ra.orth@gmail.com
Jim	Senter	nter71@gmail.com
Leo	Marte	rte.leo@gmail.com
Daena	Lowell	.lowell@gmail.com
Monica	Daniels	niels25@gmail.com
Joe and Trudy	Lewis	je8325@gmail.com
P	Iovino	bivloa@yahoo.com
L	Barahona	barahona@tiaa.org
Brenda	Jensen	rendaj330@att.net
Ana		sencia@gmail.com
Ian	Johnson	son40@yahoo.com
Latonya	Johnson	uel55@yahoo.com
Laura	Hamilton	ham76@gmail.com
Amanda	Mowbray	wbray@gmail.com
Ashley	Childers	ychilders@live.com
G	Addamo	yindow@gmail.com
Carolyn	DeWolfe	wolfe5@gmail.com
David	Torres	d.torres@mac.com

*email addresses are obscured to protect privacy

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

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create one hundred (150) or more peak hour vehicle trips or 1,500 or more daily trips.

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

Applicant: Hawthorn Devco LLC Contact: Kristi Neznanski

Project Name: Huntersville Retirement Residence

Project Address: 11824 Beatties Ford Road Huntersville, NC 28078

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

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

Applicant

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

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

Signature Kristi Neznanski

Digitally signed by Kristi Neznanski
DN: c=United States, o=Hawthorn Devco LLC, ou=Hawthorn Devco, email=KNeznanski@HawthornCG.com, cn=Kristi Neznanski
Date: 2022.06.21 16:41:19 -07'00'

Title Project Manager Email KNeznanski@HawthornCG.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 6/1/22

Daily Trips Anticipated 327

Peak Hour Trips Anticipated AM 13 PM 27

TIA Required (Yes/No) No

Date of Determination: 6/2/22

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

NORTH CAROLINA
COUNTY OF MECKLENBURG

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

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

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

Plaintiffs)

v.)

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

Defendants)

and)

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

Intervenor Defendants)

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

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

BACKGROUND FACTS

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

Comment

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

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

Do we want to proceed with the adjacent property - same is GR -

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

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

THE HEARINGS

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

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

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

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

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

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

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

This _____ day of June, 2007.

John J. Simoneau, III

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

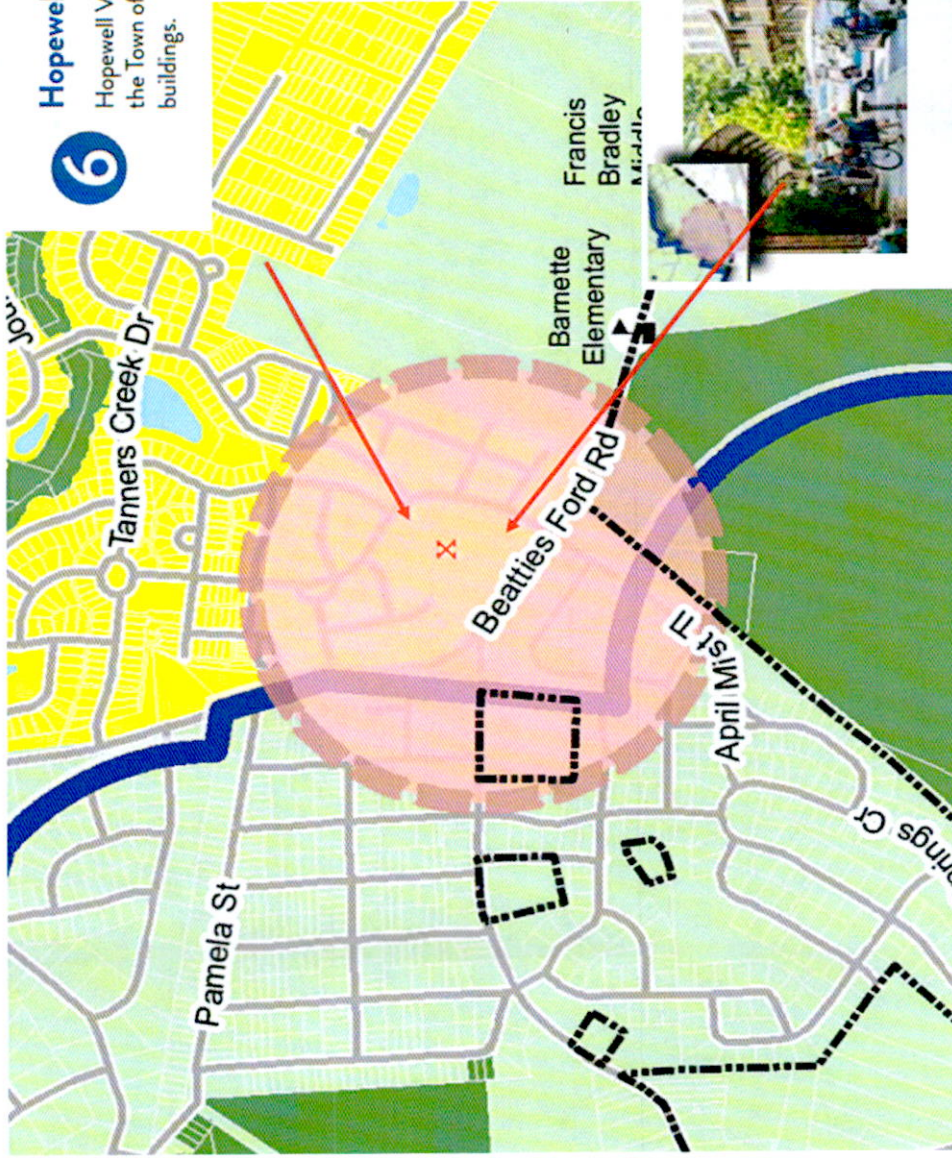
Notary Public

My Commission Expires:

[SEAL]

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2040 Huntersville Community Plan



Hopewell Village

6

Hopewell Village was originally rezoned in 1991 by Mecklenburg County and updated by the Town of Huntersville in 2002, allowing approximately 62,000 sq. ft. of commercial buildings.



