



AGENDA

Regular Town Board Meeting

February 6, 2023 - 6:00 PM

TOWN HALL (101 Huntersville-Concord Road)

Live Stream available via YouTube @townofhuntersvillenc28078

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

1. Pre-meeting - 5:00 p.m.

1.A. Closed Session pursuant to N.C.G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential. (*David Lucore, ElectriCities Manager*)

2. Call to Order

3. Invocation/ Moment of Silence

4. Pledge of Allegiance

5. Staff Questions

6. Public Comments, Requests, or Presentations

6.A. Lake Norman Chamber of Commerce Update. (*Jim Combs/David Keith*)

6.B. Human Resources Presentation from Town Board Retreat. (*Lara Cagle*)

7. Agenda Changes/Adoption of Agenda

8. Consent Agenda

8.A. Approve the minutes of the October 17, 2022 Regular Town Board Meeting. (*Janet Pierson*)

- 8.B. Approve the minutes of the January 17, 2023 Regular Town Board Meeting. (*Janet Pierson*)
- 8.C. Approve budget amendment appropriating \$915,000 from Fund Balance in the General Fund to Public Works Facility Expansion for the purchase of land at 11835 Ramah Church Road. (*Pattie McGinnis*)
- 8.D. Call a public hearing for February 20, 2023 on Petition #TA22-16, a request by the Huntersville Planning Department to amend Zoning Ordinance Articles 3.2 General Districts and 9 Conditions for Certain Uses to establish buffer standards for a multi-family home use in one building, on one lot. (*Jack Simoneau*)

9. Public Hearings

- 9.A. Conduct public hearing on Petition #R22-05, Oak Grove Hill Expansion, a request by Carver Bowman, LLC to rezone +/- 45.18-acres generally located north of Mt. Holly-Huntersville Road, east of Beatties-Ford Road and south of Pembroke Road from existing Neighborhood Residential - Conditional District (existing Oak Grove Hill CD-Rezoning) and Rural to Neighborhood Residential - Conditional District (REVISED Oak Grove Hill CD-Rezoning) for a 156-lot subdivision; (Parcel #s 01526443, 01526504, 0152606, 01526460, 015254432, 01526456, 01526432, 01526450, 01526455, 01526428, 01526429 & 015264431). **The Applicant has requested the public hearing be continued to Monday, February 20, 2023 for this action (see attached letter).** (*David Peete*)
- 9.B. Conduct public hearing on Petition #TA22-17, a request by the Huntersville Planning Department to amend Section 7.5.3 of the Huntersville Zoning Ordinance increasing the buffer for major residential subdivisions from 20' to 40' when the proposed subdivision is two times greater than the existing residential subdivision. (*Jack Simoneau*)

10. Other Business

- 10.A. Consider a determination on Petition #R22-01, a request by DDRTC Birkdale Village, LLC to rezone +/- 8.82 acres located at the intersection of Townley Drive and Lindholm Drive (Parcels 00537157 and 00537197) from Highway Commercial Conditional District to Highway Commercial Conditional District for 150,000 sq. ft. office and 25,000 sq. ft. commercial. (*Brian Richards*)
- 10.B. Consider adopting a Resolution to create a Mayoral Task Force on Affordable Housing. (*Melinda Bales*)
- 10.C. Consider adopting Resolution to acquire property for Gibson Park Drive Phase 2 project. (*Stephen Trott*)

11. Mayor and Commissioner Reports/Closing Comments

12. Adjourn

Special Accommodations: Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact the Town Clerk. The Clerk can be reached by phone or fax: 704-875-6541, email: clerk@huntersville.org or at 101 Huntersville-Concord Rd, Huntersville, NC 28078. We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

The Board reserves the right to deviate from the agenda.

**Town of Huntersville
Town Board
February 6, 2023**

To: Town Board

From: Janet Pierson, Town Clerk

Date: February 6, 2023

Subject: Approval of Minutes - October 17, 2022

EXPLAIN REQUEST:

Consider approving the minutes of the October 17, 2022 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**October 17, 2022
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on October 17, 2022.

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

Commissioner Munger requested an update on NCDEQ's request for a 30-day public comment period concerning Colonial Pipeline.

Bobby Williams, Assistant Town Manager, explained that the 30-day public comment period is part of the process for Colonial Pipeline's request for a permit for a wastewater treatment plant.

Commissioner Kovacs requested an update on the new town hall.

Mr. Williams reported that the schematic design phase has resumed. The Phase One environmental is underway. A public input session is being planned.

Commissioner Kovacs requested update on the NorthState Town Center project.

Anthony Roberts, Town Manager, said the Board had asked for a legal opinion from the Town Attorney. I think October 10 she gave that legal opinion. The Board asked for a second opinion, so we reached out

to the UNC School of Government and the first person we talked to was Kristina Wilson. She specifically specializes in board procedures and on that call was myself, Commissioner Kovacs, Commissioner Phillips and Commissioner Kidwell, to seek a second opinion on some board procedural matters. We sent an email out earlier in the week to Adam Lovelady, David Owens, and Jim Joyce to seek a second opinion on the vesting questions related to that project. We actually got off a call within the last two or three hours. We spoke to Adam Lovelady on the vesting issue. He's still doing some research because we sent him all the documents, so he still has to come back with some information to hopefully give us some direction, and we may be coming back to the Board hopefully by next week to look at some possible options that are available. Myself, Commissioner Boone, Commissioner Kovacs, and the Mayor have a meeting set up tomorrow with NorthState developers to talk about the residential versus non-residential square footage and see if there can be some movement in that.

Commissioner Kovacs said my question is for Ms. Sloop. After getting that second opinion, one of my questions was in your legal opinion do you believe that staff had the legal authority to administratively approve less square footage of retail than the motion stated.

Emily Sloop, Town Attorney, said as previously discussed, the motion referred back specifically to the plans that were in the agenda package. None of those plans included a specific reference to commercial space, rather they referenced non-residential space and were clearly marked with a note that said that that space may include commercial space. So yes, I do believe that staff was in their authority to approve it.

Commissioner Kovacs said indication of 12,000 was referred to after the indication of the plan, so there was an actual.....

Ms. Sloop said it basically said, and I have a copy of it here, it said "With those provisions it is reasonable and in the public interest to rezone 9.947 acres as described in Attachment B of the Staff Report from TC, NR and General Residential to Town Center mixed-use conditional district rezoning as provided in our packet and dated January 5, 2021, to permit 12,000 sq. ft. of commercial space." Then it goes on to list several things that could not be included in that space. If you read the plan dated January 5, 2021, it very specifically depicts 12,000 of non-residential and has a note that says that non-residential may include commercial space.

Commissioner Kovacs said where we're at with the second opinion that we got, and we are still waiting on a second opinion, is there anything that we as the Board can do right now to kind of figure this out without time continuing to move.

Ms. Sloop said as previously discussed in an email that I sent to the Board, there are several site-specific vesting plans that have been approved under our ordinance and that gives 2 years of vested rights. That would be a conditional rezoning district as well as approvals of subdivision plans, so those are site specific vesting plans that again gives 2 years of vested rights.

Commissioner Boone requested update on new traffic signal at Highway 21/Northdowns Lane.

Stephen Trott, Director of Engineering, reported that NCDOT is waiting for a fence to be relocated, as well as additional electrical equipment to come in so they can continue installation.

Mayor Bales requested update on the traffic signal at Exit 23 that has been causing back-ups.

Mr. Trott reported that the NCDOT contractor is planning to implement the next phase of signal items as part of the Highway 21/Gilead Road interchange project. They are hopeful that will reduce some of the congestion.

Mayor Bales requested update on the Main Street project.

Kevin Fox, Director of Public Works, reported that at the beginning of the month both time and billings were about 60 percent complete with the project. The hope is that by the end of the calendar year, water and sewer will be completely done, so only roadway items would remain. For the next two to three weeks they will be working between Huntersville-Concord and Greenway to finish that section and then will move in a northerly fashion on North Main Street to the roundabout.

Kim Strickland, Public Information Officer, reported that the downtown businesses were notified of the work and it was posted on social media.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

150th Anniversary Committee. Sam James, Chair of the 150th Anniversary Committee, announced upcoming events in celebration of the 150th Anniversary of the Town of Huntersville.

World Polio Day Proclamation. Mayor Bales proclaimed October 24, 2022, as World Polio Day.

Town of Huntersville Proclamation

WHEREAS, Rotary is a global network of neighbors, friends, leaders, and problem-solvers who unite and take action to create lasting change in communities across the globe; and

WHEREAS, the Rotary motto, Service Above Self, inspires members to provide humanitarian service, follow high ethical standards, and promote goodwill and peace in the world; and

WHEREAS, Rotary in 1985 launched PolioPlus and in 1988 helped establish the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF, the Bill & Melinda Gates Foundation, and Gavi, the Vaccine Alliance, to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, to date, Rotary has contributed more than \$2.4 billion and countless volunteer hours to protecting nearly 3 billion children in 122 countries; and

WHEREAS, Rotary is working to raise an additional \$50 million per year, which will be leveraged for maximum impact by an additional \$100 million annually from the Bill & Melinda Gates Foundation; and

WHEREAS, these efforts are providing much-needed operational support, medical staff, laboratory equipment, and educational materials for health workers and parents; and

WHEREAS, in addition, Rotary has played a major role in decisions by donor governments to contribute more than \$10 billion to the effort; and

WHEREAS, there are over 1.4 million Rotary members in 46,000 clubs throughout the world that sponsor service projects to address such critical issues as poverty, disease, hunger, illiteracy, and the environment in their local communities and abroad;

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim October 24, 2022 as “**World Polio Day**” in Huntersville, North Carolina, and encourage all citizens to join me and Rotary International in the fight for a polio-free world.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 17th of October, 2022.

Charlotte-Mecklenburg Schools Update. Rhonda Cheek, Charlotte-Mecklenburg Board of Education District 1, provided update on area schools to the Board.

Hough High School became an A ranked school in North Carolina. They have about 2,518 students, with Huntersville students making up approximately 35 percent of the student body. The school did a club rush where clubs presented and then students rushed to them and decided which club they wanted to join.

North Mecklenburg High School has 2,186 students. The school offers the International Baccalaureate program and career technical programs. One of the biggest problems right now is employing teachers from the trades.

Hopewell High School has 1,755 students attending. They have been recognized as a Cambridge Demonstration Program. The school's marching band, the Titanium Sound Band, has been winning competitions.

North Academy of World Languages is a newer K-8 school that sits on the old J. M. Alexander property. It has 683 students from kindergarten through 6th grade. The principal just won the North Zone Principal of the Year award.

J. M. Alexander Middle School has 783 students and part of them do participate in the International Baccalaureate magnet program. The principal has been working on culture and the overall empowerment of the school and aligning it with standards. Before school started, they had open house and called it Camp JMA to get people engaged in the school.

Francis Bradley Middle School has 1,326 students. The school has a new principal, but he's not new to the North Mecklenburg area. He was the Assistant Principal at Hopewell High School.

Bailey Middle School has 1,064 students, of which a significant number are from Huntersville. The kids from the Huntersville Elementary and J. V. Washam boundaries go there. Bailey has been recognized as a school in the top 1 percent of North Carolina for growth in 2021-2022. It's the eighth straight year they've exceeded growth.

Barnette Elementary School has 687 students and is having a good year.

Grand Oak Elementary School has 479 students. The school exceeded growth on their state scores. They've been hosting a dad's male role model day trying to get more parent engagement. Grand Oak had the second highest elementary school growth in CMS.

Huntersville Elementary School is the most crowded elementary school in the area with 878 students. The school is continuing a partnership with Davidson College Presbyterian Church to support their Amigos Program.

J. V. Washam Elementary School is in Cornelius but the children that are Huntersville residents from the Cambridge Grove and Hampton Ridge area attend. J. V. Washam has 810 students. The school exceeded their growth score. Cornelius Police Department, Bailey's Glen and several churches show their support for that school. The school does have a population that does not have meal support and

they have significant childhood nutrition concerns, so they provide meal support for those students to send home a bag of food for the family over the weekend.

Long Creek Elementary School is a creative arts magnet, with 476 students. The school has implemented some new behavior modification programs and they just hosted their curriculum night.

Torrence Creek Elementary has 707 students. The school just had their first Man on Board event at the end of September where dads, male community members and grandfathers went to morning arrival to welcome students to increase the presence of people in the school. They are also working with the Allegro Program at the school.

Trillium Springs Montessori School has 187 students. It's a full Montessori school K-6. Trillium Springs is located in the old Long Creek Elementary School building.

Charlotte-Mecklenburg Schools has 202 students that attend the early college program at the Merancas Campus of Central Piedmont Community College.

Ms. Cheek introduced Dennis LaCaria with Building Services to provide update on bond referendum/facilities.

Dennis LaCaria, CMS Building Services, said the 2017 bond referendum is getting ready to be closed out. CMS is moving through the process for a general obligation bond referendum in November 2023 and as part of that is doing some community engagement and feedback around a draft plan. We are taking into account student enrollment, staff utilization, facility condition updates. We are also looking at equity and the classroom environment. CMS has received input from the community that they do not support neighborhood K-8 schools, so the conversation has turned to K-8 schools for programmatic purposes, but not for neighborhood schools. The draft plan had an iteration that involved K-8 schools to relieve some of the overcrowded situations in the northern part of the county. CMS does have land banked sites in north Mecklenburg County for a future middle school on Stumptown Road and a future elementary school near Bradford Park. CMS will look to replace Huntersville Elementary and North Mecklenburg High School on their current sites.

Ms. Cheek pointed out Cornelius Elementary School is also on list to be replaced. It was one of the 21 schools during COVID that had air exchange and air quality issues. Davidson Elementary School has 1,171 students in their K-8 program. If you pulled those 6th, 7th and 8th graders out and sent them back to Bailey, you would be 600-700 students over capacity, so then you would need to move some kids back to the new proposed school.

Mayor Bales said Huntersville Elementary and North Meck look like they would get replaced and in addition to that, a new middle school and a new elementary school would be in the bond package.

Mr. LaCaria said if we are in that \$2 billion to \$2.5 billion range, based on where we are today refining the plan, putting new data in, it would be my expectation that those would be priority projects.

Mayor Bales said do you have any guesstimate regarding a timeframe. Are we looking at 7 years out, 2 years out.

Mr. LaCaria said we are trying to have some conversations with Mecklenburg County government about advancing some dollars for planning purposes. We are working closely with Town staff here and with

Town staff in Cornelius around the same sort of conversations about what the downtown feels like and how we should respond as an entity, so we are trying to get some planning dollars early so that we can go into some design and be ready out of the gate. If that doesn't happen, typically we would see the bond referendum passing November 2023 and then the funds being available the first of 2024, so we could deliver some projects as early as 2025. It's going to depend on when and what the priority order is.

Ms. Cheek said there would be onsite replacements of the three schools that we mentioned. The Davidson East school near Bradford Park would provide relief to Huntersville, J. V. Washam and Davidson Elementary boundaries because of where it's located.

Commissioner Kovacs said when you send the updated numbers, could you also include how many students at North Meck and at Hopewell are actually Huntersville students.

Ms. Cheek said I will do that, and I will also include how many students at Bailey, Hough and J. V. Washam are Huntersville students, because we have students coming in and out of Huntersville.

Commissioner Kovacs said Hopewell and North Meck concern me the most because you did tell us about Hough, but North Meck I know there's actually a pretty small amount of Huntersville students. Please just include those with the numbers and the capacity rates because I'm quite curious. I know that Huntersville went up over 100 students than what they expected, so I can only imagine their capacity rate.

Ms. Cheek said the school has 39 classrooms, so its actual capacity is around 800. They are about 80 to 90 students over. We saw a big influx from the McCord Road developments that were approved by Huntersville.

Commissioner Kovacs said I was reading an article that during a MEAC meeting it was quoted that the Town of Huntersville lost 100 points on the rubric due to SB514 and our ability to create a municipal charter and I just wanted to verify from what you guys were just saying it doesn't seem like that's pushing us off the list or is it.

Mr. LaCaria said no, it's a factor, but because there's so many other weights.....for example, the educational environment piece is the single biggest weight and that's 500 points. It's also a function of how many points are awarded each project in all of the lines and then where those projects are ranked within their category. It is not something that in and of itself would probably keep the projects from moving forward.

Ms. Cheek said I would say if Huntersville Elementary and Cornelius Elementary were the last two projects on the list and we could only pick one.....well, Cornelius is going to be ranked higher because of the air quality anyway, but that might be a deciding factor, but there's enough other heavy factors that have them higher in the ranking.

Commissioner Kovacs said my concern is how close they are to not making it.

Ms. Cheek said when the final list comes out, which is going to be based on this data being input, because one of the factors is facility utilization, so once those numbers are input into the rubric, then we'll find out and we'll let you know.

Mr. LaCaria said I want to caveat that, we're talking \$2 billion to \$2.5 billion range, so if Mecklenburg County comes back and says you can only have a \$1 billion bond, I don't know, but we've run scenarios to a little bit over \$2.5 billion and those schools are currently scored within that.

Commissioner Kovacs said I'm extremely concerned because you did just say that Huntersville Elementary technically is not super overcapacity, you said only by 90 students, so that worries me.

Ms. Cheek said it's overcrowded, but not catastrophically overcrowded. It needs to have around 700 there.

Commissioner Kovacs said I've been watching some of the school board meetings and I saw some of the relief schools that are going to be built and their capacity didn't seem nearly as high as some of the schools around here, so I was kind of confused about that. The one that's over by Reedy Creek, that relief school.

Mr. LaCaria said those are all 45 classrooms. Our baseline has changed from even our last iteration, so the 2007-2013, those were 39 classrooms, 2017 were 45 classroom elementary schools, and so that's going forward and therefore appears to be in some instances a little bit additional excess capacity because of the difference in those classrooms. Part of what we're doing is also looking at programs and then where we have capacity and needs. As Board Member Cheek mentioned, those are opportunities for pre-kindergarten classes or self-contained EC classes or other sorts of specialty uses so they can then change or be adjusted based on increasing enrollment over time.

Ms. Cheek said we need extra capacity over just our standardized students because I don't want the parents and the children that have special needs and special learning environments to have to go far away to attend their classes, so we need to make sure that we have capacity built into our schools to accommodate them without lots of driving.

Commissioner Kovacs said we do have EC separate classes at Huntersville and some other schools, but Huntersville Elementary is also raining through the ceiling. I noticed that whenever we get a report about student enrollment, we're overcapacity and they are still using the 2021-2022 numbers. I know you said they are raw right now. When can we expect to start seeing the updated numbers in our reports when we get them from CMS.

Mr. LaCaria said probably in a week or two, once staff leveling is completed.

Commissioner Kovacs said I'm not sure if you know, but Colonial Pipeline had to pay a very large fine and that money had to go towards education, but it goes at the state level. Is CMS looking into trying to pull that money back to where it should be.

Ms. Cheek said it will be part of our legislative agenda to try to get that money.

Commissioner Kovacs said if that happens, can we get it here in Huntersville to help Huntersville schools.

Ms. Cheek said that's where the issue was, so that will be something that's definitely on the legislative agenda.

Commissioner Kovacs said I'm still feeling very uneasy about getting our schools replaced with what I hear, but I do hope that I'm very wrong.

Ms. Cheek said I know the conversations have already started with your Town staff about where you would want the school on the property that we have, and we've done the same in Cornelius.

Mayor Bales said how much was the last bond package.

Mr. LaCaria said it was \$926 million initially, but we were able to get some additional funds to address the vast increase in the cost to deliver projects.

Commissioner Partee said I have two sons that graduated from Hopewell High School and one played in the award winning band. You mentioned that Hough High School has a rating of A, but you did not indicate how Hopewell and North Meck were rated and what criteria is used to rate the high schools.

Ms. Cheek said it's a state rating and it's 80 percent proficiency and 20 percent growth, and to me that's backwards and something I've been lobbying for and our actual CMS legislative agenda has been lobbying for that, because if you have students that come behind and you grow.....if you've got somebody that's 2 years behind and you grow them 1.7 years, you still don't get the proficiency number but you grew them almost double. We have kids that grow 2 years, but they still don't get recognized as proficient.

Commissioner Munger said we get this graph and there's only one number I pay attention to in high detail. The percentage matters and that's what I need to know is how many of our schools are over 100 percent because every time we get one of these and I'm not allowed to discuss this one because it's quasi-judicial, but every time I look at one of these it's over 100 percent, every school we have. When you do give us the numbers, I would appreciate it if that is in the detail that we see how many of our schools are over 100 percent.

Ms. Cheek said you are going to have some that are not. Grand Oak has under 500 kids and they are not going to be over 100 percent. There are some that are definitely going to be over.

Commissioner Munger said it's the exception not the rule, though.

Ms. Cheek said I know it is, that's why the utilization piece is so important because that factors in the total number of teachers and the total number of extra or special classrooms that are in that school.

Commissioner Munger said you wouldn't happen to know off the top of your head the number of schools over 100 percent in Huntersville at this time. Over 100 percent without mold.

Mr. LaCaria said that's a utilization piece. As you know, not everybody recognizes that. It's really tied to that staff piece so until we can say with confidence what the final allotments are at each school and how many of those allotments are filled will we be able to articulate that utilization piece. We're about a week or two out from finalizing the leveling and then the Capacity and Utilization spreadsheet will be posted.

Ms. Cheek said Bailey, Bradley, Hough, North Meck, J. V. Washam, Huntersville Elementary are net kind of potentially.....Torrence Creek probably, Blythe possibly. Those are all going to be at over 100 percent.

Mayor Bales said one thing that we have continued to talk about and I know is on our legislative agenda is impact fees, and the impact that growth has on our community and on our schools. Unfortunately, in North Carolina we don't have the ability to impose said impact fee, whether it is from a road infrastructure perspective, a water/sewer perspective, school perspective, so we are constantly behind the 8 ball in regards to growth and I know you feel the same pressures that we do.

Commissioner Phillips said is Trillium Springs being relocated outside of Huntersville.

Ms. Cheek said it is being proposed.

Mr. LaCaria said it's a conversation that we're having. We're having this conversation not specifically about Trillium, but about our entire Montessori program because for anybody who was here and remembers how we got into the magnet programs to begin with, decisions were made to place programs in older, smaller facilities with infrastructure issues because we did not want to assign students to those schools as a result of the Supreme Court decision that we were a unitary district. It was intentional where programs were placed and so those programs were placed into buildings where investment had not been made and has not been made. The Board of Education has a policy that prioritizes home schools, investing in our home schools and our home school capacity over investing in magnet facilities and so we've gotten to a place now where Chantilly, Park Road Montessori are past their useful life, there's nothing that we can do for those facilities. Trillium Springs was the old Long Creek Elementary. It's already been replaced over a decade ago and so we've continued to operate that building for that program. We have to do better for those kids. We have to do better for the staff. We have to do better for that program and we also need to provide additional seats because we always have a waiting list for our Montessori programs and so we are exploring many opportunities relative to our entire Montessori program.

Ms. Cheek said the building itself is beyond repair. There's a cracked foundation. If we lose an air-conditioning unit, we would have to replace the entire electrical system in the school because it is so far out of date. It is a problem without a solution and I'm still talking to parents. I had a parent call me at 4 p.m. today. They are meeting with staff right now and there's actually a zoom meeting tomorrow at 5:30 p.m. Parents are contacting me on a daily basis. The other thing I asked about with Trillium is where are the kids coming from because if they choose not to go wherever the school might be relocated, what impact will it have on our other schools in the area. There's very few kids from Huntersville Elementary. It seems like the majority are from the actual Long Creek Elementary, Barnette, a few from Torrence Creek, and the vast majority are actually Charlotte zip codes. There's a couple from Cornelius. I think three from the Town of Davidson boundaries. The vast majority look like they are on the other side of the interstate and it makes sense that Barnette and Torrence Creek and Long Creek.....there's about 45 kids from those three schools at that school....there's 187 kids. I posed to staff could we move kids out of a school that's not very crowded, because we've got an elementary school just south of Huntersville that only has 350 kids and then I'm like I don't want to displace those 350 kids from their neighborhood school either. I'm so glad we have the Montessori school, but I'm afraid we are going to lose it to Huntersville at least temporarily.

Commissioner Phillips said is the Historic Landmarks Commission part of those conversations.

Ms. Cheek said I think on just the gym.

Commissioner Phillips said it was built in 1932 and then it has one of those AG buildings on it that's historical.

Mr. LaCaria said the AG building and actually the baseball field there, there's the wall there with the bleacher seating.

Commissioner Phillips said I went to elementary school there, so I'm aware.

Mr. LaCaria said that was actually built at the same time as Memorial Stadium, the same rock and all that. We're not talking about damaging the historical character. We're not talking about demolishing the AG building. We're not even really talking about what's next for the old Long Creek, the 50's version building yet. We're simply talking about the fact that we shouldn't do school there. Long term we need to do something else.

Ms. Cheek said the one question that I had is are the kids safe there right now. I wanted to make sure the kids are safe there right now. And they are. There's not any active situation, but we are one system failure away from needing to do something real quick.

Commissioner Boone said could you just refresh my memory the last time you presented in front of the Huntersville Town Board.

Ms. Cheek said it was pre-covid.

Commissioner Boone said do you know the year.

Ms. Cheek said I don't

Commissioner Boone said how about 2015, does that sound about right.

Ms. Cheek said it may. I did actually email your mayor a couple of times to see if he would welcome a visit and I did not get afforded that opportunity.

Commissioner Boone said the last time that you were here and presented was 2015. That's almost 7 years ago. I appreciate the update you have for CMS, but I also think that it's.....we just had a Rotary presentation up here earlier in the presentations and one of their founding things that they work towards is it's fair to all concerned and I think to have a candidate, and I don't know who invited you, but whoever invited you here.....somebody that's running for office shouldn't present in front of the public when the other candidates don't. Now if the Mayor invited you to this, that's fine. I would have to ask her are you supporting this candidate and if you are I think that we've got a real problem with that. My question is the rubric that you 5 years ago told us we're going to give you this in six months to tell you exactly where Huntersville schools stand, when we're going to get schools and when we're not and we've had one delay after the other and you can say Covid as many times as you would like to, but we still haven't seen how you pick those schools.

Ms. Cheek said did the rubric not arrive to your Town Board.

Commissioner Munger said yes, I believe I did receive the rubric that was sent out. I'm trying to remember when that was. It was summerish.

Ms. Cheek said we sent it out. We did not work on capital needs at all during Covid and you can say that's an excuse, but it's just not what we worked on during Covid.

Commissioner Munger said you had mentioned that you might be able to forward a meeting that was occurring regarding Long Creek. If there are any meetings that are occurring that involve Huntersville schools, please do forward it to us. It's of vital importance to us all and I realize it is your position to try and take care of the schools in our area, but it is a high concern for all of us.

Joshua Dumas, 8621 Summerfield Lane, said recently a residential sketch plan was submitted to the Town for review proposing the Grier subdivision. This proposal called for 78 new homes to be constructed on a previously undeveloped parcel of land. This neighborhood's only access was going to be a stub road of a road coming off of Angel Oak Drive at the intersection with Summerfield Lane, which is already the only access road for about 86 homes in Cedarfield and pretty much the primary access for almost double that. Naturally, the local residents were pretty concerned about the impact this would have on our neighborhood. I had originally planned to come here tonight to speak about the traffic concerns and the road access concerns and plea to the Board to reconsider, however late last week the plan was withdrawn from the Town and it looks like it may not be moving forward. So, why am I even here. In our efforts to learn about the project and the Town's processes, it was discovered that just earlier this year the Board moved to have any proposed residential development to no longer be subject to a quasi-judicial review and open to public comment instead of only to be subject to a staff review. If the proposal meets all of the Town's ordinances, it's approved. While I see in theory why this might be preferable to the Board, I'm afraid this could result in some bad developments in our town and I believe that this proposal for Grier subdivision would have been one of, if not the first, development that would be subject to this new process. Grier would have put a ridiculous burden on Angel Oak Drive. The street is narrow. It's not striped or lined. There's cars parked on either side of it. It's heavy traffic by pedestrians including children, it has school bus stops all up and down it, but this was going to be the main access point for construction equipment, for contractors, for semi-trucks delivering building materials, for forestry equipment for up to two years. And when completed what would this new neighborhood do to our traffic. We don't know because a traffic study was not required. As a resident that lives right there, I had my objections, but let me paraphrase a member of Town staff that we spoke to that said there's no other development in Huntersville that would compare to this. It just doesn't make sense. But you know what, it met all the Town's requirements. It was on its way to approval. We should all be pretty concerned that any future development will not be looked at by the Board for these types of issues as I don't think that the ordinances and requirements in place can capture the true impact the development will have on our community. Tonight, there's a quasi-judicial review for Honeycutt-Brown neighborhood. I suspect many of you are here for that. You will see the plans. They will ask questions. You'll get a chance to weigh the impact on the community. I hope you all enjoy it and take advantage of it. It's likely the last time it will happen in Huntersville.

Gordon Little, 12316 Flatbush Drive, said I'm a member of the Lake Norman Church of Christ and my purpose for being here this evening is reaching out because about a year and a half ago our church began a program where we were supplying just a few light snacks for some of our officers to come to our campus just to get away from things for a little while, to take a break, to take a shower or even if it's just to have quiet time. Towards the last part of the school year last year, we also took on another project similar to what we were doing and we have partnered with the CMS school system supplying snacks, what we call the backpack project. We were supplying kids from four elementary schools here, Grand Oak, Torrence Creek, Barnette and Cornelius Elementary schools, with snacks. I got this information from the Family and Community Services Specialist with CMS. She gave us these four schools. Unfortunately, at present, due to some unforeseen expenditures that our church had to

partake this past summer, we do not have it in our budget this year, but we certainly wish to continue this very worthwhile project. To be honest with you, going to these schools some of the kids that would see me bringing the bags with the snacks, I kind of felt like Santa Claus because they were so happy and excited to see this. We really believe this is a very worthwhile project for our kids and for our police officers and we wish to continue it, but right now we're reaching out anywhere we can and hopefully might be able to gain some information here this afternoon where we can go. I've reached out to the four local grocery stores Harris Teeter, Food Lion, Whole Foods and Publix and they have all sent us our Dear John letters that they are not able to participate with us in this program, so I'm just reaching out right now to gain support anywhere and everywhere that we possibly can to continue this very worthwhile project.

Megan Ledbetter, 2500 GreenPoint Lane, Denver NC, said I represent Taylor Morrison and I'm here this evening to speak to you regarding Text Amendment TA22-10 regarding single-family units platted on one parcel. These developments operate similarly to multi-family developments with onsite property management to provide well-manicured landscaping, maintained homes, amenity centers and active open space in a cohesive manner. They allow creativity to activate open space and if designed appropriately to provide gathering spaces and a sense of place for residents. Lastly, they provide a higher overall ad valorem tax value to the community, very similar to a multi-family or commercial development without the density. Typically, these communities, very similar to Taylor Morrison's programmatic approach of one and two bedroom units, are geared towards young professionals and boomers, thus they are not a burden on school infrastructure and the am/pm peak traffic is disbursed. They provide housing choices and the opportunity to age in place for the boomer population and an alternative housing choice for young professionals that do not want neighbors above and below them and would like a yard instead of a possible just patio with the multi-family development site. It also provides transparency to local governments as it relates to development and product versus convention subdivisions. I would encourage the Board to consider developing standards or look at specific zoning districts within the existing ordinance to allow such development that align with the overall community vision and goals as outlined in your 2040 Comprehensive Plan, specifically Land Use Policy statements in Sections 7, 8, 9, and 10.

Row Lawson, 9515 Rickstead Court, said I am a candidate for the CMS school board running in District 1 and I appreciate everyone coming here tonight.

Ashley Wiley, 12345 Treasure Cove, said I want to read to you something that I saw right outside on the wall in your Town Hall. It says "Education in Huntersville – Education was important in the small town of Huntersville because by 1878, it had two schools. One was Huntersville High School first taught by the church's pastor, Rev. W. W. Orr in the session house of Huntersville Associate Reformed Presbyterian Church. Grey Academy, operated by Hugh Grey, was located at the south end of the village across from the cemetery of the Presbyterian Church, known at the time as the lower church. Later the schools were consolidated into a two-story brick building of classic design with a large second-floor auditorium. This school, with students in the first grade through high school, was known as The Academy. Students came from many states and even foreign countries to be educated at this institution. It was one of the very first public schools in North Carolina to be designated as a state high school. The Academy, destroyed by fire decades ago, sat a few feet east of the present Huntersville Elementary School, established in 1938." I know the presentation tonight by CMS was for the Town to give up our right to the Town charter or HB514. Please don't allow that to happen. Huntersville history is rooted in education. It's the sole of our community. It's our children. Please allow us to continue that. Right now we are continuously bullied into having a 100 point penalty. If it wasn't there for a retaliatory purpose, why would they penalize us. Don't let them bully you. Don't let them force you to submit. Right now in

Huntersville there's a little boy that doesn't even believe that there's good police officers because of CMS. There's a principal who hurt a kid. They don't care. All they do is just transfer them to the next building over or the next zone over while the parents and the poor little children are left to wonder what do they do. There is zero accountability. Please don't let that happen to our kids. Keep Huntersville Huntersville.

Varona Wynn, 13219 New Haven Drive, said tonight the Board will discuss and consider the adoption of legislative goals for 23-24 timeframe. I stand to commend you for citing a Town specific legislative goal to do an affordable housing study to support the provision of funds to the Town of Huntersville to allow it to create its first affordable housing plan. Hopefully you will approve this goal tonight with a real desire to reduce the need for affordable housing in our town and not gentrify old neighborhoods. Since I have witnessed firsthand Huntersville's neglect of Pottstown, I have little confidence in the Town's sincerity to deliver a fair and equitable plan to meet the housing needs of the Town's most vulnerable communities. Here are a few suggestions for making a fair plan that will increase affordable housing in Huntersville. Do a fair and aggregate transparent study. Commit to hiring staff to engage residents in the study and planning and execution of a housing plan that is affordable. Allow a panel of community residents to oversee the plan from beginning to end. Commit to at least \$12 million of funding to execute such a plan. Build housing at prices that will make housing affordable to those with incomes below the 60 percent of area median income. Include grant and loan money to refurbish, remodel, current homes in your vulnerable communities. Scrap, tear up, the Town's current East Huntersville Development Plan. Follow the county's lead in making a strong affordable housing plan. Develop policies that put people above money.

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda. Commissioner Kovacs seconded motion. Motion carried 5 to 0.

CONSENT AGENDA

Governor's Crime Commission Grant. The Police Department was awarded a North Carolina Governor's Crime Commission Grant in the amount of \$23,940 for technical equipment for the mobile command unit.

Commissioner Phillips made a motion to approve grant award and budget amendment recognizing \$23,940 in Grant Revenue and appropriating \$10,500 to Equipment Expense and \$13,440 to Capital Outlay Expense. Commissioner Partee seconded motion. Motion carried 5 to 0.

Resolution – 2023 Resurfacing Project. On September 21, 2022, sealed bids were received and publicly opened for the 2023 Resurfacing Project. This is part of the on-going efforts by the Town to maintain our public roadway system. Five sealed bids were received and read aloud. The lowest responsible bidder for the project was Blythe Construction, Inc. with a bid of \$1,758,499.84. Blythe Construction, Inc. has completed numerous paving projects for the Town of Huntersville and many surrounding municipalities, including NCDOT. This contractor has demonstrated sufficient ability and experience to perform the work specified and has demonstrated a history of successful performance and completion of similar projects in a timely manner. The contract completion date for the resurfacing project is June 30, 2023.

Commissioner Phillips made a motion to adopt Resolution to award the bid for the 2023 Road Resurfacing Project and accept and approve the bid proposal as the contract. Commissioner Partee seconded motion. Motion carried 5 to 0.

Resolution attached hereto as Exhibit No. 1.

PUBLIC HEARINGS

Historic Landmark – Cowan’s Ford – Davidson College Monument. Mayor Bales called to order public hearing on the question of designating, as a historic landmark, a structure known as the “Cowan’s Ford-Davidson College Monument,” including the monument in its entirety and a 15' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as associated with the property listed under Tax Parcel 00902102, located at 14910 NC Highway 73 and owned by MDHB Properties LLC.

Commissioner Munger made a motion to continue the public hearing to November 7, 2022, at 6:00 p.m. at Huntersville Town Hall. Commissioner Phillips seconded motion. Motion carried 5 to 0.

Historic Landmark – General William Lee Davidson Monument. Mayor Bales called to order public hearing on the question of designating as a Historic Landmark a structure known as the “General William Lee Davidson Monument,” including the monument in its entirety and a 40' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as situated on the property listed under Tax Parcel 01315102, located at 5455 Cashion Road and owned by Duke Power Company.

Commissioner Munger made a motion to continue public hearing to November 7, 2022, at 6:00 p.m. at Huntersville Town Hall. Commissioner Phillips seconded motion. Motion carried 5 to 0.

Historic Landmark – Rural Hill Directional Marker. Mayor Bales called to order public hearing on the question of designating as a Historic Landmark a structure known as the “Rural Hill Directional Marker,” including the marker in its entirety and a 38' radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker, all as situated on the property listed under Tax Parcel 01301250, located at 6645 Neck Road and owned by Herseng Yang.

Commissioner Munger made a motion to continue public hearing to November 7, 2022, at 6:00 p.m. at Huntersville Town Hall. Commissioner Phillips seconded motion. Motion carried 5 to 0.

OTHER BUSINESS

Honeycutt-Brown Subdivision Sketch Plan. Mayor Bales said this is a quasi-judicial hearing. We will be conducting an evidentiary hearing and consider decision on Honeycutt-Brown Subdivision Sketch Plan. This is a request by Toll Southeast, Inc. to subdivide 239.37-acres located northeast of intersection of Gilead Road and Ervin Cook Road.

Quasi-judicial hearings are evidentiary in nature. Only parties with standing including the applicant, property owner, local government, and individuals who can show they will suffer special damages have the right to participate fully in the hearing. Special damages must be particularized, separate, and distinct from damages to the public at large. Special damages are a fact-specific inquiry. While

proximity may bear weight in the determination of special damages, proximity in and of itself is insufficient to grant standing.

Parties may present evidence, call witnesses, and make legal arguments. Other individuals may, but are not required to be, allowed to speak as a witness; however, they will not be allowed to participate fully as a party, such as by questioning other witnesses, or by calling other persons to testify.

Witnesses must swear or affirm their testimony. General witness testimony is limited to facts, not personal preferences or opinions.

Certain topics require expert witnesses including projections about impacts on property values and traffic impacts. Individuals providing expert opinion testimony must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Mere conclusory testimony lacking the foundation of the expert's opinion is insufficient to establish the existence or nonexistence of a fact or conclusion.

The Board must base quasi-judicial decisions upon competent, material, and substantial evidence in the record.

Competent evidence is evidence that is sufficiently trustworthy and reliable, and that is legally fit and acceptable for consideration by the Board. Speculative, irrelevant, or vague evidence; non-expert opinions as to something that requires an expert; and non-accepted hearsay evidence will likely not be competent evidence.

Material evidence is evidence that shows that the standards will or will not be met.

Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion. Speculation, unsubstantiated fears of the community, or vague assertions do not constitute substantial evidence.

Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented.

Even though the Board may hear other evidence if it is not objected to, the Board should rely on competent, material, and substantial evidence in making its decision.

The Board will recognize the applicant as a party, as well as the property owners, if different from the applicant.

Mr. Peete, you are representing the Town, so the local government. Is the applicant here this evening. Can we go ahead and get them up here. And is the property owner here.

Mr. Peete said I believe they are represented by several.

Mayor Bales said who would like to come and be sworn to represent the property owners, if any. You don't have to.

The parties to this case are entitled to an impartial Board. A Board member may not participate in this hearing if she or he has a fixed opinion about the matter, a financial interest in the outcome of the

matter, or a close relationship with an affected person. Does any Board member have any conflicts of interest to offer at tonight's meeting.

Commissioner Phillips said Madam Mayor, I need to be recused.

Mayor Bales said it is the policy of this Board that a recused member shall step down from the dais and be excused from the room. The Board member may return for the next matter.

Commissioner Boone made a motion to recuse Commissioner Phillips.

Commissioner Munger seconded motion.

Motion carried 5 to 0.

Mayor Bales said the parties to this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing. That may be email communications, as well as conversations with parties, staff, or the general public. Does any Board member have any ex parte communications to disclose?

We do not have any, so we are going to move on.

Mayor Bales swore in David Peete, Stephen Trott, Jaime Pou, Matthew Levesque.

David Peete, Principal Planner with the Town of Huntersville, 105 Gilead Road, said I want to submit the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 2.*

The applicant for this particular subdivision sketch is Toll Southeast, Inc. You can see on the screen in the hatched area is the general location of the properties that are involved. They are north of Gilead Road, primarily to the east of Ervin Cook Road, but there are a couple of parcels on the west side as well. You can see the parcel numbers there. You can see the zoning. The project as proposed is 100 percent in the Transitional Residential zoning district.

Just a quick insert of the site plan into some aerial photography. You can see a very large floodplain on the eastern side of the project, or the right side of the image, and then Wynfield subdivision would be further to the right.

Above is also vacant land or farmland, but that is owned by Mecklenburg County for a future park.

On the west side of Ervin Cook Road you have some remanent large parcels, some farm area, and then a couple of larger subdivisions as well.

The essence of the request for the 239 acres is for 358 lots. That is right at the 1.5 dwelling units per acre. I've already mentioned the zoning. One hundred percent of the lots would be single-family and they are proposing 48 percent open space. Forty is required to be eligible for 1.5, so they have exceeded that.

You can see in the three color schemes that are distributed throughout the subdivision that we have a proposal for 52', 62' and 72' wide lots, so you have a mix and you can see that the averages for lot width and lot size have been satisfied as well.

These are some blow-ups of the entire development here in sections. If you would like to look at anything specific, I'm happy to come back to it, but I'm just going to move through. There's nothing of any specific merit that I will show at the moment from those, but again, very happy to go back if you would like to.

I want to start with the 2040 Community Plan. You can see in the upper right there's an outline of some of the goals and policies that are supported or that this project would dovetail into. You can see that the area in question falls under the moderate density. That is where the yellow and the brown hatched area is. The red dot seems to have moved over to Wynfield somehow, I'm not sure how that happened. It should be just over the green to the left. But you can see moderate density in the 2040 Community Plan is looking at 1 to 3 units per acre and this is proposed to be 1.5.

In addition to the 2040 Plan, there is the Beatties Ford Road Corridor Small Area Plan and it designates this particular area as residential area/subdivision and so it is consistent with that as well. The only other element I was highlighting from the Small Area Plan was from the Transportation Plan you can see that improvements to Ervin Cook Road as a minor thoroughfare are contemplated in that plan and they would be making upgrades to Ervin Cook Road for their frontage.

A TIA was required. These are what came back and you can see the area in red. Those are the improvements the developer will provide and again you've got improvements on Ervin Cook Road for their frontage. And then where Ervin Cook Road intersects with Gilead, you can see that there are some improvements there in terms of some turn lanes. The full list of those is here and I won't belabor that unless you would like to, and obviously Stephen Trott with our Engineering Department is here as well to answer any further questions on that.

Here's the report from CMS. You can see that they are identifying approximately 183 students generated by this project. The full report is in your Staff Report.

I've got two versions of the staff recommendation. This one is bringing you current from the version that went to the Planning Board. Everything in red represents the update and the first thing that I want to go over in the first bullet is the reason why we are having this quasi-judicial hearing is there are a couple of modification requests to the standards of the ordinance. You can see there listed Road H from F to K, Road H from G to M, and a cul-de-sac, which is Road O, are all in excess of the typical standard in our ordinance. The allowance in the Zoning Ordinance does allow for changes due to environmental modifications that are consistent with the policies within the ordinance.

To illustrate where those are, you can see in upper left in the red, that is Road H that is moving around the existing farm pond and then some wet areas that are shown there in the green. As it gets close to the county's park land there in the curve, that would be one of the modifications. Second, would be on the upper right, you can see that also in red, and that one again has a creek crossing and a very large floodplain on the entire eastern portion of the development, so stubbing or connecting not only across the floodplain but into Wynfield subdivision that doesn't have any stub streets to connect to is not a permissible item. We were supportive of that as well.

The cul-de-sac, which is down near the bottom of the image, again it is crossing a wet area and to minimize that it needed to move over into that area closer to larger floodplain.

Those are the only modifications that were requested. I've got all of these items here and I can go through them if you would like, but what I did do in the interest of tonight's hearing is I did a quick bringing current of what is outstanding and so very quickly you can see other than the modifications, the DOT report and what they may require, we still want to have that. In terms of detail, we are comfortable at this stage recommending moving forward with final action because these are both DOT roads, but Ervin Cook and Gilead, and whatever DOT wants to see is going to have to happen, but they have already indicated through email that they are generally satisfied with the TIA.

The other thing is the catchall items that we always bring to you which are the other Town transportation comments that may exist and other redline comments that may exist would be satisfied.

Again, I can go back to the full motion if you would like and bring you up to speed on how everything was addressed, but the applicants have addressed everything, sort of taken it off the table, and I'll leave it to you if you want to go through those items.

In a simplified way the three elements for subdivision sketch review are is the application complete and staff finds that it is. The requirements of the ordinance have been met and we find that if the three modifications are granted, that it would, and then we could recommend approval based on that.

Back on September 27 the Planning Board reviewed the application and they recommended by unanimous vote to send this to you supportive of the conditional motion by staff.

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

Commissioner Munger said related to Policy EOS-8.3, where are we in the amount and type of urban open space still being discussed with staff, because it looked like there are several lots not within the ¼ mile of urban open space.

Mr. Peete said that was an initial comment in redline review. There were a handful on the upper east corner that were not near an urban open space as they had proposed the urban open space. Through some back and forth, even since the Planning Board, we have worked with the applicant and they have made modifications and I can show those to you if you would like, but the secret is they didn't move the lots closer, they created urban open spaces that were in proximity, and so that has been satisfied.

Commissioner Munger said the specific reason this is quasi-judicial is block length waiver. The three block lengths we have 1,729.61', 1,184.23', and 1,370', what's the threshold for a block length waiver.

Mr. Peete said we classified this particular subdivision as a major subdivision, it's not an urban situation, so you are looking at about 800'. We do have some wiggle room in the ordinance to go beyond that, but not to the extent that these are proposed due to the very large environmental features that they have to accommodate. You look at the setting. It's all contextual and it is just a recommendation based on professional judgment through the ordinance.

Commissioner Boone said could you go, I think it's your second or third slide, and it's not in the agenda packet, but it is part of your presentation, we'll start right there with the dotted line going through the future park, you are showing this connecting into the Hugh Torance Parkway.

Mr. Peete said no, this subdivision is not connecting to Hugh Torance Parkway. The dotted line that you see there right underneath the word Hugh Torance, that is completely within the county's property. That future road, if it were to occur, would more or less bisect the county property.

Mayor Bales said understanding that the block length waiver standard is 800', what concerns do you have as staff with regards to the potential of speeding, etc. along those corridors. I ask this because we have been repeatedly asked by developments once they are in, they are asking now for some type of traffic calming and what can be done to ensure that's not going to happen with this subdivision.

Mr. Peete said we do take that into consideration as we look at any subdivision and a couple of things would come to mind here. The 62' and 72' lots would have what I would call....first off they are going to use one of the Town cross-sections, either 51' or 57', to allow for on-street parking. The only place that it would be required is where you are going to have the 52' lots. The other ones would be infrequent. You also notice that they are curvilinear streets. They are not straight in terms of encouraging the speeding that could go through there and I can show you through that graphic that showed where the blocks were. Of course, a cul-de-sac is a dead-end situation, but through the use of our cross-sections that we find effective in serving all of the lots, the curvilinear nature of the roads and then through the fact that you are not moving through this neighborhood to go to another neighborhood or another complimentary use, you're sort of within this neighborhood, traffic is kind of held.

That is what we have done through the design in working with the applicant. We certainly would not want to see retroactively any other traffic calming installed. That is something that is always available.

Mayor Bales said I still struggle with this road network and the length of these block length waivers that are being requested for the sheer fact that we continue to be asked to put in traffic calming, especially with this one over here on the top, Road H, the 1,729'.

Mr. Peete said the one thing that I would offer, again, just part of our conversation is a block is from intersection to intersection and so you are looking at here to here and again this wetland feature, how would you create another street, another intersection, to solve that. And so by virtue of the length of that feature and this feature, you have a challenge to try to get through there and not be more detrimental to the environment that it is working through. We certainly understand that and the ordinance takes that very seriously, but that's why we have to look at what we are given to work with within the boundaries of the project. We are comfortable making the recommendation to you, but I hear you loud and clear about the concern.

Mayor Bales said my question to the Board is am I the only one that has this level of concern with that length.

Commissioner Kovacs said I do, but not with those roads. I'm more concerned about the long straight ones, but they are not up for consideration.

Mayor Bales said any other questions. Would you like to hear from the applicant.

Matthew Levesque, ESP Associates, 20484 Chartwell Center Drive, Cornelius, said we are the planning and engineering firm working with Toll Brothers. Also, with Toll Brothers, Jaime Pou, is here this evening as well. Very good questions on the block length and thank you for bringing that up. That was a lot of working with staff on trying to figure out what's the right balance of this unique property with all the wetland features and natural features, as well as county property to the north, large floodplains to the

east, so really nowhere to connect to, nowhere to do stub roads with the northern property. Looking at a delicate balance there we tried to do a couple maneuvers of the road, but looking at curvilinear approach to the layout was something that was very important to us in working with staff and we hear you loud and clear on that concern. Jaime has mentioned they are comfortable working with staff to do speed tables or speed bumps or whatever meets the requirement that the Town is comfortable with as well. This is a very unique site from that perspective because of those constraints, but overall address the open space comments and also work with them on the layout itself and curvilinear approach of some of the other roads as much as possible.

Commissioner Partee said Ms. Sloop, keep me within my scope of questioning, if you can. Just some questions regarding the corporation itself. Toll Brothers Southeast, was incorporated where and what year.

Jaime Pou, Division President for Toll Brothers in Charlotte, said that's a good question. That entity has been an entity that we operated here for a number of years. We've been in Charlotte for over 25 years. The specific date of incorporation, I don't have that with me today, but I'm happy to follow-up with that.

Commissioner Partee said approximately how many developments has Toll Brothers Southeast built in North Carolina.

Mr. Pou said I'll give you some general numbers, but we have been in Charlotte since early 2000's. In the Charlotte Metro market, we have probably done over 30 to 35 large-scale communities, mostly in the south Charlotte area, so south Mecklenburg County, southwest Mecklenburg County, Union County, Lancaster, York County and Fort Mill, etc. This is our first large project on the north side of the Charlotte market in Huntersville. We have been very excited to move to this part of town. I think there's a lot of growth opportunities for the company, a lot of housing opportunities, and we look forward to doing more in the northeast.

Commissioner Partee said you answered what my other question was about, how large of a development have you built in the past. With the present economic recession, what's your anticipated target date to break ground.

Mr. Pou said we are working on all of our approvals. The next step for us would be to engineer the project. That would take about 9 months, maybe up to 12 months. It is our intention to break ground as early as next summer, but more likely into the fall of 2023. The next step after we break ground is to do all of the horizontal development for the initial phase of the project. That generally takes about 9 months or so, then we start building our models and the early homes in the community. I wouldn't see any residents in this community until 2025. We anticipate the project will take us 5 to 7 years once we start construction of homes.

Commissioner Partee said do you have a contingency plan to redesign the Honeycutt-Brown Sketch Plan to meet the decline in the housing market.

Mr. Pou said generally we don't focus on redesigning approved plans. Economic environments will change the pace of a project, so we go into these types of projects assuming a certain number of homes per year and the economic cycle may delay that or may accelerate that depending on where we are at that point in time.

Commissioner Partee said have you decided on what the TIA recommended as far as improvements to be implemented to handle peak traffic trips.

Mr. Levesque said yes, sir. We worked with a traffic engineer on developing a traffic study that met the Town requirements. I did submit it to NCDOT to get their approval on that traffic study. It did look at all the surrounding intersections that they recommended studying and improvements along the frontage road, as well as on Gilead and Ervin Cook Road. We have looked at those. Our traffic engineer has looked at those and deem those to be acceptable.

Commissioner Boone said three questions. The black line dots that are going into the cul-de-sac and just north of there. Is that the greenway or trails.

Mr. Levesque said along the eastern side of the property where you see those dashed lines, that is the McDowell Creek Greenway and we are proposing connection points from the community down to where that future greenway is going to be, so this will be adding additional trails to access that greenway.

Commissioner Boone said what will those greenways be made out of.

Mr. Levesque said the main greenway is going to be done by the county and that's going to be asphalt or concrete, whatever the section is that the county designs to. Our connections which we will be installing are going to be a larger soft surface trail going down there.

Commissioner Boone said and the HOA is going to take care of those.

Mr. Levesque said the HOA would be responsible for maintaining everything within the common open space.

Commissioner Boone said at the south end of it, you have, the bottom cul-de-sac, you have a little line in there. What's that all about.

Mr. Levesque said that is going to be reserved for, depending on once it goes into design, potential emergency access if it's ever needed.

Commissioner Boone said you have one block that nothing is there. Is that somebody that didn't want to participate in the program.

Mr. Pou said that is a separate parcel that did not participate in the aggregate combination of parcels here.

Mayor Bales said this shows two greenway connections and the Staff Report says three.

Mr. Peete said I think it says trail connections.

Mayor Bales said it does say three trails to future county park to the north.

Mr. Peete said that is different than the greenway. They are here, here and here. That's what that was referring to. I think I pointed those out specifically because the other two were so abundantly clear.

Mayor Bales said in your answer to Commissioner Boone, you said that these trail connections were going to be soft surface. Therefore, they are not ADA compliant.

Mr. Levesque said the neighborhood trails.

Mayor Bales said correct, the two neighborhood trails, that's what I'm asking. They're not going to be ADA compliant for wheelchairs or easily accessible for seniors with walkers, etc.

Mr. Levesque said they will not be a hard surface trail, so they will not meet the requirements you are talking about, no.

Mayor Bales said that does concern me slightly since the main greenway here with the McDowell Greenway will be that hard surface. I would love to see residents here be able to access it if they do have a disability of some sort. I would just encourage you to seriously consider that as we continue to have this conversation here this evening. I have another question for Mr. Trott. Could you give us an update on Gilead and when Gilead West is to be expanded out. If it's 358 homes, that's a lot more traffic.

Mr. Trott said are you asking about the Town-led project for Gilead Road West which is between McCoy Road and Wynfield Creek Parkway.

Mayor Bales said that's correct, that will stop at Wynfield Creek Parkway.

Mr. Trott said it stops just to the west of Wynfield Creek Parkway. We're currently starting the right-of-way acquisition phase. I anticipate that to take a couple of years along with utility relocation and then move into construction approximately 2-3 years from now is our current timeframe.

Mayor Bales said your timeframe is 5-7 years to completion, is that correct.

Mr. Pou said from the time that we break ground to the time we close on the last home, about 5-7 years.

Mayor Bales said there are no additional concerns regarding Gilead past our project to the west.

Mr. Trott said up on the screen, the development completed a TIA. NCDOT required a TIA for this development and so the Town deferred to DOT for that, and I believe they have reviewed and accepted the TIA and the improvements shown up on the screen were the result of those recommendations.

Mayor Bales said so you don't have an issue with.....I'm asking you specifically as our expert in transportation.

Mr. Trott said this will definitely add traffic to the project. The Gilead Road West project that the Town is doing is going to add a lot of capacity to Gilead Road to the east of here.

Mayor Bales said how long then do you think it will hold up. Any projections.

Mr. Trott said if I can recall, I need to go check, but I believe the traffic projections we looked at were to 2040 for the project. We didn't just look at what the project would need at the time of build-out, but we look well beyond that to see what's needed.

Commissioner Kovacs said I just want to know what that green part is.

Mr. Levesque said this is the western side of Ervin Cook Road and then north of Gilead. That is an area of the property that has some constraints in terms of the size of it, so we looked at trying to incorporate that into the development. It made more sense to do open space. Also, with some of the structural, dealing with the soils, and looking at the construction, and being able to use some soil there on the eastern side of the development, so we needed to keep it as green space and open space. We have committed over there to, based on what Mecklenburg County requires or needs, dedicate a greenway over there, as well as a trailhead or parking area if they need it. We're just kind of leaving that in the plans that we commit to that. Mayor, I did want to address your question on the access down the hard paved surface down to the greenway. What we would ask is if it would be sufficient if we could utilize the northern connection and do that hard surface so there is the ADA access down to the greenway and then leave the southern connection soft surface just because of some of the environmental constraints down there. That's what we could propose to help alleviate some of the concerns with getting ADA access.

Mayor Bales said I think that would at least give the citizens who live in that neighborhood access in two different ways, so if the Board is also amenable to that, the northern greenway connection being a hard surface for ADA compliance.

Mr. Peete said if I could just touch on something that Commissioner Kovacs and yourself were asking previously. I think it would be helpful to just point out that there are here, here, maybe there, and there's one there.....those are mini traffic circles and so staff and the applicant were equally concerned, we don't like to see the straight aways, but intersections do work within our ordinance, so that in and of itself was something. We did see opportunity for that to be a little challenging, so the applicants were able to put those in.

Mayor Bales said it absolutely does make a whole lot more sense now. And those do slow people down. People will run through a stoplight or a stop sign, but they'll stop at roundabouts.

Commissioner Munger said Ms. Sloop, keep me in line. I'm looking for simply yes or no questions for the applicant and this may have already been addressed by what you said and you can tell me if I'm wrong. Would you be willing to commit to making the three trail connections ADA compliant.

Mr. Pou said we have not designed the trail system. We have just put in the plan to accommodate for it, so without fully understanding the engineering, I would say we could at least agree to one of them so that there is access to the north side and would be open to all three assuming engineering wise it made sense.

Commissioner Munger said at a minimum you will commit to one.

Mr. Pou said we'll commit to one. There will be one on the north side and then as we said the one on the east side into the greenway.

Commissioner Munger said I'm going to ask Ms. Sloop to watch what I'm saying again. Would you be willing to commit to setting aside funds to implement traffic calming features at the time up to 10 years following the completion of the final dwelling.

Mayor Bales said is that if needed.

Commissioner Munger said if needed.

Mr. Pou said I think we've illustrated that there is some traffic calming already in the road network, but we would be willing to work with the Town on any additional traffic calming that would come up as we develop the community.

Commissioner Munger said I guess my problem is going to be that issues are going to arise after everything's done and you guys are like we're good.

Mr. Pou said generally we're the declarant for the homeowners association, so we have a vested interest in setting up the homeowners association, making sure that it's operating effectively and we don't hand it back over to the residents until the last few homes are left to close, so at that point there's a resident led board and those types of issues that would percolate as a community is growing are issues that would be presented to us by that board and we would address those as we are handing over the community. I think we would be comfortable suggesting that we would be working on those issues.

Commissioner Munger said let me put it differently. Would you be willing to commit if while building is still occurring, even up to the last home, if a study was done and it proved that there was traffic calming measures required, would you be willing to commit to funding that.

Mr. Pou said traditional traffic calming, speed bumps, those types of things, we would have no issue committing to that.

Mayor Bales said Ms. Sloop, should that be a little more specific.

Ms. Sloop said whenever the motion is made all these additional things would need to be incorporated in the motion.

Mayor Bales said was there anyone else who wished to speak this evening. Seeing that there are no other questions for the applicant, the Board will now begin deliberation. The evidentiary hearing remains open so that the Board may ask clarifying questions if needed. As a reminder, this Board is tasked with deciding if, based on competent, material and substantial evidence presented at the hearing before this Board, this proposal meets the applicable standards.

If the applicant meets their burden of producing competent, material and substantial evidence that the standards in the ordinance will be met, the burden shifts to the other parties opposing, which no one has spoken out against.

Board, would you like to take a minute to deliberate amongst yourselves.

Commissioner Munger said I think I have a motion, if it's appropriate.

Mayor Bales said please proceed.

Commissioner Munger said the Town Board finds the application complete. The Town Board finds the Honeycutt-Brown Subdivision Sketch Plan is consistent with adopted public plans and policies and complies with all applicable requirements of the Zoning Ordinance, the Huntersville 2040 Community

Plan and the Beatties Ford Small Area Plan as stated within the findings of facts in Parts 2 through 4 of the Staff Report. Specifically, the proposed Honeycutt-Brown Subdivision lies within the Huntersville 2040 Community Plan Moderate Density and Open Space Future Land Use character area and is supported by Policies LU-12.3, EOS-4.3, EOS-8.2, EOS-8.3, EOS-10.1, PS-8.1, T-3.1, T-3.2, T-5.3. The Town Board also recommends approval of the requested block length modifications for Road H from Road F to Road K, not to exceed 1,729.61 linear feet; for Road H from Road G to Road M, not to exceed 1,184.23 linear feet; and Road O from Road F to cul-de-sac not to exceed 1,370 linear feet. The recommendation is contingent upon approval of the water quality concept plan, working with staff to provide acceptable open space types for urban open spaces B & E; providing staff with a rough grading plan for the parcel west of Ervin Cook Road; addressing all outstanding Town transportation comments; providing and addressing all NCDOT comments that are applicable; BMP embankments being kept out of the stream buffers; and addressing all remaining redline comments. Additionally, applicant will commit to making the one trail connection ADA compliant on the north side and will commit to setting aside funds to implement traffic calming features up to the completion of the final dwelling if deemed necessary.

Mayor Bales said did you also add the one ADA compliant trail to the east.

Commissioner Munger said no, to the east, my apologies. And one ADA trail connection to the east to McDowell.

Commissioner Boone said in your motion you said 1729. According to the slide in the agenda packet it says 1,779.

Commissioner Munger said I modified that because I saw the red here and I assumed that was an update.

Mr. Peete said 1,779 is the number the Planning Board used.

Commissioner Munger said according to these redline comments, it says 1,729.

Mr. Peete said that number is from the plan.

Commissioner Munger said and that is the correct number.

Mr. Peete said that's the number from the plan. I can't tell you if it's correct. The plan has the number in red. The Planning Board motion was not to exceed that number.

Mayor Bales said so they gave a little bit more of.....

Mr. Peete said they did a measurement at the dais the night of their meeting with the applicant's assistance, but admittedly it was not computer generated, so I don't want to say more than that, but that was the Planning Board motion.

Commissioner Munger said I would like to modify my motion on that particular number to go to 1,779. I said 1,729 at first. I'm looking for some guidance. Ms. Sloop, can you give me some guidance, please.

Ms. Sloop said if the plan includes that specific number, that means that's what the applicant is requesting. The Planning Board apparently changed the number.

Commissioner Munger said I'm sticking with 1,729 is what I'm hearing.

Commissioner Boone seconded motion.

Commissioner Munger said I would like to incorporate the findings of facts in Parts 2 through 4 of the Staff Report.

Commissioner Boone seconded motion.

Mr. Peete said I know you have moved into a different area of discussion. The representative's attorney is asking to clarify something.

Mayor Bales swore in Susan Irvin.

Susan Irvin, 19726 Zion Avenue, Cornelius, said just one clarification. When we were speaking earlier with Commissioner Munger about the traffic calming, I believe what we said was in accordance with the study performed prior to the last lot going in. I just wanted to be specific about the traffic calming parameters, so it would be as needed in accordance with the study performed prior to the completion of the last lot, if that's acceptable to Commissioner Munger.

Commissioner Munger said that matches the intent, yes.

Commissioner Boone said it's usually a year after the subdivision is complete that the Town takes over the streets for maintenance. What if we make that decision at that time instead of when the last....

Commissioner Munger said I was going based off what the applicant had openly agreed to.

Commissioner Boone said it's probably legally correct then.

Ms. Sloop said you will need to amend the motion to include that.

Commissioner Munger said on that one, applicant will commit to set aside funds to implement traffic calming features based on the outcome of a traffic calming study done prior to the last home being completed.

Commissioner Boone seconded amended motion.

Mayor Bales called for the vote.

Motion carried 4 to 0.

Mayor Bales said staff will draft and I will sign a final written decision to reflect the vote and reasoning for this decision. I would like to thank everyone attending the hearing regarding the Honeycutt Subdivision Sketch Plan and we welcome you to stay for the other items on the agenda. If you are leaving now, please do so quietly.

Commissioner Boone made a motion to let Commissioner Phillips back into the Board meeting.

Commissioner Kovacs seconded motion.

Motion carried 4 to 0.

Petition #TA22-10. Petition #TA22-10 is a request by the Huntersville Planning Department clarifying that single-family detached homes and duplex house types are not permitted on multi-building sites.

Commissioner Phillips said I need to request to be recused from this matter.

Commissioner Munger made a motion to recuse Commissioner Phillips.

Commissioner Kovacs seconded motion.

Motion carried 5 to 0.

Nathan Farber, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

Planning staff does recommend approval based on the amendment being consistent with Policy LU-11 of the 2040 Huntersville Community Plan. We believe it is reasonable and in the public interest to amend the Zoning Ordinance because it will protect the unique character of the existing housing stock. It is consistent with the definition of single-family home and provides options for future transactions.

The Planning Board voted 7 to 2, to recommend.

Commissioner Munger said unfortunately I was not here during the hamlet meeting, not that my presence would have changed the outcome of that meeting, but I'm hoping for a bit of latitude in my next questions. I also want to give a shout out to our former commissioner Brian Hines for bringing some of these concerns to light for me. In these rental neighborhoods, would it be possible for property owners to sell off a portion of the development, rather than the entire development.

Emily Sloop, Town Attorney, said in terms of property transactions, that would be out of the Town's control. Only the property owner and the potential buyer would have any say in property transactions. That owner of that property would determine how much they were asking for the property and also how much of the property they would be putting up for sale.

Commissioner Munger said typically in a situation like this, that property as a rental unit would be transferred over to what's referred to as a REIT, a real estate investment trust. If the REIT got themselves into sort of a cash crunch type situation where they desperately needed to liquidate assets, there's nothing the Town could do to stop them from selling those assets at well below market rate and thereby negatively affecting surrounding homes.

Ms. Sloop said I can't speak to property values and what the sale would do to those because I'm not a certified real estate appraiser, but the Town has no control over whether or not a property owner decides to sell their property.

Commissioner Munger said I guess I just want to put it as something to the Board, to keep in mind that is one possible outcome.

Commissioner Kovacs said I know I was definitely part of wanting this to be written, but after looking at it and thinking about different situations across Town and stuff, I think that there needs to be a little bit more flexibility or us kind of clearly defining things that could possibly exist, you know for lots with deed restrictions, irregular shapes, environmental considerations, or the topo, and maybe it would be a little more appropriate if we did like an acreage cap.....if it's below 5 acres, it could be rental rather than having 45 acres or something like that, so I kind of feel like it's pigeon holing too much into one where there are some certain situations where it just kind of makes sense.

Mr. Farber said the purpose of our text amendment is to allow any product that comes forward in a subdivision that it's going to follow only one ordinance, the Subdivision Ordinance, so all the subdivisions coming forward would go all by the same rules.

Ms. Sloop said I would like to make a point of clarification. This particular text amendment is dealing more so with the one principle building per lot requirement. It has nothing to do with whether or not it's rental or owned by the individual owner.