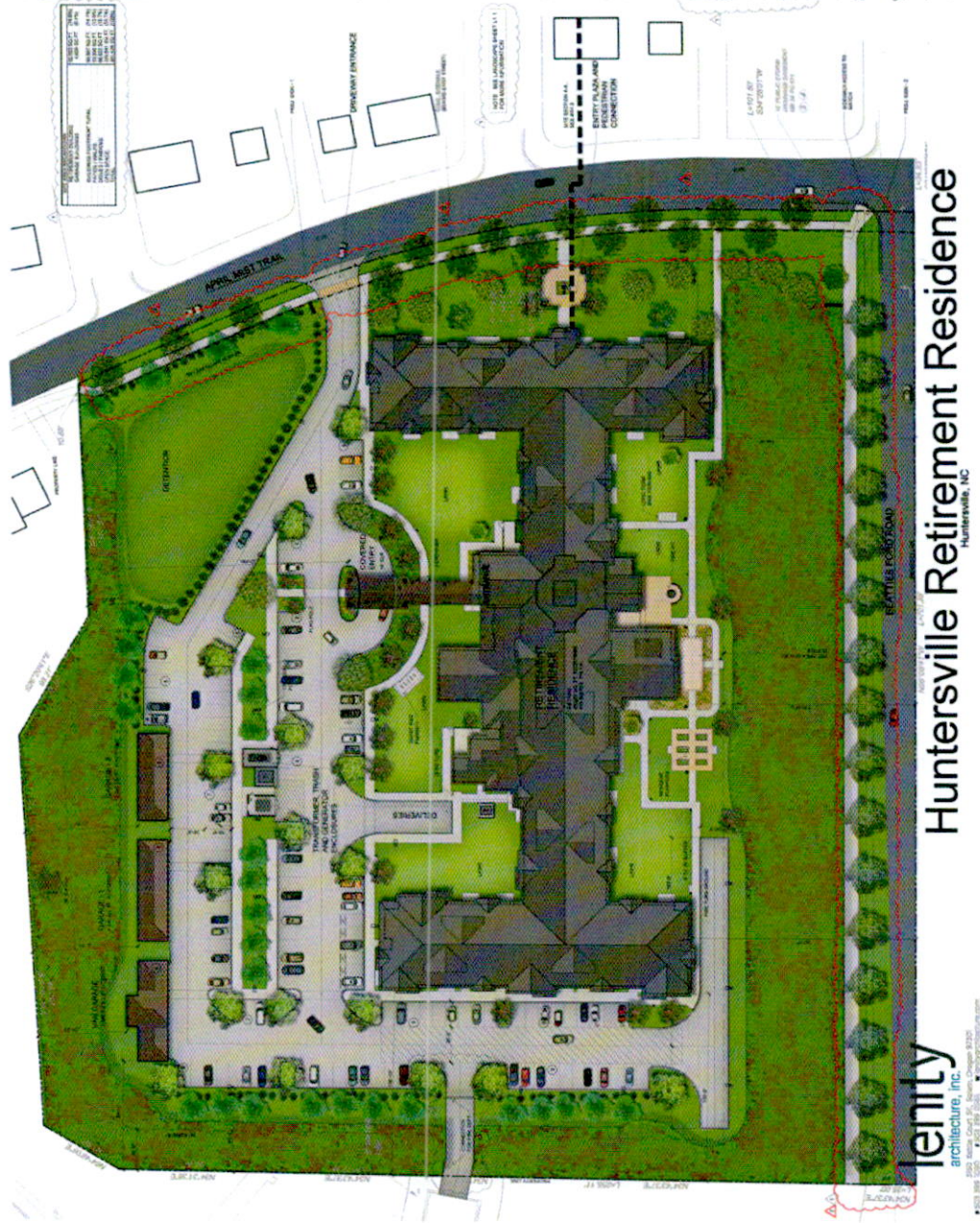
Activity Centers

Planned Activity Centers include a mix of non-residential and residential uses and are usually located at key intersections of major or minor thoroughfares. New non-residential uses are limited in scale and overall footprint (generally less than 40,000 square feet of non-residential). Residential uses include a mix of housing types centered around shopping, service, or civic uses. Residential uses transition to lower gross density with more open space away from Activity Centers.



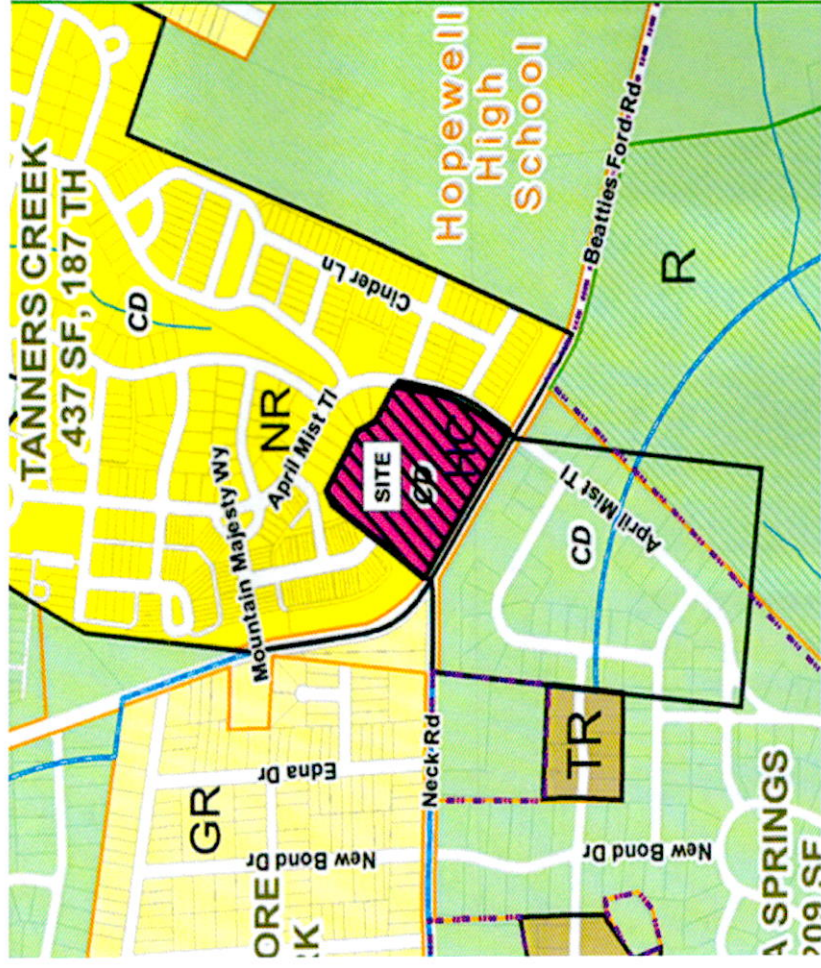
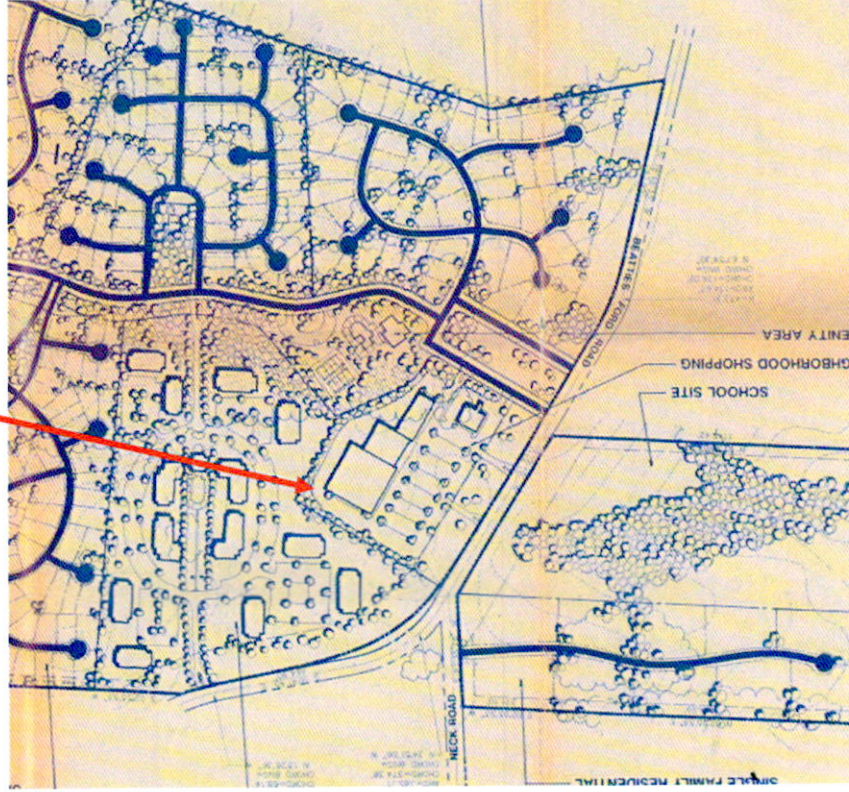
Rezoning Request *No Modifications asked*

- Congregate Housing- 148 Unit/Bed
- 3 Story Building
- 100 Foot Buffer described in Beatties Ford Road Corridor Small Area Plan proposed
- Meets 10% Canopy Tree Save (20.69%)
- Meets 10% Specimen Tree Save
- Meets architectural requirements for massing/scale/spacing
- 10-foot side path meets BFRCSAP
- Proposed Double Row Street Trees and Sidewalk-April Mist Trail
- Proposed connection for emergency access to Cane Branch Way.