Commissioner Boone made a motion in considering the proposed amendment, Petition #TA22-10, the Town Board recommends approval based on the amendment being consistent with Land Use 11, LU-11.1, LU-11.2 in the 2040 Huntersville Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will protect the unique character of the existing housing stock, it is consistent with the definition of a single-family home, and provides options for future transactions.

Commissioner Partee seconded motion.

Motion carried 4 to 0.

Commissioner Munger made a motion to bring Commissioner Phillips back to the dais.

Commissioner Boone seconded motion.

Motion carried 4 to 0.

Residential/Non-Residential Floor Area Text Amendment Discussion. Jack Simoneau, Planning Director, said at the Work Session on October 3, staff heard what we thought the Town Board wanted to see with clarity on the ordinance. The intent was to bring to you what we have drafted and if this looks correct, then we will take it to the Ordinances Advisory Board, Planning Board and Town Board.

The way the ordinance reads today, it just says residential up to 50 percent of the first-floor area for non-residential only. The proposal is to add No. 6 which specifically says "First floor non-residential floor area shall include floor area used exclusively for non-residential uses and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses shall be considered residential floor area." That was just to clarify that where there is shared space, that just goes over to residential. That's the simple ask. We don't have to have the wordsmith perfect tonight, just are we moving in the direction that the Board asked us to do at the October 3 Work Session.

Commissioner Partee said I have an idea what the definition is, but the definition of hatched area, where it says Lot Type/Urban Workplace, Building Placement/Parking/Vehicle Access.

Mr. Simoneau said I don't have that particular slide here because we weren't changing that page, but that hatched area is intended to show this is generally the location where the building will go in that hatched area in the illustration, that's the intent.

Commissioner Boone said I think the Planning staff is on the right track and I'd like to see them take this to the Ordinances Advisory Board and shuffle it through them and bring it back to us.

Mayor Bales said I would concur with you, but I would like to hear from everyone else just to make sure they are on the right track.

Commissioner Kovacs said do we have to use non-residential as opposed to commercial.

Mr. Simoneau said seeing as how the ordinance today reads residential up to 50 percent for first floor area, non-residential only, I would say you've got to.....matches with the illustration of the building and the building height, so we've got to be consistent. Let me try to understand what are we trying to make sure we cover here. As long as we have consistent use, the language whether it's all commercial or whether it's all non-residential, that's what counts.

Commissioner Kovacs said I'm just thinking about our last meeting where it was back and forth about commercial and non-residential. It should say this, it should say that. That's just why I was asking.

Mr. Simoneau said I guess the question becomes if we are talking about commercial use, from our standpoint the commercial use is the commercial use and everything associated with it, whether it's bathrooms, storage, mechanical, whatever. The way this ordinance is written, if there's shared spaces because it's a mixed-use and there's any type of residential using those shared spaces, that counts all towards the residential side of things. I don't know that that's really even getting to what you are asking, but I would dare say I think using the term non-residential works just the same as saying commercial in my opinion.

Commissioner Munger said probably one of the things that we are looking for is and I do appreciate the effort, it's how do we not make NorthState happen again and right now when we look at the 50 percent and I totally understand there's going to be bathrooms, there's going to be maintenance closets, things like that, that are specifically related to a commercial entity located within that first floor. If we are looking for a mixed-use, our desire and hopefully I'm not speaking out of line for other members of the board, is we want that commercial. We want commercial to drive that. That's part of what we strive for. We understand the developer is coming in and saying I've got to have residential up to be able to make my money, but we want that commercial to get people to come into our community to generate tax revenue and we want to be able to say we're approving things to get commercial in there to drive local people activity and get things happening and when we see that non-residential, it frustrates us because we're like but what if it's another print office or a mail shop or something that's completely useless to anyone outside of that entity. I know we're trying to get there, it's just a matter of how do we word it and if you tell me we just can't, I'm going to have to live with it at the end of the day, but that's what we are trying to go for. We want commercial.

Emily Sloop, Town Attorney, said I would say that in that regard because non-residential can include commercial, but commercial doesn't always necessarily include all other non-residential, if you want purely commercial on the first floor, you would need to speak in terms of how much percentage-wise or square footage-wise commercial and specifically state in the motion when the motion is made that this percentage would be purely commercial out of the non-residential approved square footage. The more

specificity and the more clarification in the motion itself and also having specific notes added to the conditional rezoning plans to also make those clarifications would be a way to protect against the misunderstanding that we would call NorthState.

Commissioner Phillips said during Vermillion Village I feel like I learned about that through this, like anything beauty related is not considered commercial. Because I had asked for commercial and I was told no it was to be non-residential, so if you want anything that does like nails, because you know I only really care about beauty stuff let's be real, anything like that then it wouldn't be considered part of it. Is that not correct, because of the licensings and all the fun stuff.

Mr. Simoneau said that starts the debates of what's commercial.....are you looking for retail, are you looking for restaurants. I'm talking from a planning standpoint, I think even light manufacturing is great. If I'm making jewelry, I'm actually making something. That adds value in our opinion and as you look at downtowns that's what they are trying to encourage, people that make clocks, people that make jewelry, people that make things that are unique, that's why I tend to shy away from the term commercial which is retail and goods and maybe restaurants and things of that nature and services. Again, if somebody has an insurance service, I don't see a problem with that. I think that's part of what you are looking for in your downtown in my opinion. That's why we try to shy away from the term commercial and stick with the non-residential side of things. What the intent of this provision was to do is to make sure that no more than 50 percent of that first floor is totally residential and that is private space when it's residential. Anything else I dare say would be good for business. I guess you could even say the brewery over here is manufacturing. That literally is manufacturing. I don't know if that adds any clarity. We are absolutely happy to work on language that the Board feels might further target what you are looking for, but I would just say from our standpoint if you want a healthy downtown, you have all kinds of different businesses and whether it's a service business or an advisor or light manufacturing, retail/restaurants, all of those things add value to your downtown.

Mayor Bales said I think the big thing that I heard from Ms. Sloop is being very specific and making sure that when the Board is creating their motions that every little detail is laid out and that not only is every little detail laid out but that we make sure that it's noted in the plan.

Commissioner Munger said I think we had mentioned this during the last meeting, I think it is incumbent and almost absolutely mandatory that when we are making these motions Jack looks at it, Emily looks at it, that way if he's looking for a note here you haven't really considered in your motion, we know. And if Ms. Sloop says you know you may want to cover this ground, we know. And not that we do it, and I just did it on a quasi-judicial, it was kind of off the cuff making that motion. I'm as at fault as anyone is. We need to really nail these motions to make sure we're getting everything we want. I will make a better effort to have my motions pass by you Jack and by Emily or whoever you deem appropriate, but I think we should all do that.

Mayor Bales said so does No. 6, is this the direction we want to add, send on to the Ordinances Advisory Board.

Mr. Simoneau said just to make sure everybody is aware, this doesn't commit us to this exact language. We can do clarity changes all the way up to the night of the meeting because we'll advertise it and say changes could occur, but as long as we know we are headed in the right direction, that's what we are looking for.

Commissioner Boone said the residential up to 50 percent, are we locked in at that 50 percent or is that negotiable.

Mr. Simoneau said it's locked in if the ordinance is adopted. The only way to change it is if somebody asks for a conditional rezoning and asks for some relief from that, which is actually what happened with NorthState. They wanted to not achieve 50 percent and so they had to go through conditional zoning to go forward with that.

Commissioner Boone said could we change the 50 to 25 if we wanted to.

Mr. Simoneau said yes, you could change it to whatever you desire. I would be careful on that. NorthState in my mind is a good example. It was an "L" shaped building. The commercial street is really Gilead Road. That side street by the parking deck is not really a great commercial street and that was a vast majority of that first floor and so if we mandated 80 percent commercial, we would be having 80 percent commercial all down that front street and that back street and it might not be appropriate for business. A kind of argument to that would be if somebody doesn't like it, they could go through conditional zoning and say because my plan is shaped this way I want it modified, so that's always an out to try to get out of that. I would say if the Board is interested in seeing it reduced down, we could scan some other codes and just see what's happening and then give you some advice and we can work on that while we are taking it to the Ordinances Advisory Board.

Mayor Bales said I would be in favor of that.

Anthony Roberts, Town Manager, said the second part is we'll come back on November 7 with suggested guidelines on making motions.

Legislative Goals for 2023-24 Goals. The Government Affairs Committee met to discuss and recommend draft of goals based on those submitted by commissioners. The list of goals for consideration are broken out by town-specific and statewide items of interest applicable to the Town and its residents.

Commissioner Phillips requested safe haven baby boxes at facilities operated by governments (fire department, sheriff's office, etc.) be added under Government Responsiveness to Needs of Citizens as a Town-Specific and Support Statewide item.

Commissioner Phillips made a motion to adopt the Legislative Goals, including safe haven baby boxes.

Commissioner Munger seconded motion.

Motion carried 5 to 0.

Town of Huntersville State Legislative Goals attached hereto as Exhibit No. 4.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Munger

- Apologized for not sending the CMS rubric to the Board earlier.
- Attended the Public Arts Commission meeting last Wednesday.
- Consider supporting local non-profits.

Commissioner Partee

- Spoke to the Huntersville 101 class on October 12.
- Next meeting of the Greenway, Trail and Bikeway Commission is October 18.
- Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.
- Would like for CMS to include all of the Board on emails that impact Huntersville.

Commissioner Boone

- No Report.

Commissioner Phillips

- Provided update from Visit Lake Norman.
- Congresswoman Alma Adams' Satellite Office Hours at Huntersville Town Hall begin tomorrow. Office hours will be the first and third Tuesdays from 9 a.m. to noon.

Mayor Bales

- John Lewis announced he would be resigning as the CEO of CATS, effective November 30. Assistant City Manager Brent Cagle will serve as interim CATS CEO while they conduct a national search for the next CEO.
- Lake Norman Economic Development Corporation currently has 26 active projects. They hosted a business mingle last week that focused on sustainability.
- Commended Parks & Recreation for their adult recess program.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2023.

**Town of Huntersville
Town Board
February 6, 2023**

To: Town Board

From: Janet Pierson, Town Clerk

Date: February 6, 2023

Subject: Approval of Minutes - January 17, 2023

EXPLAIN REQUEST:

Consider approving the minutes of the January 17, 2023 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**January 17, 2023
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:00 p.m. on January 17, 2023.

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

Mayor Bales called the Pre-meeting to order.

The Town Board held a joint meeting with the Downtown Plan Steering Committee and the Planning Board to receive update on the Draft Downtown Plan.

Planning Board Members Present: Jeff Sny, Frank Gammon, Jodi Wright, Trina Loomis, Jay Henson, Scott Hensley, Stephen Swanick (ex-officio member of the Downtown Steering Committee), and Chris Boyd.

Downtown Steering Committee Members Present: Sarah McAulay, Lee Hallman, Charles Guignard, Sean Flynn, Bob Lemon, Elaine Kerns, Gatewood Campbell, Jessika Tucker, John Foster, John O'Neill (ex-officio member), Barbara Gerhardt and Janelle Harris.

Jack Simoneau, Planning Director, presented the Draft 2022 Downtown Master Plan. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

The Plan will go to the Planning Board for a recommendation and then to the Town Board for a public hearing and adoption.

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 January 17, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Partee asked why the Town of Huntersville does not have an Architectural Review Board and if it would be possible to develop one.

Jack Simoneau, Planning Director, explained that it would be a Town Board decision whether to create one or not and briefly reviewed the process to create an Architectural Review Board.

Commissioner Partee suggested a discussion about creating an Architectural Review Board be added to the Retreat Agenda.

Commissioner Kidwell requested staff look into holding a public meeting at the Dukes Water Plant, preferably with NCDOT there, to provide update on the Highway 73/Beatties Ford Road project. Also requested staff to check to see if the developer of Anchor Mill was to put in the infrastructure by a certain date.

Commissioner Kovacs requested an update on the new town hall.

Bobby Williams, Assistant Town Manager, noted that it is in the schematic design phase. An update will be provided at the Retreat with exterior options to give feedback on.

Commissioner Boone expressed appreciation to Anthony Roberts, Stephen Trott and Energy United for getting the new traffic light at Northdowns Lane and US 21 functional. Also expressed appreciation to Mr. Roberts for getting staff to track the source of yellow paint that was in a stream.

Mayor Bales requested an update on upcoming community engagement events.

Kim Strickland, Public Information Officer, announced a community engagement event on January 19 at Lowes Foods.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

The Year of the Trail Proclamation. Mayor Bales proclaimed 2023 as *The Year of the Trail*.

Town of Huntersville Proclamation

WHEREAS, Town of Huntersville's natural beauty is critical to its residents' quality of life, health, and economic wellbeing; and

WHEREAS, the trails that span across our community are an integral part of the recreational and transportation possibilities of our area and promote an enjoyment of scenic beauty by our residents and our visitors; and

WHEREAS, the parks, greenways, trails and natural areas in our community are welcoming to all and provide a common ground for people of all ages, abilities and backgrounds to access our rich and diverse natural, cultural, and historic resources; and

WHEREAS, Town of Huntersville's natural assets and resources are integral to disaster recovery and resiliency to climate change for future generations; and

WHEREAS, nature trails within the Town of Huntersville vary from less than a mile in length to 8.5 miles within Mecklenburg County's Latta Nature Preserve; range from footpaths within parks and nature preserves, from canoe trails down the Catawba River; to greenways through local neighborhoods; and

WHEREAS, trails offer quality-of-life benefits to all as expressions of local community character and pride, as outdoor workshops for science education, as tools for economic revitalization, as free resources for healthy recreation, as accessible alternative transportation, and as sites for social and cultural events; and

WHEREAS, the Greenway, Trail, & Bikeway Commission, Tarheel Trailblazers, Carolina Thread Trail, & trail volunteers impact our community by making trails and greenways accessible to the Town of Huntersville residents; and

WHEREAS, the North Carolina General Assembly designated 2023 as the Year of the Trail in North Carolina to promote and celebrate the state's extensive network of trails that showcase our state's beauty, vibrancy and culture; and

WHEREAS, North Carolina is known as the "Great Trails State;"

NOW, THEREFORE, I, Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim 2023 as "**THE YEAR OF THE TRAIL**" in Town of Huntersville, and commend its observance to all people.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 17th day of January, 2023

Susan Irvin, Attorney for North American Properties, 19726 Zion Avenue, Cornelius, said I want to thank the Commissioners and the Mayor for the input that they have given to us over the last three weeks. We were able to have significant conversations and we also had very constructive comments from Huntersville voters and members of the community. We have taken those to heart. Over the last week and a half since we have received those comments we worked on major revisions to the plans. Because of the agenda deadline, the plans that were submitted prior are the only ones that can be considered by the Board. The revisions that we have discussed over the last three weeks will be submitted this week and I assure you they are very significant. In addition to the changes that have been made to the plans you have before you, you will be receiving significant additional changes and for that reason the Board, and I believe the staff will inform you of this, but the Board is required to delay the vote for 30 days. We ask that you defer the decision to delay until the February 6 meeting so that will give you a chance to review the revised plans in full. That is our request to the Town. I just want to thank the Board and the Mayor for taking this case so seriously and being able to look at things that are important to the Town of Huntersville but also the personal comments from the citizens of Huntersville and the voters of Huntersville. I'm happy to answer questions.

Adam Holbrook, 143 S. Church Street, said I just want to thank the Board and the Mayor for your consideration of deferring Other Business 10.E, the condemnation of the Gibson Park Drive Phase 2. It was brought to my attention by Charles Guignard this morning that this was on the agenda, where myself and my father had not been notified by anyone with the Town or PPS that this was going on. The last communication we had with PPS was on December 13 where the gentleman that works there said that he was meeting with the Town yesterday to figure out what was going on and we have not had any phone calls, emails, or any letters since. The fact that this got on the agenda for today is kind of baffling to myself and my father.

Mike Murphy, 8514 Brentfield Road, said I've lived on both sides of Birkdale Village. I moved to the golf course side in 2017 and this is the fourth time I'm here to speak in opposition of the Birkdale plans as they are currently proposed. I don't know if Ms. Irvin is still here. I'm going to try to avoid duplicative comments for the sake of my neighbors. I would challenge Ms. Irvin on Tim Perry's behavior. I don't want to spread misinformation, but I spent a better part of today reading through some e-mail traffic that was shared with me and it seems like a lot of it is selling and marketing and social engineering of

this to the Town staff. It's always on the agenda, so it's concerning to me that even the invitation of the former mayor and Town Manager to celebrate the christening of Birkdale, he mentioned that there's a company tradition of taking a shot of tequila and that just to me is not a good look for the town. I'm sure that this occurs in other areas and folks have the right to be diligent, but I'm looking through the e-mail traffic, I see former Commissioner Munger, current Commissioner Phillips and Commissioner Dan Boone all express either outright concern about what's going on and how this is paid for. We are just kind of leery in general to the point where the Town Attorney is reminding folks of some of the laws and regulations around this sort of behavior. It's just not a good look for the town in light of everything that has unfolded and it just adds further confusion and stress to the citizens. In closing, let's think about that statement in the proclamation we just made about the Year of the Trail. I can't remember it word for word but let's think about that statement that we just made. That's like counter to everything that we're talking about with Birkdale Village.

Suzanne Villar, 17130 Bridgeton Lane, said I would like to say, and I don't want to use individuals' names because I don't want to get into the area that might be perceived as a personal attack, but I will say that North American Properties is here asking for a rezoning extension again and we are here to object again. I would like for the record, for those who want to dismiss our group as just being drawbridge objectors or people with a NIMBY mindset, let me assure you that we are not. Many of us who have spoken against this rezoning and will continue to do so were originally supporters of the vision the North American Properties presented to the neighbors of Birkdale Village, which was I believe in the fall of 2019. I for one believed at that point that the Village had been neglected by DDR and needed a facelift. I supported the ideas originally presented to the residents by North American Properties and felt that they would address many of our problems. But eventually we learned how deceptive and incomplete North American Properties' original presentation had been and how ill-conceived North American's plans were. That was when North American Properties lost my support. They failed to divulge their full intentions to rezone Birkdale to make way for high-rise buildings, which I think is totally incongruous to put a high-rise building in any area that is labeled a village. It's simply not appropriate. Mr. Perry, because he has been the point person on this, has been educated about this numerous times by members of our community, so there shouldn't be a need for a last minute major revision. These concerns and complaints have been put before North American Properties on numerous occasions by numerous individuals and why we are just now being told that there's a major revision is somewhat of a mystery to me. It seems like there was time and opportunity for this to have been addressed in the beginning. It seems like a committed developer would have come to the table with a full presentation from day one, revealing all of their intentions, including high-rise buildings, a 350-room apartment building and 150-room hotel, but that was not disclosed initially. They would have come if they were a committed developer with well delineated drawings and that wasn't provided. I am asking you to please not approve this postponement and not approve this rezoning.

Tammy Davis, 17114 Bridgeton Lane, said this is the third time that I have been here standing behind this podium pleading for your support. The first time I spoke it was out of frustration, concern and anger. The second time I spoke it was for fear of my family and fellow neighbors. Today I'm just going to speak from my heart. I love my community and all it has to offer. If I felt for one moment NAP's plans were beneficial to a place I hold so dear and near to my heart, I would not be so adamant about trying to stop them. Many people in our community share in these feelings, but quite simply just don't have it in them to publicly stand here and speak to you all today. I assure you that they are watching and they are listening. They care about this. It's important. We as a community are upset. I don't know if we are allowed to use names, but Mr. Perry has overpromised and underdelivered to us. We were told construction would be done before the year mark and our parking would be accommodating to all the masses. Reality is we have been left with two unfinished structures and the traffic and parking

are an absolute and total nightmare. Tim has changed his narrative repeatedly to fit his everchanging motives and has just blatantly lied to us. Unfortunately, trust has been broken and without trust, anger and suspicion have been born. If you look at our online petition, it is 10 to 1 against NAP's plan to overexpand Birkdale Village. If your decision was based purely on votes alone, this would be an absolute no to NAP's current conquest. The heartbreaking truth is that this decision may very well be influenced solely on tax revenue and that is what I find so incredibly disturbing. Quality of life should play a pivotal role in our town leaders' decisions. When you all as elected officials were on this side of the microphone vying for our votes, your constituents voted for you believing that you had our best interest at hand. The promises and oath were taken for us, your townspeople, not a Georgian with questionable character and smoking mirror. For this my third and final plea I am asking for you to do the right thing, be here for us as we were there for you all. Please stand up for your people.

Mayor Bales said as we move forward, please let's keep our personal attacks – we should not be doing that. I am sure that you can get your point across without doing so.

Nick O'Shaughnessy, 8217 Parkton Gate Drive, said I'm going to have to ask you for a slight exemption from the personal attack because I am responding to Mr. Perry's Facebook in which he stated Nick, you've had your 15 minutes of fame and now it's your turn to quit. He also called me a fearmonger and totally non-constructive in this process. Having said that, that's all I'm going to say about him. What I do not understand about this rezoning proposal is that it knowingly not knew how unique the Village was conceived. Why did they do cheap way out. Again, this is not anything derogatory against the local people, but they hired a local landscape architect who happens to be on the Planning Board rather than the architect to the same caliber as Terry Shook of Shook and Kelly who were the original local architects for Birkdale Village. The answer is unfortunately, and I apologize for being slightly repetitive, in that the used car salesman approach to real estate is all about minimal capital outlay for maximum revenue in return in the short term with no consideration for long-term permanent effects as a result of their actions. And those actions would be left with us, the neighborhoods, the community and you the town. The scope and size and visual depictions of their proposed big buildings are an architectural joke. The reimagining of the central boulevard is also a joke with the Warby Parker building being the prime eyesore. Build quality is mediocre to poor and as previously mentioned there are two unfinished structures which have been unfinished for more than two months. Perhaps the contractor didn't get paid. That's usually the reason for no construction happening. NAP's ignorance of the concept of Birkdale Village was exemplified to me when they closed off the roundabout in the center. The whole TND concept of interconnectivity from village to residential was destroyed. Those are public streets in Birkdale Village, did everybody know that. They are not private streets. They are public, owned by the Town. Did somebody at the Town authorize the closure because you just ruined the central focal point of the whole development. Now all the traffic that really exits has only one way out because everybody has to go right and go to that one exit rather than the two exits. Birkdale Village was the first TND nationwide to be built at one time. Forest City, the original landowners, were going to build yet another strip center, but for the insight of Mayor Jill Swain, God rest her soul, and Ann Hammond, Town Planner and David Walters who wrote the TND Huntersville received a true jewel of a prime example of Traditional Neighborhood Development. I literally implore you to deny this proposal and deny the request.

Noelle Burton, 12940 Cadgwith Cove Drive, said I don't even live in Birkdale Village. I live in Northstone Country Club, but I was compelled to come here tonight because I'm very upset by all the changes occurring in Birkdale Village. Why would I want to go to Birkdale Village when all the stores are closing or have been closed that I frequented. The parking is a nightmare. What is the draw. I'm the perfect demographic in which you would want. A 40 something year old mom, shopper and in all of my social

circles as well as my social media groups I can tell you that not one single person is excited about going to the already congested Birkdale Village area. This new project has seemed to attract unruly teenagers at the movie theater and the surrounding areas. They are loud, obnoxious, vulgar and that was my main reason for not going to malls. Christmas was a disaster and we left when we couldn't find a parking spot. I literally live 10 minutes away and it took me 45 minutes to get home because of all of that traffic on Sam Furr Road. I really hope you stop these money hungry greedy developers in their tracks.

Nadine Wynn, 8127 Strandhill Road, said I want to say thank you to all the Commissioners, the Mayor, all the elected officials for allowing us to speak here tonight. July 4, 1776, United States signed a Declaration of Independence. One of our greatest forefathers Thomas Jefferson penned the sentence that all citizens of the United States have the right to life, liberty and the pursuit of happiness. What does that have to do with me. Let me share my little story. I moved here in 2002. Driving through Birkdale Village just being finished, I was so excited. I fell in love with this little community. Low and behold my happiness was greatly accelerated 2-1/2 years ago when I had the opportunity to buy a little house in Birkdale Village. My cute little cottage. I love it. I still love it to this day. My concern is that the community has changed. I am no longer able just to take my car and drive around and go to the shops there, even though I literally live on the other side of the park. I could walk, but I have severe arthritis and I can't. Trying to find a parking spot as we all know is a living nightmare. I really started to panic the night that Santa came to Birkdale because I couldn't get to my home. My own street to my home was blockaded. Even the little secret road behind Walgreens was blocked off by the people who were doing construction on the apartments and their signs said construction traffic only. That made me realize that the changes that are occurring when I first thought they were awesome suddenly they are not anymore. I thought ice skating was a fabulous idea to come to Birkdale. Oh no, wait, when I tried to park the day after Christmas to return some Christmas presents, there was literally nowhere to park. Cars were parking up and down the residential streets of Birkdale Village and that's during the day. Elected officials, I want to thank you for your patience, your persistent and your perseverance in supporting the citizens of Huntersville and Birkdale Village. They voted for you. It is your responsibility to be their voice, to listen to them, to listen to what they are saying. Please support us in stopping this change.

MaryAnn Turetsky, 16927 Birkdale Commons Parkway, said I've been researching our distinguished Board members to refresh my memory as to their platforms that they ran on to get my vote. I found out that Stacy Phillips and her family own the Old Store. I buy them out of their mistletoe candles every year. Then an address popped up with the name Phillips and I couldn't believe it. The address was 16500 Birkdale Commons Parkway. That's the street that I live on. I got in my car with my friend and it led us to that address and I found myself sitting in front of the Birkdale Golf Clubhouse. I found out that the Phillips family does in fact have an interest in this property and their plans to develop it, just like NAP does with Birkdale, with a six-story hotel, apartments, high-end restaurants. I feel that Stacy like her father did in the past should recuse herself from this vote. It is ethically and more important morally the right thing to do. At one meeting I heard her ask if she should recuse herself but the Mayor said it wasn't necessary. Stacy proved to me that she wanted to do the right thing at that time. The Phillips family has all to gain in this vote and the people of Birkdale have all to lose.

Mayor Bales said you are dipping into personal attacks at this point. Please share your concerns about the project itself, but let's not dive into personal attacks on individuals.

Ms. Turetsky said okay, you're not going to like this. Then in 2020 I read that NAP hosted several Board members on a trip to Avalon to show them what Birkdale could become. That seems like a conflict of interest, but what do I know. Then I heard that Tim made a substantial donation to one of the Board's

favorite charities, Angels & Sparrows. That sounded like a soft petal bribe. In closing all I want to say is that the NAP executive came in here like a snake oil salesman in day of old pulling his wagon into Birkdale with a promise of fixing us. We were not broken. We just needed some maintenance, paint and love to revive us. The kind man was eventually unmasked and all the people realized he was not here to help us, he could care less about Birkdale or its residents. The NAP executive is just interested in staying on top of the heap. Shame on you. To the Board, all we ask is that you vote with your truths, not your pocketbook or sweet talks from NAP. The shiny new toy of NAP breaks down and we will be left holding the pieces. A special thanks to Amber and Derek for reaching out to us after receiving our concerns.

Nicholas Giampa, 16977 Bridgeton Lane, said I have lived in Birkdale for the last two years and the changes that I've seen haven't really been positive ones. Since Christmas, I've seen police at Victoria Secret twice for theft. It's not uncommon to witness alarms going off and police in front of stores searching for criminals. People are now parking near and in front of my townhouse every weekend and I can't even park in front of my own residence. The noise has increased with cars racing up and down Townley at all hours of the night. My neighbor's car was sideswiped because she parked on Townley when Bridgeton was taken up by visitors to the Village. Personally, I feel like adding more buildings, people and cars to this already congested community would be dangerous and for lack of better words irresponsible to Birkdale's existing residents. For example, when I was younger I could walk straight to the Village and go to Starbucks and the last year or so that I've moved myself into the townhouses as I've grown up, I can't even walk down my street because there's cars parked straight on the sides, each side, a bunch of congestion all through Birkdale Village and it's just really congested. If I had to sum it up all I'd simply say is the Village used to be a cool little place where I could hang out and relax. It felt like home to me. But now I have decided to not renew my lease. I'm speaking here tonight in hopes that you all will vote no to NAP's greedy, self-serving, undesirable plans of expansion.

Kim Zarsadias, 17303 Inglewood Lane, said yes, Birkdale Village did need an update. At first, I liked it. The more I look at it, though, it just looks like.....I mean today when it was raining out sitting at eeZ eating, it just looked dreary and sad. In reference to a recent Opendoor Survey that has all of Huntersville buzzing, Huntersville was named the No. 1 zip code in the Charlotte area. The reason given for this rating is it offers a small-town feel, while still being accessible to Center City Charlotte. Adding a 145' glass building to a charming village does not preserve that small town feel. I am wondering why the plans that North American Properties has cannot be accomplished on a smaller scale. There must be a way to bring more foot traffic using a hotel of four to six stories and keeping within the current architecture. Look at the hotel Bella Grace in Charleston for example, which falls under the Marriott umbrella. Why can't they use Classic instead of Class A office space. An office building that mimics the Banana Republic building would be beautiful. Modern architecture of an all glass building does not age well and is proven to look dated quicker than any other style of architecture. The style and size just don't fit in Birkdale Village. The Hub in Davidson, although a different feel and size than what might fit in Birkdale Village has worked well for Davidson because it fits the architecture, it blends in. Why can't we do that. Why do we need that ugly big glass building. Surely, we can come up with an office building that fits the architecture of Birkdale Village in four to six stories. I'm not aware of any professional architectural drawings that were done for this very important project. The whole plan does not feel strong. It feels unplanned and chaotic. It just feels like there's a different answer every time a question is asked. It doesn't feel truthful. It feels like there's no small area plan for this section of Huntersville. Huntersville needs to take the reins and make a detailed professional plan for how this small area will look forever before it just lets developers come in and plan it in a haphazard way leaving it looking like a hodgepodge of different architectural styles. I've also noticed that a lot of details have not been

completed. The paint is scratching off all the doors. It might not make a difference to some people, but it's not going to age well, what they've done.

Cindy Stockwell, 8112 Parkton Gate, said I believe Birkdale Village can definitely benefit from new development, but there must be infrastructure in place to support it. The main roads in Birkdale Village – Lindholm, Townley, already have a lot of traffic congestion. They frequently back-up and Christmas was a disaster. The two entrances to Birkdale Village cannot handle the current amount of traffic they see now. Adding more traffic with all this development will negatively affect people's living, working and just enjoying Birkdale Village the way it was. One ideal solution would be to add an additional entrance or exit to Birkdale Village or adding more lanes to existing ones. At one point there was talk of extending Townley Road to Northcross Drive. I feel like this should be explored further as somewhat of a solution, but I still think the infrastructure to Birkdale Village does not support the kind of buildings they are wanting to build.

Kim DiBenedictis, 8814 Camberly Road, said I've lived in the same house since 2001. Before my husband and I bought our own, we considered Atlanta, but only for a second because we knew it was too large and congested with more growth to face. We then looked at south Charlotte, but didn't love the city feel and having to keep up with the Jones' so to speak. We then came upon Birkdale Village and right away we fell in love with it. It was like the dream. The small town quaint with old fashioned values of loving and knowing your neighbors. I'm that touchy, feely, girl from California, love all people, so I just really needed a place where I could shop, visit, grow, have my family. It was my answer. Walkability, shopping, date nights, dining, movies, Easter Bunny, Santa, art shows, music, all of that was amazing. I know time brings change and growth, but let's be careful and wise and aware of what building an atrocity of an office building will do to our quaint village. It's just not changing a paint color and repainting it later if we don't like it. Haven't we learned with COVID that office buildings really aren't in high demand. I'm kind of confused with that. I don't really know why we need that. If NAP has the mentality of we build it they will come, then build your glass towering building in an office park that already exists, like the Rubbermaid NorthPoint area. It would fit in there perfectly I think and it's close to the interstate, all of those things that they were wanting it to be, or even in the Huntersville Business Park off Gilead. Those locations I think fit well. These proposed changes don't just affect us who live there, but it truly affects everyone that lives in the surrounding areas. This used to be a fun, safe, shopping, eating and drinking and socializing place, but now I hear from many that they avoid coming to Birkdale Village. Their favorite stores are leaving. Parking is hard to find and if you try to leave you can expect to wait for multiple light changes before even getting out onto Sam Furr. I want to impress upon you this analogy. This of this – I am your child. I depend on you for keeping me safe and meeting my needs. You are the Board of Commissioners, the Mayor, you are my parents. You were voted by the citizens of Huntersville to protect us and our neighborhood like it's your children and home. I trust in all of you that you will make the best and most responsible decision based on Birkdale Village's current state and future. Please choose to preserve Birkdale Village and allow for change and positive growth. Please ensure that NAP remains transparent and honest. I know that this is a lot on your shoulders and I do really appreciate you all.

Peter Romanello, 15823 Trenton Place, said I just wanted to start out by thanking Commissioner Boone and Commissioner Kidwell for actually responding to e-mails. I appreciate that. When it's sent out to everybody and you only get two out of seven, that's not good odds. There's three sides to this political game as I see it. On one side we have the developer. The sole purpose of the developer is to make money. At the end of the day, that's all they care about. The next side is us, the residents, and we have to bear the brunt of all of the hell that will happen with that construction. We have already endured all of the problems with the parking, with the traffic and with the safety and with potential growth that's

not aesthetically or practically appropriate for the Village. And last is you, the elected officials for the Town of Huntersville. You either ran for office to do good things for the town or to enjoy some level of power, local fame and control. And it happens at every level of politics. All we have to do is look at our state government and our federal government to see what happens when there's any level of let's say something that gets in the way of doing what is correct. For almost the past year you have heard legitimate concerns about parking, traffic and safety and those concerns have yet to be addressed with anything other than a glossing over by the main salesman for NAP, Mr. Tim Perry. His job, of course, is to paint a pretty picture of the Village, only speaking of the benefits without addressing the negatives. Your job, hopefully, is to see through that. At the end of the day your responsibility is to listen to the needs and concerns of your constituents. While over 1,400 residents have signed a petition against the expansion, only 140 or so have signed a petition in favor of the expansion. That means that 10 times as many of the constituents who voted you into office are saying that they unequivocally do not want this to happen. You have to listen to them. That's not 4 to 1, that's 10 to 1. We do not want it. And of those 1,400 people in that poll, that is not just people in the Village, that is people in the entire town of Huntersville and you have to listen to that. If you vote in favor of the expansion, you will then have to answer to each and every one of your constituents as to why you did that. And we have the responsibility to hold our elected officials accountable for their actions. Every time you are out in public, every time you go to a store, every time you are seen shopping in Birkdale Village for example, you are going to be confronted, peacefully and respectfully of course, but you are going to have to answer for your actions.