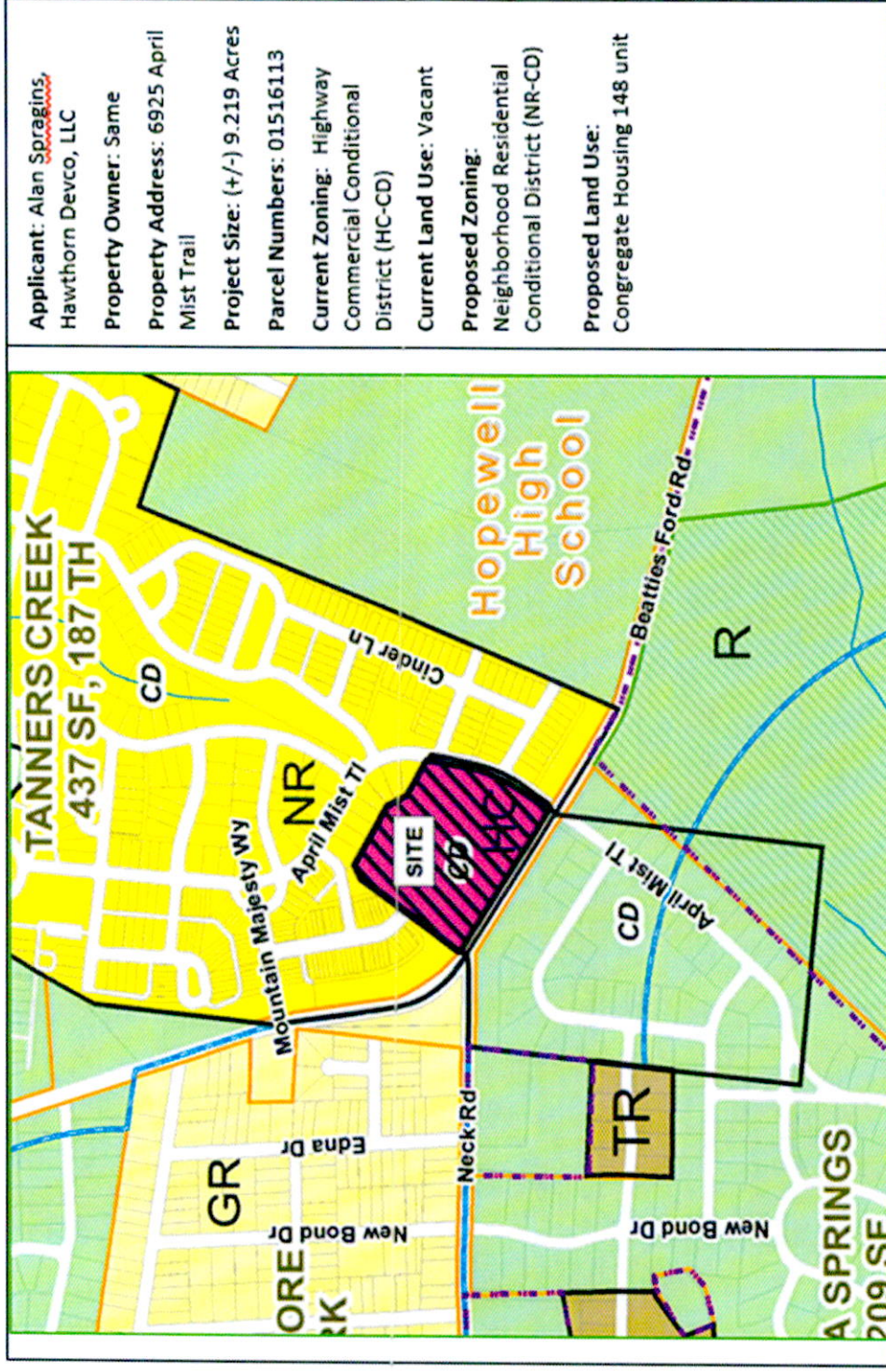


Current Zoning

- 1991- Mecklenburg County approved mixed use development Tanners Creek/Hopewell Village, with this parcel approved for a shopping center(Hopewell Village). Highway Commercial-Conditional District
- 2006 Approved Rezoning to NR was reversed in 2007 under court ruling to revert to original vested 1991 plan approval.



Rezoning Request:



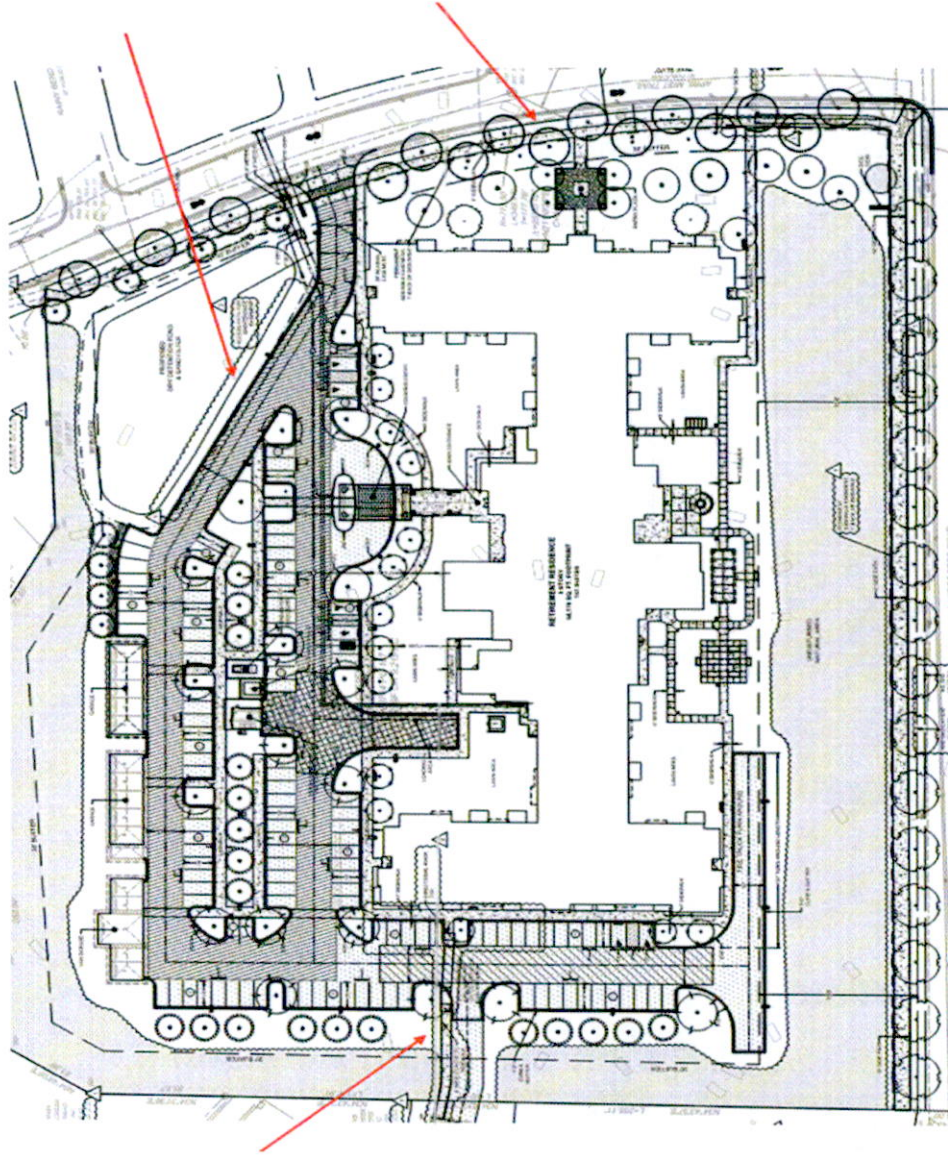
Consistency Statement

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning petition R22-03, Huntersville Retirement Residence, staff recommends approval as submitted as the proposal is consistent with the Huntersville 2040 Community Plan policies LU 2.1, 10.5, EOS-6, and PS-5.1 as well as the design recommendations within the Beatties Ford Road Corridor Small Area Plan. Although this project does not provide the mix of land uses detailed in Policy LU-6 by removing commercial uses in this Activity Center, it does diversify the housing option and further, it is consistent with the surrounding neighborhood's character by preserving the rural landscape of the Beatties Ford Road Corridor. This recommendation for approval is contingent upon the applicant successfully addressing all outstanding staff comments including but not limited to adding the double row of street trees along April Mist Trail. <u>It is reasonable and in the public interest to approve the Rezoning Plan because it is consistent with the envisioned future land use of the area by adding a diversity of housing to the neighborhood while matching the current landscape of the area.</u>	APPROVAL: In considering the proposed rezoning application R22-03, Huntersville Retirement Residence, the Planning Board recommends approval based on the Plan being consistent with the Huntersville 2040 Community Plan policies LU 2.1, 10.5, EOS-6, and PS-5.1 as well as the design recommendations within the Beatties Ford Road Corridor Small Area Plan. Although this project does not provide the mix of land uses detailed in Policy LU-6 by removing commercial uses in this Activity Center, it does diversify the housing option and further, it is consistent with the surrounding neighborhood's character by preserving the rural landscape of the Beatties Ford Road Corridor. This recommendation for approval is contingent upon the applicant successfully addressing all outstanding staff comments including but not limited to adding the double row of street trees along April Mist Trail. <u>It is reasonable and in the public interest to approve the Rezoning Plan because it is consistent with the envisioned future land use of the area by adding a diversity of housing to the neighborhood while matching the current landscape of the area.</u>	APPROVAL: In considering the proposed rezoning application R22-03, Huntersville Retirement Residence, the 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>
<u>It is reasonable and in the public interest to approve the Rezoning Plan because it is consistent with the envisioned future land use of the area by adding a diversity of housing to the neighborhood while matching the current landscape of the area.</u>		DENIAL: In considering the proposed rezoning application R22-03, Huntersville Retirement Residence, 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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R22-03: Huntersville Retirement Residence-Conditional District Rezoning

- 1) Sidewalk connection-Cane Branch Way
- 2) Double Row of Trees along April Mist Trail
- 3) Retention Pond Access



TA22-07 – Affordable Housing & Harmony Text Amendment

PART 1: DESCRIPTION

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

PART 2: BACKGROUND

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

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

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

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

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

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

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

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

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

LU-10

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

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

- Accommodate a mix of housing by type, tenure, and location to serve a growing and increasingly diverse population. Housing offerings should align with workforce opportunities, including management, professional positions, and service positions.

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

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment to comply with state legislature but is concerned about the impact of this amendment.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

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

PART 6: PUBLIC HEARING

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

PART 7: PLANNING BOARD RECOMMENDATION

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

PART 8: TOWN BOARD RECOMMENDATION

November 21, 2022.

PART 9: ATTACHMENTS

- Text Amendment Application
- Ordinance for Adoption
- Chapter 160D-703 of the NCGS
- Senate Bill 105
- August 1st and September 1st HOAB Minutes

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PART 10: STATEMENT OF CONSISTENCY – TA22-07

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA22-07, Planning Staff recommends approval based on consistency with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature. It is reasonable and in the public interest to amend the Zoning Ordinance because it is necessary to coordinate the Huntersville Zoning Ordinance to comply with State Legislature.	APPROVAL: C. Boyd made a Motion to recommend to approve petition TA22-07 based on the amendment being consistent with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with state legislature. It is reasonable and in the public interest to amend the zoning ordinance because it is necessary to coordinate the Huntersville Zoning Ordinance to comply with state legislature. J. Snyder seconded the motion.	APPROVAL: In considering the proposed amendment TA22-07, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
DENIAL: N/A	DENIAL: N/A	DENIAL: In considering the proposed amendment TA22-07, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)



Text Amendment Application

Date of Application 07/01/22

Fee

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

Type of Change

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

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

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Zoning Article(s): 334 Section(s): _____

see attached

Current Ordinance

See attached

Proposed Text

Reason for Proposed
Change

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

Attach additional pages if needed.

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

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Last Updated November 2020

Applicant

Printed Name Town of Huntersville Planning Dept

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

Signature Kayleigh Mielenz Date 07/01/22

Title Planner I Email Kmielenz@huntersville.org

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

Property Owner (if different than applicant)

* Printed Name _____

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

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

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

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

Date Received By Planning Department: 07/01/22

Staff Initials: KIM

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

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

d) General Requirements

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

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

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

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

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

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

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

d) General Requirements

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

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

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

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

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

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

d) General Requirements

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

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

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

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

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

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

d) General Requirements

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

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

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

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

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

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

d) General Requirements

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

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

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

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

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

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

d) General Requirements

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

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

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

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

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

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

d) General Requirements

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

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

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

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

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

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

d) General Requirements

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

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

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

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

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

d) General Requirements

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

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

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

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

Architectural Standards Principles

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

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

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

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

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

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

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

Architectural Standards Principles

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

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

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

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

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

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

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

Architectural Standards Principles

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

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

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

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

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

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

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

G. Front loaded garages, if provided, shall meet the standards of Section 8.16.

H. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

Section 13. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 12.2.1, General Definitions, is hereby amended as follows:

Amusement, commercial indoor. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

Area Median Income. The Area Median Income (AMI) and/or Median Area Income shall mean the AMI for Mecklenburg County, NC.

Arena. A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

Section 14. This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: August 4, 2022 & September 1, 2022

PUBLIC HEARING DATE: October 3, 2022

PLANNING BOARD MEETING: October 25, 2022

TOWN BOARD DECISION: November 21, 2022

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§ 160D-703. Zoning districts.