David Schurr, 17142 Pennington Drive, said last time I spoke I said that each person who was in attendance represented dozens of families that were unable to attend in person due to other obligations. I would say now that number is even higher. Many people have or will speak of the issues that the proposal by North American Properties may cause, and I concur, so I won't delve into those same reasons with my time. Instead let me reflect on something I took note of while attending a previous meeting. The fiscal year 2022 financials were presented. I noted that revenues exceeded budget, expenses were under budget and most importantly revenues exceeded expenses and provided a surplus to reserves. That was a great job. What does the North American Properties zoning proposal do to approve upon this performance. Has any of this been reviewed or vetted. Can it be provided to the residents. What I can tell you is that we have discussed the safety, infrastructure and quality of life impacts from the proposed changes. As it stands, the main beneficiary of the changes would be North American Properties, which is headquartered in Cincinnati, 450 miles away. They are concerned with the negative impacts they will cause here. North American Properties knew the zoning laws in Birkdale Village when they purchased it. Why are we looking to appease people 450 miles away from Huntersville rather than its residents. Please do not allow for the deferral of the decision once again and please deny the rezoning and let's put this issue to rest.

Lisa Schurr, 17142 Pennington Drive, said I find myself in uncharted territory as I've spent my career working in corporate finance doing business case analysis, assembling data to determine whether to proceed or squash a project, making lease versus buy decisions. I've always said I don't make difficult decisions, I let the numbers make the decision for me. Clearly, the developer is no different and is in business to make a profit. However, the difference is their proposal is not in keeping with the zoning that impacted purchasing decisions for hundreds of homeowners in the surrounding communities. If you don't like the rules of the game, you can't just keep moving the goal post. Secure a non-residential area that's zoned accordingly for the build-out. There are plenty of other opportunities in the Huntersville area. The disconnect for me that I keep asking myself is what is in this for the Town of Huntersville. Once again, my finance background never fails me. Money.....unless I'm incorrect the Town is not in the red. We are afforded the luxury of time to make thoughtful and meaningful change

for our community and owe it to our constituents to do just that. We need to pause, run the numbers and truly quantify the impact to the Town's resources. The homeowners have spoken and outlined their concerns, their interactions, their experiences. We have problems now and doubling the amount of traffic to the area is clearly not the solution. If you don't believe the homeowners, a quick Google search can highlight incidences covered by our media. Police investigate brutal assault by group of teens in Birkdale Village. Three nabbed in Birkdale Village's Victoria Secret heist where four suspects stole over \$6,000 in merchandise and of course everyone remembers the murder of 19-year-old Peter Jordan at the apartments across the street at the Landings at Northcross. Ask yourself will the developer's expansion eliminate or reduce such headlines. Thank you for your attention and thank you for your service. We all want a better, safer community and with proper planning we can get it right. I applaud the county building out the new Huntersville Rec Center. It's a joy to see our youth getting fit, playing team sports and providing them a Rec Center as a gathering place. The only downside is that we kick the kids out of the center at 6 p.m. on Friday and Saturday nights. It is our duty to provide a gathering space for the youth to prosper and to grow. Birkdale Village is not that place to develop our youth. Let's create that place.

Julia Savage, 17036 Pennington Drive, said everyone here has basically said over and over again how this will impact our lives and what I want you to do is to imagine living in my home when I cannot back out of my street. It would not be uncommon on a daily basis and perhaps hourly to see a car doing in excess of 40 mph down Pennington Drive. Two or three years ago I asked Huntersville and Cornelius to do an evaluation. I'm in a unique position because half of my home is in Cornelius and half of my home is in Huntersville. When I'm in my dining room I am in Cornelius and when I'm in my great room I am in Huntersville. I reached out to both communities and I said this is a very serious problem. I don't have children, but I hope to have grandchildren and I know my neighbors do have children and I'm not kidding you, 40 mph is not an exaggeration. When we look at adding all this additional traffic, we are not talking about adding additional means to move that traffic in and out, we will become that highway for people to leave Birkdale to go 40 mph to 50 mph down my street to get to Catawba. When you sit here and you listen to all of us, we all truly want to see improvement in our community. We truly are praying that you all understand that this is highly emotional to us because it is truly the safety of our families that we are talking about and why we bought and live where we are is because of what all of us have just said to you. I'm originally from Michigan. I came here and absolutely fell in love with Birkdale. That's why I'm here. I hear that from many of the people in my community, so we are truly depending on you to understand that we do not want to stand in the way of improvements and growth. But it was said earlier when they purchased this property, they knew what they were buying. When I bought my home, I didn't buy a lakefront. I knew I wasn't getting that. It's unfair for them to come in and try to claim that it is their investment, so now they shall make it what they want it to be. They should have purchased another property. We are going to be their consumers. We are your constituents. We beg of you to not approve this. That doesn't mean we want to be difficult, it means we want responsible, safe means to deal with this and we absolutely have to address the parking issue. Several of us have already told you please put your feet in my shoes and imagine living in your home that you cannot get to. People have literally parked in front of your driveway. Please decline and deny this request and let's come back to the table and do something reasonable.

Errol Genois, 8537 Camberly Road, said obviously our community stands at a crossroad of positive versus negative progress. I want positive progress. I want to live among people in a community that reflects positive attitudes. As a result, I don't want Exit 25 to become more congested like Exit 36. I don't want more traffic through Birkdale Village and The Greens and in the Birkdale area. I don't want increases in noise and pollution of all kinds. I don't want the increase of mobile units at our schools. I don't want a negative impact on the property values of our homes. I don't want a 7-story

office/commercial building, 12-story hotel, a mixed-use commercial residential building with 350 multi-family units, and I don't want a new 6-story parking deck. I don't want our greenway and our natural wildlife compromised. I don't want economic activities that will naturally attract crimes. I don't want additional homeowner costs to maintain basic maintenance, for example changing furnace air filters twice a year and the need for power washing the exterior of our home from construction pollution as well as Sam Furr Road work. This is a factual expense noted from the history of Robbins Park and I-77 construction. I don't want a 25 mph speed limit anywhere in the business area of Birkdale Village. And I don't want the apartments and the hotel planned in the Birkdale Golf Course community. I don't want negative progress. Negative progress will only create more negative people than ever. I want positive thinking to produce positive progress.

Gay Rudisill, 17204 Bridgeton Lane, said just because I have white hair doesn't mean I don't add good anymore. In an article in the Observer on January 9 it was talking about the number of spaces and it says 125-room hotel, 350 multi-family units, then there's the commercial part of the building. Just the 125 and 350, that's 475 cars for that number of people. That's not adding in the fact that each apartment may have two people that have cars and the people that work aren't necessarily going to go home at night right away. A lot of people stay to work late. A lot of people work Saturdays, so you are going to have it used also on weekends, but it adds up to 475 cars without even adding in the commercial building. In their plan was a quote and I won't say the person I quoted it from, but it said the plan calls for 450 more parking spaces which would more than make-up for the uses that were needed. I'm going wait a minute, we're 475 cars, 450 spots, that doesn't come out. I thought even that, without adding in all those cars I know what that traffic is like, what all these people have talked about because of where I live. I've lived there 19 years. Beautiful community.....I have loved it. I have loved growing older there. There's so much. But it has changed so much. My 20-year-old granddaughter who has visited me very often through her years came and said at Christmas, what happened – it's not a village anymore. It doesn't even look like it used to. And I had to agree with her. Things have changed. The traffic has changed, the circle is gone. I would like to mention also there was a quote in the article about the wonderful Christmas parade. It was nice having a parade there. It was massive traffic. Long before they took the property, back before COVID, we used to have hometown parades there that Huntersville I think would claim they are very proud of.

Catherine Wright, 8203 Strandhill Road, said thank you for allowing us to speak tonight. I am not going to be as eloquent. My mother recently died but it was so important to me to come and just share my heart with you and tell you I'm kind of feeling like maybe some people have misjudged you and that you are going to stand on our side because you care about each of us because you are a part of us. There's always another developer that's going to come in with big money and try to change everything for their own purposes. But I really feel that each of you understand what we are saying. We don't have to stand up here and say traffic is awful. I've been here 36 years. I have lived in Davidson, Cornelius and Huntersville. One of the things I've always kind of felt is that Davidson has kind of had more control over their building and stuff. Cornelius is starting to have a task management force to manage all of this and try to downsize some of the zoning and stuff. You guys are our people and I just hope that you will stand with us and help us make this a special place. I love that you applauded the trails and the scenic beauty around here. I'm on those trails a lot riding my bike and walking and my husband and neighbors and people from all around Huntersville and I try to imagine what it would look like when we start having these almost skyscraper kind of looks through the trees, it's just going to change everything and change comes and I hear people say you can't stop change and progress, but what is really progress and is it inevitable that it has to look like what NAP's presenting. Could it be something more special that we hold our culture more dearly in that we separate and different from all the other places that just slap up a new skyscraper and overbuild and everybody feels congested and claustrophobic. I just wanted to say

I think you guys are awesome. You do so much for us and I'm just asking you to step up and do the right thing, because I think you will and I'm counting on you and thank you.

Jon Boggiono, 17318 Inglewood Lane, said I wanted to talk about a slightly different topic than what was already spoken about in Birkdale. I have in my hands here the Downtown Master Plan. I followed along with this. I don't know all the details, but I think this is wonderful. There's a lot of attention and effort that has gone into the area immediately surrounding here. One of the things that we've talked about both with NAP and as a community, you had this box or there was this box the Town staff has of the 73 and I-77 corridor as a high-density corridor. Birkdale Village is included in that. It's one of the justifications for the buildings that Birkdale wants. Regardless of this specific project, we need something like this for the Birkdale area. Just the sheer amount of development that's coming on the other side of the highway by the Northcross Development, by us on the Cornelius side, the widening of 73, this isn't going to be the only project in that immediate area. It took me 15 minutes yesterday, in the middle of the day, to get out of Birkdale. I had to come down here for a doctor's appointment over here by the hospital and it took me longer to get out of Birkdale to the highway entrance than it did to go the rest of the way down here. I try to walk and bike as much as possible. My son and kids would bike to school even though it wasn't necessarily safe along Northcross getting across 73. We need something like this. Everything seems to be banking on widening 73, but if you drive in Atlanta, that's not a solution for long. Five years 73 is going to be just as packed as it is now and it's going to be worse unless there's some plan to connect us beyond just this. I know there's a few additional roads coming from the highway toll funds, but that's not enough. We need greenway extensions over the highway up there, we need more accessibility beyond just the widening of 73. That's all I wanted to say and thank you all for listening tonight.

Dawn Snow, 8132 Evanston Falls Road, said I've said this before, we're not against development all together but we just want responsible development. There's really no need for an office building and it doesn't fit, however if the motivation for the office building happens to be a convention center, then who is paying for it. Will it be funded at all by the taxpayers and citizens. Has a cost analysis been done and will there be a bond referendum. What is the potential overhead cost to the Town for this proposed rezoning project including the cost of increased infrastructure, impact on property values, crime, emergency services, loss of thriving businesses and demand on schools. How do these overhead costs compare to the potential revenue. The Town does not really have the bandwidth right now to approve the scale of this project without slowing down and digging into the details and answering these questions. To approve this without doing so is irresponsible. I really don't understand why the Town keeps bending over backwards to the demands of North American Properties and granting all these extensions when they have yet to make any material changes to their proposal. In the meantime, North American Properties has showed zero commitment to our community as they have continued to kick out many small local businesses that our community loves such as Nina's and Corkscrew. And just this week I learned that Claire's, Kilted Buffalo and Loft are also being kicked out. No, we are not against development all together. We are just against irresponsible development. Our Village deserves better. Birkdale Village has helped make our zip code one of the most desirable in the area according to a recent article for Axios. Let's not ruin it by acting irresponsibly and destroying the small town feel that has made it so popular. Please deny this extension and deny this rezoning.

Kitty Giese, 9525 Devonshire Drive (Suzanne Villar deferred her three minutes to Ms. Giese), said my thought during the middle of the night one night was that why doesn't North American Properties buy the part at the beginning of Northcross Drive across 73 where Newell Rubbermaid and all those businesses were. It's down and there's a bridge that goes over to Birkdale Village and so it seems like it would just kind of make everybody happy to do that and I read in an e-mail that I think that they have

proposed to buy the business park there, so that would take care of the office building and the hotel and we could all be happy.

Tim Perry, 2008 W. Cavendish Court, Joan Creek, Georgia, said thank you for your time this evening. I just want to mention a few things concerning our plans at Birkdale. We have spent.....someone said earlier that it seems fluid, and conversations seem fluid and I would agree with that. It has been fluid as we have spent time speaking to citizens, speaking to council members, and the changes having to remove some of the filings in order to be able to meet with the council in December is what led us to some of these changes. We met some of you on December 20, others of you on January 3. Retail is fluid. National tenants leave for national tenant reasons. Right now in 2022 there were a little over 4 million people that came to Birkdale Village. In 2019 that number was 4.5 million, so traffic is down and yet the parking is the one thing we have heard from almost every comment here tonight, almost everyone. We are going to make substantial changes to the plan. We are going to deal with the apartments later. That could be 10 years, it could be never. But it's certainly not something that solves the number one problem today, because it self-parks and provides no additional net new parking. Same with the hotel. It needs to go in a different place. It needs to aesthetically fit in better with the arrival experience and the offering of Birkdale Village. One thing that you will see when it comes back is this is all about parking. Every comment. I've heard no solutions, really, other than people park on the streets, there's not enough parking, I have to walk from up around the building to get there. This was all about parking. That's what drove it. That's what we want to focus on and that's what our new plan is going to focus on. It's going to focus on parking and at our suggestion, our idea, adding a lane onto Lindholm there at Townley so that more cars can exit faster. I just wanted to thank you for your time. I look forward to presenting to you in a week or so an updated plan that's going to be about parking. That would add in the case of our submission 450 spaces, about 70 percent of the guests of Birkdale are there after 5:00 p.m. or on the weekends. This is about parking and the non-stop comments that we hear from the citizens about needing a better alternative and needing that to be convenient, that deck behind J. Jill, behind Barnes and Noble, is where we would propose to put it. Thank you for your leadership. Thank you for the comments over the past month as we have nurtured a solution.

Kerry Edelstein, 8810 Camberly Road (Casey Childers deferred her three minutes to Ms. Edelstein), said I am pleased to be here tonight in my corduroy slacks from Banana Republic, my sweater from Loft, my poncho from Nina's – you know those stores that none of us allegedly supported and my comments tonight are dedicated to them and to Corkscrew and apparently also Kilted Buffalo and Claires as I learned tonight. NAP would like for you to believe that those of us expressing concern tonight and throughout the last few months about the rezoning plan, smaller or larger as it may be right now, I'm really naysaying [inaudible] who lack sophistication. I would like to directly address that deeply misguided, misperception. And if you bought Birkdale because they see value in our community's alleged affluence, so why is it that they talk to us and about us, that aspirational community that is the hottest zip code in Charlotte as if we lack sophistication. Let's compare notes. NAP has conducted no business analysis of the revenue to the Town versus the cost to the Town for their proposal or any part of their proposal including the convention center to persuade us that this is a fiscally responsible or even financially feasible endeavor. In fact, I'm the one that brought that to your attention at the last meeting. They may not be required to do this, but it certainly seems the wise thing to do if they want us to be confident that the revenue from this will outweigh the cost. NAP has also not addressed the infrastructure investments, the many variations of those that we have talked about required by the Town to ensure success of this project. We all brought that to your attention and some of you brought that to their attention. NAP has suggested and this is fascinating in light of the comments that were just made that live, work, play destinations are our future, but for who exactly. Where's that vision addressing the different employees at Birkdale like the janitorial staff that will be at the offices. The

housekeeping and bellhops and receptionists at a hotel or restaurant servers, none of whom will be likely to afford luxury housing without a meaningful affordable housing accommodation which nobody has been discussing, let alone promising. There's no transportation infrastructure. There's no public transportation to Birkdale. If there's any part of me that's indeed a NIMBY, it's that I don't want that disgraceful brand of classism in my backyard. Now suddenly they are changing this to be a smaller proposal. Is that really true. Do we really believe that or are they just not wanting all of us to be here when they ask for you to vote on this on February 6. I think it's the latter. NAP has exhibited a complete lack of ingenuity and resourcefulness in ensuring design inspirations and by the way you don't need an architect to share design inspirations. You need a Pinterest account, a Google image and an intern and I sent you some of those ideas last night without the intern. NAP has shown no capacity for community engagement. In fact, they have actively lashed out, and you have heard about this, at different community members, including myself, and perpetuated lies about us. They'll say we've shared no other ideas, but I have personally heard tons of really great ideas coming from this community. It's made me really grow to even love and respect my community even more. Of course, I'm not actually seeing NAP taking notes as we've shared these ideas to them, which might be why they don't remember them. And it is not all about parking. It is a piece of the mix, but it is clearly not just about that. You've heard a lot of variety tonight and not that many people brought up parking. It says to me they are not listening. Finally, it seems like NAP can't manage successfully the existing project. I feel like those unfinished eyesores on the green right now. It seems like they were either surprised that we have weather here or labor shortages or an economic slowdown. Maybe they were surprised by all of the above, or maybe they just lied to us about their timelines. As some have mentioned few of us are really opposed to any redevelopment and actually really love to see smart redevelopment or issues that we hold ourselves to a higher standard than this. A standard of responsible redevelopment, aesthetic continuity, appropriate scale and fiduciary responsibility in our backyards. We, the residents of this community are not the ones lacking sophistication there. Everyone in this room would be pretty naive to believe that NAP would come up with a materially revised new plan that comprehensively addresses our new concerns for the next meeting. A sophisticated company would have already done that. The only way to demand that sophistication that standard that put Birkdale on the map in the first place is to deny the request for a delay, vote no tonight and send them back to the drawing board to truly engage the community in a plan we actually love and a plan that embraces design continuity, financial responsibility and effective infrastructure planning. That's what this is going to take.

Brian Rice, 17232 Bridgeton Lane (Shannon Rice deferred her time to Mr. Rice), said before I get started I would just like to reiterate I think Susan Irvin did a nice job. I do want to remind her that this is Huntersville that she's talking about even though I believe she lives in Cornelius. Town Board, I'm asking again as I have in prior meetings, that you say no to the current proposal shared by NAP and no longer delay this vote. Again, I come to you not as a single family but as a representative of 1,442 people that have signed our petition. And so there's a matter of record to the folks at NAP who have reached out on social media, the people that are signing this petition are locals. I can attest that my wife looks at every single one of them. They are locals, they are voters and most importantly they're your guests as you like to call them at Birkdale Village. While we are not against development, this is not the right development and not the right time giving other developments on Sam Furr, current insufficient parking in Birkdale Village and current traffic patterns in this area. Furthermore, the consistent half-truths and arrogant antagonistic attitude by NAP continues to erode trust that they have Huntersville's best interest at hand. Board, please do not delay this vote. NAP continues to use delay tactics to its advantage so they can pursue a false narrative to meet their goals. As an example of this tactic, NAP, they have an interview with the Charlotte Observer dated January 11, 2023, and I'd like to share a few quotes that were provided. So in any case the argument that doing nothing is a better solution than adding 450 spaces is non-sensical. We are non-sensical. Well, to suggest that we said do nothing and to

suggest that we said no to 450 parking spaces is only half the story. That certainly does sound non-sensical. Of course, as we know, those 450 spaces come with all the apartments, hotels, office spaces, and convention center. Again, another example of NAP driving a half-truth and false narrative to get this project approved. Dare I say this was January 11 and now all of a sudden there's no other development and you are going to hear about that in a couple of weeks. Also, in the article "attendance at the Santa event and traffic leaving Birkdale Village afterward about maxed the previous years' numbers" this person added, yet this time some seem to have forgotten and are inflating the issue to support a [inaudible]. Again, many of us residents have seen these events, even prior to NAP ownership. I believe we have a better view than NAP. As someone who lives on the corner of Bridgeton Lane, I've seen it for 17 years. Frankly, we have more to gain or lose through their investment than they do, and they haven't done much to convince us that they aren't the ones driving the false narrative. I wonder is this simply arrogance, incompetence or a conscious effort to avoid the discussion because their job is simply to get the deal done and worry about the consequences after they are hours away in Georgia or Ohio. NAP and the folks that are making these decisions are not Huntersville residents, but they have a full-time job to convince you of a flawed plan. For people like me, the people that have come here and tried to speak out against for the 1,442 people that signed this petition, this is my part-time job to convince you that as a full-time resident of Huntersville we will have to endure the consequences of this flawed plan. In summary, again I ask that you say no to this current proposal and let NAP come with a different proposal that both in scale and time represent a real opportunity to help our city grow in line with the 2040 vision. Development is critical for our growth. This proposal is not the right development and not the right time. Please don't delay this vote again so that NAP can continue this PR campaign to share opinions and flawed vision. All they have to do is get the vision approved, but will be hours away in Georgia and could care less about the consequences.

Mayor Bales called for a 5-minute recess.

The Board reconvened following the recess.

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda as presented.

Commissioner Partee seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Phillips made a motion to approve the minutes of the January 3, 2023, Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

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

Jack Simoneau, Planning Director, entered the Staff Report into record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 2.*

Staff recommends approval based on the amendment being consistent with LU-6, EV-1, EV-2 and DT-1 of the Huntersville 2040 Community Plan.

At their January 5, 2023, meeting, the Huntersville Ordinances Advisory Board recommended Petition #TA22-12 move forward for Public Hearing, Planning Board recommendation and Town Board decision as written with the following change: Delete first floor diagram wording in Section 2 and Section 3 and replace with "Commercial use, or up to 40% residential use of 1st floor area." The recommendation is based on the amendment being consistent with LU-6, LU-7, LU-10, EV-1, EV-2, DT-1 and DT-10 of the Huntersville 2040 Community Plan.

Mayor Bales recognized Planning Board members present: Frank Gammon, Jodi Wright, Scott Hensley, Chris Boyd.

Commissioner Kovacs requested clarification that commercial use does not include shared space.

Mr. Simoneau said commercial use, if it's shared space, is going to be categorized residential.

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

OTHER BUSINESS

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 Planning Director, entered the Staff Report into the record. *Staff Report and PowerPoint attached hereto as Exhibit No. 3.*

Staff has deemed the changes with the withdrawal of the special use permit and the text amendment and then those languages being integrated into the rezoning case a substantial change. This requires that the Board defer action for a minimum of 30 days. We've had continuing discussions with North American Properties over the last several weeks and have recently been informed of some additional changes that they would like to make. Staff at this time would like to ask the Board to continue to February 6. At that time the Board could make a decision to deem if the additional changes are substantial in nature.

Commissioner Kovacs said so they are substantial in nature, but we are not starting the whole process again.

Mr. Richards said because they are going to have additional changes that they are going to introduce to us later this week, we don't have those on paper or on drawings yet, so I can't evaluate those. Instead of evaluating what they've done tonight, continuing 30 days, getting new changes and then continuing it another 30 days, we've asked them, and they've agreed, to combine all sets of changes so we get one final set of changes and then you will be able to make the determination on February 6 if those are substantial in nature. At this time staff would say that those would be substantial.

Commissioner Partee said I would like to address our Town Attorney. Regarding to deny continuance, are we leaving ourselves open to litigation.

Emily Sloop, Town Attorney, said the changes that have already been submitted per our ordinance, if they are deemed by this Board to be substantial changes, and Planning staff is recommending that they are substantial changes, we would either have to defer for 30 days and wait for the applicant to resubmit additional changes and then defer for an additional 30 days per ordinance requirements if those additional changes are considered substantial, so rather than deferring twice and delaying the decision, the proposal is to have the final decision continued to the first February meeting and at that time the Board can make a decision as an entire Board as to whether the combined changes as submitted are substantial and do one 30-day deferral rather than two.

Commissioner Munger made a motion to continue the final decision on Petition #R22-01 until February 6, 2023, at 6:00 p.m. at Huntersville Town Hall, to allow the Town Board to determine if the submitted changes are substantial and require a 30-day deferment per the Town's Zoning Ordinance.

Commissioner Phillips seconded motion.

Commissioner Kidwell said just because we have an ordinance that says you have to do it, doesn't make it right. I've got a lot of concerns about this. Seven days ago an article appeared in the Charlotte Observer that said if we don't do this, we're holding Huntersville back. What a horrible thing we are. It was quite comically written. And then over the past two weeks we hear nothing about change. We hear nothing for the past month about changes. We get this agenda, it's presented to us with zero changes and then suddenly we have a meeting today between the Town Manager, the Mayor, NAP and suddenly changes appear. The rest of the Board wasn't involved in those conversations. I've got a problem with that. That just seems, and I'm not calling you shady, but that whole process seems shady. We've been inundated with emails and if I didn't answer emails or if we didn't all answer emails it's not because we are ignoring you, it's we're getting that many emails, we're getting that many communications. I've tried to call some of you back. I've tried to email as many people back as possible. It wasn't the emails that were catching my attention, it was the screenshots of interactions between members with NAP and Mr. Rice called them guests. When you are trying to win over a community about a development, you don't engage and cause more angst. This Board I know is going to vote to move this forward. They are scared of litigation. They're scared of saying no, but they are listening to you. I will not be supporting the movement. I heard it in Mr. Perry's own words there. They are discontinuing the apartments for now. They are going to look for a different place for the hotel. Fine, whatever. For now – those words matter, for now. A couple of years ago there was a big uproar with a development going on across the street. And then just recently we spoke about the development how the developer used certain language to modify the proposal to basically lessen the commercial spaces. That's why we had our public hearing today. There were a lot of people up here who were on that Board at the time who have had heartburn from that. Pay attention to what's going on. Listen to the words – for now. This isn't going away. This isn't an alright we're going to get in this Class A office space which is good for 15 years, somewhere in that ballpark, until the shiny new wears off. We are going to get an additional parking space, or parking level, potentially, maybe, I don't know. It's still got to go in front of this Board to be voted on. But I will say, and I just want the residents to know this, whether anybody up here in February votes for or against this project, I can tell you that the conversations are happening amongst us. They are reading your emails. They are listening, so just keep sending those emails.

Commissioner Kovacs said my questions are for Ms. Sloop just to clarify. There's substantial changes to the project and it's prior to the final vote. It doesn't specify how prior to the final vote it needs to be. Can it be the same day.

Ms. Sloop said to clarify, the applicant has already submitted changes to the original plan sets and those changes that have already been submitted, not the changes tonight and they are going to submit by the end of the week, but those changes in and of themselves that have already been submitted, Planning staff has advised and of course the Town Board would have to make that decision on its own that those changes that have already been submitted are considered substantial, so rather than this Board making a determination on half of the changes that have been submitted, the proposal is to continue a final decision to the point where we would have all of the changes and at one time the Town Board can make a decision as to whether all of the submitted changes are substantial and at that point defer action for 30 days rather than doing it piecemeal.

Commissioner Kovacs said what are the substantial changes that have been made.

Mr. Richards said originally they were going to ask for changes in a text amendment, Text Amendment #22-06, to increase the building height. They have withdrawn that text amendment and that text amendment would require a special use permit be granted, that was SPU #22-01, that was also withdrawn. They then introduced the height into the rezoning application, that's the main substantial change. Before they weren't asking for additional height in the rezoning, they were asking through the special use permit and text amendment, now they are asking for the height via the rezoning.

Commissioner Kovacs said but that occurred previously, so why didn't we consider that a substantial change in December.

Mr. Richards said in December they had not given us the paperwork, which is why they asked for the deferral to tonight's meeting for the decision.

Mayor Bales said to be clear, you were already recommending that there were substantial changes based off of that. The Town Attorney has suggested that we continue this discussion to February 6 so that if there is a continuation it's one and not two, a 30 day versus a 60 day.

Mr. Richards said correct.

Ms. Sloop said if you made the decision tonight based on the current plan set that those were substantial changes, you would have to defer 30 days, but then in the interim the applicant has indicated they are going to submit additional changes which will also likely be considered substantial. Therefore, again, the proposal is to continue the final decision on the application so that the Town Board would have the full plan set including all proposed changes and at that meeting and make a determination as a Board as to whether or not the combined changes are substantial and whether or not to defer action for 30 days as required by the Town Zoning Ordinance.

Commissioner Partee said I'm going to speak from my heart and I'm going to use the word hooked metaphorically. As a resident of this community, my wife Michelle and I chose to live here in Huntersville and in 2003 we liked the John Wieland type of home and the realtor brought us up here to Huntersville. We went to the Hamptons first looking at John Wieland homes. We went to Birkdale behind the golf course looking at John Wieland homes. And then when it was time to get lunch, the realtor took us past the golf course, across Sam Furr, right into this little village with shops, restaurants,

theatre at the end of the village and my wife said this reminds me of Back to the Future. We went to a restaurant, we sat down, we had a meal. We walked out, sat down, walked around and guess what, we became hooked. That's all it took and not knowing that Birkdale was not the town downtown, we just loved the ambience. We just loved the aesthetics and we decided to build our home in Latta Springs in 2004 and thereafter when we came down to watch and monitor our house being built, where do you guess we went and hung out – Birkdale. In 2004 we closed on our house and then friends would come down to visit us, where did we take them – Birkdale Village. And guess what, they got hooked also. They love Huntersville. Now I'm going to talk as a commissioner and I'm going to use the word hooked metaphorically as a commissioner. If you remember, if you're my age, I'm 70 years old, there was a circuit called vaudeville and in the vaudeville circuit you had actors and you had entertainers who would if they were bombing and their act was not up to par and people were throwing vegetables at them, from the left of the stage came what and took them right off the stage. I understand and I get it because I was elected to represent and I'm not about to get hooked off this stage. That's not my intent. Now I'm going to address the developer. You are on the hook. You are on the hook to come back with a project, with a development that the community, the voters, if they accept it, fine, if they don't accept it, I have to make the decision....I can't speak for my other commissioners. I will make the appropriate decision because the bottom line is there are 1,500 hooks and I'm talking about e-mails and petition signatures....1,500 that I'm paying attention to and those 1,500 signatures can hook me right off this dais. With that, I hope that the developer can come back with something that's substantial in nature that's approved by the residents and this Board.

Commissioner Phillips said the only two Phillips' that I'm related to that live in Huntersville are my mom and dad and if they owned a golf course, I would be very grateful, but unfortunately, they don't. Otherwise, I probably wouldn't be sitting up here. I'd probably live on a yacht or do something really far more exciting than raise chickens and be a commissioner. I say that because this is starting to get very personal and I think that's not good for anybody, but I get it being personal. I am the only native sitting up here and I say that because I remember when there was no Birkdale. I remember when that was a farm. I remember when the only Target we could go to was down in Charlotte and that was like the biggest birthday treat to turn 7 and get to go to Target in Charlotte. I don't know where I stand with Birkdale, but I can't make a darn decision if I can't see the full plan and I'm not doing my job if I don't support getting to see these changes and I don't know if they are throwing unicorns and rainbows at us or something real, but I think it's worth us doing our jobs to be able to look at it and then go from there. This isn't NorthState and I hated NorthState and this guy and I, we were two of six against that project. We've seen the worst of it, but the thing is we have been through really bad times and what that has done is make our eyes sharper to look for defects and things that are going to screw over the citizens and I know that's a bad word. I care about this community more than I care about anything. I have no personal life because everything I do is for the betterment of my town and my community. I want this to be a place that my niece doesn't want to move from, and I get your passion. I started out as an activist and the whole reason I'm sitting up here is because I got mad over the toll roads and got the same people out of office who seats I'm taking now. I take this community seriously and I love Huntersville and I want to grow old here, so saying yes we want to defer this isn't about heck yeah, I'm for Birkdale, it's about heck yeah I want to be able to do the due diligence for my people and my community to make sure that we are doing the right thing. I just wanted to put that out there because I'm telling you sitting here and taking a beating is not a good time and I do appreciate your passion and I feel it and God bless you all for sticking it out this long.

Commissioner Boone said Commissioner Kidwell said something that yes, we are listening. It might not go unnoticed, but I know I am. We've got a couple of things going on here. This deferring it – the way I look at it is it's two deferments. One going from this month to next month and then here comes some

changes that some of us don't know about, just happened today. Then I've got to look at this as a commissioner for all the developers that are coming into Huntersville, that if we say no to this deferment what is that message sent out to everybody who is doing the right thing and listening to the community and making a good product. We don't know what North American Properties' new program looks like. Some people do. I think I'm going to give them the opportunity to show us a product that I would be proud to vote for and you would be proud to support. If we get something up here in 30 days and it doesn't look like this, I hope that you will have an opportunity to look at these plans and go through them and come back and tell us what you think and then we will be prepared to vote on this, but right now I'm going to vote to defer this until next month.

Commissioner Kovacs said Ms. Sloop, is it your legal opinion that we cannot deny the deferment tonight and vote on the project as is tonight and then allow the applicant to resubmit, if it did not pass or allow the applicant to resubmit a full plan if that did not pass.