(a) Types of Zoning Districts. – A local government may divide its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of this Article. Within those districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Zoning districts may include, but are not be limited to, the following:

- (1) Conventional districts, in which a variety of uses are allowed as permitted uses or uses by right and that may also include uses permitted only with a special use permit.
- (2) Conditional districts, in which site plans or individualized development conditions are imposed.
- (3) Form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces, and streetscapes.
- (4) Overlay districts, in which different requirements are imposed on certain properties within one or more underlying conventional, conditional, or form-based districts.
- (5) Districts allowed by charter.

(b) Conditional Districts. – Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. The zoning regulation may provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.

(b1) Limitations. – For parcels where multifamily structures are an allowable use, a local government may not impose a harmony requirement for permit approval if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

(c) Uniformity Within Districts. – Except as authorized by the foregoing, all regulations shall be uniform for each class or kind of building throughout each district but the regulations in one district may differ from those in other districts.

(d) Standards Applicable Regardless of District. – A zoning regulation or unified development ordinance may also include development standards that apply uniformly jurisdiction-wide rather than being applicable only in particular zoning districts. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 16, 50(b), 51(a), (b), (d); 2021-180, s. 5.16(a).)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

SESSION LAW 2021-180
SENATE BILL 105

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

PART I. TITLE AND INTRODUCTION

TITLE OF ACT

SECTION 1.1. This act shall be known as the "Current Operations Appropriations Act of 2021."

INTRODUCTION

SECTION 1.2. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget in accordance with the State Budget Act. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes, and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

PART II. CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

GENERAL FUND APPROPRIATIONS

SECTION 2.1.(a) Appropriations from the General Fund for the budgets of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for each year of the 2021-2023 fiscal biennium, according to the following schedule:

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

University of North Carolina
UNC at Asheville

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SECTION 5.13.(b) The Committee shall consist of nine members of the Senate appointed by the President Pro Tempore of the Senate and nine members of the House of Representatives appointed by the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Committee from among its membership.

SECTION 5.13.(c) The purpose of the Committee is to consider various ways in which access to health care and health insurance can be improved for North Carolinians, including those individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act.

SECTION 5.13.(d) The Committee shall meet upon the call of its cochairs. A quorum of the Committee is a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1. Any expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly.

SECTION 5.13.(e) The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives and the Director of Legislative Assistants of the Senate shall assign clerical support to the Committee.

SECTION 5.13.(f) The Committee may submit proposed legislation to the members of the Senate and the House of Representatives before the sine die adjournment of the 2021 General Assembly by filing a copy of the proposed legislation with the Office of the President Pro Tempore of the Senate and the Office of the Speaker of the House of Representatives. The Committee shall terminate upon the sine die adjournment of the 2021 General Assembly.

SECTION 5.13.(g) This section is effective when it becomes law.

LIMIT HARMONY REQUIREMENTS/AFFORDABLE HOUSING

SECTION 5.16.(a) G.S. 160D-703 is amended by adding a new subsection to read:

"(b1) Limitations. – For parcels where multifamily structures are an allowable use, a local government may not impose a harmony requirement for permit approval if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income."

SECTION 5.16.(b) This section is effective when it becomes law and applies to permit applications submitted on or after that date.

PART VI. COMMUNITY COLLEGE SYSTEM

CC ECONOMIC IMPACTS/STUDY/GRANT FOR TARGETED PROGRAMS

SECTION 6.1.(a) Economic Impact Study. – Of the funds appropriated by this act for the 2021-2022 fiscal year to the Community Colleges System Office to be allocated to the Center for Applied Research (CFAR) at Central Piedmont Community College, CFAR shall partner with the System Office, the North Carolina Association of Community College Presidents, and the Belk Center for Community College Leadership and Research at North Carolina State University (Belk Center) to provide for studies of the overall regional economic impacts of community colleges in the State. Upon the matching funds being made available in accordance with subsection (c) of this section, CFAR shall use the sum of seven hundred fifty thousand dollars (\$750,000) in nonrecurring funds for the 2021-2022 fiscal year to contract with Economic Modeling Specialists International (EMSI), an affiliate of the Strata Education Network, to conduct the studies required by this section.

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Wednesday, August 4, 2022, at Town Hall 101 Huntersville-Concord Road.

Call to Order/Roll Call

Chairman Jones called the meeting to order at 3:30 pm.

Voting Members Present: M. Jones, T. Taylor, F. Gammon, A. Hallman, K. Jones, J. Kluttz, B. Skelly, H. Whittaker, and T. Finlay (3:33 p.m.)

Voting Members Absent: None

Non-Voting Members Present: Commissioner Munger, J. Simoneau, T. Barron,

Non-Voting Members Absent: E. Sloop and J. Glass

Approval of Minutes

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

Motion: A. Hallman made a Motion to Approve the June 2, 2022, minutes. K. Jones seconded the motion.

Vote: The motion passed unanimously (9-0).

Public Comments

No comments.

Action Agenda

Item 3A: 1. Consider a recommendation on TA 22-06, a request by the Irvin Law Group to increase the building height limits for Hotels and Commercial Uses within pedestrian-oriented developments.

N. Farber, Planner II stated that this text amendment request is in connection with rezoning R22-01 for Birkdale Village. He presented the proposed site plan offices, hotel and parking features. The goal is to allow a maximum allowed building height for commercial and hotel use within Highway Commercial Pedestrian Oriented Development to not exceed 145 feet with a Special Use Permit. Additionally, the parking lot height would correlate to the building height.

Staff does not have a recommendation on this since the architectural features of the parking deck have not yet been fully submitted though the applicant is working with Staff on this.

H. Whittaker asked what the current permitted building height is and what the tallest building is in Town. Staff responded 48 feet is the current maximum permitted building height in this zoning and that the transit-oriented zoning at Bryton allows for buildings to be a maximum of 180 feet, they simply have not built anything that tall to date.

F. Gammon commented he does not have a problem with the proposed height, and he is sure Birkdale has to keep reimagining itself to keep drawing consumers and he looks forward to this coming back with the text amendment wording worked out.

Item 3B: 2. Consider a recommendation for TA22-09, a request by Ultimate Athlete, LLC to change the definition of Indoor Recreation Use to allow for accessory outdoor use.

At the start of the meeting, Chairman Jones informed the Board that the applicant has requested that this item be continued to the September 2022 meeting.

Motion: M. Jones made a Substitute Motion to Continue the item to the September 1, 2022 regular meeting. A. Hallman seconded the motion.

Vote: The motion passed unanimously (8-0) prior to the arrival of T. Finlay.

Item 3C: Consider a recommendation for TA22-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to comply with Senate Bill 105 regarding the restriction of harmony requirements if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

Kayleigh Mielenz, Planner I reviewed the current harmony standards the Town Zoning Ordinance has which includes massing and architectural standards. Examples were presented of how the harmony standards are utilized to affect development placement. Staff reviewed the proposed language to be in compliance with Senate Bill 105.

Chairman Jones asked how the courts define harmony. Staff responded that the compatibility language is harmony as they understand the state statute. Because that is akin to the statute, we would need to modify what we are doing if there are two or more of the units are affordable per that statute. Chairman Jones stated that in the absence of a legal definition there should be recent case law for consideration to know how this is interpreted to understand how to amend the zoning ordinance accurately and legally. Staff confirmed they would follow up with the legal department regarding their interpretation of the case law.

F. Gammon stated that this is state statute, and we are legally bound to it so its simply a matter of making sure we are interpreting it correctly. He then asked staff to identify how they foresee this would impact development. Staff stated that in multi-family developments the massing and architectural requirements could not be required if two or more affordable housing units are offered. He then pointed out some areas of proposed text amendment that seem to read incorrectly and recommended staff review this prior to bringing it back to the Board. Staff confirmed they would review the wording.

Item 3D: Consider a recommendation for TA22-10, a request by the Huntersville Planning Department to amend Article 8.2 of the Zoning Ordinance and Section 6.800 of the Subdivision Ordinance to exclude single-family detached homes from multi-building sites on one lot, with an exception for age restricted developments.

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Wednesday, September 1, 2022, at Town Hall 101 Huntersville-Concord Road.

Call to Order/Roll Call

Chairman Jones called the meeting to order at 3:30 pm.

Voting Members Present: M. Jones, T. Taylor, F. Gammon, A. Hallman, K. Jones, J. Kluttz, B. Skelly, H. Whittaker.

Voting Members Absent: T. Finlay

Non-Voting Members Present: Commissioner Kovacs, J. Simoneau, T. Barron, E. Sloop (by conference call) and J. Glass

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the August 4, 2022, Regular Meeting Minutes

Motion: K. Jones made a Motion to Approve the August 4, 2022, minutes. B. Skelly seconded the motion.

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

Public Comments

No comments.

Action Agenda

Item 4A. Consider a recommendation on TA 22-06, a request by the Irvin Law Group to increase the building height limits for Hotels and Commercial Uses within pedestrian-oriented developments.

N. Farber, Planner II highlighted the 1996 building heights that were allowed to keep a small-town feel. As the town's population increased the ordinance also evolved. In 2008 a text amendment was passed to allow a maximum of 13 stories or 182' in the Transit Oriented Development- R in conjunction with the approval of the Bryton development. In 2018 a text amendment allowing hotels in Highway Commercial a maximum of 6 stories with a special use permit was passed. The proposed TA22-06 would allow hotels and commercial use in urban workplace buildings a maximum of 145' and the associated parking deck a maximum of 70' subject to a highway commercial zoning, in a pedestrian-oriented development with a special use permit.

Staff reviewed the criteria for a pedestrian oriented development which includes, it must be in Highway Commercial zoning, and have one parking space per dwelling unit in a wrapped parking deck with attached homes, apartment buildings, and mixed-use buildings. Additionally,

20% of the habitable first floor space must be commercial uses. Currently Birkdale Village is the only project zoned Highway Commercial – Pedestrian Oriented within Huntersville.

Staff displayed the distance of the proposed structures to the closest residential lot lines.

Representing the applicant, Robert Irvin, 19726 Zion Avenue shared the visuals of what the view would be from seven residential locations of the proposed structures.

H. Whittaker asked if the representation being shown is what will actually be built. The applicant, Nick Lombardo, 8712 Windholme Drive responded that there will be some concrete and metal panels that will break up the glass.

F. Gammon asked staff to clarify if the residential units within the rezoning area are considered in the setback criteria. Staff responded that they do not count because they are internal to the development. The setbacks are considered to neighboring projects.

A. Hallman asked if the applicant has considered or will be implementing bird glass. Staff responded that the only architectural requirements addressed are related to the parking deck.

H. Whittaker asked why a height limit is even required. Staff responded that the Ordinances are meant to work well in conjunction with existing development. The text amendment is proposed by the applicant and addresses the needs of the applicant, staff is in support of what is requested and would not be in support of removing a height limitation.

Motion: H. Whittaker made a Motion to Recommend Approval of TA22-06 as presented by staff. B. Skelly seconded the motion.

Vote: The motion passed (7-1) with K. Jones opposed.

Item 4B: Consider a recommendation for TA22-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to comply with Senate Bill 105 regarding the restriction of harmony requirements if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

Kayleigh Mielenz, Planner I reviewed the current Senate Bill 105 harmony standards for multifamily structures and 2 or more affordable housing units are offered. The Town attorneys consulted with the UNC School of Government on the interpretation of terms units, harmony and the development. When the statutes and Land Development case law do not define the terms, the plain language meaning of the term would be used.

The Town currently has harmony standards for new development for massing and architecture. Staff then presented current Mecklenburg County median income chart.

M. Jones asked for confirmation that the state statutes and current case law do not define the term harmony. E. Sloop responded that the research they conducted did not reflect any current interpretation.

F. Gammon asked how the new statute and ordinance would impact our zoning decisions. Staff responded that a major subdivision that has multifamily units with 2 or more affordable units, then the entire subdivision does not have to adhere to harmony requirements so the form and appearance of those subdivisions will change. Multi-family could be apartments or townhomes.

M. Jones commented that it is written it is subject to multiple interpretations. A major subdivision with a multifamily aspect in it could have any 2 units, including single family homes, be the affordable units and then the entire subdivision would not be subject to the harmony standards.

F. Gammon asked if Staff is recommending using Mecklenburg Counties median income versus Huntersville's median income. E. Sloop responded that Huntersville is not in a census tract so that specific data subset is not available to the best of our knowledge.

F. Gammon asked if its possible to have Huntersville median income determined, and what will neighboring communities use to determine median income. E. Sloop responded that area median income is determined by region and it is distinct from average household income so area communities that do not have a data subset will also be using Mecklenburg County data to determine median income. E. Sloop stated that she will confirm if it is a population threshold that triggers being able to have a data subset specifically for Huntersville.

A. Hallman asked who monitors this down the road that the proposed affordable housing stays affordable. Staff responded that it will be noted on the plat and permit and will ultimately be a code enforcement issue if it is not upheld. Staff continued that this will no doubt be an issue for every part of the state in 5-10 years. Staff remains in contact with Planners all across the state and it is likely that there will be discussion and eventually a resolution to how to deal with this as it begins to be utilized.

F. Gammon commented that he does not think anyone on the Board is opposed to affordable housing, these are simply concerns about potential outcomes and how developers could seek to benefit from this. Staff stated that we are very concerned as well about the potential effects of this as well given the lack of guidelines. The reality is that it is state statute and we are subject to it.

H. Whittaker asked why the rush if we are the first to adopt the standards and if there is a League of Municipalities that can try to figure this out for us. E. Sloop stated that she thinks it is better to be proactive and have some language in the Ordinance versus no parameters so that when a developer comes in there is a starting place within our Ordinance.

Motion: F. Gammon made a Motion to Recommend Approval of TA22-07 as presented by staff so the item can be considered by the Planning Board and Town Board for final decision. J. Kluttz seconded the motion.

F. Gammon requested that E. Sloop investigate if the median income for Huntersville can be used or not for consideration by the Planning Board and Town Board.

A. Hallman stated that she agrees with the motion because it is time for the decision makers to give their input and make the decision, this Board has done what they can.

H. Whittaker asked for clarification if there is a mechanism to move an item forward for discussion by Planning and Town Boards with a neutral or negative comment. M. Jones responded that the meeting minutes are provided to those Boards for their review.

Vote: The motion passed (7-1) with H. Whittaker opposed.

Item 4C: Consider a recommendation for TA22-10, a request by the Huntersville Planning Department to amend Article 8.2 of the Zoning Ordinance to exclude single-family detached homes from multi-building sites on one lot, with an exception for age restricted developments.

Nathan Farber, Planner II reviewed the proposed amendment to Article 8.2 that would not affect retirement communities or congregate care facilities. Staff shared the example of the recently approved "The Hamlet" community. He then shared that staff researched local municipalities and found that the same requirements are in place with Davidson being the only community that will allow it but with additional requirements.