Ms. Sloop said the Town Board on its own prerogative can vote to deny the application tonight.

Mayor Bales said the one thing that I'm going to say is that this Board is working diligently to find common ground that meets the needs of our community as a whole, while still understanding that we have a landowner that wants to expand their business. Their job, all six of them, is to find balance to that. Their job is to figure out what is in the best interest of the whole. I want to personally thank each and every one of them because they are doing their job and I know it's not easy with the emails and with some of the rhetoric that is happening within our community. This isn't personal. I say it's not personal. This is about our whole. It's about each and every one of us and how our community is going to continue to grow and be successful, so we can't allow ourselves to get personal. What we have to do is allow ourselves to be open and have honest conversation. That's where solutions are found. Again, I want to commend the Board for continuing to work with all sides so that there's an understanding of what's being proposed. With that, if there's not any other comment, there is a motion on the floor and a second to continue this discussion to February 6 that would allow the developer to bring back a final design February 6.

Called for the vote.

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

Mayor Bales called for a minute recess to allow people to leave.

The Board reconvened following the recess.

Resolution – RAISE Grant Application Consultant. Heather Maloney, Senior Planner, requested the Board consider approving contract for grant writing services for the RAISE Grant. aid I'm here to ask for approval for grant writing services Alta Planning + Design. RAISE Grant funds can be used for roadway, highway and bridge projects, as well as non-motorized projects. There's a minimum grant request of \$5 million and a maximum of \$25 million, with a 20 percent match requirement and a required cost benefit analysis. The grant application is due at the end of February. Three firms were contacted to solicit their help in preparing an application package. Two firms submitted a response, but only Alta Planning + Design provided pricing (\$65,000) for the grant application package and cost benefit analysis. The project identified is a sidepath along Church Street from Dellwood Drive north to Huntersville-Concord Road. This is an extension of the sidepath and Church Street Extension project that is already funded through the CIP in fiscal years 2022, 2023, and 2024. Alta Planning + Design has suggested that CIP

funding of \$2.38 million in fiscal years 2023 and 2024 be used as our local match to leverage another \$7.89 million to complete the rest of the project which is a sidepath on Church Street as described north of Dellwood Street and then a sidewalk on Dellwood and a sidepath on Holbrooks Street to complete connectivity to the nearby neighborhoods and parks. *Refer to PowerPoint attached hereto as Exhibit No. 4.*

Commissioner Kidwell made a motion to adopt Resolution to approve contract with Alta Planning + Design for RAISE grant writing services.

Commissioner Boone seconded motion.

Commissioner Kidwell requested that the PowerPoint presentation be sent to the Board.

Commissioner Phillips said I'm going to be voting against this because I had asked for the supporting documents prior and I feel like I'm not doing my job if I don't have what I asked for before I vote.

Mayor Bales called for the vote to adopt Resolution to approve contract with Alta Planning + Design for RAISE grant writing services

Motion carried 5 to 1, with Commissioner Phillips opposed.

Resolution attached hereto as Exhibit No. 5.

Budget Amendment – RAISE Grant Application. Commissioner Kidwell made a motion to approve budget amendment appropriating Unallocated Interest Income (103600.999) in the amount of \$65,000 to the Planning Department Contract Services (104800.0314) for a consultant to assist in the RAISE grant application.

Commissioner Boone seconded motion.

Motion carried unanimously.

Resolution/Purchase Agreement – Expansion of Public Works Facility. Kevin Fox, Director of Public Works, explained that Parcel 011-201-30 located 11835 Ramah Church Road is currently available on the market and is needed for the future expansion and construction of the Public Works Facility.

Commissioner Boone made a motion to adopt Resolution #R-2023-03 and the Purchase Agreement for the acquisition of the necessary property as described on Exhibit A of Resolution #R-2023-03. The Town Manager, acting on advice of counsel, is authorized to take actions necessary to carry out the provision of Resolution #R-2023-03 and to execute the Purchase Agreement.

Commissioner Phillips seconded motion.

Mayor Bales called for the vote to adopt Resolution #R2023-03.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 6.

Resolution – Condemnation of Property for Gibson Park Drive Phase 2. Commissioner Phillips made a motion to continue this until our February 6 meeting. On that date, new plans will be submitted which will allow for a deferral to March 20.

Commissioner Munger seconded motion.

Emily Sloop, Town Attorney, requested that the time and location be included.

Commissioner Phillips amended her motion to include Huntersville Town Hall at 6:00 p.m.

Commissioner Munger seconded motion.

Commissioner Kidwell requested staff contact the Town's vendor to find out why there had been no contact with the property owner since December 13.

Mayor Bales called for the vote to continue decision to February 6.
Motion carried unanimously.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Phillips

- No Report

Commissioner Boone

- No Report

Commissioner Kovacs

- No Report

Commissioner Kidwell

- I reached out to NCDOT regarding the Highway 73 superstreet concept and the Gilead/Beatties Ford Road project. I've included Town staff on the email and copied all my fellow commissioners on separate emails so they have that information.
- Next meeting of the Charlotte Regional Transportation Planning organization is January 25.

Commissioner Partee

- Gave a shoutout to Michael Conner, a lecturer at the Hugh Torance House and Store, who gave a great rendition of Martin Luther King's I have a Dream speech Sunday.
- Next meeting of the Parks & Recreation Commission is January 18.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.

Commissioner Munger

- Next meeting of the Public Arts Commission is tomorrow night.
- Tomorrow night Charlotte-Mecklenburg Schools will be holding a community engagement session at North Mecklenburg High School about the Comprehensive Plan.
- Consider supporting local non-profits.

Mayor Bales

- Next meeting of the Metropolitan Transit Commission is January 31.

- Lake Norman Economic Development Corporation is currently working on 34 active projects, of which 26 are Huntersville site or building submitted projects. Two Huntersville project announcements are expected soon. The EDC is presenting at the North Carolina EDA Emerging Executive Conference in early February.
- Woodlawn School just north of Davidson is holding STEAMfest on March 26.
- Reminded everyone of the Community Engagement event at Lowes Foods this Thursday.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2022.

DRAFT

**Town of Huntersville
Town Board
February 6, 2023**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: February 6, 2023

Subject: Public Works Facility Expansion

EXPLAIN REQUEST:

Appropriate Fund Balance in the General fund (103890.9999) in the amount of \$915,000 for the purchase of land at 11835 Ramah Church Road for the expansion of the Public Works facility (105700.0500).

ACTION RECOMMENDED:

Approve Board Action

FINANCIAL IMPLICATIONS:

Decrease in fund balance of \$915,000.

ATTACHMENTS:

None

**Town of Huntersville
Town Board
February 6, 2023**

To: Town Board

From: Jack Simoneau, Planning Director

Date: February 6, 2023

Subject: Call Public Hearing on Petition #TA22-16

EXPLAIN REQUEST:

Call a public hearing for February 20, 2023 on Petition #TA22-16, a request by the Huntersville Planning Department to amend Zoning Ordinance Articles 3.2 General Districts and 9 Conditions for Certain Uses to establish buffer standards for a multi-family home use in one building, on one lot.

ACTION RECOMMENDED:

Call public hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
February 6, 2023**

To: Town Board

From: David Peete, Principal Planner

Date: February 6, 2023

Subject: Public Hearing on Petition #R22-05

EXPLAIN REQUEST:

Conduct public hearing on Petition #R22-05 Oak Grove Hill Expansion, a request by Carver Bowman, LLC to rezone +/- 45.18-acres generally located north of Mt. Holly-Huntersville Road, east of Beatties-Ford Road and south of Pembroke Road to rezone from existing Neighborhood Residential - Conditional District (existing Oak Grove Hill CD-Rezoning) and Rural (R) to Neighborhood Residential - Conditional District (REVISED Oak Grove Hill CD-Rezoning) for a 156-lot subdivision; (Parcel #s 01526443, 01526504, 0152606, 01526460, 015254432, 01526456, 01526432, 01526450, 01526455, 01526428, 01526429 & 015264431). The Applicant has requested the public hearing be continued to Monday, February 20, 2023 for this action (see attached letter).

ACTION RECOMMENDED:

The Applicant has requested the public hearing be continued to Monday, February 20, 2023 for this action (see attached letter).

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Oak Grove Hill CONTINUATION REQUEST 1-30-23

BOWMAN DEVELOPMENT GROUP

January 30, 2023

David Peete, AICP
Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

RE: Request to continue the public hearing for R22-05

Dear Mr. Peete,

In light of some regulatory processing issues brought to our attention today, we request that the joint public hearing of R22-05, Oak Grove Hill, be continued to the February 20th Town Board meeting. Per our conversation this morning, the extension will allow Bowman Development Group to conduct another neighborhood meeting that includes the entire boundary of Oak Grove Hill rather than only phase 3 and will give planning staff sufficient time to readvertise the hearing. The neighborhood meeting is scheduled for February 8, 2023, at 6 pm at the Huntersville Arts and Cultural Center.

Thank you for finding a solution that maintains the integrity of the process path we discussed in December.

Sincerely,



Whitney Hodges, AICP
Bowman Development Group

**Town of Huntersville
Town Board
February 6, 2023**

To: Town Board

From: Jack Simoneau, Planning Director

Date: February 6, 2023

Subject: Public Hearing on Petition #TA22-17

EXPLAIN REQUEST:

Conduct public hearing on Petition #TA22-17, a request by the Huntersville Planning Department to amend Section 7.5.3 of the Huntersville Zoning Ordinance increasing the buffer for major residential subdivisions from 20' to 40' when the proposed subdivision is two times greater than the existing residential subdivision.

ACTION RECOMMENDED:

Conduct public hearing.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA22-17 Staff Report PH
2. Signed Text Amendment Application
3. TA22-17 Bufferyard Amendment Ordinance
4. HOAB Minutes TA 22-17

TA 22-17 – Increase Buffer for Major Residential Subdivisions**PART 1: DESCRIPTION**

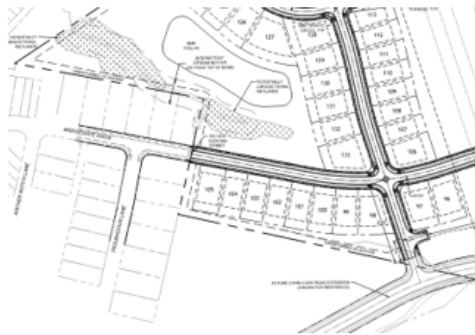
TA 22-17 is a request by the Huntersville Planning Department to amend Section 7.5.3 of the Huntersville Zoning Ordinance increasing the buffer for proposed major residential subdivisions from 20' to 40' when the proposed subdivision is two times greater than the existing residential subdivision.

PART 2: BACKGROUND

Major subdivisions are now approved administratively versus through a quasi-judicial process (TA 22-05; 8-1-2022). When that occurred, it removed the Town's ability to increase the minimum 20' buffer requirement when a proposed major subdivision is deemed incompatible with an existing adjoining development. This amendment would require new major subdivisions with twice the density of the adjacent existing development to provide a minimum buffer of 40 feet except in the Town Center zone when adjoining other Town Center zoned property.

EXAMPLES

Whitaker Pointe (aka Cook Farm) – No increased buffer because lots are the same size and type as existing Gilead Ridge.



Hamlet at Huntersville – Increase of 20' buffer to 40' because the Hamlet is more than 2 times as dense as the existing Plum Creek neighborhood.

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

The proposed text amendment could be supported by the following policies in the Huntersville 2040 Community Plan:

Policy LU-11: Protect Existing Housing Stock

LU 11.1: Protect and enhance the unique character of Huntersville's neighborhoods by using planning tools to safeguard from potentially negative impacts of development and redevelopment.

LU 11.2: Along existing streets, encourage new buildings to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

STAFF COMMENTS: The additional setback for denser major subdivisions would protect existing housing stock of less dense development.

Policy DT-2: Step down in intensity and density near established residential neighborhoods. (*DT is a Downtown Recommendation*)

- Housing types that provide good transitions include townhomes, duplexes, triplexes, and other small-scale products.
- Design features such as setbacks, step backs, tree preservation, and open space placement can help provide transitions.

STAFF COMMENT: Additional setback required if proposed major residential subdivision adjoins an existing neighborhood not zoned Town Center.

PART 4: STAFF RECOMMENDATION

Staff recommends approval (see Part 9)

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) recommended approval (9-0) on December 1, 2022.

PART 6: PUBLIC HEARING

February 6, 2023

PART 7: PLANNING BOARD RECOMMENDATION

February 28, 2023

PART 8: ATTACHMENT

Attachment 1: Application

Attachment 2: Ordinance

Attachment 3: Huntersville Ordinance Advisory Board December 1, 2022, minutes

PART 9: STATEMENT OF CONSISTENCY – TA22-17

<i>Planning Department</i>	<i>Planning Board</i>	<i>Board of Commissioners</i>
APPROVAL: In considering the proposed amendment TA22-17, Planning staff recommends approval based on the amendment being consistent Policy LU-11 and DT-2 of the 2040 Huntersville Community Plan. <i>It is reasonable and in the public interest to amend the Zoning Ordinance because it helps protect the unique character of the existing housing stock.</i>	APPROVAL: In considering the proposed amendment TA22-17, Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> <i>It is reasonable and in the public interest to amend the Zoning Ordinance because... (Explain)</i>	APPROVAL: In considering the proposed amendment TA22-17, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> <i>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</i>
DENIAL: N/A	DENIAL: N/A In considering the proposed amendment TA22-17, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. <i>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</i>	DENIAL: In considering the proposed amendment TA22-17, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. <i>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</i>



Text Amendment Application

Date of Application November 1, 2022

Fee

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

Type of Change

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

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

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Zoning Article(s): 7 Section(s): 7.5.3 Table

20 feet

Current Ordinance

20 feet minimum in Town Center zone when adjoining the Town Center zone and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required.

Proposed Text

Reason for Proposed Change

When the Town changed residential subdivisions from a quasi-judicial process to an administrative process, there was no longer flexibility to require larger buffers from adjoining lower density development. This amendment addresses that issue by increasing the buffer when the proposed development is two times or more greater in density than the adjoining development.

Attach additional pages if needed.

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

Applicant

Printed Name Jack Smoneau

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

Signature Jack Smoneau

Date 11-1-22

Title Huntersville Planning Director

Email jsimoneau@huntersville.org

Address of Applicant PO Box 664, Huntersville NC 28070

Property Owner (if different than applicant)

* Printed Name _____

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

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

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

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

Date Received By Planning Department: Nov. 1, 2022

Staff Initials: JS

**AN ORDINANCE TO AMEND ARTICLE 7, LANDSCAPING AND OPEN SPACE INCREASING
BUFFER YARDS FOR HIGHER DENSITY MAJOR RESIDENTIAL SUBDIVISIONS**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7, Section 7.5.3 of the Zoning Ordinance is hereby amended by modifying the Table for Major Residential subdivisions as follows:

Residential	Any major residential subdivision abutting a property zoned residential or developed residential, not internal to a planned community ⁴	20 feet <u>minimum in Town Center zone when adjoining the Town Center zone and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required.</u>	3 trees per 1000 sq/ft of buffer area; 25% large maturing; 25% small maturing; 25% evergreen	10 shrubs per 1000 sq/ft 100% evergreen
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Section 2. This ordinance shall become effective upon adoption.

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

PUBLIC HEARING DATE: February 6, 2023

PLANNING BOARD MEETING: February 28, 2023

TOWN BOARD DECISION: March 20, 2023

HUNTERSVILLE ORDINANCE ADVISORY BOARD MINUTES TA 22-17 BUFFER AMENDMENT

December 1, 2022

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

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

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

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

H. Whittaker expressed support for Option 3 as presented.

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

M. Jones commented on the inefficiency of process and the non-tax performing land used for buffers and open space that must be subsidized by the structures on the land and increase housing costs. He continued to express the importance of considering the long-term impact created when deciding on land development requirements such as street trees and maintenance of sidewalks.

H. Whittaker asked Staff to clarify how lots adjacent to Town Center would be affected if redeveloped as well as homes sitting on large lots.

K. Jones asked Staff to clarify which density would be considered if there was in-fill development in a neighborhood such as her neighborhood. Staff responded that if multiple parcels were acquired, the parcels were adjacent to Town Center, and a development was proposed that was twice the density, the applicant could apply for rezoning and would be required to have the 40-foot buffer adjacent to existing development. If they could not meet the 40-foot buffer requirement, then they could apply for a conditional rezoning which would then allow them to request the Town Board grant them a reduced buffer.

E. Sloop advised that grammatically there should be commas added to Option 3 if selected to state, "20 feet minimum in Town Center zone, adjoining Town Center zone, and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required."

T. Finlay asked if the three options reflect iterations or if staff has one specific option that it is recommending. Staff responded that option two was the original wording and found to be too wordy, option one is what staff recommended and option three is the iteration following last months discussion with this Board and staff would also find that option to be acceptable.

M. Jones commented that he would accept a motion, or he would be willing to propose a motion despite not being a fan of residential buffers since they are non-tax revenue generating. His proposed motion would include a weighted average for buffers.

Motion: A. Hallman made a Motion to recommend Approval amending Ordinance 7.3.3 with Option 3 as presented by staff with the commas recommended by Legal Department. F. Gammon seconded the motion.

Substitute Motion: M. Jones made a Substitute Motion to recommend Approval amending Ordinance 7.3.3 with Option 3 with the addition of the calculation of the density of the existing development is completed on a weighted average basis with the commas recommended by Legal Department. F. Gammon seconded the motion for discussion.

Staff responded that they are comfortable with the current method of determining buffers based on adjacent density.

F. Gammon commented that Staff has expressed their comfort with the process, and it is a process they do often so he will not support the substitute motion.

Substitute Motion Vote: The motion failed (1-8) with B. Skelly, K. Jones, A. Hallman, T. Taylor, T. Finlay, H. Whittaker, and F. Gammon opposed.

B. Skelly asked for clarification on the Legal department grammatical recommendations. Staff explained that it is really two options being presented in the proposed Option 3 and demonstrated it would read, "20 feet minimum in Town Center zone adjoining Town Center zone, and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required."

For clarity, B. Skelly recommended an amendment to the motion for the text to state, "20 feet minimum in Town Center zone when adjoining Town Center zone, and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required." Staff accepted that recommendation. A. Hallman and F. Gammon accepted the amendment.

Vote: The motion passed (8-0-1) with M. Jones abstaining.

**Town of Huntersville
Town Board
February 6, 2023**

To: Town Board

From: Brian Richards, Assistant Planning Director

Date: February 6, 2023

Subject: Petition #R22-01

EXPLAIN REQUEST:

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

If the Town Board deems the amendments to the Rezoning Plan as a substantial change, the Town Board shall defer action for 30 days (March 20, 2023 Town Board Meeting) to allow interested parties to comment on the amended petition.

ACTION RECOMMENDED:

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

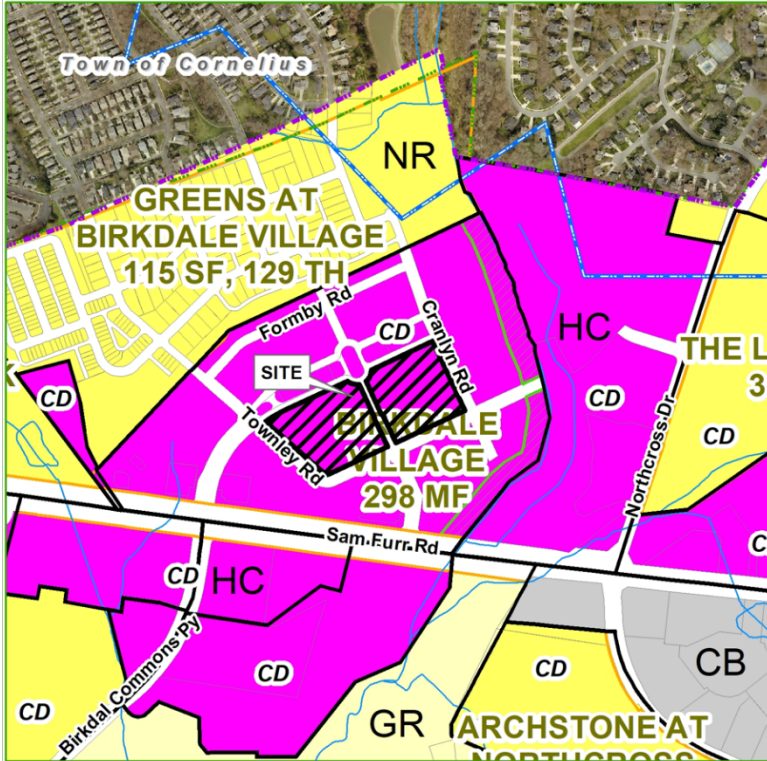
FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. R22-01 TB Staff Report 2-6-23
2. A - TOH_General_Application
3. B - Birkdale_Village_Rezoning_Plan_Set_V7
4. C - Birkdale Neighborhood Meeting Report Package v.01
5. D - CMS Student Generation Birkdale Village Rezoning - R22-01
6. E - Birkdale Narrative 1.30.23.02

Petition R22-01 Birkdale Village

PART 1: PROJECT SUMMARY



Applicant: DDRTC Birkdale Village, LLC
Property Owner: DDRTC Birkdale Village, LLC
Property Address: 8725 Townley Dr
Project Size: (+/-) 8.82 acres
Parcel Numbers: 00537157 & 00537197
Current Zoning: Highway Commercial Conditional District (HC-CD)
Current Land Use: Multifamily, Commercial, Office.
Proposed Zoning: Highway Commercial Conditional District (HC-CD)
Proposed Land Use: 150,000 sf Office and 25,000 sf Commercial.

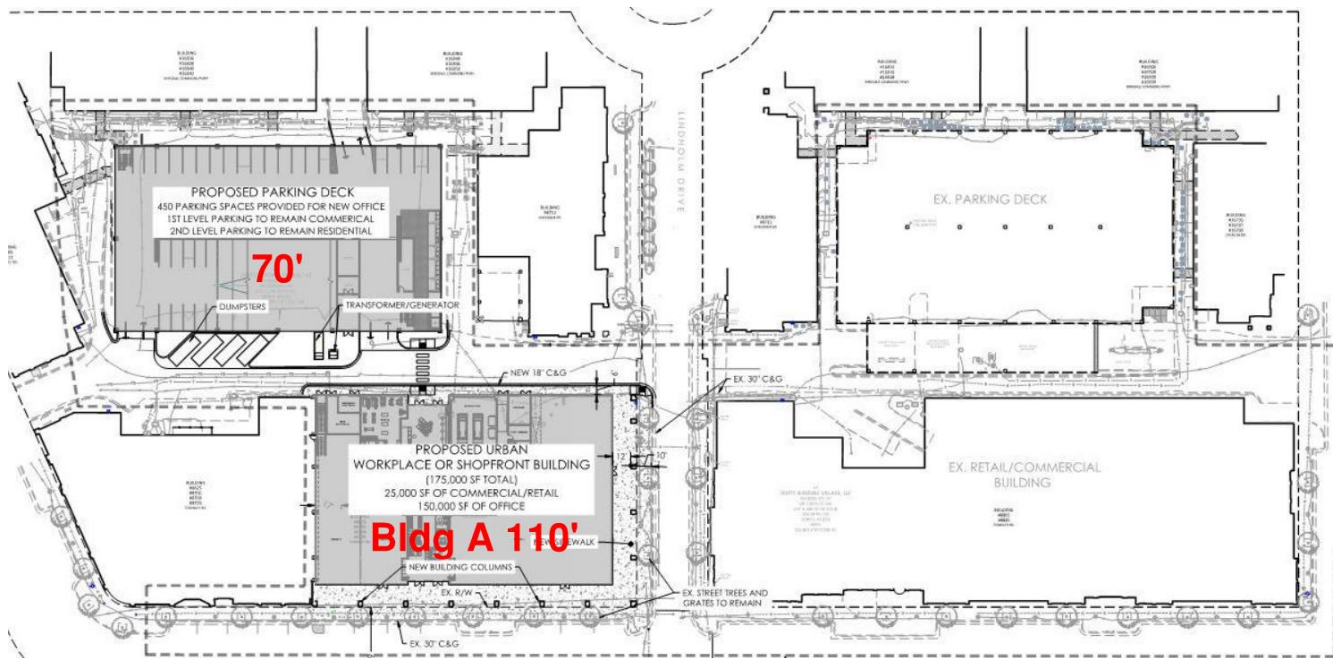
- [Applicant was granted a deferral until the February 6, 2023, Town Board Meeting.](#)
- Per Article 11.4.4 (c) If the Town Board deems the amendments to the Rezoning plan as a substantial change the Board shall defer action for 30 days (March 20, 2023, meeting) to allow interested parties to comment on the amended petition.
Staff Comment – The removal of the previously proposed Hotel, Multi-Family building, and associated parking deck would constitute a substantial change.
- Purpose: Rezone 8.82 acres at the intersection of Townley Dr and Lindholm Dr. from Highway Commercial Conditional District (HC-CD) to Highway Commercial Conditional District (HC-CD) for up to 150,000 sf Office and 25,000 sf Commercial.
- Adjoining Zoning and Land Uses.
North: Neighborhood Residential – Greens at Birkdale Village Subdivision.
South: Highway Commercial – Birkdale & Birkdale Landing Developments
East: Highway Commercial – North Pointe Office Park.
West: Neighborhood Residential – Greens at Birkdale Village Subdivision.
- A neighborhood meeting was held on September 22, 2022, and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment C).
- Birkdale Village was originally rezoned in 1996 (R96-07) and has had two revisions (R97-23 & R01-03). A Major Sketch Plan revision was approved in 2021 and construction is wrapping up now.
- Notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Sam Furr Rd and inside of Birkdale Village.

PART 2: REZONING/SITE PLAN

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

- Replacement of one existing building with a multistory mixed-use building. Building A (150,000 sf Office, 25,000 sf Commercial). See site plan image below.
- Replacement of one existing parking deck (70') with an additional 450 spaces. There will be an overall increase of 450 parking spaces (2,312 total for Birkdale Village – 1,684 are required to meet Article 5).
- The new building and parking deck exceed current height limit allowed by the Zoning Ordinance (Article 4 - Urban Workplace 48'/ Shopfront 36'). The applicants are requesting modification of the current height amendment as provided in Section 11.4.7(k).

"In approving a conditional zoning district, the Town Board may modify standards established in the Zoning or Subdivision ordinance provided the spirit of the regulations are maintained."



- Urban Open Space is being provided by the existing McDowell Creek Greenway (4.62 acres) and a Promenade (0.16 acres). There are 2.2 acres of Common Open Space. All are existing and there are no changes proposed.
- There will be no impacts to the existing tree canopy or specimen tree count as part of this rezoning.
- There are no identified Heritage Trees on site.
- Building elevations for the proposed structure have not been submitted. Architectural references have been provided (Attachment E).
- The applicant has requested a 5-year vesting period for the Rezoning Plan. The Zoning Ordinance currently offers a 2-year vesting period (Article 2.2.3).
- Planning, Transportation, and Storm Water Engineering staff have minor rezoning plan comments outstanding that need to be addressed prior to final plan approval.
- One (1) Ordinance Modification is Proposed:
 - Article 4.2 Urban Workplace – Has a maximum building height of 45'. The applicant is requesting to increase the maximum height to 110'
 - Article 4.4 Shopfront Building – Has a maximum building height of 48'. The applicant is requesting to increase the maximum height to 110'
 - Office building (110') and one accessory parking deck (70').

Staff Comment - The request would allow for a significant increase in building height over what is currently permitted by the Zoning Ordinance. This is not in keeping with the Spirit of the Ordinance, staff DOES NOT SUPPORT this modification request.

PART 3: TRANSPORTATION ISSUES

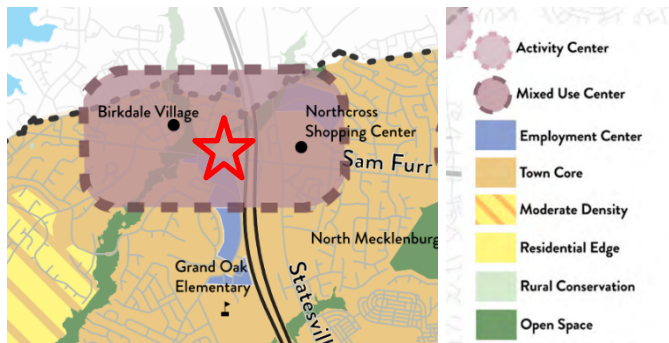
Traffic Impact Analysis (TIA)

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

PART 4: REZONING CRITERIA

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

2040 Huntersville Community Plan



STAFF COMMENT – The 2040 Huntersville Community Plan DOES SUPPORT this project through the following sections:

- **Policy LU 2.1:** Higher intensity residential uses will be focused generally within 2 miles of the I77/NC115 corridor and future activity centers in the eastern and western areas of Huntersville zoning jurisdiction.
- **Policy LU 6.1:** A mix of land uses is encouraged in Mixed-Use Centers, Activity Centers, Employment Centers identified on the Future Land Use Map.
- **Policy LU 6.2:** Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.
- **Policy LU 7.1:** Require all new development to adhere to the following design principles: In Mixed Use Centers, Activity Centers, Town Core, and Moderate Density Areas, Streets and sidewalks are meant to be attractive and inviting. New development in these areas shall follow these principles:
 - In Mixed-Use Centers, Activity Centers, Town Core, and Moderate Density Areas, streets and sidewalks are meant to be attractive and inviting. New development in these areas shall follow these principles:
 - All buildings shall front a public street or open space.
 - Streets should be connected, have short blocks and sidewalks on both sides of streets.
 - Improve connectivity, particularly for pedestrians and vehicles.
 - Parking lots, if required, should be predominately located behind buildings screened from view and larger lots should be broken by buildings and or landscape features.
 - In lower intensity areas (including MD, RE, RC, CW) preservation of rural character and natural resources are prioritized.

- In these areas, structures can be set back further from the road and should blend into the landscape and the scenic nature of roadways should be preserved.
- **Policy LU 8.1:** Continue to emphasize form and flexibility in development regulations for these areas.
 - The current zoning ordinance has basic form based standards with flexibility built-in. Key elements include allowing multiple types of land uses, a mix of uses, minimal setbacks, and parking requirements.
- **Policy LU 8.2:** Evaluate and strengthen incentives to encourage the achievement of higher design standards. Consider incentives that allow applicants to demonstrate excellence in design and exceptional public benefit for projects in key areas.
 - Offer flexibility using performance standards, guided by the design principles.
 - Specify intended outcomes and how site or building-specific design solutions can better achieve desired outcomes.
 - Evaluate incentives periodically to determine their value given shifting market and neighborhood conditions.
 - Incentives that could include:
 - Modification of height limit.
 - Increase in percent of allowable attached residential.
 - Reduced parking requirements.
 - Reduced buffer yard requirements
- **Policy EV 1.2:** Focus economic development in areas that support growth
 - Preserve areas suitable for business and industrial development, along with a mixture of support uses, to ensure an adequate inventory of land for future growth and development, with increases to this inventory as required. These areas should have proximity to existing or future activity centers, have access to transportation options and utility service, and offer amenities for employees.

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

- **Policy LU 5.1:** Allow for more intense development only where transportation infrastructure and utilities already exist. Staff Comment – NCDOT widening project will not begin until 2026. The widening project completion will most likely occur after the construction of the new buildings at Birkdale.
- **Policy LU-11: Protect Existing Housing Stock.**
 - **LU 11.1:** Protect and enhance the unique character of Huntersville’s neighborhoods by using planning tools to safeguard from potentially negative impacts of development and redevelopment.
 - Promote quality design and neighborhood improvements including increasing access to parks and recreation and mobility options.
 - Encourage coordination with neighborhoods to address infrastructure needs such as sidewalks and drainage.
 - **LU 11.2:** Along existing streets, encourage new buildings to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
- **Policy LU 12.3:** Blend new development with existing neighborhoods, structures and landscapes through the use of transitions in building types and placement of open space, buffers, and other site features.

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

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

STAFF COMMENT:

The proposed rezoning for the Birkdale Village is consistent with envisioned uses and development pattern set forth in the 2040 Community Plan.

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

STAFF COMMENT:

- A Transportation Impact Analysis was not required – see Part 3 of this report.
- Charlotte Water currently provides service to the site.
- CMS Student Generation Report: No longer applicable as there are no new residential units.

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

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, or cultural resources. Staff and applicant are awaiting a final determination from the Historic Landmarks Commission. Currently the site is not encumbered by any historic easements or deed restrictions.

PART 5: STAFF RECOMMENDATION

While there are multiple Huntersville 2040 Plan policies the proposed rezoning plan is consistent with, in considering the proposed rezoning petition R22-01, Birkdale Village, staff recommends denial based on the amendment being inconsistent with Huntersville 2040 Community Plan policies LU 5.1, LU 11.1, LU 11.2, and LU 12.3.

It is not reasonable and in the public interest to amend the Zoning Ordinance because the building height modification requested under Section 11.4.7(k) of 110', substantially exceed the maximums for Urban Workplace (45') and Shopfront (48') buildings and is not "in the spirit of the regulations". Previous height modifications requested under Section 11.4.7(k) have been several feet to one story and some involved unusual topography to demonstrate the modifications were in the "spirit of the regulations".

PART 6: PUBLIC HEARING COMMENTS

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

PART 7: PLANNING BOARD RECOMMENDATION

NOTE: The Huntersville Planning Board hearing was October 25, 2022, when the height modification was 145'. The proposed rezoning plan was amended January 3, 2023.