F. Gammon asked what Davidson's process is. Staff responded that it is an additional step similar to our Conditional Rezoning process.

M. Jones asked if Davidson's process applies to for rent only communities. Staff responded that it applies to subdivisions for sale or for rent.

A. Hallman asked how this amendment would change requirements beyond parking in the example show of The Hamlet. Staff responded that for lots less than 50' wide are required to have alley access parking at the rear of the property. That would have removed the parking lots, pushed the project further in from the setbacks to include alley access, possibly reduced the on-street parking or at least the demand on the on-street parking by the residents.

F. Gammon commented that the concern expressed is if the owner of the development goes bankrupt, however, apartments go bankrupt and are one lot. Staff responded that this amendment addresses multiple issues, consistency with neighboring development, consistency with the definition of single-family homes in the Ordinance, as well as some future options should the owner of the development wish to sell any of it off that becomes an option.

TA22-07 Senate Bill 105

SESSION LAW 2021-180 SENATE BILL 105

LIMIT HARMONY REQUIREMENTS/AFFORDABLE HOUSING

SECTION 5.16.(a) G.S. 160D-703 is amended by adding a new subsection to read:

"(b1) Limitations. – For parcels where multifamily structures are an allowable use, a local government may not impose a harmony requirement for permit approval if the development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income."

SECTION 5.16.(b) This section is effective when it becomes law and applies to permit applications submitted on or after that date.

Hello, it's great to see you all, I will be presenting TA22-07 and would like to enter my staff report into the record.

The purpose of this text amendment is to amend the Town Zoning Ordinance to comply with Senate Bill 105 to limit harmony requirements for development on parcels where multi-family structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

*Units was interpreted to mean more than one. Harmony was interpreted to mean, in agreement or accord. The development was interpreted to mean the entire development.

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

d) General Requirements

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

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

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

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

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

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

The Town Zoning Ordinance has compatibility or what is commonly referred to as harmony standards for new development regarding massing and architectural features. Ordinance Articles must be amended if the article imposes harmony requirements and allows multi-family as a permitted use or references building types used for multi-family.

Here is an example of harmony requirements in the General Requirements for the NR Zoning District and you can see where the amendment language would be added.

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

Architectural Standards Principles

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

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

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

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

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

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

G. Front loaded garages, if provided, shall meet the standards of Section 8.16.

H. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

Here is an example of harmony requirements in the Architectural Standards for the Apartment Building Type and you can see where the amendment language would be added.

If a development containing multi-family dwellings elected to include 2 affordable housing units below 80% AMI, it would not be subject to harmony requirements, and this would be noted on the approved development plans. The Town would not be responsible for managing the affordable housing units but if it was found that a development was not in compliance, the Town could take code enforcement measures.

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- Planning staff recommends approval of the text amendment. - The Huntersville Ordinances Advisory Board recommended approval (7-1) of the text amendment on September 1, 2022. - Public Hearing held October 3, 2022, with no public comment - The Planning Board recommended approval of the text amendment (6-1) at the October 25, 2022 meeting. - Town Board decision: 11/21/22	PART 10: STATEMENT OF CONSISTENCY – TA22-07		
	Planning Department	Planning Board	Board of Commissioners
	APPROVAL: In considering the proposed amendment TA22-07, Planning Staff recommends approval based on consistency with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature. It is reasonable and in the public interest to amend the Zoning Ordinance because it is necessary to coordinate the Huntersville Zoning Ordinance to comply with State Legislature.	APPROVAL: C. Boyd made a Motion to recommend to approve petition TA22-07 based on the amendment being consistent with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with state legislature. It is reasonable and in the public interest to amend the zoning ordinance because it is necessary to coordinate the Huntersville Zoning Ordinance to comply with state legislature. J. Snyder seconded the motion.	APPROVAL: In considering the proposed amendment TA22-07, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because... <i>(Explain)</i>
	DENIAL: N/A	DENIAL: N/A	DENIAL: In considering the proposed amendment TA22-07, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u> . It is not reasonable and in the public interest to amend the Zoning Ordinance because.... <i>(Explain)</i>

Please note, staff is concerned about the impact this amendment will have in the future but recommends approval of the text amendment as written to comply with State Legislature.

The Huntersville Ordinances Advisory Board recommended approval on September 1, 2022.

The public hearing was held October 3 with no public comment.

The Planning Board recommended approval at the October 25, 2022 meeting.

The Town Board decision is tonight.

Please let me know if you have any questions. Thank you.

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TA22-07 Senate Bill 105

Town Zoning Ordinance has compatibility (harmony) standards for new development:

- Massing Standards: Spacing, Volume, Scale, and Street Frontage
- Architectural Standards: External Materials

80% Area Median Income

Section 13. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that section 12.2.1, General Definitions, is hereby amended as follows:

Area Median Income. The Area Median Income (AMI) and/or Median Area Income shall mean the AMI for Mecklenburg County, NC.

FY 2022 Income Limit Area	Median Family Income	FY 2022 Income Limit Category	Persons In Family							
			1	2	3	4	5	6	7	8
Charlotte- Concord- Gastonia, NC- SC HUD Metro FMR Area	\$96,300	Very Low (50%) Income Limits (\$)	33,000	37,700	42,400	47,100	50,900	54,650	58,450	62,200
		Extremely Low Income Limits (\$)*	19,800	22,600	25,450	28,250	32,470	37,190	41,910	46,630
		Low (80%) Income Limits (\$)	52,750	60,300	67,850	75,350	81,400	87,450	93,450	99,500

(<https://www.huduser.gov/portal/datasets/il/IL2022/2022summary.pdf>)

Back Up

Here is a chart of the area median income for Mecklenburg County. The AMI is set by US Housing and Urban Development and is for the Charlotte-Concord-Gastonia NC-SC HUD Metro Area. Here you can see 80% of the area median income for families of different sizes.

*Senate Bill 105 was signed 11/18/21

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TA22-07 Senate Bill 105

Zoning Ordinance Articles being Amended:

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

Back Up

12 articles being amended

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Massing. The shape and form a building or assemblage of buildings assumes through architectural design. There are eleven elements which affect the creation of public space and the relationship between one building and another. A specific project should consider, but may not need to incorporate, all eleven elements.

Building scale: building height and configuration.



Location and treatment of entryway: important visual commonalities between structures.



Building silhouette: pitch and scale of a roof lines.



Exterior materials used: similar materials and treatment add to compatibility of building(s).



Spacing between building façades: setbacks or notches between primary façades which frames a structure.



Proportion of windows, bays, and doorways: vertical or horizontal elements tied together in bands across façade lengths.



Setback from property line: building setback and/or primary façade setback from property line.



Proportion of primary façade: size of façades in area and height to width ratios.



Shadow patterns that form decorative features: the light and dark surfaces from materials used and projections from window bays and setbacks.