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

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

PART 8: TOWN BOARD CONSIDERATION

Town Board consideration is scheduled for January 17, 2023

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application
- B – R22-01 Rezoning Plan V7
- C – Neighborhood Meeting Report (September 22, 2022)
- D – CMS Student Generation
- E – Birkdale Village Mixed Use Sections & Ref Images

PART 10: CONSISTENCY STATEMENT – R22-01 Birkdale Village

Planning Department	Planning Board	Board of Commissioners
	Amended Motion: F. Gammon made a Motion to recommend approval of the petition R22-01 Birkdale Village. The Planning Board has considered and finds that the rezoning is consistent with Huntersville Zoning Ordinance Articles 11.4.7 (d) and 11.4.7 (e). Furthermore, the petition is consistent with the Huntersville 2040 Community Plan policies LU2.1, LU6.1, LU7.1, LU8.1 and LU8.2. This recommendation for approval is contingent upon Huntersville Town Board approval of TA22-06 Building Height and SUP22-01, all outstanding staff comments are addressed, and that hotel and commercial building maximum heights be changed from 145 to 115 feet. It is reasonable in the public interest to amend the zoning ordinance because the rezoning is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan. S. Swanick seconded the motion. Amended Motion Vote: The motion passed (4-2-1) with C. Boyd and T. Loomis opposed and S. Hensley abstaining.	APPROVAL: In considering the proposed rezoning application R22-01, Birkdale Village, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
DENIAL: While there are multiple Huntersville 2040 Plan policies the proposed rezoning plan is consistent with, in considering the proposed rezoning petition R22-01, Birkdale Village, staff recommends denial based on the amendment being inconsistent with Huntersville 2040 Community Plan policies LU 5.1, LU 11.1, LU 11.2, and LU 12.3. It is not reasonable and in the public interest to amend the Zoning Ordinance because the building height modification requested under Section 11.4.7(k) of 110', substantially exceed the maximums for Urban Workplace (45') and Shopfront (48') buildings and is not "in the spirit of the regulations". Previous height modifications requested under Section 11.4.7(k) have been several feet to one story and some involved unusual topography to demonstrate the modifications were in the "spirit of the regulations".		DENIAL: In considering the proposed rezoning application R22-01, Birkdale Village, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



General Application

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

1. Application Type

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

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

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

2. Project Data

Date of Application 03/30/2022

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

Project Address 8725 Townley Rd, Huntersville NC 28078

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

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

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

Current Land Use Commercial

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

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

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

4. Site Plan Submittals

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

5. Outside Agency Information

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

6. Applicant

Printed Name DDRTC Birkdale Village, LLC Phone 404-946-0939
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature  Printed Name: Mike Lant

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

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

7. Property Owner (if different than applicant)

*Printed Name _____ Phone _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature _____ Printed Name _____

Title _____ Email _____

Address of Property Owner _____

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

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

8. Development/Design Firm Contact Information

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

Contact Information

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

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

REZONING PLAN PACKAGE

PROPOSED

BIRKDALE VILLAGE OFFICE / HOTEL

HUNTERSVILLE, MECKLENBURG COUNTY, NC

EPM#439459

R22-01

OWNER/DEVELOPER:

DDRTC BIRKDALE VILLAGE, LLC

C/O NORTH AMERICAN PROPERTIES

8712 LINDHOLM DR SUITE 206

HUNTERSVILLE, NC 28078

PH: (404) 946-0939



VICINITY MAP
SCALE: N.T.S.



BIRKDALE VILLAGE REZONING

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

COVER

REVISIONS:

2022/08/23 - REZONING COMMENTS
2022/09/19 - REZONING COMMENTS
2022/11/02- REZONING COMMENTS
2023/01/03- REZONING COMMENTS
2023/01/27- REZONING COMMENTS

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



Know what's below.
Call before you dig.

Z01 - COVER.DWG	
PROJECT NUMBER:	222020
DATE: 06/21/2022	DRAWN BY: TSF
Z01	5
SHEET	OF

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

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

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

N 64°49'30" E 346.32'

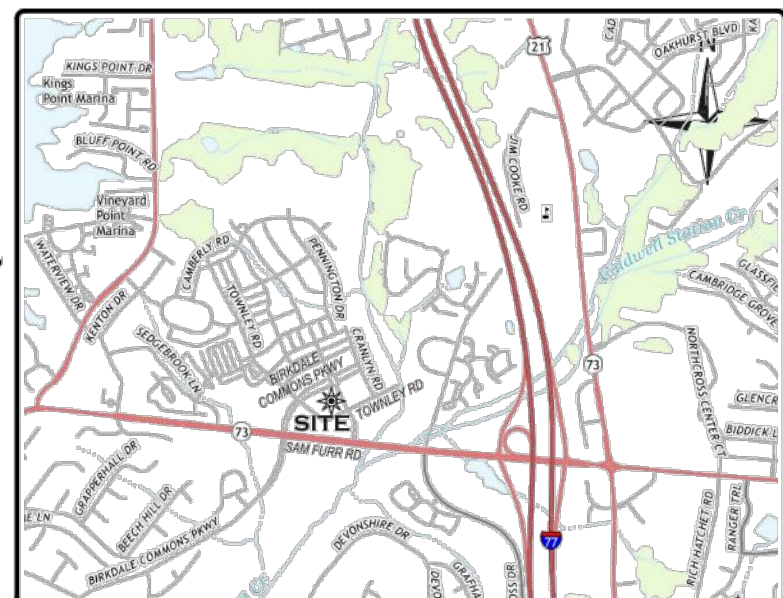
CONTROL #116
N=622,291.463'
E=1,440,090.441'
EL:731.02'
DRILL HOLE

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

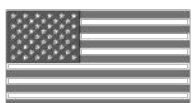
CONTROL #112
N=622,349.882'
E=1,440,301.896'
EL:731.32'
DRILL HOLE (PROPERTY CORNER)

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

BUILDING
#16848
#16846
#16850
BIRKDALE COMMONS PKWY.



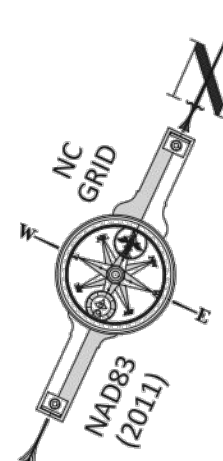
VICINITY MAP (NO SCALE)



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

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

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



LINE LEGEND

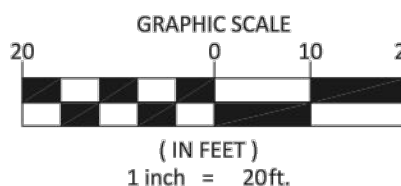
- PROPERTY BOUNDARY
- ADJACENT BOUNDARY (NOT SURVEYED)
- PROPERTY BOUNDARY TIE LINE ONLY
- RIGHT OF WAY LINE
- EASEMENT LINE
- CURB AND GUTTER
- STORM DRAIN PIPE
- HAND RAIL
- SANITARY SEWER PIPE
- FIBER OPTIC MARKOUT
- TELECOMMUNICATIONS MARKOUT
- TELEVISION MARKOUT
- UNDERGROUND ELECTRIC MARKOUT
-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

SYMBOL LEGEND

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

ABBREVIATIONS

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



PLAT SHOWING A
BOUNDARY &
TOPOGRAPHIC SURVEY

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

GUISEWHITE PROFESSIONAL
LAND SURVEYING, PC

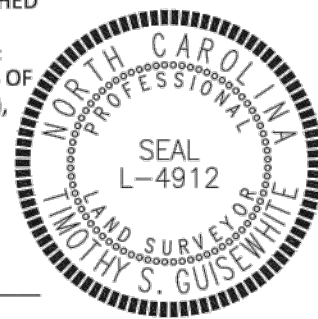
GPLS

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

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

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

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

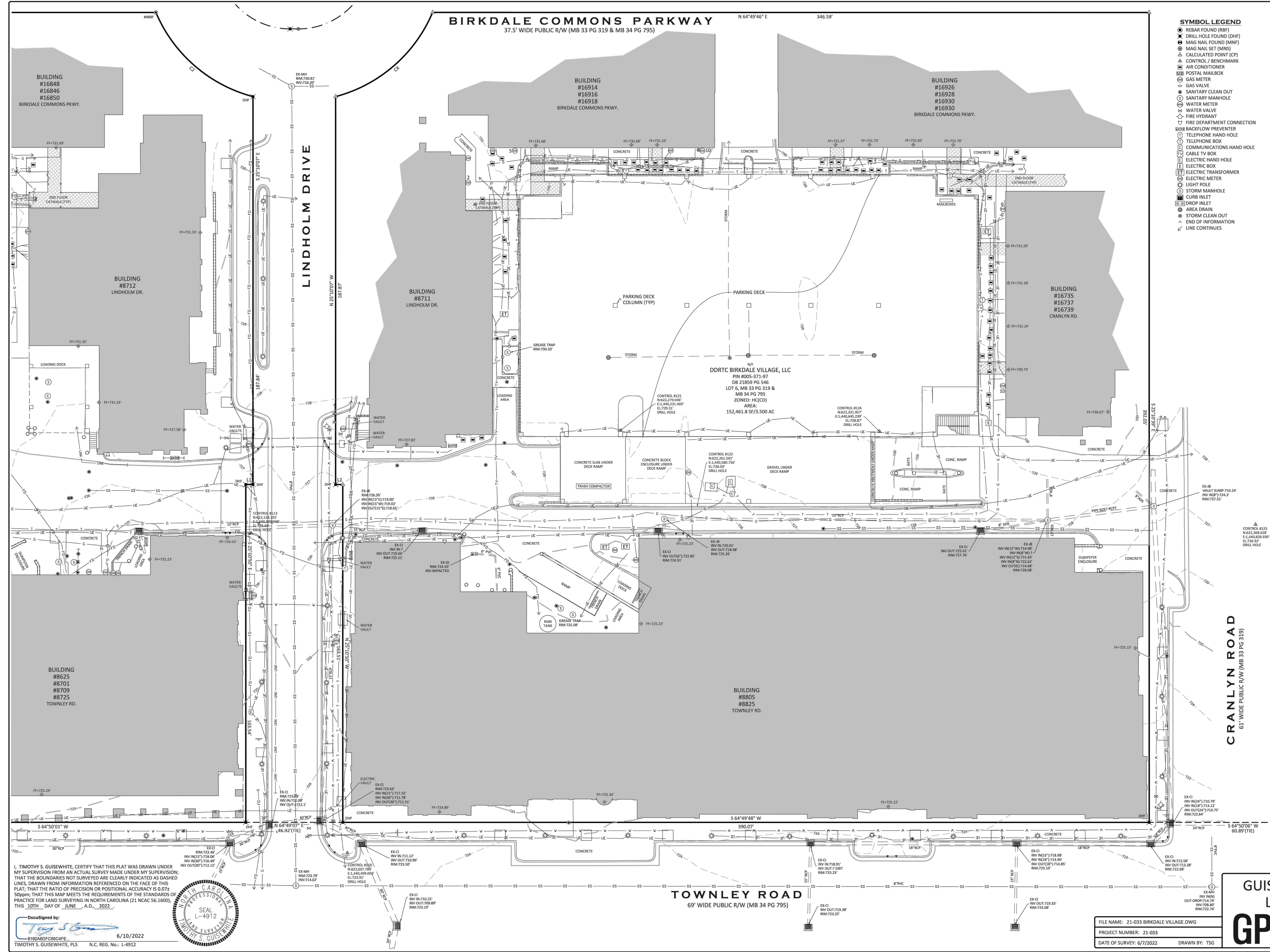


BUILDING
#8625
#8701
#8709
#8725
TOWNLEY RD.

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

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

REVISIONS:





VICINITY MAP
SCALE: N.T.S.

SITE DATA	
LOCATION: LINDHOLM DR AND TOWNLEY RD HUNTERSVILLE, MECKLENBURG COUNTY 28078	
CURRENT ZONING: HC (CD)	
PROPOSED ZONING: HC (CD)	
CURRENT USE: COMMERCIAL	
PROPOSED USE: COMMERCIAL, OFFICE	
CONTACT: HENSONFOLEY (JAY HENSON) 704-875-1615	
ITEM PROVIDED	
TOTAL BIRKDALE VILLAGE AREA	53.39 AC (2,325,468 SF)
PARCEL ACREAGE	8.82 AC (384,199 SF)
PROJECT LIMITS	5.37 AC (234,067 SF)
PRINCIPAL USE(S)	COMMERCIAL, OFFICE
LOT & BUILDING TYPE	URBAN WORKPLACE OR SHOPFRONT BUILDING
MAX. BUILDING HEIGHT	URBAN WORKPLACE/SHOPFRONT BUILDING (WITH OFFICE) - 110' PARKING DECK - 70'
ZONING DISTRICT	HC-CD (REZONING CASE #R01-03)
OVERLAY DISTRICT	PA-2 MIN ISLAND LAKE WATERSHED
PERCENT IMPERVIOUS ALLOWED	HIGH DENSITY - 70%
PERCENT IMPERVIOUS SHOWN	NO NET GAIN WITHIN PROJECT AREA
BUILD TO LINE	0' - 15' SIDE & REAR - 0'
CORNER SETBACK	REPLICATE FRONTAGE CONDITIONS
WATERSHED	MCDOWELL
FEMA MAP NUMBER	1710465100K
FEMA EFFECTIVE DATE	09/02/2015
SOIL TYPE	Ce&D, Ce&B2

PARKING COUNT	
PROJECT SCOPE	
EXISTING PARALLEL PARKING	37 PARKING SPACES
PROPOSED PARALLEL PARKING	37 PARKING SPACES
EXISTING PARKING DECK	141 PARKING SPACES
PROPOSED PARKING DECK	591 PARKING SPACES
TOTAL PARKING TO BE ADDED	450 PARKING SPACES
TOTAL BIRKDALE VILLAGE	
EXISTING RESIDENTIAL SF 81 SPACES PER DWELLING UNIT (1 BR) 1.5 SPACES PER DWELLING UNIT (2+ BR)	164 (1 BR) X 1 = 164 SPACES 134 (2 BR) X 1.5 = 201 SPACES 22 (3 BR) X 1.5 = 33 SPACES TOTAL 398 PARKING SPACES
REQUIRED PARKING SPACES	
EXISTING RETAIL/RESTAURANT SF 82 SPACES/1,000 SF	342,073 SF (342,073 x 2 = 684)
REQUIRED PARKING SPACES	684 PARKING SPACES
EXISTING OFFICE SF 82 SPACES/1,000 SF	150,829 SF (150,829 x 2 = 302)
TOTAL REQUIRED PARKING SPACES	302 PARKING SPACES
PROPOSED OFFICE SF 82 SPACES/1,000 SF	150,000 SF (150 x 2 = 300)
TOTAL REQUIRED PARKING SPACES	300 PARKING SPACES
TOTAL REQUIRED PARKING	1,684 PARKING SPACES
TOTAL EXISTING PARKING	1,862 PARKING SPACES
TOTAL PROVIDED PARKING (WITH NEW PARKING DECK)	2,312 PARKING SPACES (+450 PARKING SPACES)

PARKING DECK TABLE	
PARKING DECK (7 LEVELS - MAX. 70')	
TOTAL SPACES - EX. PARKING DECK	141 PARKING SPACES
TOTAL SPACES - PROP. PARKING DECK	591 PARKING SPACES
LEVEL 1	COMMERCIAL
LEVEL 2	EX. RESIDENTIAL UNITS
LEVEL 3-7	OFFICE/COMMERCIAL
REQUIRED FOR NEW OFFICE BUILDING	300 PARKING SPACES
PROVIDED FOR NEW OFFICE BUILDING	450 PARKING SPACES
(AND PUBLIC PARKING DURING NON OFFICE HOURS)	

ZONING SUMMARY	
PREVIOUSLY APPROVED GROSS AREA - MAX. ALLOWABLE DEVELOPMENT	INDOOR MOVIE THEATRE/FUTURE COMMERCIAL - 75,000 SF COMMERCIAL/RETAIL/RESTAURANT - 275,000 SF OFFICE - 160,000 SF RESIDENTIAL - 320 UNITS
EXISTING DEVELOPMENT	INDOOR THEATRE/FUTURE COMMERCIAL - 53,270 SF COMMERCIAL/RETAIL/RESTAURANT - 252,090 SF OFFICE - 150,829 SF RESIDENTIAL - 320 UNITS
PROPOSED DEVELOPMENT (AS A PART OF THIS REZONING)	INDOOR THEATRE/FUTURE COMMERCIAL - 53,270 SF COMMERCIAL (RETAIL/RESTAURANT) - 252,090 SF OFFICE - 300,829 SF (+150,000 SF) RESIDENTIAL - 320 UNITS

DORTC BIRKDALE REZONING NOTES

- REZONING PETITION.** THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS (THE "DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY DORTC BIRKDALE VILLAGE, LLC ("PETITIONER") AS REZONING PETITION #R02-03 & ASSOCIATED REZONING PLAN (THE "REZONING PLAN") FOR THAT APPROXIMATELY 8.82 ACRE TRACT OF LAND IDENTIFIED ON THIS SITE AS A PORTION OF BIRKDALE VILLAGE (THE "PROJECT"), DATED JULY 23, 2022 WITH SUBSEQUENT SUBSTANTIAL AMENDMENTS TO THE INITIAL FILED PLAN SUBMITTED ON JANUARY 20, 2023 (THE "FILING DATE") IN CONNECTION WITH TAX PARCEL NUMBERS 0837157 AND 0837158 (THE "PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO AMEND THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY TO HC (CD) HIGHWAY COMMERCIAL ZONING DISTRICT AS INDICATED ON THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND OTHERWISE PURSUANT TO THE APPLICABLE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE"), PETITIONER HAVING ELECTED TO ADOPT SUCH PROVISIONS IN EFFECT ON THE FILING DATE.
- DEVELOPMENT STANDARDS.** THE DEVELOPMENT STANDARDS FOR BIRKDALE VILLAGE, FILED IN CONNECTION WITH THE REZONING PETITION NO. 97-23 (THE "ORIGINAL STANDARDS"), AS AMENDED, GOVERN THE DEVELOPMENT OF THE PROPERTY EXCEPT AS SPECIFICALLY NOTED FOR THE PROPERTY IN THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN. UNLESS THE DEVELOPMENT STANDARDS AND THE REZONING PLAN ESTABLISH A MORE STRINGENT STANDARD(S), OR UNLESS OTHERWISE NOTED ON THE REZONING PLAN OR IN THESE DEVELOPMENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE FILING DATE FOR THE HC (CD) ZONING DISTRICT GOVERN DEVELOPMENT OF THE CHANGES PROPOSED BY THE REZONING PLAN. IN THE EVENT OF A CONFLICT BETWEEN THE DEVELOPMENT STANDARDS AND THE REZONING PLAN THE PROVISIONS OF THESE DEVELOPMENT STANDARDS SHALL GOVERN.
- SCHEMATIC NATURE OF REZONING PLAN.** THE LOTS AND PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND EXACT LOCATIONS, ARCHITECTURE, SIZE, NUMBER OR QUANTITY AND CONFIGURATIONS OF LOTS, UNITS AND BUILDINGS (INCLUDING PARKING GARAGES) MAY BE MODIFIED DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT SO LONG AS SUCH MODIFICATION IS COMPATIBLE WITH THE ASSUMPTIONS SET FORTH IN THE TRAFFIC IMPACT ANALYSIS SUBMITTED WITH THE REZONING PETITION (THE "TIA").
- PHASING.** THE DEVELOPMENT OF THE PROPERTY AS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE PHASED; ANY PROPOSED PHASING MUST ALIGN WITH THE TIA, AND ASSOCIATED INFRASTRUCTURE AND STORMWATER IMPROVEMENTS; PROVIDED, HOWEVER, A) PETITIONER WILL COORDINATE ANY MITIGATION REQUIRED BY NCDOT WITH NCDOT; B) SEQUENCING OF CONSTRUCTION TO MINIMIZE DISRUPTION OF SURROUNDING BIRKDALE VILLAGE IS PERMITTED; AND C) EACH PHASE OR SEQUENCE OF IMPROVEMENTS IN THE PROJECT WILL MEET ALL ORDINANCE REQUIREMENTS, UTILITIES, INFRASTRUCTURE AND GRADING SHALL BE DELIVERED TO EACH INDIVIDUAL PHASE AS EACH IS DEVELOPED.
- VESTED RIGHTS.** THIS REZONING PLAN IS A SITE SPECIFIC DEVELOPMENT PLAN AND APPROVAL THEREOF CONSTITUTES VESTED RIGHTS IN THE REZONING PLAN FOR A PERIOD OF FIVE YEARS PURSUANT TO THE PROVISIONS OF THE ORDINANCE AND 1600 OF THE NORTH CAROLINA GENERAL STATUTES.
- PERMITTED USES.** THE PROPERTY MAY BE DEVELOPED FOR USES (INCLUDING ACCESSORY USES), DENSITIES AND SQUARE FOOTAGES PERMITTED IN THE HC ZONING DISTRICT, SUBJECT TO THESE DEVELOPMENT STANDARDS ASSOCIATED WITH SUCH USES. PERMITTED USES SHALL INCLUDE, BUT NOT BE LIMITED TO OFFICE LOFTS AND SUITES. THE FOLLOWING USES ARE PROHIBITED AS DESCRIBED IN THE ORIGINAL STANDARDS: ARMORIES FOR MEETINGS AND TRAINING OF MILITARY ORGANIZATIONS, AUCTION SALES, PAWNSHOPS AND SECOND-HAND SALES, VOCATIONAL AND TECHNICAL SCHOOLS, BOARDING OR ROOMING HOUSES, FRATERNAL OR CLUB FACILITIES, ADULT ESTABLISHMENTS, SALES/SERVICE/RENTAL OF BOATS OR MOTOR VEHICLES, OUTDOOR KENNELS, AND "FAST FOOD" RESTAURANTS. ANY LABELLING ON THE REZONING PLAN OR ZONING SUMMARY MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER BUT SHALL NOT RESTRICT THE PROPERTY IN A MANNER THAT CONFLICTS WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. DRIVE-UP AND WALK-UP AUTOMATED TELLER MACHINES ARE SPECIFICALLY PERMITTED SO LONG AS THEY MEET THE DESIGN REQUIREMENTS OF THE ORDINANCE.
- ACCESS.** THE NUMBER OF SITE ACCESS POINTS, DRIVEWAYS AND CONNECTIONS TO ROADS ARE SCHEMATIC IN NATURE, TO THE EXTENT PERMITTED BY APPLICABLE DRIVEWAY PERMIT REQUIREMENTS, FUTURE DRIVEWAYS, ACCESS POINTS AND ROAD CONNECTIONS MAY CROSS THE SETBACK AND SHALL NOT REQUIRE A REZONING OF THE PROPERTY, BUT SHALL OTHERWISE COMPLY WITH APPLICABLE DRIVEWAY PERMIT REQUIREMENTS.
- SUBDIVISION.** THE PROPERTY IS ONE DEVELOPMENT AND MAY BE FURTHER WITHOUT A REZONING TO ALLOW SEPARATE OWNERS OF INDIVIDUAL PARCELS SO LONG AS SUCH SUBDIVISION IS IN COMPLIANCE WITH APPLICABLE SUBDIVISION REGULATIONS. HOWEVER, RECOMBINATION, CONDOMINIUMIZATION AND TECHNICAL SCHOOLS, BOARDING OR ROOMING HOUSES, FRATERNAL OR CLUB FACILITIES, ADULT ESTABLISHMENTS, SALES/SERVICE/RENTAL OF BOATS OR MOTOR VEHICLES, OUTDOOR KENNELS, AND "FAST FOOD" RESTAURANTS, ANY LABELLING ON THE REZONING PLAN OR ZONING SUMMARY MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER BUT SHALL NOT RESTRICT THE PROPERTY IN A MANNER THAT CONFLICTS WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. DRIVE-UP AND WALK-UP AUTOMATED TELLER MACHINES ARE SPECIFICALLY PERMITTED SO LONG AS THEY MEET THE DESIGN REQUIREMENTS OF THE ORDINANCE.
- DESIGN ELEMENTS.**
 - a. DESIGN ELEMENTS THAT EXCEED THE REQUIREMENTS OF THE ORDINANCE HAVE BEEN INCLUDED IN THIS REZONING PLAN TO ACHIEVE EXCEPTIONAL DESIGN. TOWN BOARD APPROVAL OF THIS REZONING PLAN CONSTITUTES APPROVAL OF UNIQUE DESIGN ELEMENTS SHOWN ON THE REZONING PLAN THAT ARE MINOR CHANGES FROM THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO:
 - i. PARKING LOT CONNECTIVITY, VEHICULAR AND PEDESTRIAN CONNECTIONS AND STUBS TO ADJOINING PROPERTIES AS SHOWN ON THE PLAN;
 - ii. BLOCK LENGTH;
 - iii. THE HEIGHT OF THE URBAN WORKPLACE OR SHOPFRONT BUILDING CONTAINING OFFICE USES AND COMMERCIAL USES SHALL NOT EXCEED ONE HUNDRED TEN FEET (110');
 - iv. ANY ASSOCIATED PARKING DECKS SHALL NOT EXCEED SEVENTY FEET (70'); PROVIDED THAT ANY PORTION OF THE PARKING DECK THAT IS EXPOSED AT ANY POINT ABOVE ADJACENT STRUCTURES AND VISIBLE FROM PUBLIC STREETS SHALL MEET THE FOLLOWING ADDITIONAL REQUIREMENTS:
 - v. OFFICE LOFTS AND SUITES ARE INCLUDED IN THE LIST OF PERMITTED USES.
 - b. GUIDELINES. BUILDING ELEVATIONS WILL FOLLOW THE DESIGN GUIDELINES ESTABLISHED IN THE ORIGINAL STANDARDS, INCLUDING BUT NOT LIMITED TO:
 - i. BUILDING ENTRIES WILL BE DEFINED BY THE USE OF VARIED FORMS AND/OR OTHER ARCHITECTURAL DETAILS. PRIMARY ELEVATIONS I.E. ELEVATIONS ALONG A PRIMARY STREET OR THE PRINCIPAL POINT OF ENTRY INTO A BUILDING WILL ALSO BE ARTICULATED THROUGH THE USE OF COLOR, PATTERNING AND OTHER ARCHITECTURAL DESIGNING.
 - c. YARD RESTRICTIONS. IN EVERY INSTANCE, THE SIDE YARD, SETBACK AND REAR YARD FOR EACH PARCEL DEVELOPED WITHIN THE PROPERTY SHALL COMPLY WITH AT LEAST THE MINIMUM STANDARDS OF THE ORDINANCE. WITHIN THE PARAMETERS OF THESE MINIMUM STANDARDS, SETBACKS WILL BE UTILIZED IN A MANNER TO ENCOURAGE PEDESTRIAN ACTIVITY.
 - d. DRIVEWAYS AND STREETS. ALL STREETS SHALL BE PUBLIC STREETS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE. ALL STREETS AND HIGHWAY IMPROVEMENTS, TO THE EXTENT REQUIRED BY THE TIA, WILL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OVER THEIR MAINTENANCE AND OPERATION.
 - e. OPEN SPACE. OPEN SPACE WILL BE DESIGNED TO INCORPORATE NATURAL DRAINAGE WAYS AND WOODED AREAS. THE FOLLOWING THREE SIGNIFICANT OPEN SPACES ARE TO REMAIN AS OPEN SPACES ACCORDING TO THE ORIGINAL STANDARDS:
 - i. TRANSCO PIPELINE
 - ii. MCDOWELL CREEK BUFFER
 - iii. SAM FURR FRONTAGE
 - f. ADDITIONAL DESIGN ELEMENTS. SIGNS AND GRAPHICS, STORM WATER MANAGEMENT AND WATERSHED PROTECTION, ENTRANCES, BUFFER YARDS, LANDSCAPE AREAS AND SCREENING WILL FOLLOW THE GUIDELINES OF THE ORIGINAL STANDARDS.
 - g. ELEVATIONS AND PERSPECTIVES. CONCEPTUAL ELEVATIONS AND PERSPECTIVES SHOWING THE GENERAL THEME OF THE ARCHITECTURE WITHIN THE PROPERTY HAVE BEEN SUBMITTED WITH THE REZONING PLAN. THE ARCHITECTURAL DESIGN WITHIN THE PROPERTY SHALL BE IN KEEPING WITH THIS GENERAL THEME.

IMPERVIOUS SUMMARY - SITE

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

Lot Type / Urban Workplace		Lot Type / Shopfront Building		Building Type / Urban Workplace		Building Type / Shopfront Building			
Building Placement/Parking/Vehicle Access		Encroachment/Pedestrian Access to Building		Building Placement/Parking/Vehicular Access		Encroachment/Pedestrian Access to Building			
1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind street right-of-way (ROW). Special site conditions such as topography, pattern of lot widths, or setbacks of existing lots may require a different build to line. 2. Building facade shall be generally parallel to frontage property line. The facade shall be determined by the massing of the building. 3. Parking shall be located primarily to the rear of the building; sidewalk parking shall occupy no more than 15% of the primary frontage line and shall not be placed in any sidewalk abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sidewalk parking may be modified. 4. Points of permitted access to the parking indicated by arrows. 5. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas. 6. Parking areas on adjacent lots shall be connected wherever practical. 7. Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the right-of-way. 8. Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7-6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principle structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc. 9. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.		1. Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height (min. 7'-0" if permitted within the sidewalk as shown by the hatched area. Encroaching arcades should cover entire sidewalk. 2. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrows). Secondary access may be from parking areas (indicated by smaller arrows). 3. Building facades shall be generally parallel to frontage property lines. 4. Parking shall be located to the rear of the building; sidewalk parking shall occupy no more than 25 percent of the primary frontage line and shall not be placed in an established sidewalk abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sidewalk parking may be modified. 5. Points of permitted access to the parking indicated by arrows. 6. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas. 7. Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the right-of-way. 8. Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7-6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principle structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc. 9. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.		1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street. 2. Drive-through entrance services, if permitted in the district, must be located at the rear of the building or on a side street that does not abut a street. 3. Corners: Buildings at street corners will generally replace frontage conditions. However, side setbacks on a corner street may be less than a street. 4. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. For example, square or slightly defined setbacks within building setbacks areas can act as focal points for pedestrians.		1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof. 2. The height of parapet walls may vary depending upon the need to screen mechanical equipment. 3. Building heights to the ridge may vary depending on the roof pitch. 4. Permitted uses are indicated above, and are further controlled by zoning district standards.		1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof. 2. The height of parapet walls may vary depending upon the need to screen mechanical equipment. 3. Building heights to the ridge may vary depending on the roof pitch. 4. Permitted uses are indicated above, and are further controlled by zoning district regulations.	
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 facing or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not compete a street fronting building facade. 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 structures. However, decorative metal panel accents may not be used for any facade element facing the street. C. The first 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 then be of similar scale, height, and configuration. E. Trailers (mobile units) may not be used as permanent workshop buildings. Configurations A. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and cover the first floor only (i.e. brick below wood siding). B. Street level windows shall be unadorned. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location. C. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons. Techniques A. Windows should be set to the inside of the building face wall. B. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.		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 facing or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not compete a street fronting building facade. C. The first 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 then be of similar scale, height, and configuration. E. Trailers (mobile units) may not be used as permanent shopfront buildings. Configurations A. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and cover the first floor only (i.e. brick below wood siding). B. Street level windows shall be unadorned. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location. C. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons. Techniques A. Windows should be set to the inside of the building face wall. B. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.							
1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION. 2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC. 3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION. 4. SHORING WILL BE ACCORDING TO OSHA TRENCING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.		NOTE: ALL PROPOSED STRUCTURES SHALL COMPLY WITH REQUIREMENTS OF THE PEDESTRIAN ORIENTED DEVELOPMENT.		811 Know what's below. Call before you dig.					

HensonFoley
Landscape Architecture | Civil Engineering
121 Gilead, Huntersville, NC 28078
p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-9381
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

North Arrow
GRAPHIC SCALE 1"=30 FT.
Professional Seal: JAY HENSON, PE, License No. 33333, State of NC, dated 02/27/2023.

BIRKDALE VILLAGE REZONING

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

REZONING PLAN

REVISIONS:

2022/08/23 - REZONING COMMENTS
2022/09/19 - REZONING COMMENTS
2022/11/02 - REZONING COMMENTS
2023/01/03 - REZONING COMMENTS
2023/01/27 - REZONING COMMENTS

GENERAL NOTES:

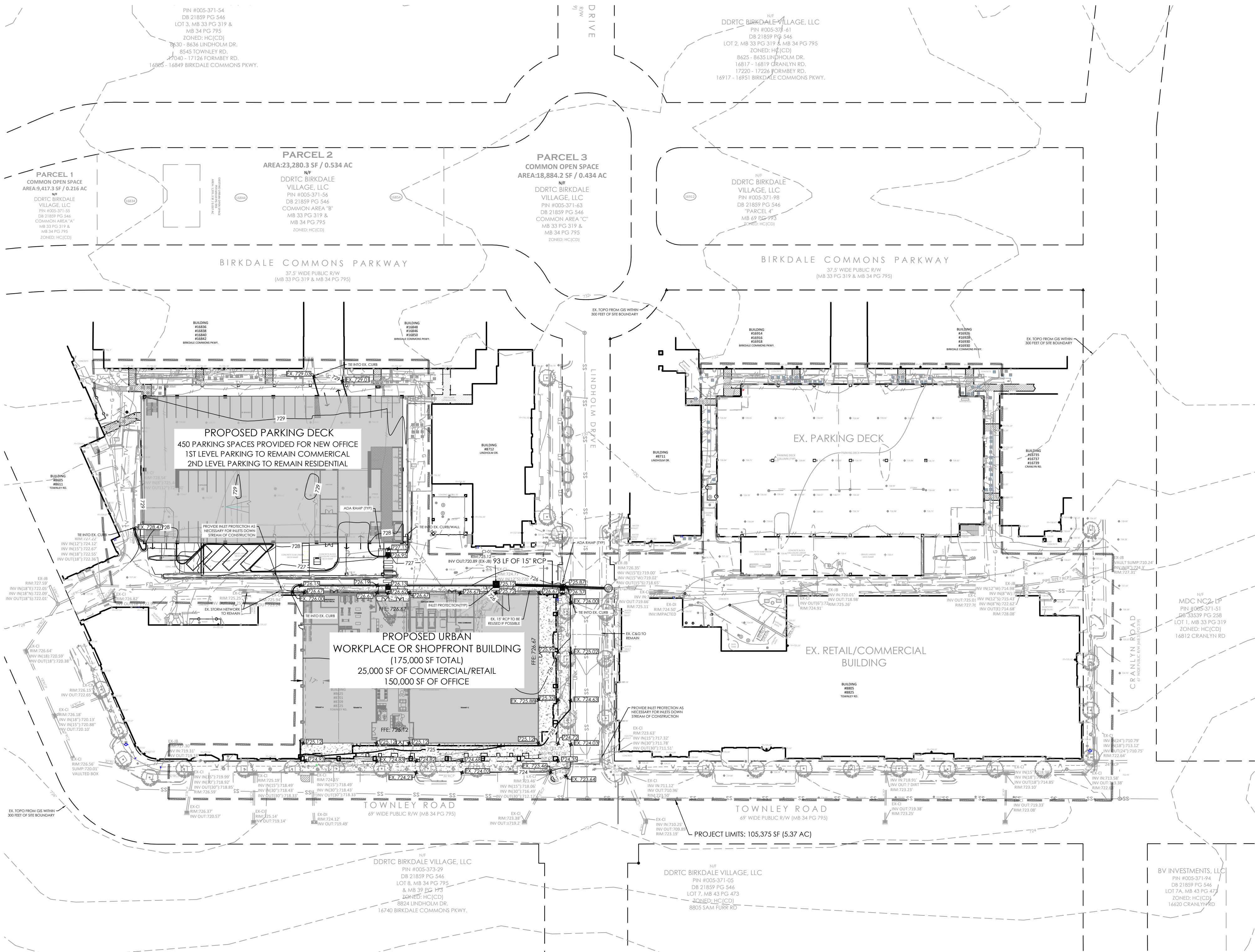
- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED OWNERS.
- THE DEVELOPER SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE CHANNEL AND BANKS OF THE STREAM ALL DEBRIS, LOGS, TIMBER, JUNK AND OTHER ACCUMULATIONS.
- COMMUNITY ENCROACHMENT LINE MUST BE MARKED AND MAINTAINED ON SITE UNTIL FINAL GRADING IS COMPLETED.
- ANY CONSTRUCTION OR USE WITHIN THE AREAS DELINEATED AS FLOODWAY DISTRICT FRINGE BOUNDARY LINE OR FLOODWAY DISTRICT ENCROACHMENT BOUNDARY LINE IS SUBJECT TO THE RESTRICTIONS IMPOSED BY THE FLOODWAY REGULATIONS OF THE TOWN OF HUNTERSVILLE AND MECKLENBURG COUNTY.
- THE MECKLENBURG COUNTY OR TOWN OF HUNTERSVILLE ENGINEERING DEPARTMENT HAS NOT REVIEWED THE STRUCTURAL STABILITY OF ANY RETAINING WALLS ON THE SITE AND DOES NOT ASSUME RESPONSIBILITY FOR THEM.
- NON-STANDARD ITEMS (I.E.: PAVERS, IRRIGATION SYSTEMS, ETC.) IN THE RIGHT-OF-WAY REQUIRE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION OR TOWN OF HUNTERSVILLE BEFORE INSTALLATION.
- ALL ROOF DRAINS TO CONNECT TO UNDERGROUND STORM DRAINAGE SYSTEM.

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

GENERAL NOTES:

- ALL STORM WATER CATCH BASINS, INLETS, MANHOLES, ETC. SHALL BE PERMANENTLY LABELED AS "NO DUMPING, DRAINS TO RIVER" AND INCLUDE A FISH SYMBOL.
- SOIL FILL (GEOTECH REPORT SHALL TAKE PRECEDENCE OVER THIS SPECIFICATION IF EXISTS).
- FLOW, SCARIFY, BENCH, OR BREAK UP SLOPED SURFACES STEEPER THAN 1 VERTICAL TO 4 HORIZONTAL SO FILL MATERIAL WILL BOND WITH EXISTING MATERIAL.
- PLACE AND COMPACT FILL MATERIAL IN LAYERS TO REQUIRED ELEVATIONS AS FOLLOWS:
 - UNDER GRASS AND PLANTED AREAS, USE SATISFACTORY SOIL MATERIAL.
 - UNDER WALKS AND PAVEMENTS, USE SATISFACTORY SOIL MATERIAL.
 - UNDER STEPS AND RAMPS, USE ENGINEERED FILL.
 - UNDER BUILDING SLABS, USE ENGINEERED FILL.
 - UNDER FOOTINGS AND FOUNDATIONS, USE ENGINEERED FILL.
 - PLACE SOIL FILL ON SUBGRADES FREE OF MUD, FROST, SNOW, OR ICE.
- SOIL MOISTURE CONTROL
 - REVISE PERCENTAGES IN THIS ARTICLE ACCORDING TO GEOTECHNICAL ENGINEER'S WRITTEN RECOMMENDATIONS.
 - UNIFORMLY MOISTEN OR AERATE SUBGRADE AND EACH SUBSEQUENT FILL OR BACKFILL SOIL LAYER BEFORE COMPACTION TO WITHIN 2 PERCENT OF OPTIMUM MOISTURE CONTENT.
 - DO NOT PLACE BACKFILL OR FILL SOIL MATERIAL ON SURFACES THAT ARE MUDDY, FROZEN, OR CONTAIN FROST OR ICE.
 - REMOVE AND REPLACE, OR SCARIFY AND AIR DRY, OTHERWISE SATISFACTORY SOIL MATERIAL THAT EXCEEDS OPTIMUM MOISTURE CONTENT BY 2 PERCENT AND IS TOO WET TO COMPACT TO SPECIFIED DRY UNIT WEIGHT.
- COMPACTION OF SOIL BACKFILLS AND FILLS
 - PLACE BACKFILL AND FILL SOIL MATERIALS IN LAYERS NOT MORE THAN 8 INCHES (200 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT, AND NOT MORE THAN 4 INCHES (100 MM) IN LOOSE DEPTH FOR MATERIAL COMPACTED BY HAND-OPERATED TAMPERS.
 - PLACE BACKFILL AND FILL SOIL MATERIALS EVENLY ON ALL SIDES OF STRUCTURES TO REQUIRED ELEVATIONS, AND UNIFORMLY ALONG THE FULL LENGTH OF EACH STRUCTURE.
 - COMPACT SOIL MATERIALS TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT ACCORDING TO ASTM D 498:
 - UNDER STRUCTURES, BUILDING SLABS, STEPS, AND PAVEMENTS, SCARIFY AND RECOMPACT TOP 12 INCHES (300 MM) OF EXISTING SUBGRADE AND EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 100 PERCENT.
 - UNDER WALKWAYS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 95 PERCENT.
 - UNDER TURF OR UNPAVED AREAS, SCARIFY AND RECOMPACT TOP 6 INCHES (150 MM) BELOW SUBGRADE AND COMPACT EACH LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 85 PERCENT.
 - FOR UTILITY TRENCHES, COMPACT EACH LAYER OF INITIAL AND FINAL BACKFILL SOIL MATERIAL AT 95 PERCENT.

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



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



BIRKDALE VILLAGE REZONING

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

PRELIM GRADING PLAN

REVISIONS:

- | |
|--------------------------------|
| 2022/08/23 - REZONING COMMENTS |
| 2022/09/19 - REZONING COMMENTS |
| 2022/11/02 - REZONING COMMENTS |
| 2023/01/03 - REZONING COMMENTS |
| 2023/01/27 - REZONING COMMENTS |

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

PIN #005-371-54
DB 21859 PG 546
LOT 3, MB 33 PG 319 &
MB 34 PG 795
ZONED: HC(CD)
8630 - 8636 LINDHOLM DR.
8545 TOWNLEY RD.
17040 - 17126 FORMBEY RD.
16805 - 16849 BIRKDALE COMMONS PKWY

N/F
DDRTC BIRKDALE VILLAGE, LLC
PIN #005-371-61
DB 21859 PG 546
LOT 2, MB 33 PG 319 & MB 34 PG 795
ZONED: HC(CD)
8625 - 8635 LINDHOLM DR.
16817 - 16819 CRANLYN RD.
17220 - 17226 FORMBEY RD.
16917 - 16951 BIRKDALE COMMONS PKWY

PARCEL 1
COMMON OPEN SPACE
AREA: 9,417.3 SF / 0.216 AC
N/S
DDRTC BIRKDALE
VILLAGE, LLC
PIN #005-371-55
DB 21859 PG 546
COMMON AREA "A"
MB 33 PG 319 &
MB 34 PG 795
DOWD-HACCO

PARCEL 2
AREA:23,280.3 SF / 0.534 AC
N/F
DDRTC BIRKDALE
VILLAGE, LLC
PIN #005-371-56
DB 21859 PG 546
COMMON AREA "B"
MB 33 PG 319 &
MB 34 PG 795
ZONED: HC(CO)

PARCEL 3
COMMON OPEN SPACE
AREA:18,884.2 SF / 0.434 AC
N/F
DDRTC BIRKDALE
VILLAGE, LLC
PIN #005-371-63
DB 21859 PG 546
COMMON AREA "C"
MB 33 PG 319 &
MB 34 PG 795
ZONED: HC(CD)

N/F
DDRTC BIRKDALE
VILLAGE, LLC
PIN #005-371-98
DB 21859 PG 546
"PARCEL 4"
MB 69 PG 993
ZONED: HC(JCD)

BIRKDALE COMMONS PARKWAY

BIRKDALE COMMONS PARKWAY

PROPOSED PARKING DECK
PARKING SPACES PROVIDED FOR NEW OFFICE
LEVEL PARKING TO REMAIN COMMERCIAL
LEVEL PARKING TO REMAIN RESIDENTIAL

PROPOSED URBAN
WORKPLACE OR SHOPFRONT BUILDING
(175,000 SF TOTAL)
25,000 SF OF COMMERCIAL/RETAIL
150,000 SF OF OFFICE

EX. RETAIL/COMMERCIAL
BUILDING

TOWNLEY ROAD
48' WIDE PUBLIC ROW (MB 24 PG 795)

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

PROJECT LIMITS: 105,375 SF (5.37 AC)

DDRTC BIRKDALE VILLAGE, LLC
PIN #005-373-29
DB 21859 PG 546
LOT 8, MB 34 PG 795
& MB 39 PG 173
ZONED: HC(CD)
8824 LINDHOLM DR.
14740 BIRKDALE COMMONS PKWY

DDRTC BIRKDALE VILLAGE, LLC
PIN #005-371-05
DB 21859 PG 546
LOT 7, M8 43 PG 473
ZONED: HC(CD)
8805 S&M E188 RD

N/A
MDC NC
PIN #005-
DB.33539

BV INVESTMENT
PIN #005-371-5
DB 21859 PG 5
LOT 7A, MB 43 PG
ZONED: HC(CD)
16620 CRANLEY

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



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

BIRKDALE VILLAGE REZONING

PIN #00537157, 00537197

JINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

PRELIM LANDSCAPE PLAN

REVISIONS:

[2022/08/23 - REZONING COMMENTS](#)
[2022/09/19 - REZONING COMMENTS](#)
[2022/11/02- REZONING COMMENTS](#)
[2023/01/03- REZONING COMMENTS](#)
[2023/01/27- REZONING COMMENTS](#)

Z05 -PRELIM LANDSCAPE PLAN.DWG

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

Z05 OF 5

Birkdale Village Rezoning

Neighborhood Meeting Report

Date: September 22, 2022

Time: 6:00pm-7:45pm

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

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

General Comments

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

Questions

***Answers in bold**

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

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

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

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

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

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

NEIGHBORHOOD MEETING

SIGN IN SHEET

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

Birkdale Village Rezoning

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

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

NEIGHBORHOOD MEETING

SIGN IN SHEET

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

Birkdale Village Rezoning

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

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

NEIGHBORHOOD MEETING

SIGN IN SHEET

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

Birkdale Village Rezoning

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

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



BIRKDALE
VILLAGE

Rezoning 22-01 Conditional Rezoning

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



PHASE 1 - \$20 Million Project

Community Garden & Dog Park

Warby Parker

Good Wurst

Beer Garden

Concierge
& Valet

Stage and
LED Screen

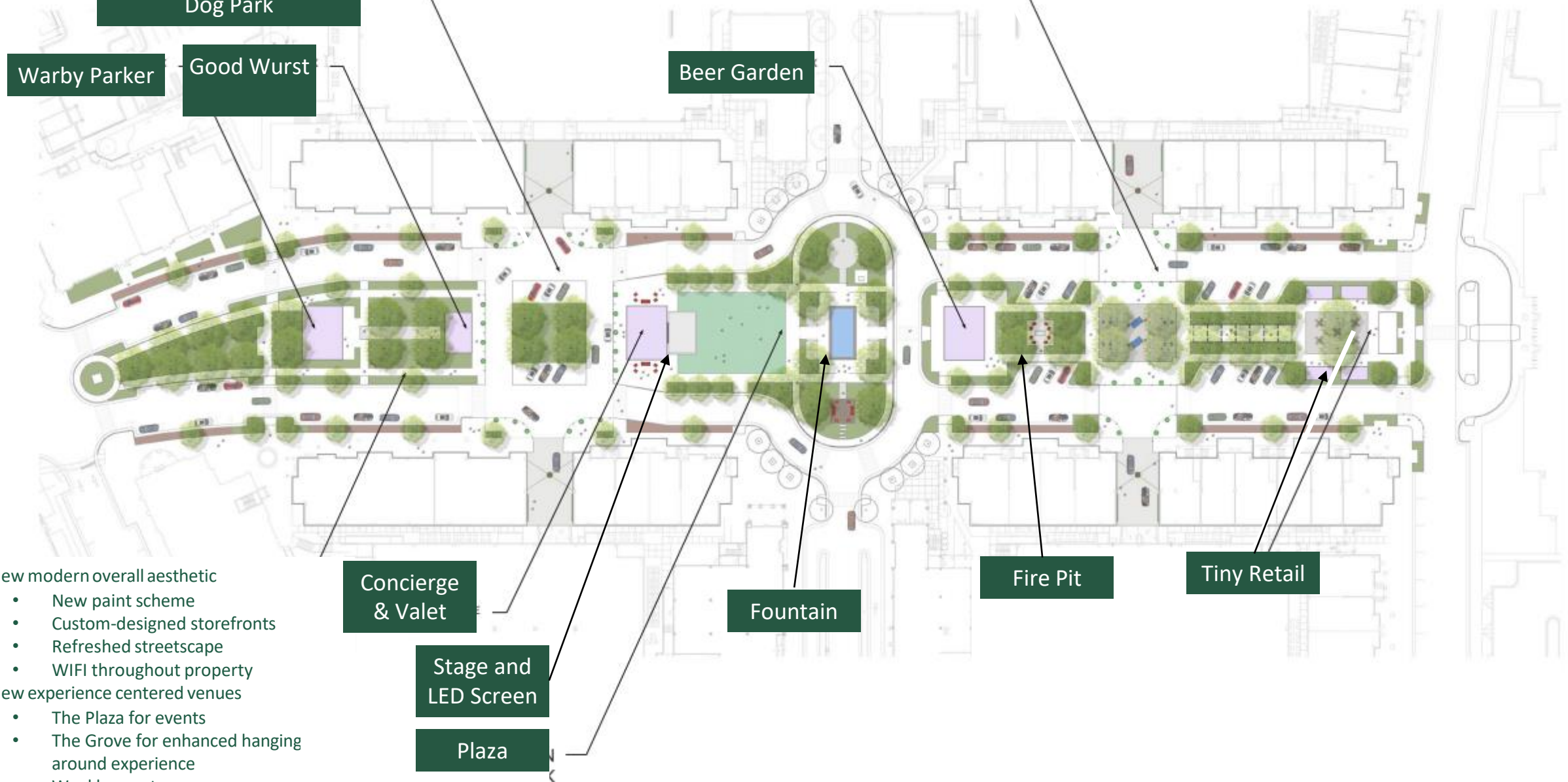
Plaza

Fountain

Fire Pit

Tiny Retail

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



Parking in Birkdale Village: Guest Comments

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

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

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

When will new owners fix the parking issues

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

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

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

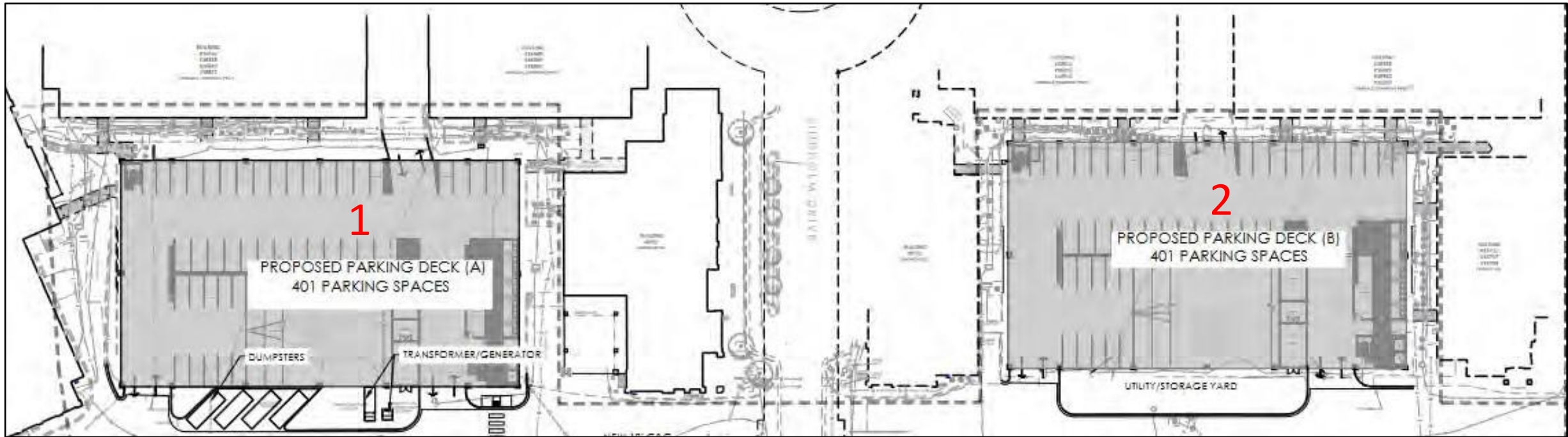
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Ah Yes ! The congestion, the increase of traffic onto streets already busy busy, and OMG – parking will be an even BIGGER problem ! ! Is there any realistic planning effort going into this "PLAN" or are residents and shoppers just supposed to "tolerate"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



Parking in Birkdale Village: Upgraded Parking Garages



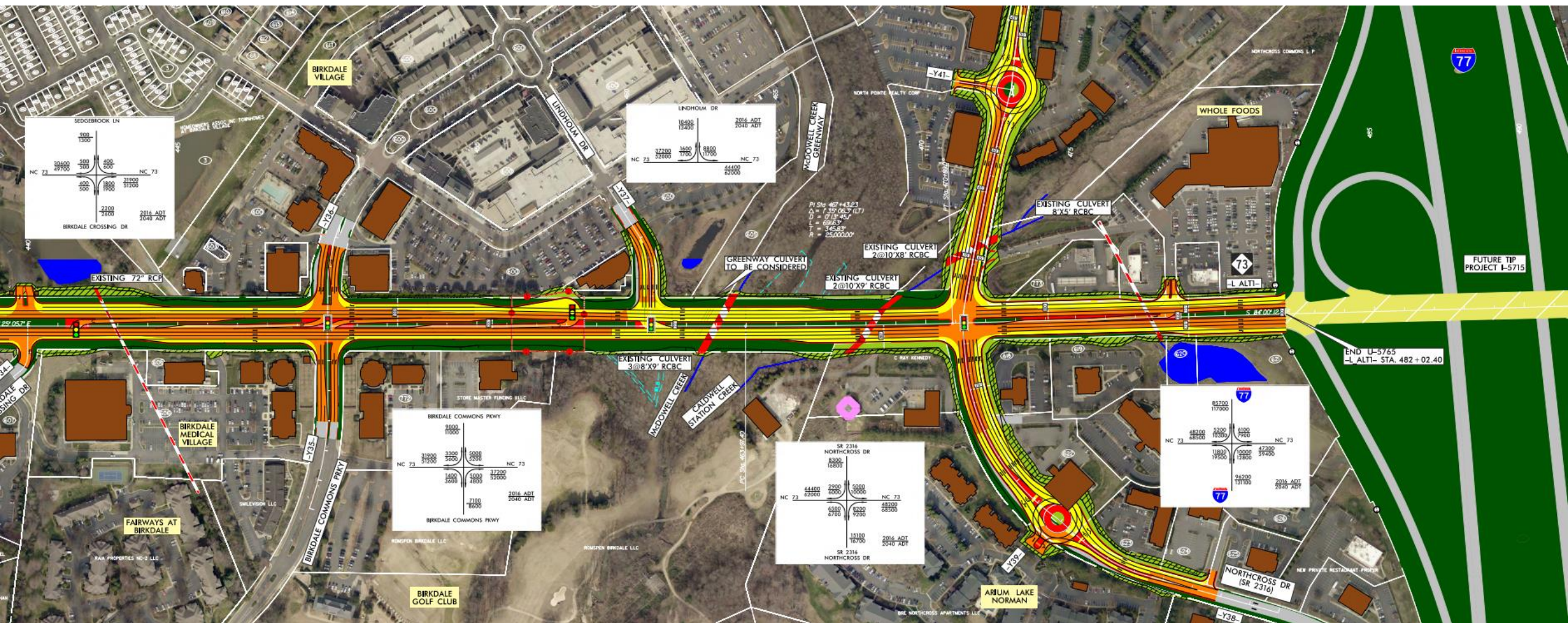
DECK #1

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

DECK #2

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







NORTH AMERICAN PROPERTIES

Development Experience – Making Places to Hang Out











BIRKDALE
VILLAGE

NEW AND UPGRADED TENANT MIX

New Additions

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

Upgrading Current Location

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



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

Nationally renowned Mixed-Use Development



What makes a great Mixed-Use Development



Connectivity



Activity



Food and Beverage



Programming





Daytime traffic goes home
Nighttime traffic comes home

Daytime traffic from Office adds activity during the weekday.



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





Parking Upgrades



Parking in Birkdale Village: Guest Comments

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

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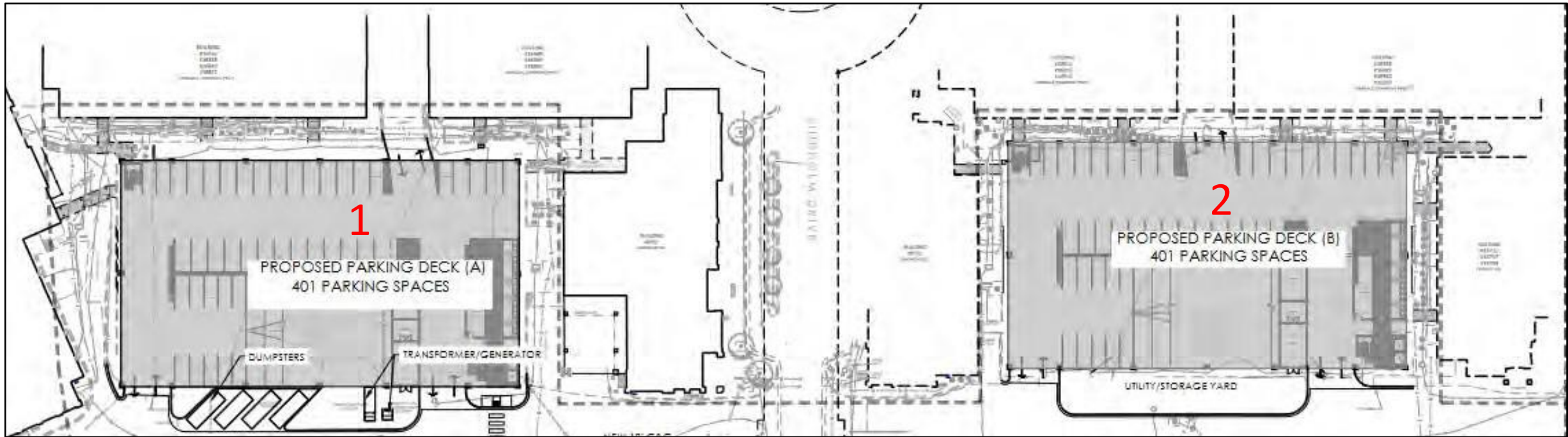
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Approx 150 spaces for Hotel and Conference Center for
public use.





Design Concepts







Office/Conference Center Concept



 Office/Conference Center Concept



Hotel Concepts



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



Hotel Concepts



1- & 2- bedroom units
Few families with children



Mixed- Use Urban Workplace Concept





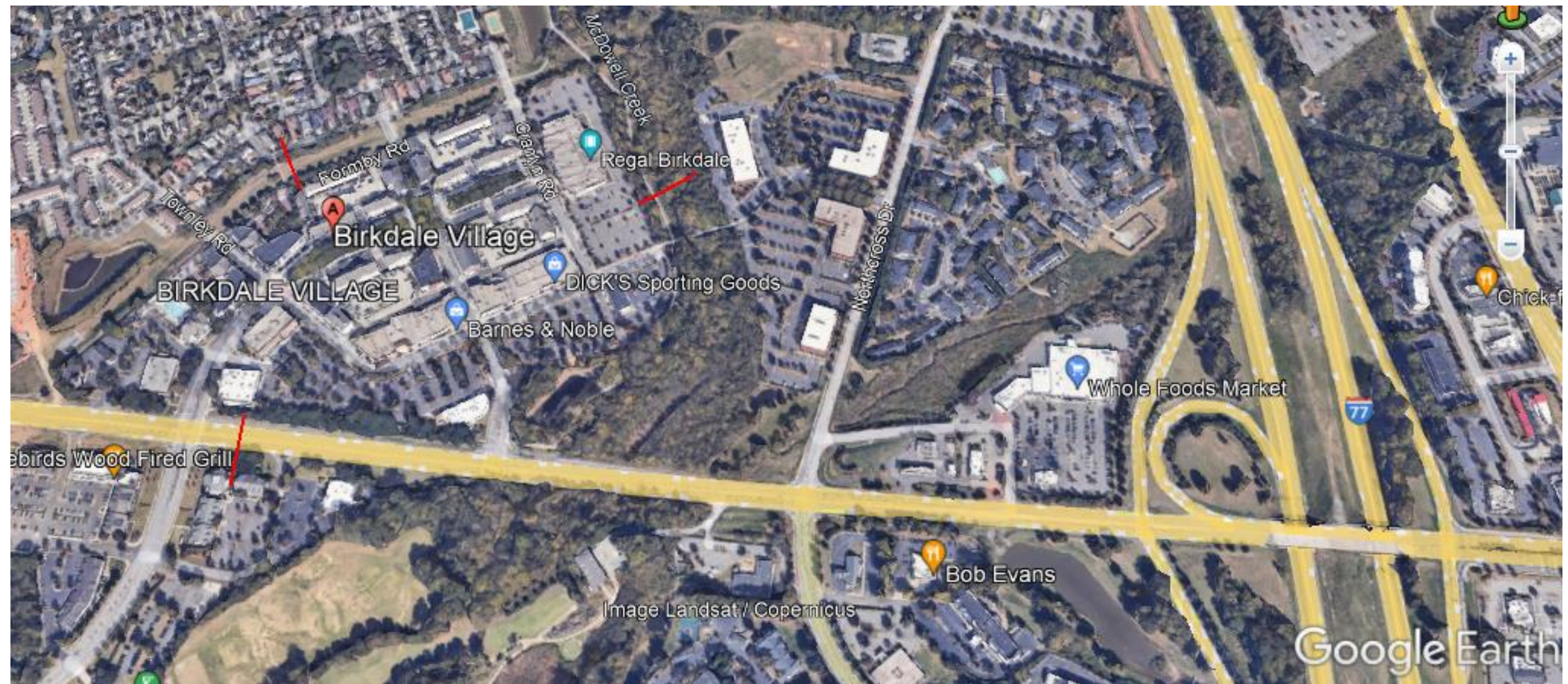
Smart Home Features
Nest thermostats
Tiled showers
Granite / Quartz counter tops
Upgraded Appliance package
Electronic entry locks



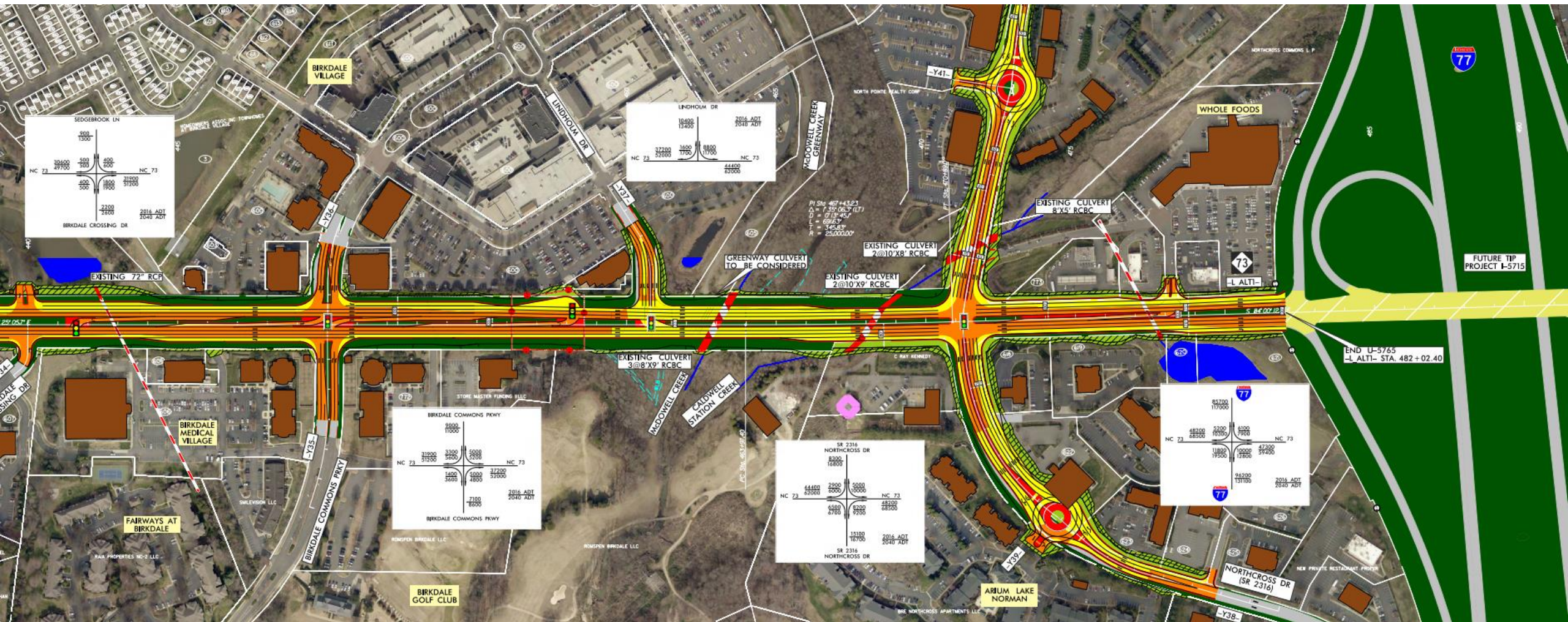


Location

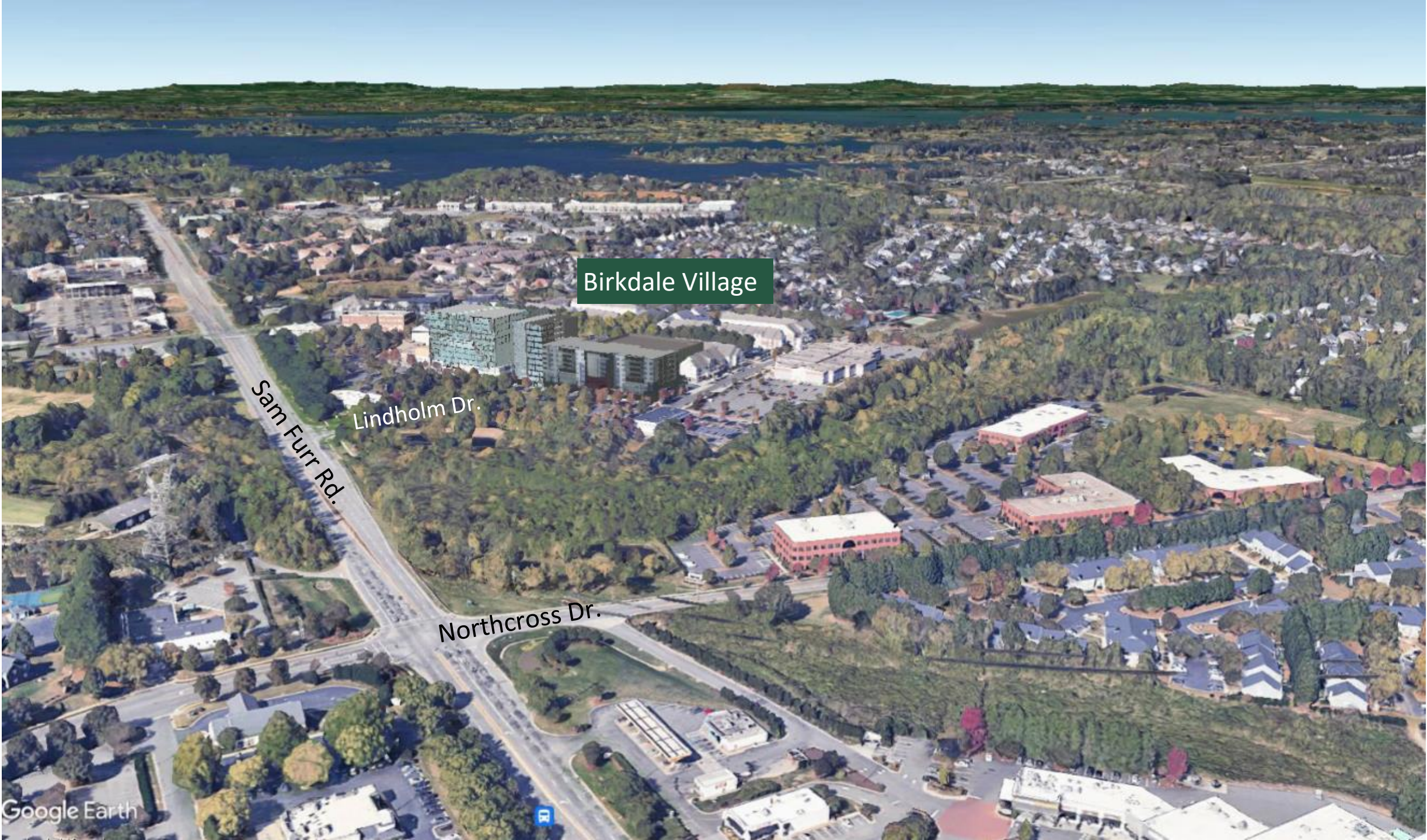




NCDOT Highway 73 Improvements







Birkdale Village

Sam Furr Rd.

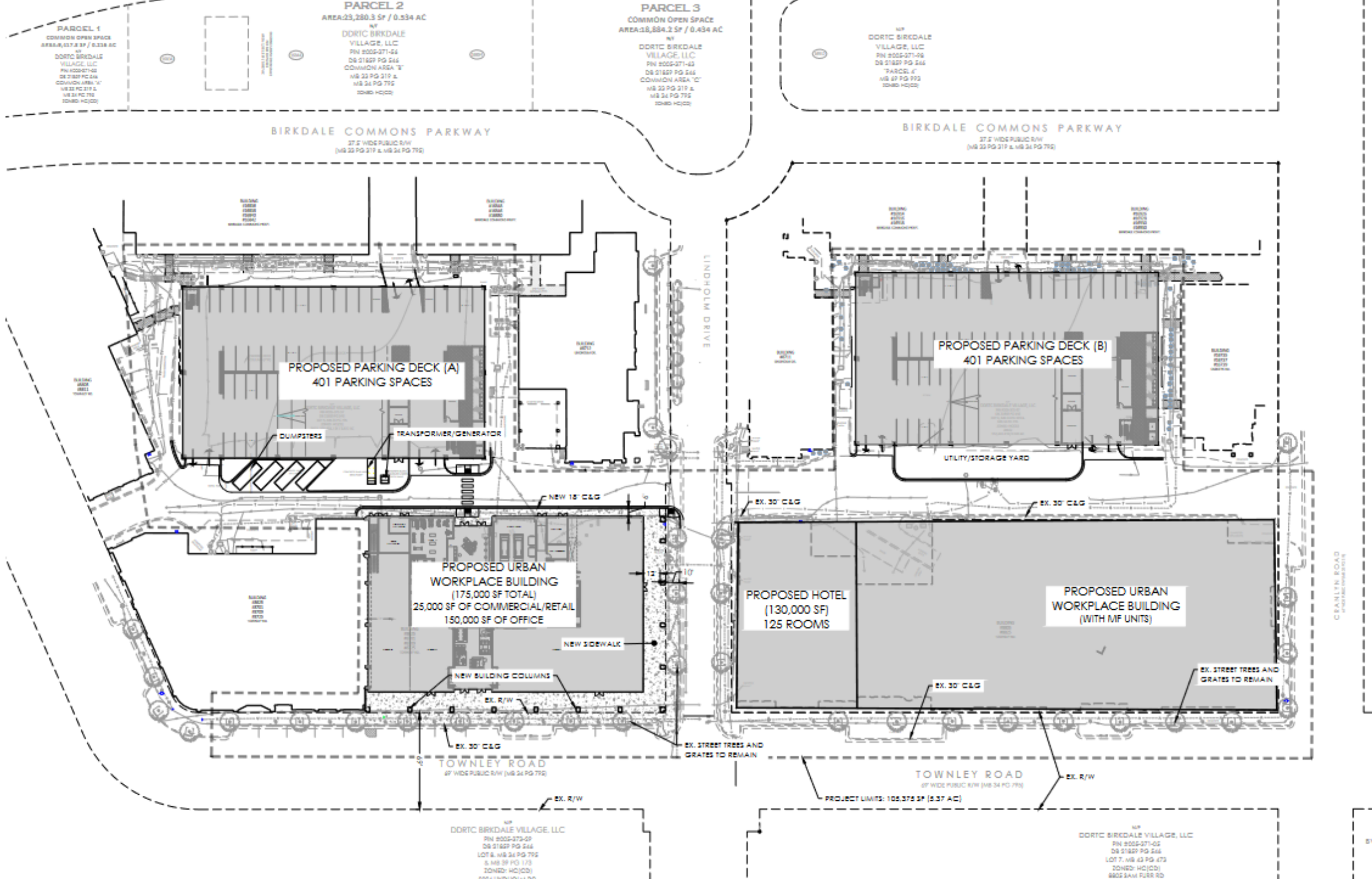
Lindholm Dr.

Northcross Dr.



Office Building







IMPLAN Economic Study





BIRKDALE
VILLAGE

IMPLAN STUDY: Economic Benefits

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

IMPLAN users in the region include:

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

IMPLAN – Types of Benefits in Huntersville



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



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



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



An architectural rendering of a city street scene. In the background, there are modern multi-story buildings with large glass windows and balconies with greenery. The street is paved with dark cobblestones and features white and yellow lane markings. Several people are walking on the sidewalks and crossing the street. A person is riding a bicycle in the foreground. A blue car is parked on the left, and a yellow car is on the right. The sky is blue with some white clouds.

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

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



BIRKDALE
VILLAGE

Thank you.





ESTD 1954

**NORTH AMERICAN
PROPERTIES**

September 7, 2022

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

To Whom It May Concern:

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

MEETING DETAILS:

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

Thursday, September 22, 2022

Dellwood Community Center

508 Dellwood Drive

Huntersville, NC 28078

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

Sincerely,

Mike Lant, Senior VP Development
DDRTC Birkdale Village, LLC

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

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



Planning Services

4421 Stuart Andrew Blvd.

Charlotte, NC 28217

Phone: 980-343-6246

Email: planning@cms.k12.nc.us

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

IMPACT OF THE PROPOSED DEVELOPMENT

Proposed Housing Units: 350 multi- family units

CMS Planning Area: North

Average Student Yield per Unit: 0.1225

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

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

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

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

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

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

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

RECOMMENDATION

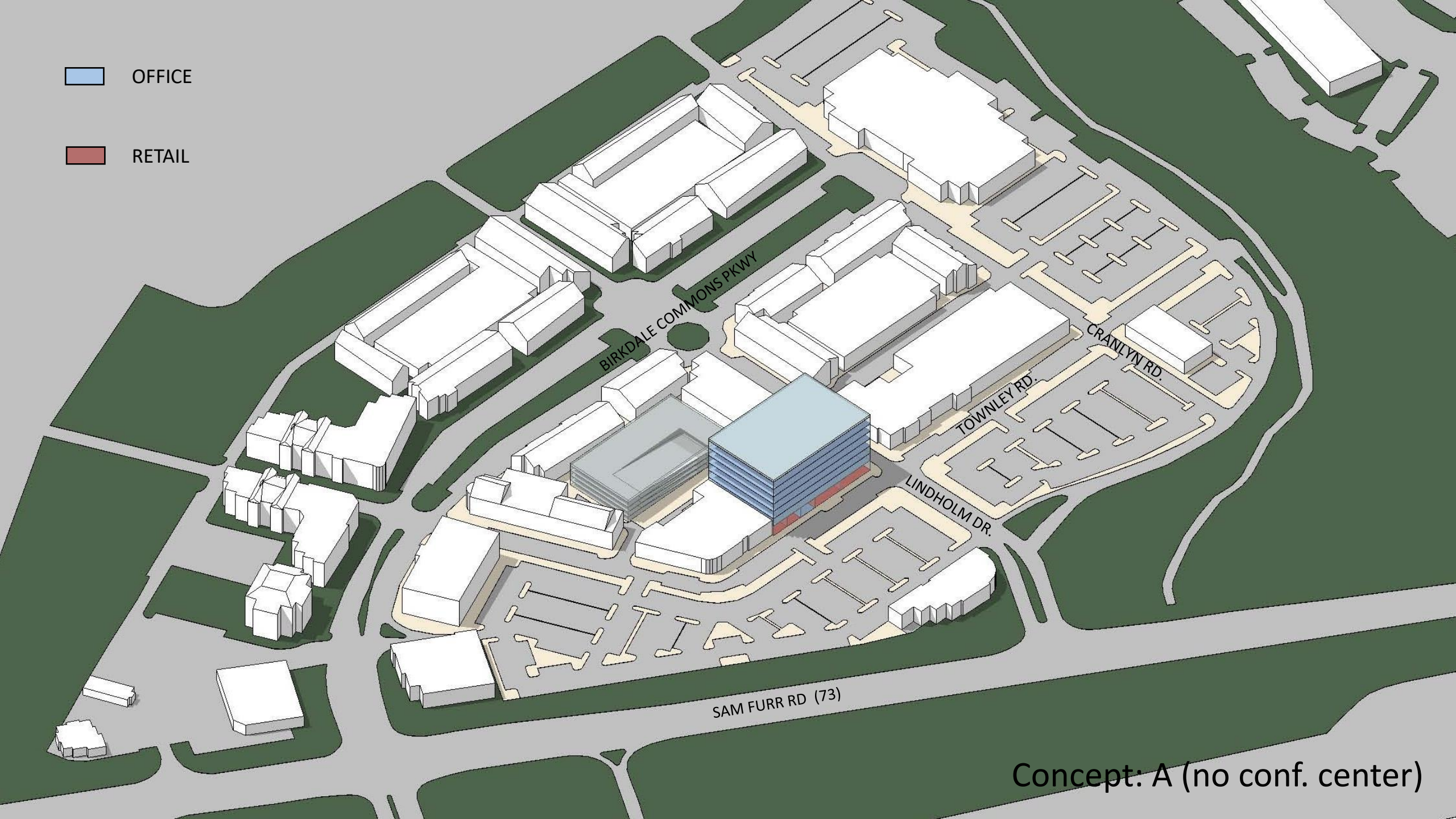
Adequacy of existing school capacity is a significant problem. We are particularly concerned about a case where school utilization exceeds 100% since the proposed development may exacerbate the situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the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

Birkdale Class A



OFFICE

RETAIL



Concept: A (no conf. center)

OFFICE

RETAIL

SAM FURR RD (73)

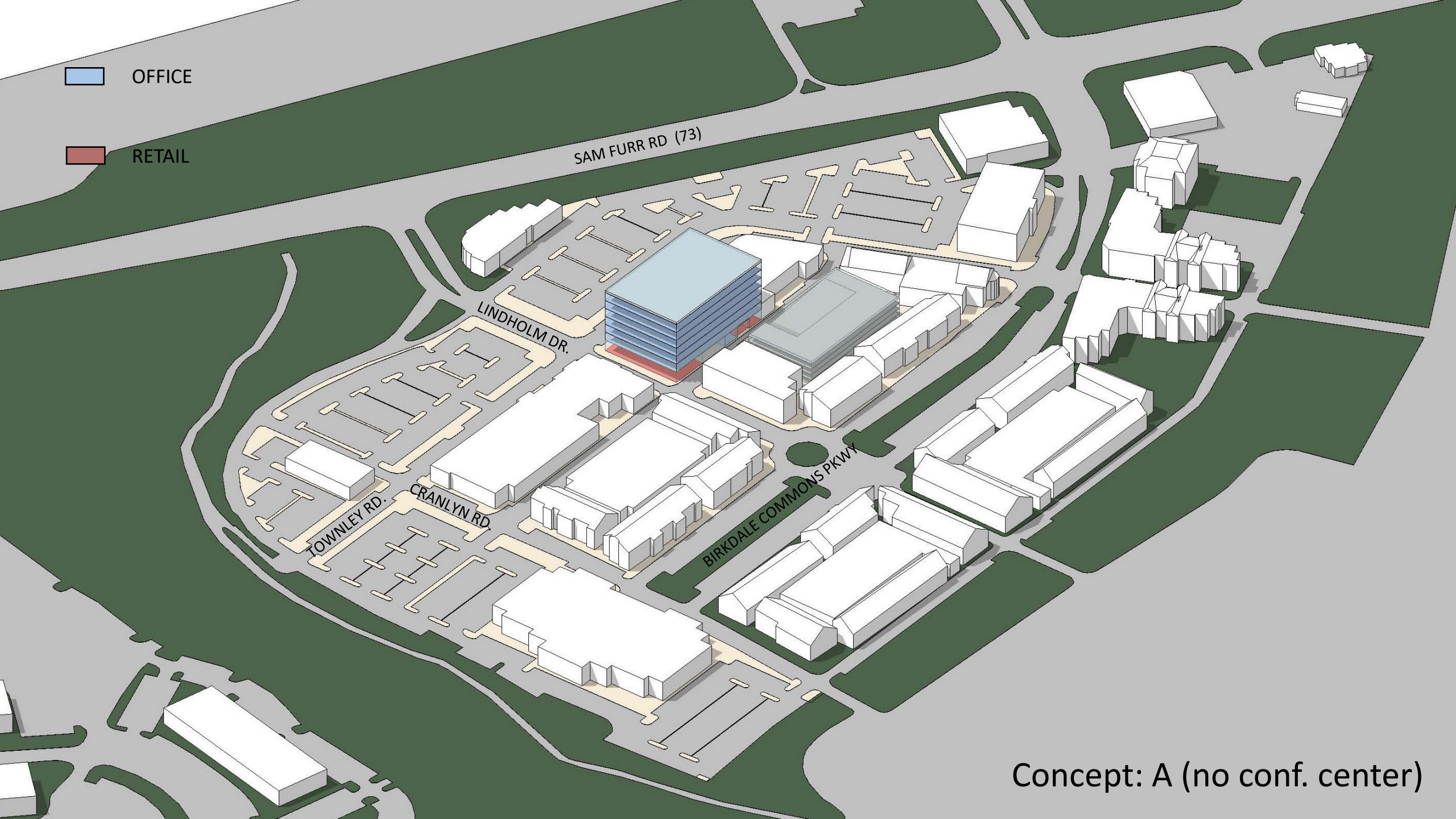
LINDHOLM DR.

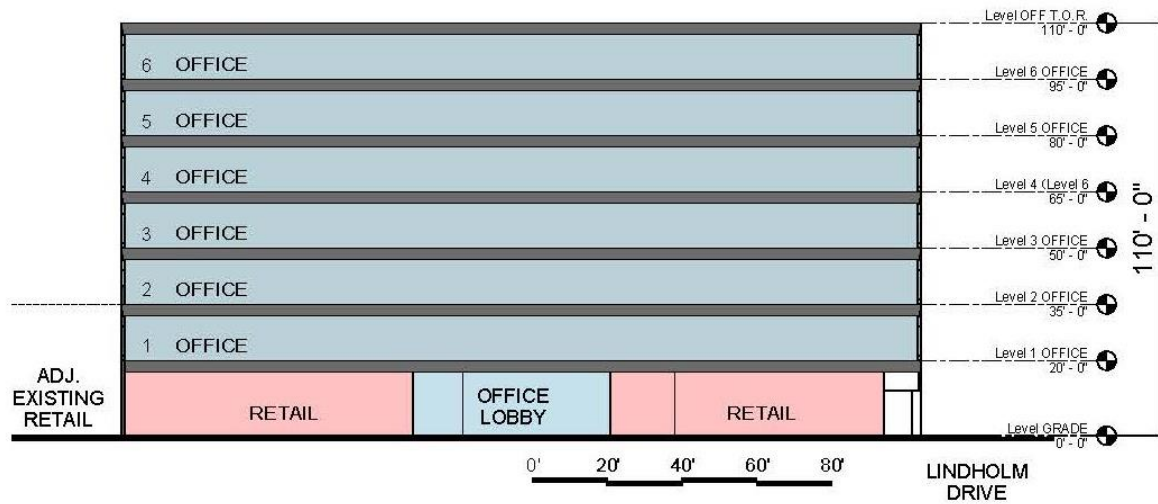
TOWNLEY RD.

CRANLYN RD.

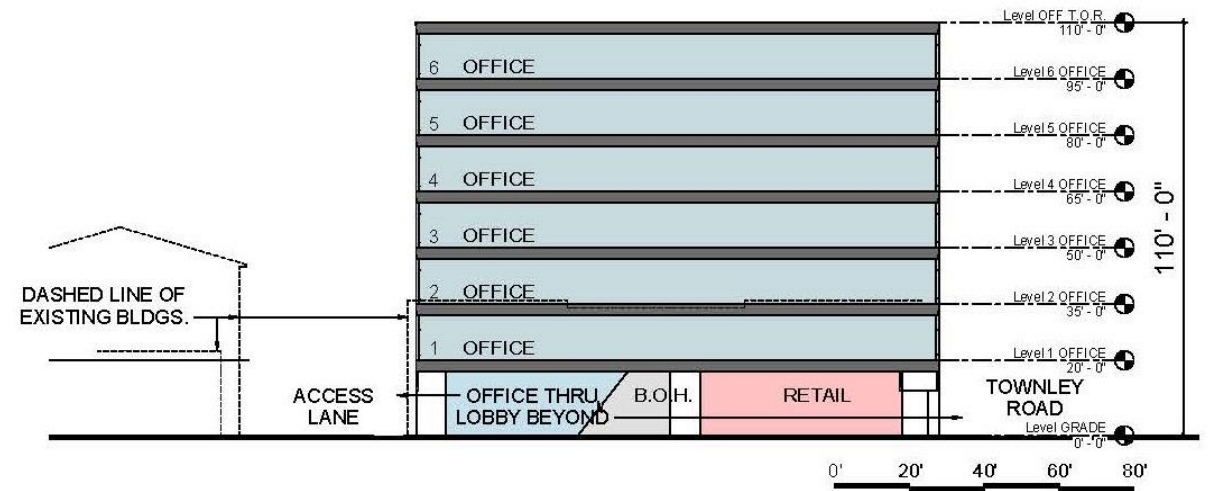
BIRKDALE COMMONS PKWY

Concept: A (no conf. center)





1 BLDG. HEIGHT SECTION - OFFICE BLDG.
1" = 20'-0"



2 BLDG. CROSS SECTION - OFFICE BLDG.
1" = 20'-0"

Concept: A (no conf. center)





New Parking

450 new parking spaces

- Rebuilding existing 2 levels (1st level (75) remains public parking)
- 5 new levels – 450 new spaces
- Available to the public after 5 on weeknights and on weekends
- Centrally located near the Plaza to avoid neighborhood street parking
- 3 entry/exit points onto Birkdale Commons, Townley, and Lindholm

Economic Benefits

Construction Benefits to Huntersville

Total Construction Value

\$90,891,927.61

Construction Taxes

\$115,066.36

Estimated Property Taxes to Huntersville per year

Proposed
(office/commercial only)

\$170,000.00

9-5 office workers support businesses during
daytime hours

**Town of Huntersville
Town Board
February 6, 2023**

To: Town Board

From: Melinda Bales, Mayor

Date: February 6, 2023

Subject: Affordable Housing Resolution

EXPLAIN REQUEST:

Consider Adopting a Resolution to create a Mayoral Task Force on Affordable Housing.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. R-2023-06 Resolution Creating Mayoral Task Force and ROP



RESOLUTION TO CREATE THE HUNTERSVILLE AFFORDABLE HOUSING MAYORAL TASK FORCE

WHEREAS, between January 2021 and December 2022, the median sales price of housing in Huntersville has risen from \$352,060 to \$544,955; and

WHEREAS, housing is considered affordable if a family spends no more than 30% of their income to live there; and

WHEREAS, according to the National Low Income Housing Coalition, over 45,000 units of affordable housing are needed in the Charlotte-Metro area; and

WHEREAS, in order to address the need of affordable housing in Huntersville, the Town of Huntersville Board of Commissioners ("Town Board") wishes to designate a Mayoral Task Force to identify needs and solutions for affordable housing in Huntersville and make a recommendation to the Town Board;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. There is hereby created the Huntersville Affordable Housing Mayoral Task Force (the "Task Force").
2. The mission of the Task Force is to study and evaluate the potential needs, goals, partnerships, funding sources, and implementation options available to the Town of Huntersville for affordable housing within Huntersville.
3. The Rules of Procedure for the Task Force are attached hereto and incorporated herein as Exhibit A.
4. The Mayor shall appoint members to the Task Force in accordance with the Rules of Procedure.
5. The Task Force shall make a final report to the Town Board summarizing its work, findings, and recommendations. Nothing herein shall preclude the Task Force from making interim reports and gathering feedback from the Town Board prior to completing its final report.
6. The initial meeting of the Task Force shall take place in February 2023.
7. The Task Force shall terminate on September 30, 2023, or upon the presentation of its final report to the Town Board, whichever occurs first.

Adopted this 6th day of February 2023.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

EXHIBIT A

RULES OF PROCEDURE FOR THE HUNTERSVILLE AFFORDABLE HOUSING MAYORAL TASK FORCE

The meetings of the Huntersville Affordable Housing Mayoral Task Force (the “Task Force”) shall be conducted pursuant to the following rules of procedure:

SECTION I: Creation; Appointment of Members

There is hereby created a Huntersville Affordable Housing Mayoral Task Force composed of up to fifteen (15) members appointed by the Mayor. The composition of the members shall include:

The Mayor of Huntersville;
The Mayor Pro Tem of Huntersville;
One (1) realtor serving the Huntersville community;
Three (3) members working in the development industry in Huntersville;
One (1) member (liaison) employed by Mecklenburg County;
One (1) member with a finance background;
Four (4) members employed by non-profit organizations;
One (1) member with a legal background; and
Two (2) at large members residing in the Huntersville community.

The Task Force shall also include members from the Huntersville Town Staff, as needed.

SECTION II: Task Force Powers and Duties

The purpose of the Task Force is to study affordable housing options in Huntersville. To accomplish this goal, the Task Force shall attempt to identify:

- 1) affordable housing needs;
- 2) potential goals of a Town-sponsored affordable housing program;
- 3) potential partnerships for a Town-sponsored program;
- 4) potential funding sources for the program; and
- 5) implementation options for the program.

SECTION III: Meetings

The initial meeting of the Task Force shall occur in February 2023 at a date, time, and location set by the Mayor. At its first meeting, the Task Force shall adopt a schedule of its regular meetings and advertise the schedule in accordance with the North Carolina Open Meetings Law.

The Task Force shall keep minutes of its meetings and shall be subject to the North Carolina Open Meetings Law and Public Records Law.

Special meetings may be called by the Mayor. A special meeting shall be advertised as required by the Open Meetings Law, and only those items of business advertised for the special meeting may be conducted.

SECTION IV: Officers

The Mayor shall preside over the meetings. In the Mayor's absence, the Mayor Pro Tem shall preside over the meetings.

The Secretary to the Task Force shall be a staff person appointed by the Mayor. The Secretary shall be responsible for setting the agenda and keeping the minutes and records of the Task Force.

SECTION V: Quorum

A majority of the Task Force shall constitute a quorum. A quorum shall be required to transact the business of the Task Force.

SECTION VI: Order of Business

The general order of business shall be as follows:

- 1) Call to order;
- 2) Identification of a quorum;
- 3) Review and approval of minutes of previous meeting(s);
- 4) Discussion of agenda topics; and
- 5) Adjourn.

The agenda for each meeting shall be set by the Mayor.

SECTION VII: Attendance

In order for the Task Force to carry out its responsibilities, it is necessary for Task Force members to attend the meetings. Members may participate remotely at the Mayor's discretion. Members participating remotely must be clearly identified and be able to be heard by and participate simultaneously with the members physically present at the meeting.

If a member is absent for three (3) consecutive meetings, the Mayor may remove the member and appoint a replacement member.

SECTION VIII: Conflict of Interest

The Committee shall follow the Code of Ethics for Members of Boards, Committees, and Commissions of the Town of Huntersville, North Carolina, as adopted by the Town Board.

SECTION IX: Adoption of Rules of Procedure and Amendments

The Town Board, by a majority vote, shall adopt the Rules of Procedure. These Rules may be amended at any time by the Mayor.

Adopted this 6th day of February 2023.

Mayor, Town of Huntersville

ATTEST:

Janet Pierson, Town Clerk

**Town of Huntersville
Town Board
February 6, 2023**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: February 6, 2023

Subject: Gibson Park Drive Phase 2 Project Resolution

EXPLAIN REQUEST:

Adopt resolution to acquire property for Gibson Park Drive Phase 2 project.

ACTION RECOMMENDED:

Adopt resolution to acquire property for Gibson Park Drive Phase 2 project.

FINANCIAL IMPLICATIONS:

Bond Funds/Fund Balance

ATTACHMENTS:

1. R-2023-4 Revised Resolution to Acquire Property 1-17-23



**RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS TO ACQUIRE
PROPERTY NECESSARY FOR THE CONSTRUCTION OF GIBSON PARK DRIVE PHASE 2**

WHEREAS, the Town of Huntersville (the "Town") has determined that the acquisition of property is necessary for the construction of Gibson Park Drive Phase 2 (the "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, the Town has certified that a portion of the parcel(s) ("the Property"), listed on Exhibits A and more particularly described on Exhibit B, is needed for the Project; and

WHEREAS, on January 18, 2022, the Town Board authorized the acquisition of the Property at a price not to exceed the Property's appraised value and permitted Administrative Adjustments; and

WHEREAS, the Town could not acquire the property by negotiations at the authorized price.

***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 Property as listed on Exhibit A, and more particularly described on Exhibit B, by instituting and pursuing acquisition by the process of Eminent Domain according to the procedures contained in Chapter 40A, including but not limited to, giving notice of intent to the property owner, executing and filing a complaint and declaration of taking, and depositing the amount estimated to be just compensation with the Clerk of Superior Court of Mecklenburg County; and
2. 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
3. This Resolution shall be effective as of the date its adoption.

Adopted this 6th day of February, 2023.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

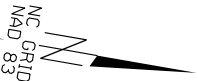
APPROVED AS TO FORM:

Town Attorney

EXHIBIT A - PARCEL INDEX

PARCEL #	PARCEL ID #	PROPERTY OWNER NAME
1	019-053-22	Donald K. Holbrook

Exhibit B

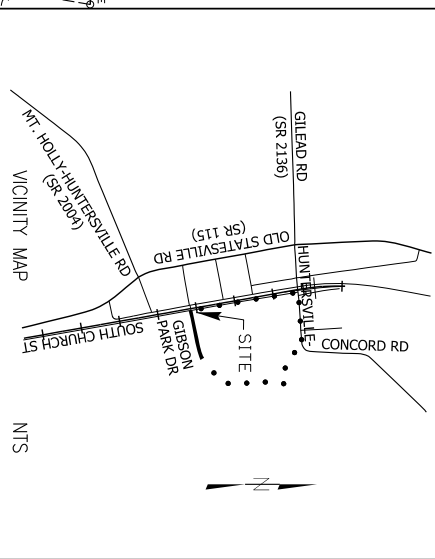


- NOTES:
1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 2. ALL BEARINGS ARE BASED ON N.C. GRID BEARINGS.
 3. AREAS SHOWN ARE SUBJECT TO EASEMENTS OF RECORD.
 4. RECORD REFERENCES: D.B. 22971 PG. 609.
 5. PARCEL I.D. NUMBER: 01905322
 6. NO MISSING CORNERS SET.
 7. PROPERTY LINES SHOWN ARE APPROXIMATE AND BASED ON EXISTING DEEDS, PLATS, AND VISIBLE FIELD MONUMENTATION DISCOVERED ALONG PROJECT AREA. PROPERTY LINES SHOWN ARE NOT INTENDED TO REPRESENT AN ACTUAL BOUNDARY SURVEY.

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION FOR THE PURPOSE OF RIGHT OF WAY OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN. THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. THIS MAP IS EXEMPT FROM REVIEW BY A REVIEW OFFICER.

LEGEND:

- POINT NOT SET (UNLESS OTHERWISE NOTED)
- EIP EXISTING IRON PIPE OR PIN
- × COMPUTED POINT
- ▲ 5/8" REBAR W/ CAP SET
- ◆ 5/8" REBAR W/ CAP SET
- ▨ TEMPORARY CONSTRUCTION EASEMENT (TCE)
- ▩ RIGHT OF WAY (ROW)
- ▤ PERMANENT UTILITY EASEMENT (PUE)
- ▦ PERMANENT DRAINAGE/UTILITY EASEMENT (DUE)



TCE 1 LINE TABLE		
LINE	BEARING	DISTANCE
L12	S 46° 45' 45" E	20.00'
L13	N 79° 27' 23" E	356.02'
L14	S 09° 54' 00" E	17.50'
L4	S 80° 06' 00" W	345.00'
L25	N 09° 54' 00" W	7.00'
L24	S 80° 06' 00" W	10.28'
L23	S 09° 54' 00" E	7.00'
L2	N 10° 11' 01" W	8.04'
L1	N 16° 35' 48" W	10.08'

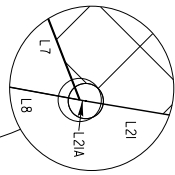
PUE 1 LINE TABLE		
LINE	BEARING	DISTANCE
L23	S 09° 54' 00" E	7.00'
L24	S 80° 06' 00" W	10.28'
L25	N 09° 54' 00" W	7.00'
L3	N 80° 06' 00" E	10.28'

1
DONALD K. HOLBROOK
DB 22971 PG 609
P.I.N. 01905322

PUE 2 LINE TABLE		
LINE	BEARING	DISTANCE
L14	N 09° 54' 00" W	17.50'
L15	N 09° 54' 00" W	9.00'
L16	N 80° 06' 00" E	10.00'
L17	S 09° 54' 00" E	9.00'
L18	S 09° 54' 00" E	17.50'
L5	S 80° 06' 00" W	10.00'

TCE 2 LINE TABLE		
LINE	BEARING	DISTANCE
L19	N 80° 31' 04" E	137.12'
L22	S 09° 54' 00" E	16.50'
L6	S 80° 06' 00" W	137.12'
L18	N 09° 54' 00" W	17.50'

PUE 2



ROW AREA	2,033,880 SF	0.047 AC
TCE (1) AREA	5,646,166 SF	0.130 AC
TCE (2) AREA	2,330,960 SF	0.054 AC
PUE (1) AREA	71,968 SF	0.002 AC
PUE (2) AREA	265,000 SF	0.006 AC
DUE AREA	204,974 SF	0.005 AC

7
MANUEL VAZQUEZ
MARIA VAZQUEZ
DB 9520 PG 542
P.I.N. 01905427

PROPOSED ROADWAY PROJECT
EASEMENT PLAT

ALONG GIBSON PARK DRIVE FOR
THE TOWN OF HUNTERVILLE
MECKLENBURG COUNTY, NORTH CAROLINA



▣ Middleboro, Kentucky 40965
Phone: (606) 248-6600
▣ Asheville, North Carolina 28806
Phone: (828) 253-2796
▣ Charlotte, North Carolina 28217
Phone: (704) 357-0488

Vaughn & Melton Consulting Engineers

EASEMENT ACROSS THE PROPERTY OF:
DONALD K. HOLBROOK
D.B. 22971 PG. 609

CURVE TABLE			
CURVE	RADIUS	LENGTH	DIRECTION
C1	R=11.50'	18.01'	S 55° 02' 30" E
C2	R=472.62'	36.09'	S 79° 37' 44" W
C3	R=587.96'	17.62'	S 80° 57' 30" W

ROW LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 16° 35' 48" E	10.08'
L2	S 10° 11' 01" E	8.04'
L3	N 80° 06' 00" E	10.28'
L4	N 80° 06' 00" E	345.00'
L5	N 80° 06' 00" E	10.00'
L6	N 80° 06' 00" E	137.12'
L7	N 58° 51' 39" E	14.87'
L8	S 00° 23' 29" W	10.27'
L9	S 81° 49' 00" W	41.66'
L10	S 80° 6' 00" W	431.71'
L11	N 10° 04' 08" W	33.00'

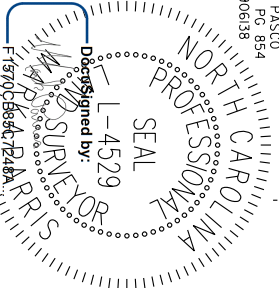
3
FRANCISCO DE LA GARZA
DB 8868 PG 352
P.I.N. 01906103

4
DIANE PASCO
JUAN R. PASCO
DB 36966 PG 854
P.I.N. 01906138

5
VERNA G. MCNEELY
LEE ROY GRAHAM
DB 12355 PG 822
P.I.N. 01906134

6
WALDEMAR RODRIGUES PEREIRA JR., et al.
DB 19916 PG 599
P.I.N. 01906126

9/28/2022



SIGNATURE

DATE

NO.	DESCRIPTION	DATE

Date: SEPT 26 2022 Job No:32110-08

File: Parcel1_Holbrook.DGN Sheet: 1