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MEMPHIS
PLANNING
DEPARTMENT

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3.2.4 Neighborhood Residential District (NR)

Intent: The Neighborhood Residential District provides for residential infill development around the Town Core, Activity Centers and Mixed-Use Centers and their logical extensions identified in adopted long-range plans. Streets in the Neighborhood Residential District must be interconnected, according to Article 5, Streets, and Urban Open Space provided according to Article 7. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed-use and commercial buildings at a residential scale, according to locational criteria. The intensity to which permitted uses may be built is regulated by the building type which corresponds to the use.

a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to four roomers
- congregate housing designed within the "civic" building type
- family care homes
- multi-family homes
- single-family homes

d) General Requirements

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

- 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 definition of massing in [Article 12](#) illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
- A single-family detached house established on a lot of one acre or more that is created according to the provisions of [Article 8.1](#), paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of [Article 4: Lot Types/Detached House](#) for placement of a building on its lot.
- Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

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Our code has allowed multi-family by right in most zoning districts since 96 and says along existing streets, if you EXCEED the scale or mass of those around you, you can demonstrate compatibility by varying massing of buildings.

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Apartment Building

Architectural Standards Principles

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

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

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

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

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

F. Front loaded garages, if provided, shall meet the standards of Section 8.16.

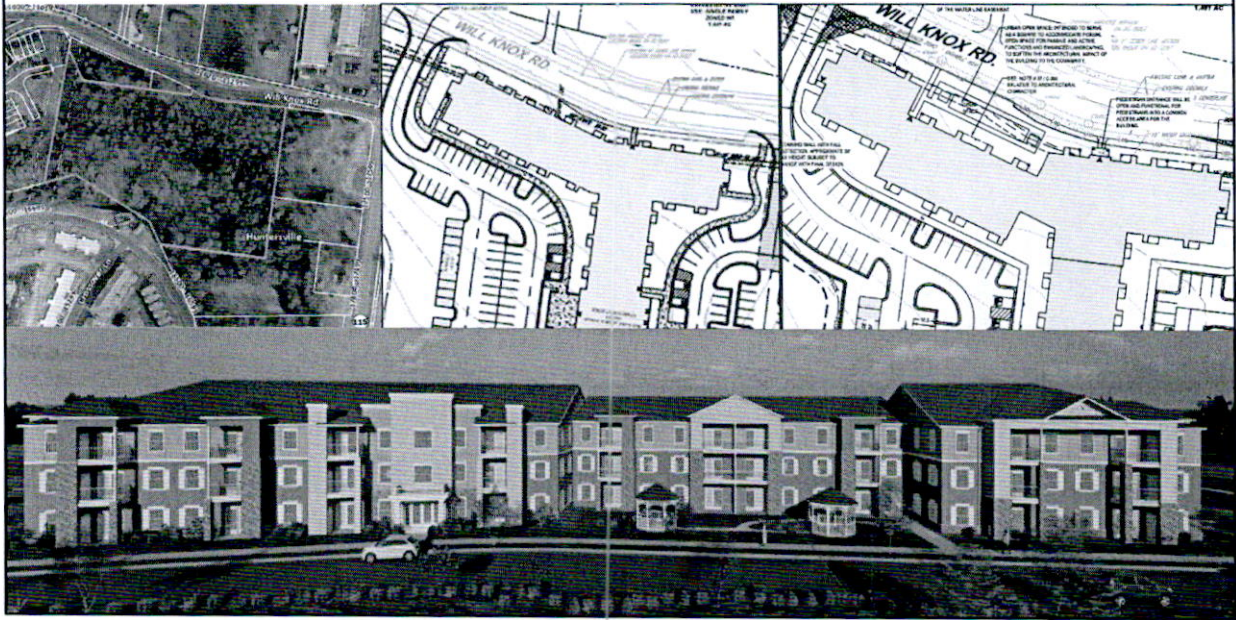
G. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

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Examples of Harmony requirements under Apartment Building Type Architectural Standards

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Caldwell Senior Living

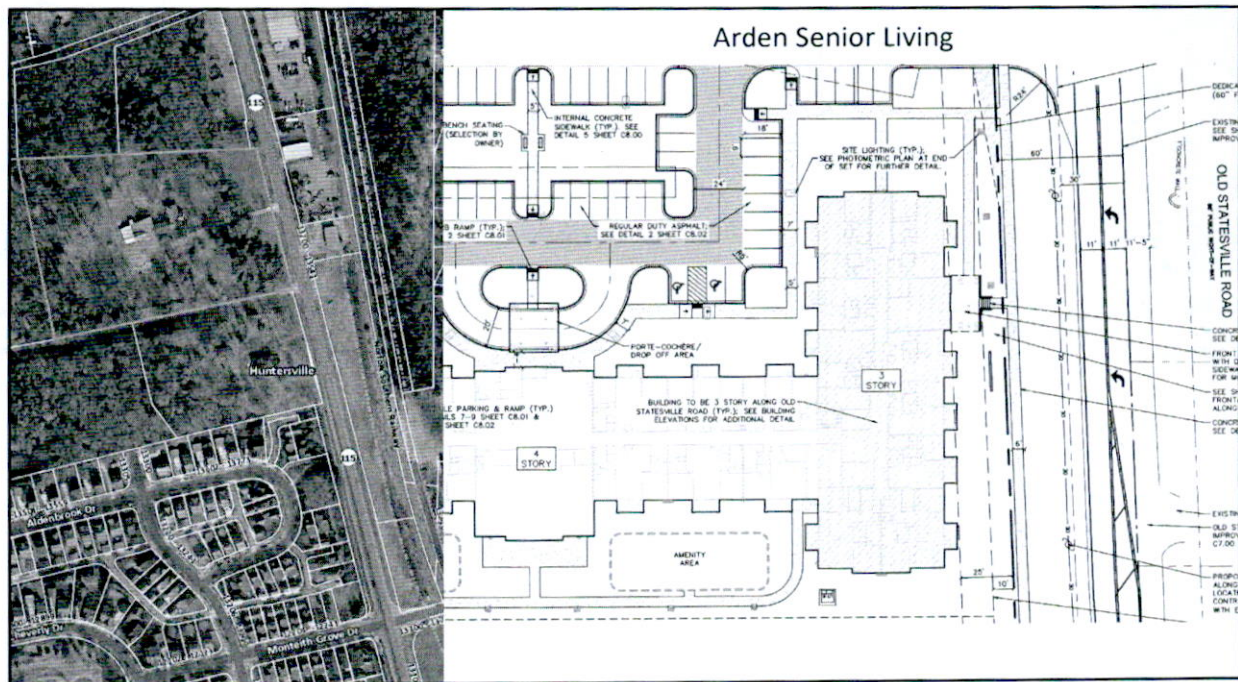


Back Up

*The examples I am about to show do not contain affordable housing units. They are example of developments where harmony requirements were used to achieve better design.

Example of where harmony standards were used to change setback (massing)

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Example of where harmony standards were used to change massing

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Huntersville Board of Commissioners

2023 Town Board Regular Meeting Schedule

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

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

When meetings are held virtually, the following procedures apply:

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

January 3, 2023	Tuesday, due to New Year's Day Observed
January 17, 2023	Tuesday, due to Martin Luther King, Jr Day
February 6, 2023	
February 20, 2023	
March 6, 2023	
March 20, 2023	
April 3, 2023	
April 17, 2023	
May 1, 2023	
May 15, 2023	
June 5, 2023	
June 20, 2023	Tuesday, due to Juneteenth National Independence Day
July 3, 2023	Cancelled, due to Independence Day
July 17, 2023	
August 7, 2023	
August 21, 2023	

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Adopted:

September 5, 2023	Tuesday, due to Labor Day
September 18, 2023	
October 2, 2023	
October 16 2023	
November 6, 2023	
November 20, 2023	
December 4, 2023	
December 18, 2023	

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Date 11-21-2022

Adopted: