



AGENDA

Regular Town Board Meeting

February 20, 2023 - 6:00 PM

TOWN HALL (101 Huntersville-Concord Road)

Live Stream available via YouTube @townofhuntersvillenc28078

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

1. Pre-meeting - 5:30 p.m.

1.A. Discussion of property acquisition process. (*Stephen Trott*)

2. Call to Order

3. Invocation/ Moment of Silence

4. Pledge of Allegiance

5. Staff Questions

6. Public Comments, Requests, or Presentations

6.A. NC Highway 73 Project Update. (*Brett Canipe, NCDOT*)

7. Agenda Changes/Adoption of Agenda

8. Consent Agenda

8.A. Approve the minutes of the Town Board 2023 Winter Retreat. (*Janet Pierson*)

8.B. Approve the minutes of the February 6, 2023 Regular Town Board Meeting. (*Janet Pierson*)

- 8.C. Approve budget amendment appropriating \$13,551.04 from Insurance - Parks and Recreation to Maintenance - Bldg & Grounds for water damage sustained due to burst pipes at the Barry Park storage building. (*Michael Jaycocks*)
- 8.D. Approve budget amendment appropriating revenue in the amount of \$38,820 Contributed Capital from Standard Pacific of the Carolinas escrow account for the purpose of the construction of the 7225 Bud Henderson sidewalk project (\$34,820) and for property acquisition services (\$4,000). (*Stephen Trott*)

9. Public Hearings

- 9.A. Conduct continuation of public hearing on Petition #R22-05, Oak Grove Hill - Addition, a request by Carver Bowman, LLC to rezone +/- 28.87-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 161-lot subdivision; (Parcel #s 01526443, 01526504, 0152606, 01526460, 015254432, 01526456, 01526432, 01526450, 01526455, 01526428, 01526429 & 015264431). (*David Peete*)
- 9.B. Conduct public hearing on Petition #R23-04, Oak Grove Hill - REVISION, a request by Carver Bowman, LLC to remove +/- 6.89-acres generally located north of Mt. Holly-Huntersville Road, east of Beatties-Ford Road and south of Pembroke Road from the existing Oak Grove Hill Neighborhood Residential - Conditional District. The removal of the 6.89-acres is contingent upon approval of R22-05, a proposed revision to Oak Grove Hill CD-Rezoning for an overall 161-lot subdivision (see R22-05); (Parcel #s 015254432 & 01526450). (*David Peete*)
- 9.C. Conduct public hearing 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*)

10. Other Business

- 10.A. Consider decision on Petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on collocating wireless facilities on Town utility poles. (*Kayleigh Mielenz*)
- 10.B. Consider decision on Petition #TA22-12, a request by the Huntersville Town Board to amend Article 4 and 12 of the Zoning Ordinance clarifying first floor residential and commercial area requirements for Shopfront and Workplace mixed-use buildings and associated definition amendment. (*Jack Simoneau*)

- 10.C. Consider decision on Petition #SUP22-02, a request by Hitesh Patel on behalf of Hotel Ventures of Lake Norman, Inc for a Special Use Permit for a hotel at 16221 Northcross Drive (Parcel # 00930115). (*Jesse James*)
- 10.D. Consider decision on Petition #R22-06, a request by Hitesh Patel on behalf of Hotel Ventures of Lake Norman, Inc. to rezone approximately 2.66 acres at 16221 Northcross Drive from Corporate Business Conditional District to Corporate Business Conditional District to permit a 4-story 109 room hotel. (*Jesse James*)
- 10.E. Consider appointments to the Huntersville Ordinances Advisory Board. (*Jack Simoneau*)
- 10.F. Consider adopting a Resolution to designate CIP funding for Church Street - Holbrooks Rd to Dellwood project as required local match for the Federal RAISE Grant application. (*Heather Maloney*)
- 10.G. Consider approving contract with Martin Starnes for Audit Services. (*Pattie McGinnis*)

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 20, 2023**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: February 20, 2023

Subject: Discussion of Property Acquisition Process

EXPLAIN REQUEST:

Discussion of property acquisition process.

ACTION RECOMMENDED:

Discussion

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: Janet Pierson, Town Clerk

Date: February 20, 2023

Subject: Approval of Minutes - Retreat

EXPLAIN REQUEST:

Consider approving the minutes of the Town Board 2023 Winter Retreat.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Retreat Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD RETREAT MINUTES
January 26 and 27, 2023
Huntersville Town Hall
101 Huntersville-Concord Road**

DAY ONE – JANUARY 26, 2023 – 8:30 A.M.

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

Mayor Bales welcomed everyone to the Retreat.

Anthony Roberts reviewed FY24 goals. *Refer to Exhibit No. 1.*

Planning Department

Brian Richards, Assistant Planning Director, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

- Growth/development trends (population estimates/projections, permit data)
- Land development statistics

Jack Simoneau, Planning Director, provided an update on the 2022 Downtown Master Plan. *Refer to PowerPoint attached hereto as Exhibit No. 3.*

Mr. Richards provided an update on the Mobility Plan. *Refer to PowerPoint attached hereto as Exhibit No. 4.*

Personnel needs was discussed. Currently, the Planning Department has two positions not filled – Planner I and Senior Planner. Next year, additional Code Enforcement staff will be needed.

Mayor Bales called for a recess.

The Town Board reconvened.

Information Technology

Larry Davis, IT Director, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 5.*

- General Update/Projects
- Cameras
- Support

New Town Hall Update

Brent Green, Edifice & Creech, provided update on the new town hall. *Refer to PowerPoint attached hereto as Exhibit No. 6.*

Options were presented for the building exterior. The Board gave input on the options. Mr. Green will take the feedback received and bring back additional options at a future meeting.

Mr. Green reviewed the proposed plans for the existing Town Hall.

The Town Board recessed for lunch.

The Town Board reconvened.

Huntersville Police Department

Major Barry Graham provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 7.*

- Recruitment, retention and pay
- Staffing
- Operating Costs
- ETJ Contract
- Dispatch Contract
- Magistrate – Targeted timeframe to have magistrate stationed at the Huntersville Police Department is Summer 2023.
- Victim Advocates

Major Graham explained that HPD had not been able to hire the licensed clinicians approved in last year's budget due to difficulties with salary requirements. The Town will need to consider changing the salary levels to be more competitive or switch to a victim advocate/referral approach.

It was the general consensus of the Board to switch to a victim advocate/referral approach.

Mayor Bales called for a recess.

The Town Board reconvened.

Huntersville Fire Department

Chief Jim Dotoli provided an update on the following. *Refer to PowerPoint and Strategic Operations and Budget Plan attached hereto as Exhibit No. 8.*

- 2022 Call Review
- Station updates (Station 2/Station 5/CPCC)
- Capital Improvement (Fire Apparatus)
- Employee Compensation (Raises)
- 10-year Staffing Plan (Combination to Career)

Commissioners Boone and Partee will work with staff to look at transitioning to a combination to career department and bring back options.

Mayor Bales called for a recess.

The Town Board reconvened.

ElectriCities

David Lucore, ElectriCities Manager, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 9.*

- Cost of service study
- Capital outlook for FY24
- Substation

Huntersville Family Fitness & Aquatics

Zach Brown, Facility Manager, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 10.*

- Membership rates – P&L impacts
- CIP
- Dectron/air control

Mayor Bales noted that Commissioner Kovacs will join Commissioners Boone and Partee on the committee to look into transitioning HFD to a combination to career department.

There being no further business, the meeting was adjourned.

DAY TWO – JANUARY 27, 2022 – 8:30 A.M.

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

Lake Norman Economic Development Corporation

Ryan McDaniels, Executive Director, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 11.*

- Project Activity
- Product Development
- Workforce Development

Communications

Kim Strickland, Public Information Officer, provided update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 12.*

- Reflection (what we had)
- Improvement (what we have now)
- Assessment (what we did well/what we need to improve or change)

Engineering & Public Works

Stephen Trott provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 13.*

- Projects completed in 2022
- Town Projects Underway
- Future CIP Roadway Projects

- Potential Sidewalk Projects

Kevin Fox, Director of Public Works, provided update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 14.*

- Powell Bill
- Fleet Services (propose to perform maintenance in-house). It was the general consensus of the Board to do further research and bring back to the Board.
- Solid Waste Contract. Staff recommends going with a new vendor beginning July 1, 2023, for a \$300,000 savings. It was the general consensus of the Board to work towards a contract with new vendor.
- Solid Waste Fee. It was the general consensus of the Board to set the solid waste fee at \$144.
- Staffing

Mayor Bales called for a recess.

The Town Board reconvened.

Parks & Recreation Department

Michael Jaycocks, Parks & Recreation Director, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 15.*

- Prior Year Statistics
- Programming Highlights
- Greenways
- Splash Pad. Nick Lowe of McAdams presented splash pad renderings (included in Exhibit No. 15). It was general consensus of the Board to put first splash pad at North Meck Park.
- Capital Projects

Finance

Pattie McGinnis, Finance Officer, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 16.*

- Fund Balance
- Debt Schedule
- Budget Calendar
- Requests for funding. It was the general consensus of the Board that notification go out via email to non-profits that received funding last year providing a link to the website with instructions on applying for this year, and then next year no notices will be sent, it will just be posted on the website.
- Revaluation

In response to a question raised, Jackie Huffman, Deputy Town Manager, will check with Mecklenburg County if the exemptions they offer for elderly and disabled taxpayers and for veterans are also exempted from Town tax.

CIP & Bond Referendum

Jackie Huffman, Deputy Town Manager, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 17.*

- Wording/Categories
- Five-year forecast update. *Refer to Spreadsheet attached hereto as Exhibit No. 18.*
- November 2023 GO Bonds Proposed Schedule
- Bond History
- Amount

Ms. Huffman displayed a spreadsheet (*attached hereto as Exhibit No. 19.*) detailing the Town's \$59,672,263 total general fund balance. Of this balance, \$10,657,482 is required to be spent for a specific purpose, like stormwater or Powell bill eligible expenditures. Another \$7,669,131 was specifically allocated to projects with the FY 23 budget adoption. The portion of fund balance that has already been allocated for continuing capital and operating projects from prior years budgets is \$12,015,763. The Board allocated \$3 million to be spent on design and site preparation work for the Town Hall site. The portion of fund balance required by Statute to be set aside is \$15,753,774. The Town Board has designed \$2,012,365 be spent for only future debt service, leaving only \$8,563,748 of the nearly \$60 million in fund balance available for future funding decisions.

Advisory Boards Discussion

Due to Commissioner Kidwell needing to leave, it was the consensus of the Board to postpone the Advisory Boards Discussion to a future pre-meeting.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2023.

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: Janet Pierson, Town Clerk

Date: February 20, 2023

Subject: Approval of Minutes

EXPLAIN REQUEST:

Consider approving the minutes of the February 6, 2023 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**February 6, 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 February 6, 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.

Commissioner Phillips made a motion to go into closed session pursuant to N.C.G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential.

Commissioner Munger seconded motion.

Motion carried unanimously.

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

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on February 6, 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 Munger asked why reflective paint is not used on the roads for lanes.

Kevin Fox, Director of Public Works, explained NCDOT has been experiencing a significant delay in getting the permanent line striping in place, which is a statewide issue. Also, there's a lot of temporary lane shifts in the construction zones. Permanent thermoplastic that has the reflective paint beads in it is very hard to remove once it's down, so in temporary lane shift conditions they generally would use regular paint so they could move and shift lanes in the future.

Commissioner Munger said after witnessing the voting process last week for the Chair and Vice Chair of the Huntersville Ordinances Advisory Board, I noticed that existing members who are about to roll off did vote for a new chair and the new members who will be appointed later this month will not vote for the new chair. Do you have any recommended changes or is this just the way it should be?

Emily Sloop, Town Attorney, said the original draft that was submitted for consideration had the election occurring in July and that was to essentially make all the appointed boards have their elections at the same time and also give new incoming members the opportunity to observe members on the board before making a decision as to the election. That was Legal's recommendation as to having it in July.

Commissioner Munger said was there a specific reason why we chose to go a different route.

Ms. Sloop said edits to the Rules of Procedure were suggested by the previous Chairman of the Huntersville Ordinances Advisory Board, Matt Jones, and they were incorporated into a motion to amend the draft that was presented by Legal.

Commissioner Kovacs said at Hillcrest and Holbrook we had an incident with a semi knocking down a sign and driving through a yard and we keep getting complaints about semis driving down that road actually after the cement was poured fixing after the accident there are tire marks in the same cement that they just had to fix. With Holbrook and Hillcrest is there anything we can do about getting the trucks to not go down that very narrow road or what can we do for that neighborhood?

Anthony Roberts, Town Manager, said we would have to adopt an ordinance related to truck traffic on Town and/or DOT streets. We've had this come up in other places. We could put a sign up out there, but the sign would probably be on private property that we couldn't enforce. We were looking at putting an ordinance together.

Stephen Trott, Director of Engineering, said I'm not aware of an ordinance that's been passed. I think Emily has maybe a draft of that pulled together from where it stopped the last time. We currently don't have a truck route or truck restriction ordinance in town.

Mr. Roberts said Emily, any update on what we would need to do on an ordinance if the Board so chooses to move down that path.

Ms. Sloop said we would need to adopt commercial truck routes and we would also need to adopt a commercial truck ordinance and Legal had not been instructed to move forward on that draft of the ordinance as of today.

Commissioner Kovacs said I know that Commissioner Kidwell and I had heard a similar situation at a meeting that we were at in the Pottstown neighborhood with semis going down very narrow neighborhood streets and now this occurring back-to-back within the same week and then knowing that we are going to have the Holbrook Extension and all of that, I'm worried about the future. We have had people reach out to us about this, so I didn't know if this is something the Board wanted to look into or when we can discuss that.

Mayor Bales said I would say taking this offline if there's a couple of commissioners who are interested or the majority of the Board is interested in directing staff to look into this, you need to get with Mr. Roberts and have some conversations around that.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Lake Norman Chamber of Commerce Update. David Keith and Jim Combs announced that Huntersville Connection (formerly known as the Huntersville Chamber of Commerce) and the Lake Norman Chamber of Commerce have consolidated.

Black History Month. Mayor Bales proclaimed February 2023 as Black History Month.

Town of Huntersville Proclamation

WHEREAS, noted historian, Dr. Carter G. Woodson, announced the second week of February as "Negro History Week" in 1926 in order to increase public awareness and appreciation of the important role that African-Americans have played in shaping America's history; and

WHEREAS, the second week of February was chosen to coincide with the birthdays of Frederick Douglass and Abraham Lincoln, was celebrated by Black people in the United States; and

WHEREAS, the United States government officially recognized Negro History Week in 1976 as part of the U.S. Bicentennial, expanding it to Black History Month; and

WHEREAS, America is a melting pot of cultures and ethnicities; all part of the "Land of the Free." Black History Month fosters cultural awareness and understanding, while encouraging education about contributions made by Americans of color; and

WHEREAS, the omission of much of the history and contributions of African-Americans from textbooks and other literature has impeded awareness and appreciation; and

WHEREAS, the celebration of Black History Month is a positive way of recognizing the culture and history of African-Americans as vital to the core beliefs and values of this society; and

WHEREAS, the contributions of African-Americans have played significant roles and made lasting contributions to our Town's history and the history of our economic, cultural, spiritual and political development, while working tirelessly to contribute to every aspect of American society including business, education, politics, science, and the arts.

NOW, THEREFORE, I, Melinda Bales, Mayor of the Town of Huntersville, on behalf of the citizens, do hereby proclaim the month of February 2023 as "***Black History Month***" in the Town of Huntersville and urge all our citizens to observe this month with appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 6th day of February 2023.

HR Presentation. Lara Cagle, Human Resources Director, provided an update on the following. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

- Employment Numbers
- Compensation and Benefits
- Engagement
- Inclement Weather Policy
- Growth

During discussion, a question was raised concerning if all positions should be looked at each year in the market study instead of just a portion of positions.

Ms. Cagle noted that the last full class and comp study was done in 2015 and if the Board wanted to move forward with looking at all positions, that it be done at the bigger type study.

Commissioner Phillips requested that a comparison of Public Works salaries compared to private sector salaries be provided to the Board.

Commissioner Boone requested that a breakdown by department of separations be provided to the Board. Commissioner Boone also noted he will continue to advocate that the Inclement Weather policy be updated to allow time off for Public Works employees when they have to work during inclement weather.

Kathleen Rose, Davidson Gateway Drive, Davidson, NC, said I'm with Rose & Associates. We're an economic development market analysis advisory firm. We work for public sector, private sector, institutional clients throughout the Carolinas. I was asked to come and make a couple of comments by the applicant. They asked me to review their application actually early on before they substantially reduced it, so I'll have to edit my comments based on that. They asked me to provide some objective opinion about kind of the dynamics of the project and if it's relevant in today's market. I am a Certified Commercial Investment Member, a Counselor of Real Estate, and I'm also a Real Estate Broker and I serve on the Urban Land Institute's Carolina Trends Chair Council, and I'm involved in several studies that are done nationally on trends in development and mixed-use development.

First and foremost, you know the issues. I'm going to point out three issues – growth, economic development and mixed-use. On the form of growth, as you all know growth is upon us. You mentioned it during your most recent retreat and when we started working in the region, the population in 2000 in the Town of Huntersville was 26,000 people. Today, it has now swelled to near 65,000 people, so a lot has changed since the year 2000. In fact, the Huntersville 2040 Community Plan update adopted in 2020 highlights nine goals, which include dealing with growth management, economic development and then putting the development where it's most appropriate where infrastructure is in place with activity centers and mixed-use development activity centers. In looking at that, growth is paid for by balancing both residential and commercial taxbase. You all have had a tremendous amount of residential growth, but to evolve from a purely residential suburban/rural actually bedroom community into a more suburban environment is really required to balance that tax base and that's what pays for your police, fire, etc.

Second, mixed-use development. First developed in 2001, Birkdale Village brought new retail, entertainment, and a living experience to the Lake Norman region. Of course, it was developed at a time when it was really out in the farm in the field and there wasn't the level of development around it and the growth that you'd experienced, and it really became the model for suburban development around the country. Wherever I went around the Carolinas everyone said to me, we want a project like Birkdale. In looking at that, what was interesting, it was developed by Peter Pappas who was a renowned developer in the region, and it subsequently sold to two real estate investment trusts. Real estate investment trusts generally do one thing, they take the revenue out of a project and have very little input. *Technical Memorandum from Kathleen Rose attached hereto as Exhibit No. 2.*

Merlin Villar, 17130 Bridgeton Lane, said before I start my prepared remarks, I would like to comment on the speaker who was just before me. She was hired to give that opinion. If us residents had the resources, we could hire a group to give you the opposite opinion. When we talk about aesthetics, it's just you don't pull out all the stops and just build buildings for the sake of building buildings. That brings me to where we are now.

When we bought our house in Birkdale Greens 12 years ago, we did a fair amount of research, including what the neighborhood looked like, what the zoning was, what the traffic pattern was and we really liked what we saw, so we moved in. At that time, Birkdale Village looked ideal. As part of the Greens masterplan, we enter and exit the neighborhood through Birkdale Village. That's part of the plan. That's a masterplan for us to drive in and out of our neighborhoods through Birkdale Village. We've always been dependent on the Village for our traffic movements and of course for the aesthetic appeal of the area.

When North American Properties began their transformation, they introduced a hodgepodge of designs into the central core of the Village. What you now have is a discordant array of building designs which don't even complement each other, much less the existing buildings. That junk snuck up on us I'll admit. We had sort of blind faith that whatever they did, they were transforming the Village for the better, but it has not. There are skeletons of buildings that remain unfinished months later. One building with this blue exterior looks like it's still in a permanent state of construction. There are two small buildings that resemble lean-tos. They demolished the splash pad and have so far been unsuccessful in building a water feature, which they promised would be built. That remains a construction site. Now that same developer, before finishing what they started, wants to reach out and ruin the rest of the Village by tearing down and rebuilding taller and even uglier buildings.

When we moved in, Birkdale Village was still zoned the way it is now and that has been a perfect balance of aesthetics and size, but what the applicant is asking to do is to change the zoning so they can build buildings that are more than twice as high as the current buildings with no control built in for aesthetics. That is just wrong, because what is the purpose of zoning if you can just come in and change it, and the impression I get from North American Properties is they are under the assumption that all they have to do is ask for a change in zoning and they are going to get it. I would ask you to deny the request for rezoning and allow Birkdale Village to remain, what's left of its beauty and quaintness.

Nick O'Shaughnessy, 8217 Parkton Gate Drive (Mary Ann Turetsky deferred her three minutes), said when Brian Richards sent me the most recent iteration of the NAP proposal, two little phrases came to mind. One of them was how do you get a square peg in a round hole and the other one was a bull in a china shop. I chose to choose the latter, and no disrespect to Mr. Mike who is here today, NAP in my opinion is the bull in the china shop. Birkdale Village is the neo-traditional china shop and through no fault of the bull, because this bull is very good at what they do. They are a suburban mall developer. They have blinkers or blinders on, and those blinders have dollar signs on the front of the lens. And so it's in their DNA to want to make money. We understand that.

My problem was the idea of process when a developer comes into a community, and he immediately presents himself to the community and tries to persuade the community through projection that the whole place needs reimagining because it's failing because it doesn't look good and it needs some money spent on it. It didn't need reimagining, it needed a Mary Kay makeover. That's all it needed. The tenant vacancies were small. DDR had done a poor job of spending their \$8 a sq. ft. [inaudible] allowances on replacing paint, so it just needed a makeover. It didn't need major surgery. It didn't

need....I'm calling this building that they are proposing implant place because it didn't need an implant of any sort. It didn't need reimagining or implant surgery.

The renditions that they have illustrated that we got copies of today and that Susan Irvin shared with me and Kerry Edelstein on Friday, thank you for sharing Susan, no complaints about architecture. They are pretty buildings, but they don't even address Birkdale Village's aesthetic. They are not ugly buildings. There's three different buildings I think in their presentation, and they would be fine in any office park in generic USA, but not in Birkdale. They don't even attempt to fit in or address any form of scale or texture that we have. We don't want them to necessarily copy the architecture, it just has to blend in rather than stand there in its own right like a sore thumb or like this.

This is the implant. This is a scale model. It's vertically and horizontally accurate to scale because I am a retired architect, and I can still build models. My craftsmanship is not real good right now because my eyesight isn't as good as it used to be. I want to present this model to you because I want you to look at it. If you don't want to keep it, that's fine, just give it back to me. *Model was given to Town Clerk and Mr. O'Shaughnessy retrieved it at end of meeting.* I'm giving it to you because it sets a precedent. The scope, the size of this box here and this parking deck here and the impact that it has on these brown buildings which are the existing buildings, all to scale, just check it out. It speaks for itself. The lack of view the sheer size of this thing.....even if this building got architectural awards, it still wouldn't fit in. And I wouldn't like it, even if Terry Shook designed it, he'd have to prove to me that it blended in with what's already here.

I think the impact of your decision which may take place tonight or in 30 days, I would love for you guys just to study this model and see the impact of your decision because not just in Birkdale but in the town as a whole, do you want your town to suddenly give way to high-rise intensification. Just consider the consequences and the precedence that this will set if you approve this. And I want to refer back to Mr. Perry's not now comment. This is obviously their first attempt at getting you guys to approve something, because if you approve this, then the hotel and apartments are basically a slam dunk. They chose the biggest piece. That's all I need to say.

David Schurr, 17142 Pennington Drive (Kimberly Drag deferred her three minutes), said before I get into a speech, I want to tell you, I exited out of Birkdale Village tonight through Lindholm and was looking at the south side of Sam Furr where the other project has already started and while I waited for several cycles of the light to get over here, I was amazed and astonished. All of a sudden the greenery is gone on the other side of the street and like my jaw dropped that we are even considering another development on our side of the street when it takes so long just to get out Sam Furr. I came over here before 5 p.m.

I'm not going to repeat all the terrific discussion points made at previous meetings for declining NAP's rezoning request. In fact, I have a very hard time calling the reasons discussion points, because really there isn't any discussion that actually goes on. We just sign up to speak and we're trying the shotgun approach to provide reasons why we, the residents, are against the rezoning and pray that something will connect with each of you and you will vote down the rezoning.

I do recall more than one commissioner at the last meeting comment that NAP should come up with a proposal that would gain buy-in from the residents. However, NAP must stand for not asking people because they turned in their current proposal a few days after the last meeting and did not solicit recommendations or attempt any reconciliation with the residents. I do recall NAP's representative saying this issue was all about parking. Let's ponder that for a moment. Among the changes made by

NAP in Birkdale Village to date is the removal of many on-street parking spaces to add more rentable space in the center of the Village. On top of that NAP removed public access parking and replaced it with valet only spaces. For whatever reason, many people don't find valeting their car a viable option. To further this point, if the only issue is parking, NAP's proposal that they turned in would solely seek to add additional levels to the current parking structures. That is not what is being proposed. Therefore, the issue is not parking. It's something else. It's all about money and NAP's desire to squeeze every last dollar out of Birkdale Village.

They've already built out the center of the Village with rentable space, so now they are seeking the only way to get more money, by building upward. I sent the Mayor and Commissioners a question recently. When you decided to run for office, what did you hope to accomplish, enriching a company in Cincinnati or assisting your fellow residents in Huntersville? When we the residents purchased our homes, we knew the zoning of Birkdale Village. Imagine this, almost all of us, our homes, represent by far the largest asset we own. We want to protect it. When NAP purchased Birkdale Village, they knew the zoning as well, but now they are seeking to change the zoning. A big difference between NAP and the residents is that we, the residents, have to live with the consequences of any rezoning. NAP only looks at Birkdale as an opportunity to increase its revenue. They are only in it for the money. Please decline the rezoning proposal tonight.

Suzanne Villar, 17130 Bridgeton Lane (Lisa Schurr deferred her three minutes), said more than a year ago this Board launched a study to develop a 2022 Downtown Huntersville Masterplan. You appointed almost two dozen citizens to analyze the characteristics that they thought were important in order for this multi-use area around Town Hall to thrive. In essence you were asking how to build and protect quality of life characteristics into the area surrounding Town Hall, which was literally the center of the study. Those quality of life concerns are important to this Board because you work here. For many of you it may also be important because you live in or near the focus area, making it important to you.

The Steering Committee spent over a year developing their recommendations for you to address these quality of life concerns and while aspirational at this point, some of their organizing principles included treat the car as a guest on all streets; plan for automobile circulation with a street network approach; seek on-street parking solutions in policy, design and in law; be respectful of existing neighborhoods; develop with a scale and intensity in proportion to other uses; strive toward being the example for the change the community wants to see; build at a scale, at a rhythm, and according to patterns that respect historical precedent; bend the arc of change more towards supporting small town livability and less toward simply accommodating typical market-based development products. All these were very wise recommendations and in fact have proved their worth as hallmarks of what has made Birkdale Village a national and international success story for over two decades.

If this is the vision that the commissioners see for enhancing Huntersville downtown, if that's their vision for Huntersville downtown in 2023 and it's worked for 20 years in Birkdale, why would we abandon that in Birkdale. Unfortunately, once North American Properties purchased Birkdale Village, they began implementing a series of changes that initially may have seemed benign but proved to be very damaging. Instead of treating the cars as a guest and planning for automobile circulation, NAP eliminated the Lindholm roundabout that essentially destroyed one of only two exits from the Village at adjacent Greens. Instead of seeking on-street parking solutions, NAP eliminated a considerable number of on-street parking slots even making handicapped spaces harder to find. They did this with no intention to replace those lost on-street parking spaces and with no ability to replace or expand garage parking in any timely manner. Instead of respecting the needs and input from the residents of the

Greens, NAP has taken the attitude that neighbors who don't like what's happening should move to the country and they have unapologetically said so in meetings.

If quality of life issues are prime concerns for where this Board works and where many of these Board members live, then quality of life issues need to be taken into account with all developments. We all want the same things. We want quality of life issues. I don't believe any municipality owes a development success or profits. I think developers earn success and earn profits when they come into a community with a project that enhances what is already there and protects quality of life issues. Failing that, they don't get a profit, they don't earn profits and they don't succeed. We've seen repeatedly, you've heard it over and over and over again, North American Properties does not have this mindset. They've demonstrated that they are basically incapable of dealing with quality of life issues because they have made our quality of life deteriorate, they have not enhanced it. And so once again I'm going to ask this Commission to please turn down North American Properties' request for this rezoning.

Bill Russell, 9449 Mt. Holly-Huntersville Road, said David Keith a little while ago talked about the 35-year history of the Chamber and I have been here 27 of it. One thing that I continue to hear whether it's Huntersville, Cornelius or Davidson, or any of our communities, is we want really nice restaurants where we live. We want more Dressler's. We want nationally renowned retailers – the Barnes and Noble, Chicos, Victoria's Secret, the type of retail that comes with density. One thing that often times, though, we don't really want is all the people, all the cars and all the traffic that comes with that. I don't make light of the traffic because I live at the corner of Mt. Holly-Huntersville Road and W. T. Harris and it's sometimes really difficult to get out of my driveway. That's why it's critically important that when we look at the improvements to Highway 73 and Sam Furr Road, we get that right. I can tell you that when we are looking at bringing those retailers and those restaurants here, we have to have diners, the people that are in those restaurants, we have to have the people that's going to be shopping in those stores. That is required if those businesses are going to succeed and stay here. We also need Class A office space and we don't have enough of that in Lake Norman. I know some people say well people aren't going to the office anymore. No, they want to be able to work where they live, they just don't want to drive to Charlotte for their jobs. We need that.

Two years ago, I had the chance to go to Avalon, which is the model for what they are trying to do to Birkdale, and I saw how it worked where you had the Class A office space and the people during their lunch hours or after work could go and shop. They could go into the restaurants. It is a model that works. And I'm not sure how many people who oppose it have ever been to Avalon or ever seen it, but I can tell you, it does work.

Birkdale was the premiere mixed-used project. Very proud of that, but a little bit of lipstick and make-up isn't going to fix the problems that we have today. We can't continue to look to the past of what Birkdale was. Birkdale has to look to its future.

Peter Romanello, 15821 Trenton Place (Christine Romanello deferred her three minutes), said with regards to the proposed expansion of Birkdale Village, you've heard many of the residents of Huntersville bring up concerns about the aesthetics of the project not fitting within the award-winning aesthetics of the Village. The current traffic issues and the parking issues we've gone over a million times over the last year.

The revised proposal from NAP continues to promote the alleged solution to the parking situation with a parking garage that will only be allowed for visitors on nights and weekends. That may or may not address parking, but what about traffic. What about the difficulties already with visitors and residents

trying to get in and out of the Village with essentially two exiting streets. How much worse will that get with 450 cars trying to exit at rush hour in the evening and get in during rush hour in the mornings. That has not been addressed at all and has nothing to do with the proposed improvements to Sam Furr Road since Lindholm Drive and Birkdale Commons Parkway would remain unchanged. More importantly, if the proposal is scheduled to start in 2026 and has a 12-to-18-month construction period, how does NAP plan on dealing with existing traffic and parking issues for the next four years. I can assure you that parking along the residential streets of the Greens at Birkdale Village will not be an acceptable answer for much longer.

The issues of aesthetics has been brought up many times without the assurance that NAP will design a building that fits within the look and the feel of the Village. I have to give credit to Mr. O'Shaughnessy for a second. Your model is the first tangible visual proof of what is actually being proposed and so I appreciate that. It's something that any real architect, and I'm an architectural lighting designer, I understand this. Any real architect would provide that, so it's not just a site plan. All it does is takes one look at the modern structures that have been added to the green to know that the aesthetic concerns are not their strong point to say the least, not to mention the fact that there are two structures that were built that remain vacant to this day in hopes of attracting a tenant. Will that be the case for the office building as well. Regardless of what Mr. Perry has stated, typical office working conditions have been affected permanently as a result of the pandemic. There are more and more people working at home and that trend continues to rise, not decline. There's also a national movement to change work cultural to a four-day work week. It's already being almost approved in Maryland right now. What is the point of building an office building that might stay at least partially vacant.

With a revised proposal what you have been given is basically a site plan that shows a rectangle where an office building will be constructed with no other information other than the agreement that it will fit within the 115' tall requirements. If you approve this, you are giving NAP carte blanche to construct anything that they deem fitting, since there are no architectural requirements in writing. How can you approve that without more information. And as a point of reference, you are also deliberating the construction of a new town hall and the revitalization of the downtown area. You have been provided two potential designs. One Georgian style and one art-deco style that "peaked the interest of the commissioners."

At its August 15, 2022 meeting, commissioners heard from the Town's selected design/build team as they presented a preview of what a new town hall in that location might look like, compared to the previous plans next to Town Center, so if renderings and plans are provided for that, why is it not required for a building that affects all of the residents of Huntersville in a more direct manner. Is it because you care more because it affects you more directly, because that's how we feel. Obviously, the residents who care the most are the ones that will be most directly affected. We should not be criticized for caring more and speaking more passionately because it's our homes and it's our daily lives that will be affected the most. If you lived there, you would care. Since none of you on the dais up here live in close proximity to Birkdale Village, you do not have the same concerns. Your concerns seem to be centered solely on tax revenue and the newest proposal from NAP only outlined financial things, specifically that the project would cost \$90 million and that would result in \$170,000 annual tax revenue. Nothing about concerns, nothing about quality of life.

I strongly encourage all of you to listen to your constituents. You have heard this over and over and over again in overwhelming numbers. We are not paid skills like the first person that was paid to come up here and talk. I encourage you to vote against this proposed expansion. Growth is needed, but if it's not in the right location and it's not the right aesthetics, it's not the right choice.

Brian Rice, 17232 Bridgeton Lane (Shannon Rice deferred her three minutes), said I stand here before you and ask that you reject this proposal from NAP until such time as traffic patterns in the area are improved and a new proposal from NAP is provided. Since the Public Comment section of the meeting is before the Town Board discussion and since my work took me out of town for most of the time since the last meeting, I would like to share my thoughts from the last meeting.

Mayor Bales, during the last meeting you suggested that we needed to find some compromise with a large landowner and in this case referencing NAP. I know that you will consider the needs of the residents and voters as well when making these decisions. The large landowner promises money and tax revenue while making money in the meantime, but the citizens of Huntersville and surrounding cities are the ones that make the Village successful with our hard-earned dollars and we are the ones that have to deal with the traffic issues, the parking and the construction.

Commissioner Phillips, as you mentioned at the last meeting you wanted to run for office to get rid of all the people that supported the toll lanes and for that, I thank you. That was an extreme example of how government did not listen to its constituents and as a result we endured considerable delays due to construction without seeing any improvement in traffic patterns or quality of life. I hope you see the similarities between the toll lane decision and this decision with NAP. The current proposal is not the popular sentiment, it does not improve the quality of life and frankly, I don't think it really treats people fairly.

Commissioner Munger, during the last meeting the only comments that you had were related to confirming the Mayor's right to shorten our allotted time for public comment and your premature call to motion to vote on the proposal without Town Board discussion. And even in this meeting you've left a couple of times during Public Comments. I hope you are feeling okay. Furthermore, you did ask in a private email that I provide a list of names that signed the petition at my earliest convenience. As I mentioned in my email, I'm happy to provide the names at my earliest convenience upon my return, which is today. I have a copy of those signatures as provided to me by change.org and I will send it to the Town, I'm sorry what was the title.....Town Clerk, so that it can be reviewed. *Petition attached hereto as Exhibit No. 3.* Finally, on the website I was looking up the votelancemunger.org. You stated that your top issues are working with our neighboring communities to identify innovative new ideas to address our infrastructure and transportation concerns, actively pursue transportation improvements to relieve congestion and expand options for all Huntersville residents. I'm not sure how this proposal from NAP aligns with those top issues. Furthermore, based on your comments regarding a lean city workforce, it seems that this proposal only makes the workforce more stressed.

Commissioner Partee, during the last meeting you used the term hook to describe how Birkdale Village first attracted you to the area and how you challenged that NAP that they are on the hook for a satisfactory proposal. So far, from what I've seen, I do not see where they provided that satisfactory proposal. In fact, the term for now seems to indicate that they want to get their hooks in us with a smaller proposal only to achieve their overall ambitions later. While we are supportive of progress, please let's do it responsibly, tastefully, and once we have other issues like traffic patterns fixed. I do like your idea that there is an architectural review committee and perhaps that's the right first step before making any decisions.

Commissioners Boone, Kovacs and Kidwell, since I'm running out of time, I just wanted to say thank you for your replies to my emails. While I know we are all busy and not everyone can get to every email, I do

appreciate that you took the time to respond. It made me feel like my voice was heard and I appreciate that.

Finally, I want to pose one last concern. A few Wednesdays ago, there was a false alarm with the McGuire Nuclear site. Normally these tests happen on Tuesdays. But this happened on Wednesday, so I'm sure you can imagine our concern. After 45 minutes luckily we were told it was a false alarm. However, as I started thinking about that for those 45 minutes, I thought to myself well if that was a real emergency, what's my evacuation route. It's Sam Furr Road. And as my colleague said earlier, it takes 10 minutes just to get out, so I'm not sure how I would get out. I feel like there's almost a safety concern should the unthinkable happen. To comment, I don't remember who it was on Avalon, I would just say that was based on undeveloped land. Birkdale Village is different. It's already here. We want progress that mixes development right, I don't think this is it. I ask that you reject this proposal.

Dawn Snow, 8132 Evanston Falls Road (Tammy Davis deferred her three minutes), said in a recent article from Cornelius Today regarding the revised rezoning plan, Mr. Perry stated that he just wanted to get it right. But who is he trying to get it right for. Birkdale Village, as you know, has been one of the most studied and copied mixed-use projects and has been recognized nationally for both its planning and architecture. It was modeled after a quaint New England seacoast town and created by the award-winning architect Mr. Terry Shook of Shook Kelley. It was designed as a timeless and charming main street with the roads connecting to our neo-traditional neighborhood. If NAP wanted to get it right, they would be working to preserve our unique gem of a village instead of destroying it to maximize profit margins. If NAP wanted to get it right, they would have done research and consulted with the community and they would have been transparent in their plans and communications with the community. Cluttering the common area with architecturally incongruent kiosks that don't match anything does not scream getting it right, especially the Warby Parker building that looks like a big blue box.

If they wanted to get it right, they would not have closed the Lindholm roundabout which destroyed a critical traffic element that allowed a second route for residents and guests to exit the Village and the Greens. This has only worsened the traffic problems. If NAP wanted to get it right, they wouldn't have been so quick to kick out very successful and well-loved local businesses and replaced them with chains. In many cases they don't seem to have replacements ready to even fill the empty spaces. At least two building projects, including the Beer Garden, have been started but not touched for months. Both buildings are poorly secured and pose an invitation to vandalism. Does any of this sound like getting it right. If they wanted to get it right, they would work within the constraints of the current zoning or select a more appropriate location where the zoning already exists for these tall buildings.

On the surface NAP's statement that they are dropping the apartments and hotel for now gives the appearance that they are scaling back, but why would they propose the 115' office building which is the most egregious component of the original proposal and will be completely out of scale and context. After all, the community was suggesting a six-story mid-rise luxury boutique hotel which does not even require a rezoning proposal as the current ordinance already allows that. Now Mr. Perry wants us to believe that a massive 115' office building is the only solution for more parking and is necessary to expand the parking garage. Not only is there no pressing need for this office building, but this type of office building belongs in an office park or within ¼ mile of the interstate or possibly even across the street in the Birkdale area, but it does not belong in the Village. And these renderings in the packet do not fit at all with the aesthetics of the Village, but they would look fine at Southpark. Clearly, this is not about getting it right. NAP knows that if the 115' office building is approved, then other tall buildings that are on hold for now, such as the hotel, will easily fall into place later. This would then set a

precedent for hodgepodge of tall buildings down the road that will grow like a cancer. And then there is the question of why would the Town even consider this rezoning at all when there is a duplication of everything they want right across the street at Birkdale Place with easy walkability to Birkdale Village restaurants. There's going to be 140 hotel rooms, 210 apartments, 45,000 sq. ft. of commercial space.

In closing, I understand that the Town Board hired Mr. Shook to do a masterplan for the Town. It would be ashamed for him to perceive that your decisions with the NAP rezoning may negatively impact his original vision and the timeless and unique ambience of the Village. Part of responsible rezoning is knowing when to say no. Please deny this revised proposal and if NAP comes back with a responsible plan, suggest that they hire Mr. Shook for any future development.

Kitty Giese, 9525 Devonshire Drive, said I was very curious, and they've been encouraged to get me to speak on for now, so we would really like to understand what for now means. I took to Google this afternoon about 3 p.m. and I have some definitions of what for now means. It's used especially in conversation to draw attention to a particular statement or a point in a narrative. So, what does that mean when you say for now. Well for a short time or situation change which there's enough fuel to keep us going for now. The synonyms and related words are able to be changed and lasting for only a short time and so therefore it's our theory as a group that it may get rezoned and then like in a week or two or three then it's going to be changed because it's for now. You approved it for now. And so it's an idea of saying that the thing or idea is subject to change and it's quite understandable that such an utterance sometimes causes confusion, so the confusion has more to do with the social conventions. It implies a realistic possibility that things will change in the future, leaving it vague how far in the future that may be. It was suggested to define at least for now, so if they could do that, that would be wonderful. In any event there's only one story and at least it's for now, so we need to have for now defined and find a way to prevent them from crippling the logic for now. In any case, it looks like that NAP needs to go back to the drawing board and use our concerns and comments to take out the for now and you may either.....let's see there's no doubt that they will shake out in time but for now you should be aware of some of the issues and I think they've probably determined what the issues are and so you may either vote or abstain from making a decision for now.

Kerry Edelstein, 8810 Camberly Road (Casey Childers deferred his three minutes), said I wanted to let you know that whenever I come to these meetings, I really try to put myself in your shoes. I have not ever been an elected official, but I have had an appointed board membership at an organization at school that was subject to government oversight in Los Angeles. I feel for you having to do these complicated votes and I really take seriously what you must be thinking, and I try to give thought to what you must be thinking in your decision process.

I heard something from the very first speaker tonight that said there was a substantial change to the new submission. But in fact, that's not true. That word substantial means something and has legal meaning and actually you are here tonight to determine if it was a substantial change. That hasn't been pre-determined. That was something that as of the last meeting you were going to be voting on today. You are being asked to determine that and with Attorney Sloop's advisory, it came to my attention that the definition of substantial centers around changes being important and essential, so it can seem like you cut an apartment complex, you cut a hotel, that's substantial in common parlance, but in legal that would have to be important or essential, it's your decision. As I put myself in your shoes and I started thinking about this, the idea of being a fiduciary agent for the town, I thought to myself actually those changes are totally inconsequential to how I would think about my decision in this moment.

One of the things that's always really bothered me about all of this is that there's kind of this glaring lack of financial transparency in all of it. I don't have an idea of the financial implications. We heard and Pete mentioned this idea, there's potential of revenue of \$170,000 a year but not a lot of clarity of where that number came from or what the variables are behind it or how variable that number might be. I imagine without that comment tonight that if I had asked you to write down on a post-it note how much money in tax revenue or other income this proposal stood to gain the town, I would get seven different answers or variations on I don't know and if I were to ask you the cost implications to the town, whether that be increased law enforcement, public safety, fire trucks and ladders that could reach high enough, potential cost for an event space in there and what your financial responsibility is equally, I would get seven different answers or I don't know. I know some have talked to some of you, but also some of my neighbors have talked to you and we have prepared notes. And in fact, we've heard different answers from the same people on the Board at different points in time, so this has been like a giant moving target and I think to myself if I wouldn't be comfortable voting yes to anything where I didn't know the financial implications of my vote to the group that I was representing, so to me this is an easy no to whether or not this is a substantial change and an easy no to rezoning because we have had months to establish those financial implications in particular for the office building and that still hasn't been done. But that's not the only thing that really remains unchanged here.

As I started thinking about all the other things we've been discussing over the last few months, certainly parking keeps coming up time and time again and I emailed you guys this information. I did some back of napkin math on how many parking spaces you would need just to house office staff employees in a 125,000 to 150,000 sq. ft. of office space, depending on whether or not there's an event space in there and the answer is 500 to 600 employees would likely fit in that space. Most of them driving, so 450 spots already isn't enough. And if there's an event space in there....imagine you've got 1,000 people going to an event, or 500 people, that's another few hundred cars, so that 450 allotment actually exasperates the problem, it doesn't solve the problem which is sort of baffling to me. There's also still no planned expansion of Townley or Lindholm which I've talked to some of you about to handle a very short period of time influx or outflux of traffic. There's no plan for that. There's still no concession for an architectural review committee or plan for that as you so wisely suggested last time around.

We've seen no alternatives for something that has a village feel to Class A office space, a third or half the height perhaps. And in fact, there's still no proof of concept for Class A office space and I want to address one of the comments that was made earlier by Bill Russell, this idea that people want to work close to home. I own a business and I have office space for my employees. In particular, my employees in LA, that is 5 minutes from where they live and if you had asked them 5 years ago, they were begging me for office space and today I can't get them to go into the office that we are paying for anyway, so I don't really believe that there's demand to go in, in a world where people can work from home and I certainly don't believe there's demand for office space that's going to overlook a parking lot, when there's so many beautiful areas around this town.

In the end, to me, none of the concerns that we have been talking about have been materially or substantially addressed by this new proposal. There isn't a substantial change, there's literally nothing new to consider at all here. There's never been a compelling argument for rezoning Birkdale. Reimagining it, renewing it, refreshing it, sure, but not rezoning it. And there are many compelling arguments that you've heard over time not to. If I were in your shoes, I would have to vote no to considering this a substantial change and I would have to vote no tonight on rezoning. It just lacks the rigor and specificity of a proposal of this importance.

Errol Genoio, 8537 Camberly Road, said examining the efforts across the country, namely in California, Oregon, Florida and New York to curb overdevelopment, I found several successes. In Lagoona Beach, for example, the Planning Commission adopted an ordinance that limits the height, mass and bulk of constructions. Their actions will save their village from the humiliating design of urban development. In another location, a voted initiative requested the voters' okay any huge urban development plans. Well, this continues from the end of World War II and the beginning of opposition to development in New York City in 1946. To continue positive opposition to overdevelopment in Huntersville I ask that the Huntersville Town Board and Mayor deny the current rezoning request. Look at other models for Birkdale Village and the Birkdale area. No one wants to view a parking deck or a hotel from their back yard.

Kim DiBenedictis, 8814 Camberly Road (Sydney Zarsadias deferred her three minutes), said I want to apologize to everyone before I even start because I'm just a mess and I had everything I was going to say and I've been listening to everybody and I think everything that you've said was what I was wanting to say, so now I'm just kind of like oh crap I keep deleting and rearranging and now I'm just out of my mind. I'm just going to say from my heart that please vote no. I just don't see having a rezoning as a thing. It's just.....I don't know what to say. I'm going to start, let's see. Frankly, I'm worried. I'm scared.

In my opinion, having the Town of Huntersville doing business with NAP just does not make sense to me. A working relationship should be mutually beneficial and positive and productive, but I feel the opposite with NAP and what we are seeing. There is so much negative energy. There's numerous red flags. I'm an original homeowner and I've just watched everything go to crap. Things aren't even really being changed yet per say, but yet it takes me three light cycles to even get out of the neighborhood. What's going to happen when it really does start getting torn down and rebuilt. And across the street someone else was mentioning all the trees are gone and there's going to be maybe a hotel there or maybe office space. Why do we need it on both sides. We already have Birkdale Village. Yes, it was tired, let's have enhancements, we've already been getting them. Why do we have to stop and [inaudible] it. Why. I just don't understand why. I'm not getting any answers. I don't see the benefit.

I can say maybe the lights are pretty that are hanging up outside in the trees. I can say that maybe the large screen TV and the sitting area is nice for listening to music or watching football. But that big ugly blue box is pathetic. It's ruining like the vision, the view. We loved our little restaurants and our little bars and why do we want big chains. I just think that it's our small hometown feel. It's just being ruined, being taken away, it's not a pretty environment. It used to be fun with our kids playing in there and dogs walking and dates, and nothing like that's happening. Nobody even wants to be there. I'm always reading social media. Nobody wants to shop. All of their stores are gone. And if they are not gone, they are going to be gone. What's the point of even going to the Village, so then my worry is, if we do make these changes is it for not because who's going to come there. Is it going to be a ghost town. Are we going to have an office building that there's nobody going to work there. Are we going to have stores that nobody's going to shop.

I don't really believe.....like I feel like we are going to probably ruin it and then that's the whole thing, like we bought this house thinking it was a great investment, but I didn't know that the rules of the game could be changed. I didn't know that somebody could come in and buy and then change everything about the Village. I had no idea. I wouldn't have wanted to have lived anywhere with huge, towering business offices, that's not at all.....I mean I'm happy with the two or three story, but something super tall in a city is fine, but not here.

I know that I'm like repeating everything that everybody's already said and I'm not even sure if I'm really valuable with what I'm saying. I'm not saying anything new, but I'm just saying please say no to that rezoning. I just don't see it good at all. It just scares me. I'm not sure if I'm telling everything that I wanted to say. I'm not sure if I have a lot of minutes left. I could probably read some more things.

The funny thing is at the last meeting he was trying to come up with the idea that we needed parking because that was problem. But really in essence parking wasn't the problem, he just took away our parking to make it look like we needed parking, so he's tried to make a solution for our problem that didn't really even exist to begin with. I don't feel good about any of this. I just don't have trust. I like to know that we all work together, we all enjoy each other and this is ugly and my worry is what happens if like there's other stories like in Cleveland, OH, or wherever where business has just fallen and now is that going to happen to us. Like are we going to have a place where people just don't go to work there, they don't go shopping there, they don't go eating there because it's horrendous to park there, it's horrendous to get in and out of there. Am I even making any sense anymore or should I just shut up. I'm just beyond. I don't know what the heck to do. Can you just say no, please. Just say no.

Susan Irvin, 19726 Zion Avenue, Cornelius, representing the applicant, North American Properties, said first I want to thank the Commissioners and the Mayor and the Town Manager and the Clerk, everyone who is here tonight. I also want to thank everyone who is here who has spoken, and I don't envy the Board, the job of taking personal comments that have been made tonight and weighing them against a larger kind of future of Huntersville.

I will say it's always been my experience that it's very difficult to imagine things that haven't happened yet, and my experience has been that often times people do have a lot of emotion about things that they are afraid will happen and they believe that they will happen, so what we like to do is focus on really what the facts are. I'm just going to give you a few statistics here to kind of focus on the issue of substantial change because that was raised tonight.

The first change I'd like to mention between the original proposal and what's being proposed now is that during the AM peak hour when all the cars are exiting the major intersections that go into Birkdale, that exiting traffic is reduced by 80 percent from the original proposal to this proposal and that makes sense because 350 multi-family units have been removed from this proposal and those are the people who are leaving in the morning to go to work or to take their kids to school, so those 350 units are not part of this proposal. That is a substantial change. In the evening when people are coming back from work or back from school or wherever, the number of trips of cars coming into Birkdale is reduced by 72 percent between the original proposal and this revised proposal, so the removal of 130,000 sq. ft. of hotel, 350 multi-family units does make a substantial difference and there is a substantial change.

Another change does have to do with the parking. The required parking for if it were just to stay the way it is now, well I guess I'll just say the original proposal the required number of parking spots, the proposal was more spots.

Mayor Bales said Ms. Irvin, that's your three minutes.

AGENDA CHANGES

Commissioner Phillips made a motion to remove Item 10.C Consider adopting Resolution to acquire property for Gibson Park Drive Phase 2 project from the agenda.

Commissioner Munger seconded motion.

Motion carried unanimously.

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

Commissioner Kovacs seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes – October 17, 2022. Commissioner Phillips made a motion to approve the minutes of the October 17, 2022, Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

Approval of Minutes – January 17, 2023. Commissioner Phillips made a motion to approve the minutes of the January 17, 2023, Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

Budget Amendment – Public Works Facility Expansion. Commissioner Phillips made a motion to 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. Commissioner Kovacs seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA22-16. Commissioner Phillips made a motion to call a public Hearing for February 20, 2023, at 6:00 p.m. 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. Commissioner Kovacs seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #R22-05. Mayor Bales called to order 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).

Mayor Bales noted the applicant has requested that the public hearing be continued to February 20. Mr. Joe Sailors had signed in to speak during the public hearing but indicated he would speak on February 20.

Commissioner Munger made a motion to continue the public hearing on Petition #R22-05, Oak Hill Gove Expansion, to Monday, February 20, 2023, at 6:00 p.m. at Huntersville Town Hall.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Petition #TA22-17. Mayor Bales called to order 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, Planning Director, entered the Staff Report into the record and reviewed the request. *Refer to the Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

The Huntersville Ordinances Advisory Board recommended approval by a 9-0 vote on December 1, 2022.

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 150,000 sq. ft. office and 25,000 sq. ft. commercial.

Brian Richards, Assistant Planning Director, said here we are to ask the Board for a determination on if there is a substantial change to the Rezoning Plan #R22-01 at Birkdale Village. We've heard a lot about it this evening and over the last several weeks. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

I'll give you a quick recap of what is currently being proposed. They are currently proposing a 150,000 sq. ft. office as well as replacing the existing 25,000 sq. ft. of retail which is primarily Barnes and Noble with a revised 25,000 sq. ft. of commercial. This pretty much illustrates the changes. In the lower right corner, you see they have removed the proposed hotel, the proposed mixed-use multi-family building, as well as one of the parking decks. In the upper left you see the 110 now revised to 110' office building as well as one parking deck that was originally 145'. They are also continuing to ask for a modification request to exceed the building height that's allowed by the ordinance. That was previously last month 115' and now we are down to 110'.

It is staff's opinion that the changes made by the developer are substantial in nature and therefore we would support deferring the action for 30 days. Due to scheduling and the short month of February, that would put a potential decision date on March 20, 2023.

Commissioner Kovacs said in those 30 days, what would happen. Would this go back to the Planning Board?

Mr. Richards said it would not. It would stay with staff. We would make any final adjustments and comments between the applicant and ourselves and then we would finalize the zoning plan and present that to you in our Staff Report for the 20th.

Mayor Bales asked if this Board deemed it wanted the Planning Board to review it, would that be an option?

Mr. Richards said yes, that would be an option.

Commissioner Kovacs asked we could hold it open longer?

Mr. Richards said yes.

Mayor Bales said no.

Mr. Richards said no, we could work that out. We would have to put it on the next Planning Board agenda. What it would do, it would shorten the amount of work time we have with the applicant to tighten things up.

Commissioner Kidwell said at the last meeting we knew that they were withdrawing the hotel and the apartments.

Mr. Richards said I did not have.....

Commissioner Kidwell said so the paperwork wasn't in to you.

Mr. Richards said correct.

Commissioner Kidwell said it was widely known, you just didn't have.....

Mr. Richards said it was widely discussed, but I did not have the paperwork.

Commissioner Kidwell said you didn't have the signature on the dotted line.

Mr. Richards said correct.

Commissioner Kidwell said I've just got a couple of questions, maybe the applicant or the representative for the applicant can answer. You've requested a 5-year vesting period for the rezoning instead of the 2-year. Is there a reason for that?

Susan Irvin, representing the applicant, said the estimated date of actual construction, it will take quite some time to begin construction of the parking garage and the office building. My understanding is that, and Mike Lant is here with North American Properties, he can correct me if I'm wrong, but the construction wouldn't actually start until the end of 2025, so a 2-year vesting period would be very tight.

Commissioner Kidwell said I'm sorry, what was your name?

Ms. Irvin said Mike Lant with North American Properties.

Commissioner Kidwell said Mike Lant, sorry. I didn't know who you were pointing at. I don't know if this is maybe Brian. The total parking over there is what – 1,862 spaces I believe is what we've got listed in our documentation here. Does that include the movie theatre?

Mr. Richards said it does.

Commissioner Kidwell said that's owned by a separate entity. So that's 375 off of that, so we are now down below 1,500 parking spaces, right.

Mr. Richards said can you repeat your train of thought.

Commissioner Kidwell said if the total parking is 1,862, which includes the movie theatre, and the movie theatre parking is owned by Regal or who owns that property.

Mr. Richards said I don't know the exact LLC that owns it, but my understanding is it's not Regal Theatres, it's a third party.

Commissioner Kidwell said it's a third party.....it's not NAP.

Mr. Richards said no.

Commissioner Kidwell asked how can one entity include that into their number?

Mr. Richards said when we look at shopping centers, we look at the entire development, so the parking spaces are average across the whole development. It's not by ownership group.

Commissioner Kidwell said I understand that, but when we are talking about where we have 1,862 spaces and we're going to be adding 450 more, which can be combated or talked about in depth.

Commissioner Kovacs asked does it include Walgreen?

Commissioner Kidwell said I don't know. Does it include Walgreens?

Mr. Richards said yes, that includes Walgreens, the bank, the apartment complex, all the on-street parking that's public parking, all the on-street parking that's private parking, so it is across all of Birkdale Village.

Commissioner Kidwell said so this number is greatly exaggerated compared to what lined parking spaces really are. How many valet spaces are now being utilized?

Mr. Richards said that would be an operational question and I would defer to Mr. Lant or Ms. Irvin.

Ms. Irvin said we do have a slide with parking information on it. It might make it easier. *Slide attached hereto as Exhibit No. 6.* Mike, you might have the information about the valet parking. This information might answer your question Commissioner, a little bit about the parking. The original proposal for required parking 2,127. We were proposing 615 more than that. In this case, the revised one, the required parking 1,684 and we're proposing 628 more than that, but you are correct, I think that is counted over the total of Birkdale Village.

Mike Lant, North American Properties, said there's a reciprocal easement agreement that covers the entire Village, so there is no preferred parking.....like Regal cannot stop anybody from parking on their parcel and we can't prevent a Regal person from parking on the Village side. That's the way the legal documentation works, so the 1,800 spaces is correct across the entire Village.

Commissioner Kidwell asked what about the valet?

Mr. Lant said the valet is a by-need, so our operations people are looking at that. Sometimes they will have zero spaces cordoned off, sometimes there will be 20. It depends on the need. And we are still continuing to evaluate the hours of valet because it's not being used that much right now, so we are pulling back the valet areas that are being striped off or cordoned off.

Commissioner Kidwell said I want to just point out early on in this Board's being elected, we up here made the decision to allow the street to go private, which allowed NAP to close the circle. So as much as we can blame NAP, we've got to blame us as well on that. And I'm fully throwing myself out there and saying I didn't think about what could have been. I was thinking they want to close it off, they want to do a valet, I can understand a valet, I like valet. I was down at a steakhouse this weekend with my family, and I used valet. A little bit different area. I could have easily drove across the parking deck and parked, I didn't because I had my daughter with me, my in-laws and my wife and it's just easier corralling them at one spot. But as that has been talked about, I'm someone who takes responsibility and so I was one of the yes votes thinking that it was going to be positive. I don't think it's turned out that way. I just want to throw that out there.

Commissioner Kovacs said I guess it's for Ms. Sloop – legal definition of substantial and are we allowed to say this is not substantial. I'm just trying to find the guidelines.

Emily Sloop, Town Attorney, said the Zoning Ordinance does not define substantial change and when it's not defined in the ordinance, you have to go by the plain meaning and that would be the definition that's found in the dictionary. When you look at the definition provided in Merriam Webster for substantial relevant definitions would be "considerable in quantity : significantly great," "consisting of or relating to substance," "important, essential." You all would have to decide whether or not based on that plain meaning of the word substantial you consider these changes to be substantial in nature.

Commissioner Munger said one of the questions I had for the applicant, there's been a couple of comments that there are a couple of buildings within Birkdale Village that are under construction and I'm trying to take the context of what I heard, with the appearance of a lack of progress on those particular buildings. Can you address those specific issues as to why that is occurring?

Mr. Lant said one of the buildings in the middle it's tied up in permitting with the county. The second building has been going around with the county in regard to fire sprinkler. One of the buildings there's a lease signed, and the plans are being reviewed by the county. And it's been that way for a while. The county has been at least three months. That one is tied up that way. The second one is tied up at the county as well because the assumed occupant load on the roof and so does the roof structure need to be sprinkler or not. But there's been consultants hired. They've done their analysis, no sprinklers required. Now the county wants to wait until the complete building plans are completed and so the tenant waited to start their construction plans until they got word from the county and now the county says finish your plans and then we will let you know. Both of them have active leases, active tenants who are drawing their plans and are in permitting.

Commissioner Munger said traffic flow specific related, one of the comments I had heard was issues with the Lindholm entrance and if I recall correctly and if you can correct me if I'm wrong, there was a proposal to expand the Lindholm entrance and add an additional lane so that traffic flow could improve. Is that correct?

Mr. Richards said that was a concept that the developer brought forth and to my knowledge that has not been looked at from an Engineering or analyzed by engineers, nor DOT.

Commissioner Munger said let me ask the applicant, is that something you are willing to commit to should it pass muster and be able to be something that would be worthwhile to pursue.

Mr. Lant said yes, we would. We are happy to work with our civil engineer and get a plan together.

Commissioner Munger said one of the other traffic flow issues that I see, and I believe has been brought up multiple times, is there are limited exits. One of the potential exits could be an extension to Townley Road if it were to connect to Northcross to grant another way out to let traffic flow go through. And this is probably something more specific to the applicant. Would the applicant be willing to offer any assistance in getting that particular bridge and/or extension built?

Ms. Irvin said that is something that the applicant can discuss with its equity partners and definitely consider before the next vote. We also need to do some research on what the current requirements are for Townley construction. We did some research about that internally in our office and we're working through that with the Planning staff.

Commissioner Phillips said I'm going to piggyback off of some of what Commissioner Munger has been asking. With Townley....the county....like the county is going to be my theme right now with everything because that's McDowell Creek Watershed and they are very protective over the watershed so we need the county to be involved in that conversation before we start getting our hopes and dreams up that a road can be developed because I know that there are specific frogs and some wildlife and nature that they are really protective of in that area.

Mr. Richards said I'm not aware of that area being environmentally sensitive or protected from any of our mapping.

Commissioner Phillips said double-check now, though. They've been changing a lot of stuff and I'm speaking from inheriting some experiences. Another county issue, the water feature. Did you guys ever get the permitting for that figured out with them this summer, because that was pretty awful.

Mr. Lant said the fountain finally got permitted. It got constructed. About the time it got final.....and then we had a lot of inspections that changed some specifications on it and then Christmas time came and so that was the location for the Christmas tree. And then when the Christmas tree came down, we had the ice rink and the construction folks who are removing the ice rink damaged the fountain. That's why you see it's under construction, or whatever – they are out there fixing it. So that's where we are with the fountain.

Commissioner Phillips asked are you guys going to have to do all the re-permitting?

Mr. Lant said no.

Commissioner Phillips said I got chewed out this summer because it was gone because my niece really enjoys it.

Mr. Lant said sorry.

Commissioner Phillips said it's okay, I understand. Once I heard the county situation of it, I was like okay like you guys aren't being jerks right now, you are just stuck in government red tape.

Mr. Lant said we were, yes. Now we are in construction related damage.

Commissioner Phillips said the traffic and the lights. I actually only live like 2.4 miles from Birkdale. I can tell you right now it's not a traffic problem. It's a traffic light and NCDOT problem. All of the lights starting at like Webb Road in Denver about to Northcross, all of our lights are off their timers right now. I am constantly bugging the Town Manager. I'm constantly reaching out to DOT. I'm one person, I don't matter. But if you guys can start reaching out to Vickie Sawyer, John Bradford and Natasha Marcus maybe we'll get some more priorities on our lights because all they are doing is doing temporary soft resets from what I've understood. Please reach out to them because we are just town people and I'm one person and they are like I don't care about that girl, but if they are actually hearing from the citizens that represent them, that can really help because I can tell you this summer the light at Beatties Ford and 73 got off whack so bad. I timed it one time not changing for 8 minutes and I know the light at Kenton Place has been getting off again, too, and I had a citizen reach out that it was like a 3 or 4 minute wait one day. So sorry to get on you about the lights, but I feel like I'm like screaming the sky is falling and it's a small thing that we as a community regardless of Birkdale can work on together and I think that will be helpful. So I'm throwing that out to the universe. Please send the emails – John Bradford, Natasha Marcus and Vickie Sawyer.

Mayor Bales said I have a question regarding Townley. Years ago, Townley was on our CIP and if my memory serves, there was an agreement with the Rubbermaid folks, as well as the Birkdale community and the Town. At some point there was an agreement where we were all going to work together to make that bridge happen. And something happened with that.

Mr. Richards said there was a restriction on the state funding and at that time the state recalled all of their funds to the Town and at that time the Town chose not to pursue alternative funding and there was an agreement that if money wasn't secured by a certain date that the reciprocal agreements with Birkdale Village and then Pizzagalli would go away and that's what happened. We've individually put it off and on the Town CIP for the last 20 years. It currently is not listed on the CIP.

Mayor Bales said right, because about 5 years ago, 6 years ago, the Board made the decision that until Northcross was connected it did not make sense for us to pursue and keep it on our CIP. I do think that at some point when Northcross is connected, which is supposed to happen.....

Mr. Richards said the right-of-way acquisition is currently underway for Northcross Drive.

Mayor Bales said so construction is probably 2024, 2025.

Mr. Richards said yes ma'am.

Mayor Bales said so then at some point there we will need to circle back with the extension regardless of the decision that happens with Birkdale.

Commissioner Kovacs said I'm still stuck on the semantics of substantial. A question for Brian, I guess. If a plan was approved, a development was approved, and then a substantial change was made, it would come back to the Board for a vote, correct?

Mr. Richards said correct.

Commissioner Kovacs asked would it go back to the Planning Board?

Mr. Richards said depending on the level of substantial.

Commissioner Kovacs asked how do you guys define substantial?

Mr. Richards said we go back to, as Ms. Sloop pointed out, the plain language in the dictionary, so we do have to make our choice as staff and people have a right to appeal our decision if they don't agree with that as well.

Commissioner Munger made a motion to defer action on Petition #R22-01, a request by DDRTC Birkdale Village until March 20, 2023, at 6:00 p.m. at Huntersville Town Hall. The Town Board deems the amendments to the Petition to be substantial in nature. This deferment will allow interested parties to comment on the amended petition. Additionally, the petition will be required to go to the Planning Board on February 28 at 6:30 p.m. at Town Hall for additional recommendation.

Commissioner Phillips seconded motion.

Mayor Bales said just for clarification as I'm writing down the motion, did you say going to the Planning Board on what date, February.....

Commissioner Munger said 28th, is what I believe it is, at 6:30 p.m. If anyone wants to correct me, feel free.

Mayor Bales said there's a motion, there's a second. Any discussion? Seeing none, all those in favor of the continuance or deferral.

Commissioners Munger, Partee and Phillips raised their hands in favor.

Mayor Bales said three. Does there need to be more discussion?

Commissioner Phillips said this is a substantial change. We, by opening this or keeping it open, deferring it, we're sending it back to the Planning Board, which is another review, which I have not seen this Board do since sitting up here which is pretty flipping remarkable. Also, it allows the public more time to comment and to put their eyes on things, which I think is really important because otherwise we are silencing our citizens and that is not okay. One of you guys said and I'm going to paraphrase it, how can you approve that without seeing it. This is how we see it. This is how we see it. This is how we call their bluff. Come on guys. This gives us more time to work on things to do it right. I'm trying to help you guys out, like for real, so like this is how you do it. Like I wish that over the years....I've been involved with town politics for 18 years. I'm not kidding you. And I wish that I had seen boards be more amenable to the citizens and actually listen and I mean this, is call their bluff and if they don't do a good job then bye.

Commissioner Boone said I would like to make a point of order. I would like the Town Attorney to tell me if I'm on the right thought process of this. We had discussion. The Mayor called for a vote. We had three votes and then we had discussion again. Are we changing our procedures?

Ms. Sloop said we are not changing our procedures. If you all would like to have additional discussion, you all as a Board can decide to have additional discussion.

Commissioner Boone said the Board decides, but some of us didn't have a chance to vote. That's all I've got to say.

Commissioner Kidwell said you didn't ask for against or abstentions.

Mayor Bales said I thought I saw three hands. I apologize. Commissioner Boone, if you did not vote, I thought you did.

Commissioner Boone said how did I vote then.

Mayor Bales said I thought you voted in the negative.

Commissioner Boone said who else voted in the negative. I'd like to call for another vote.

Mayor Bales said absolutely. Commissioner Munger, would you please provide your motion again.

Commissioner Munger said I'm making a motion to defer action on Petition #R22-01, a request by DDRTC Birkdale Village until March 20 at 6:00 p.m. at Huntersville Town Hall. The Board deems the amendments to the petition to be substantial in nature. This deferment will allow interested parties to comment on the amended petition. Additionally, the petition will be required to go to the Planning Board on February 28 at 6:30 p.m. at Town Hall for an additional recommendation.

Commissioner Phillips seconded motion.

Mayor Bales said any additional discussion?

Seeing none, all those in favor of the motion raise your hand. All those opposed.

Motion was tied – Commissioners Munger, Partee and Phillips in favor; Commissioners Boone, Kidwell and Kovacs opposed.

Mayor Bales said that is a 3-3 split and I am happy to break that tie if that is what this Board would like to do at this point. I will vote to defer to March 20. I support the motion to defer.

Resolution – Mayoral Task Force on Affordable Housing. Commissioner Phillips made a motion to approve adopting a Resolution to create a Mayoral Task Force on Affordable Housing.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 7.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Phillips

- No Report

Commissioner Boone

- No Report

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Kidwell

- No Report

Commissioner Partee

- Advocate for gun safety. Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Munger

- Attended the Municipal Education Advisory Committee meeting.
- Attended the Huntersville Ordinances Advisory Board meeting.
- Next meeting of the Public Arts Commission is February 8.
- Consider supporting local non-profits.

Mayor Bales

- Lake Norman Economic Development Corporation is currently working on a total of 36 projects.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2023.

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: Michael Jaycocks, Director of Parks & Recreation

Date: February 20, 2023

Subject: Budget Amendment - Parks & Recreation

EXPLAIN REQUEST:

Appropriate \$13,551.04 to Insurance - Parks and Recreation (103810.9999) for water damage sustained due to burst pipes at the Barry Park storage building (106200.0351).

ACTION RECOMMENDED:

Approve Board Action

FINANCIAL IMPLICATIONS:

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

ATTACHMENTS:

None

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: February 20, 2023

Subject: Budget Amendment - Bud Henderson Sidewalk Project

EXPLAIN REQUEST:

Recognize revenue of \$38,820 (103833.9999 - Contributed Capital) from Standard Pacific of the Carolinas escrow account. These funds were escrowed for the purpose of the construction of the 7225 Bud Henderson sidewalk project (105700.0314 - \$34,820) and \$4,000 for property acquisition services (105600.0314).

ACTION RECOMMENDED:

Approve Board Action

FINANCIAL IMPLICATIONS:

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

ATTACHMENTS:

None

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: David Peete, Principal Planner

Date: February 20, 2023

Subject: Conduct public hearing on Petition #R22-05

EXPLAIN REQUEST:

Conduct public hearing on Petition #R22-05 Oak Grove Hill - Addition, a request by Carver Bowman, LLC to rezone +/- 28.87-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 161-lot subdivision; (Parcel #s 01526443, 01526504, 0152606, 01526460, 015254432, 01526456, 01526432, 01526450, 01526455, 01526428, 01526429 & 015264431).

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

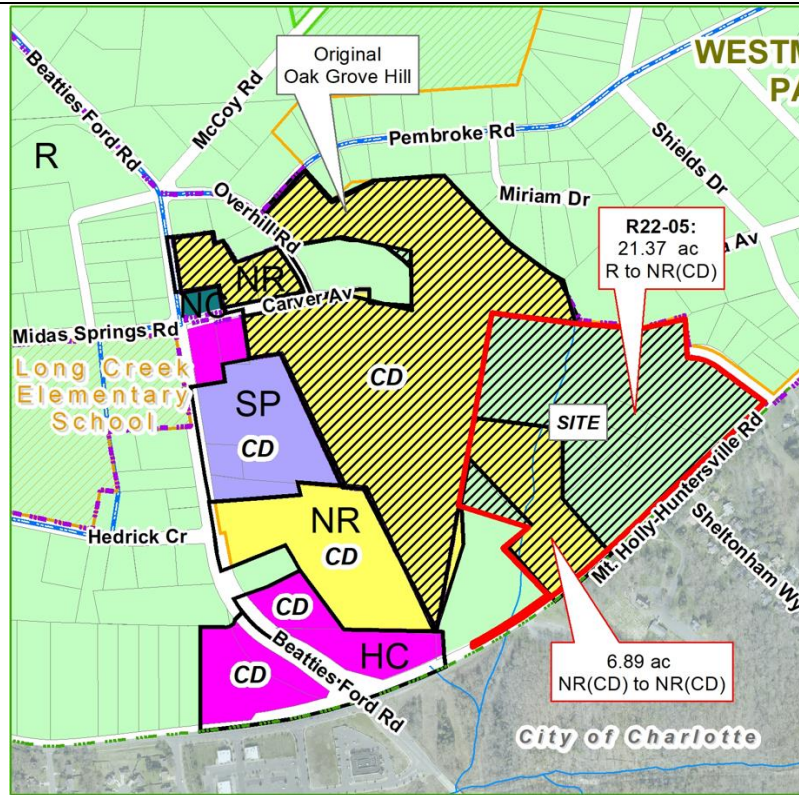
N/A

ATTACHMENTS:

1. R22-05 Public Hearing Staff Report
2. Attachment A - Rezoning Application (Hamilton)
3. Attachment A - Rezoning Application (Puckett)
4. Attachment B - Oak Grove Hill Rezoning Plan
5. Attachment C - 1st Oak Grove Hill Community Mtg summary
6. Attachment C - 2nd Oak Grove Hill Community Mtg summary
7. Attachment D - CMS Report - Phase 3 Oak Grove Hill Rezoning - Update 2-13-2023
8. Attachment E - Charlotte Treasure Tree Report

Petition R22-05 Oak Grove Hill - ADDITION Conditional District Rezoning.

PART 1: PROJECT SUMMARY



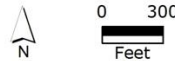
R22-05: Oak Grove Hill Addition

Rezone 21.37 ac
from R to NR (CD) and
rezone 6.89 ac
from NR (CD) to NR (CD)
for a total of 28.26 ac
zoned NR (CD)

Applicant:
Carver Bowman, LLC

Parcel(s):
01526456, 01526432,
01526450, 01526455,
01526428, 01526429,
01526431, 01526443

- Addition Boundary
- Proposed Overall Oak Grove Hill Boundary
- NR Neighborhood Residential
- SP Special Purpose
- R Rural
- HC Highway Commercial
- NC Neighborhood Center



Applicant: Carver Bowman, LLC

Property Owner: Hamilton Hoyt, Conrad Puckett & Carver Bowman, LLC.

Property Address: N/A.

Project Size: (+/-) 28.26-acres
(21.37-ac of new parcels &
6.89-ac of reconfigured parcels
formerly within Oak Grove Hill
CD Rezoning).

Parcel Numbers: 01526456,
01526432, 01526450, 01526455,
01526428, 01526429 & 01526431.

Current Zoning: Rural District
(R) & Oak Grove Hill
Neighborhood Residential -
Conditional District (NR-CD).

Current Land Use: Vacant &
Single-Family Home.

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

Proposed Land Use: Single
Family Residential.

Application Summary:

- Proposal: Rezone +/- 28.26 acres consisting of 21.37-acres zoned Rural (R) and 6.89-acres zoned Neighborhood Residential – Conditional District (Oak Grove Hill NR-CD) to Neighborhood Residential – Conditional District to add a new “Phase 3” to the existing single-family residential development known as Oak Grove Hill. The area from the existing CD Rezoning is shown as reconfigured below. The site for the addition is generally located east of Beatties Ford Road, north of Mt. Holly-Huntersville Road and south of Pembroke Road. A Subdivision Sketch Plan has been submitted with the Rezoning Plan and would be administratively approved if the Rezoning Plan is approved (See Attachments A & B).



Original Layout

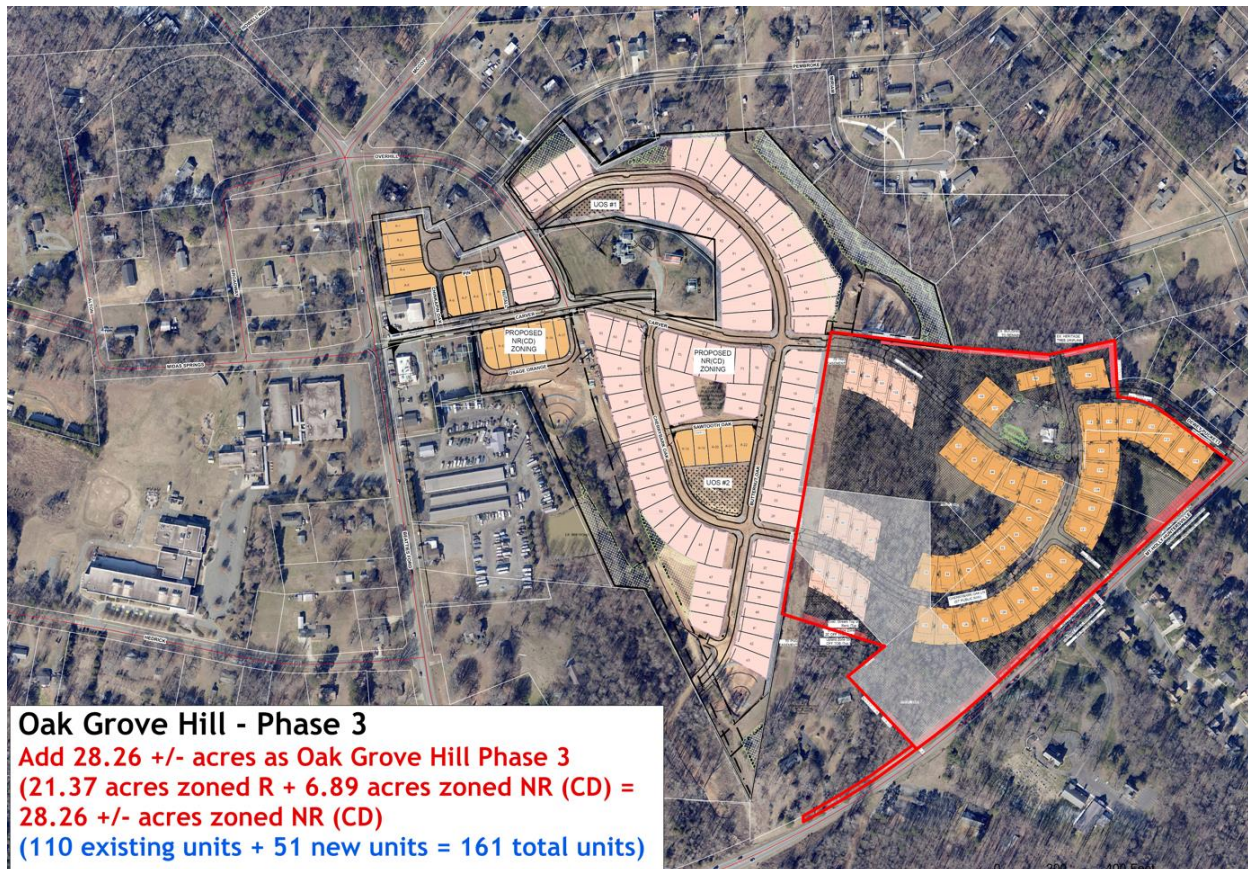


Proposed Layout

- NOTE: Rezoning Petition #R23-04 has also been submitted to remove the 6.89-acres from the existing CD-Rezoning and to add it to this proposed Phase 3 section. These two rezoning petitions will be reviewed by the Town together.
- Adjoining Zoning and Land Uses (see Context Map on page 2):
 - North - Rural (R): Vacant & Single-family lots.
 - South – City of Charlotte R-3 & R-9PUD: Mt. Holly-Huntersville Road right-of-way, single family homes & St. Mark's Episcopal Church.
 - East - Rural (R): Vacant & Single-family lots (Westminster Park Subdivision).
 - West – Neighborhood Residential – Conditional District (NR-CD) & Rural (R): Single-family lots (existing Oak Grove Hill).
- Two Community Meetings were held on January 11, and February 8, 2023, at Huntersville Arts & Cultural Center. See Attachment C for complete meeting summaries.

PART 2: REZONING/SITE PLAN HIGHLIGHTS

The existing Oak Grove Hill Conditional District Rezoning was approved by the Town of Huntersville on January 26, 2020. The applicant, Carver Bowman, LLC, has acquired additional adjacent acreage and has petitioned to add 28.26-acres and 51 single-family homes to create a new “Phase 3”. If approved, Oak Grove Hill (all Phases 1-3) would consist of 66.92-acres and 161 single-family homes (see below).



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

- Proposed Uses: 51 new single-family homes in Phase 3. 161 homes overall (Phases 1-3).
- One new Urban Open Space “Park” is proposed.
- New and additional right-of-way to be dedicated along Mt. Holly-Huntersville Road, as required by NCDOT and CDOT. New public streets (and all required right-of-way) are proposed, which will connect into the existing Oak

Grove Hill Phases 1 & 2 and to Mt. Holly-Huntersville Road. There is one future stub connection to the north (see Context Map above for details).

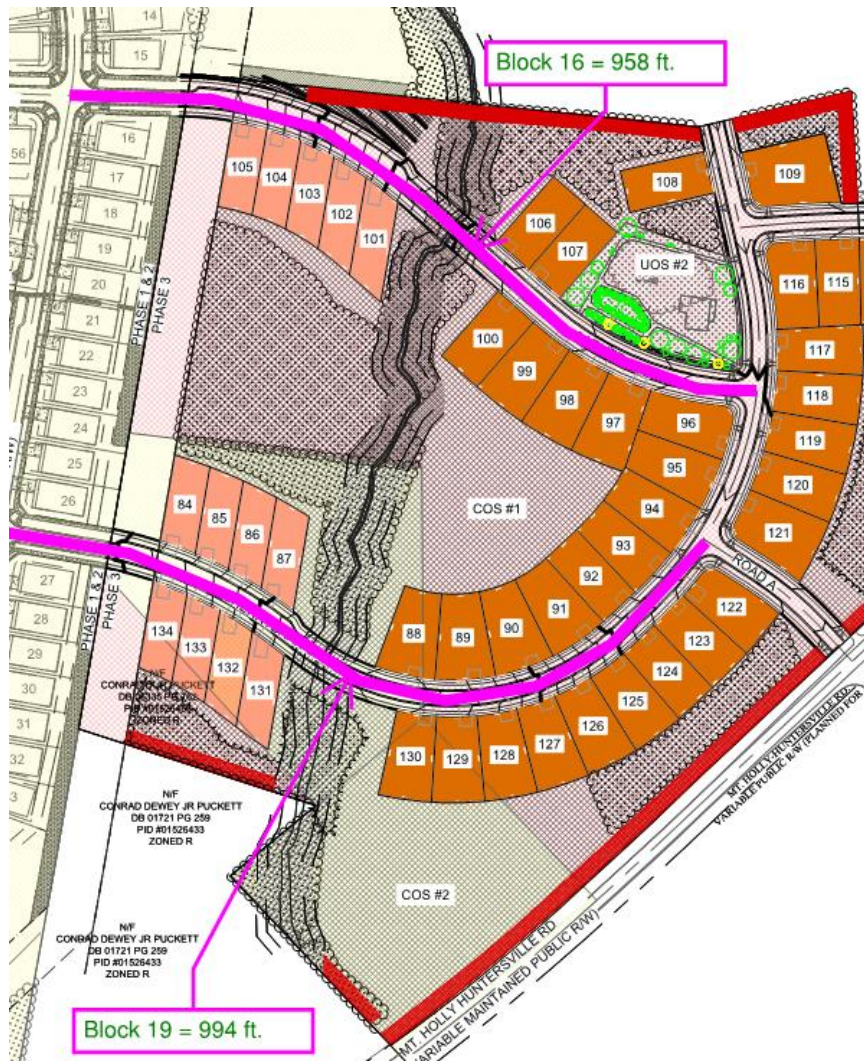
- Minimum Tree Preservation in the NR Zoning District is 10% and the proposed addition looks to save 21.9% of existing canopy (6.20-acres). Specimen tree save in the NR zoning district is also 10% and the proposed development looks to save 19 existing specimen trees (22%).
- If the Rezoning Plan is approved, Staff, at the construction document phase, will review the plans for compliance with the Water Quality Ordinance, Erosion Control Ordinance and Stream Buffer Requirements, as found in the Zoning Ordinance.
- The addition is to be developed as one (1) phase (Phase 3).
- Of specific note is the proposed preservation of a Charlotte Treasure Tree located on site which is over 90-ft tall and approximately 78-inches in diameter (see below). This tree will be the focal point of the proposed Urban Open Space "Park".



The applicant is requesting the following modification to Ordinance Requirements:

- **Block Length:** Article 5.2 states that major residential subdivision blocks are not to exceed 800 linear feet and there are two blocks that exceed this limit. Block 16 (Carver Ave.) is 958 linear feet and Block 19 (Cherrybark Oak Ln.) is 994 linear feet long (see diagram on page 4). Article 5.2 also allows the Town Board to authorize greater block lengths where a longer block length will reduce the number of railroad grade crossings, major stream crossings; or, where longer blocks will result in an arrangement of street connections, lots and public space more consistent with

Article 5 and Article 7 (see pink highlights on image on page 4). Staff recommends approval of both block length modifications as both streets cross both a 70 ft. wide gas line easement, and a stream SWIM buffer. In particular, Block 16's additional length creates the space to create the Park that will preserve the Charlotte Treasure Tree (see Attachment E) located on site. There is a street-stub proposed to adjoining parcels to the north, and any adjustment to that stub will also impact the Treasure Tree area. Lastly, NCDOT's curb-cut spacing requirements from major intersections will not permit a street connection further to the west, which could have reduced the length of Block 19.



The following comments/items are not consistent with Town Ordinances and/or Manuals or remain to-be-addressed by the applicant:

Engineering Comments:

- NCDOT and CDOT recommendations should be incorporated.

Planning Comments:

- Rezoning Notes from Sheet SP-8 of the original Oak Grove Hill Rezoning Plan must be added to plan set.

- If this rezoning is approved, all notes and data will need to be coordinated with R23-04, which would remove the 6.89-acres from the original Oak Grove Hill rezoning, and permit incorporation into this addition.
- BMP Access: maintenance and access easements for the BMPs appear to encroach into the SWIM buffer. Access to be provided outside of these buffers.
- All outstanding comments must be addressed.

PART 3: TRANSPORTATION HIGHLIGHTS

Traffic impact analysis (TIA): The original TIA from the 2018 submittal was re-scoped based upon the amended rezoning plan. On October 26, 2022, Town Engineering Staff determined the amended TIA is acceptable and that no improvements are required by the Town to meet the thresholds identified in Article 14.4 of the Town Zoning Ordinance. The applicants were further advised to contact North Carolina Dept. of Transportation (NCDOT) and Charlotte Dept. of Transportation (CDOT) regarding improvements they may require, and the following comments were received:

NCDOT:

- A left and right turn lane to enter the site at the access point on Mt. Holly-Huntersville Road, including 100'(min.) of storage and appropriate tapers;
- No on-street parking on state-maintained roads;
- Widening of Carver Avenue & Overhill Road required to widen from 16' to 20' along all site frontage;
- Curb island at southeast corner of intersection of Carver Avenue and Beatties Ford Road.
- Alley-fed lots on Beatties Ford Road, Carver Avenue and Overhill Road will not be allowed a driveway or access to respective streets. Homes to be addressed to the alley behind the lots;
- Lots fronting Overhill Road will not be allowed to front-load. They will only be allowed a shared driveway (this may be waived if Huntersville takes over maintenance of this street).

CDOT:

- Recommends a three (3) approach-lane section at Mt. Holly-Huntersville Road and Road C. This would include an 11' right-turn lane, 11' left turn lane and a 13' receiving lane. This section to be carried to the first stub street.
- Recommends a 12' Multi-Use Path or buffered bike lane along frontage. (CDOT specified improvements to be shown on Construction Plans).

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”.

Huntersville 2040 Community Plan – Staff finds the proposed Conditional District Rezoning petition consistent with the following policies of the 2040 Community Plan; adopted December 21, 2020:

- **Policy LU-2: Encourage residential development that follows the pattern outlined in the future land use map.**
 - **LU 2.1: Higher intensity residential uses will be focused generally within two miles of I-77 / NC-115 corridor and the future Activity Centers in the eastern and western areas of Huntersville’s zoning jurisdiction.**
 - **LU 2.2: Lower intensity residential uses are expected within the Residential Edge and Rural Conservation areas identified on the Future Land Use Map.**

STAFF COMMENT: The proposed Oak Grove Hill - Addition acreage is located adjacent to, but mainly outside of the Activity Center identified for the Mt. Holly-Huntersville and Beatties Ford Road intersection in the Town’s 2040 Community Plan. The existing portion of the development that is proposed to be incorporated into Phase 3 is still located within the edge of the Activity Center (see map on page 6). Activity Centers are defined as

“including a mix of non-residential and residential uses and are usually located at key intersection of major or minor thoroughfares”. “Residential uses include a mix of housing types centered around shopping, service or civic uses. Residential uses transition to lower gross density with more open space away from Activity Centers.” The area of the proposed rezoning outside of the Activity Center is in the Rural Conservation designation, which is described below:

Rural Conservation

These areas preserve elements of rural character. They balance open space conservation and some residential development. Development form is farms and associated structures, Farmhouse Clusters, and low-density Conservation Subdivisions (if access to utilities exists). New development has a 0.9 unit/acre maximum, and typically 45%+ open space is required.

This addition will be part of a development that is currently all within the Activity Center and the proposed density in the added area (1.8 DUA) is less than the current area’s density of 2.63 DUA. Combined with the additional open space and a new total density of 2.42-units per acre, this addition could fit within the general role of low-density residential at the edge of a designated Activity Center.



- **Policy LU-3: Manage residential growth in the eastern and western parts of Huntersville’s planning jurisdiction.**
 - **Policy LU3.1: Discourage rezonings to higher intensity residential districts in the Residential Edge and Rural Conservation future land use character areas.**

STAFF COMMENT: Generally, it would not be consistent to rezone this area for a density above 0.9 dwelling units per acre, but as the exiting portion of the proposed addition lies within an Activity Center and the remainder is immediately adjacent to this Activity Center, combined with lower density than the existing development, it is consistent with the supported intensification located near the intersection of these two thoroughfares to view this Phase addition as a transition from slightly higher density within the Activity Center to a density closer to the surrounding Rural zoning designation.

- **Policy LU-7.1: Require all new development to adhere to the following design principles:**
 - **In Activity Centers, 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.
 - Accommodate a mix of housing types.
 - **In lower intensity area (Rural Conservation) 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.**

STAFF COMMENT: In the proposed Phase 3 of Oak Grove Hill, all homes will front on a public street. With the exception of the two blocks requesting a modification, all streets have Ordinance-compliant block lengths, connect to both Phases 1 & 2 of Oak Grove Hill, as well as connect in two locations to Mt. Holly-Huntersville Road. There are sidewalks on both sides of all streets. While the type of housing proposed is not mixed, the lot sizes are varied, which may provide a range of housing prices. The proposed homes within Phase 3 (along Mt. Holly-Huntersville Road) are set back 80 feet (or more) from the thoroughfare and are located behind a buffer of existing trees.

- **Policy LU-10.2: Continue to encourage a mix of lot sizes in new developments.**

STAFF COMMENT: As previously stated, there are two types of lot sizes in this addition and there will be four types of lot sizes for all phases of the development.

- **Policy LU-10.4: Consider allowing additional flexibility in site design in exchange for more quality open space preservation to allow for conservation of natural resources in the Traditional and Rural zoning districts.**

STAFF COMMENT: The proposed Phase 3 has set aside a 36,038-sq. ft. "Park" to serve as Urban Open Space. This space is centered on a 90-ft tall White Oak that is on the Charlotte Treasure Tree list (See Attachment E). The entire canopy of this tree will be within the area of this open space for preservation.

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

STAFF COMMENT: The Urban Open Space "Park" has been designed within the site layout to protect and preserve the 90' tall Treasure Tree. The lots and street network were laid-out to avoid this area and create a focal open space for this phase of the development.

- **Policy EOS 1.1: Support and enhance regulations pertaining to open space design and protection.**

- **Continue to encourage the preservation of ... prominent natural features.**
- **Enhance open space design criteria by prioritizing the following:**
 - **Historic landscapes.**

- **Policy EOS-4.1: Require street trees and encourage the preservation of heritage trees.**

STAFF COMMENT: The designation of 36,038 square feet "Park" to provide open space for this phase of the development that preserves and protects a Charlotte Treasure Tree is an excellent feature and will provide a focal point for this development.

Huntersville 2040 Community Plan – Staff finds the proposed Conditional District Rezoning petition is **not consistent** with the following polices of the 2040 Community Plan; adopted December 21, 2020:

- **Policy EOS-10: Improve bicycle and pedestrian facilities throughout Town.**

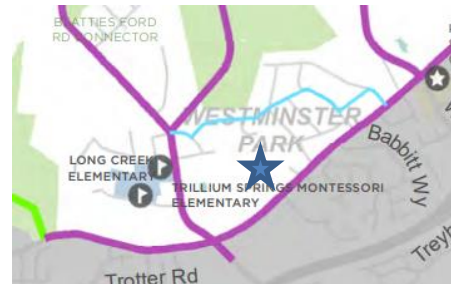
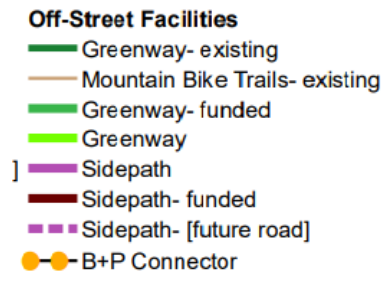
STAFF COMMENT: While the proposed Rezoning Plan provides a bike lane within the cross-section of Mt. Holly-Huntersville Road, the Huntersville Bike Master Plan calls for a 10' multi-use path along this section of thoroughfare and Charlotte DOT (CDOT) has also called for this in their road improvement list. This should be added to this part of the phase.

- **Policy T-3.2: Improve multimodal connectivity by coordinating with other departments to implement Huntersville Bicycle Master Plan, expanding the greenway network, and supporting enhanced pedestrian connections.**

STAFF COMMENT: A bike lane is shown in the new cross-section for Mt. Holly-Huntersville Road; however, the Huntersville Bike Master Plan calls for a 10' multipath along this road. This should be added to the cross-section.

Huntersville Greenway and Bikeway Master Plan (Approved December 2020) – Staff finds the proposed Conditional District Rezoning Addition is **not consistent** with the Huntersville Bike Plan.

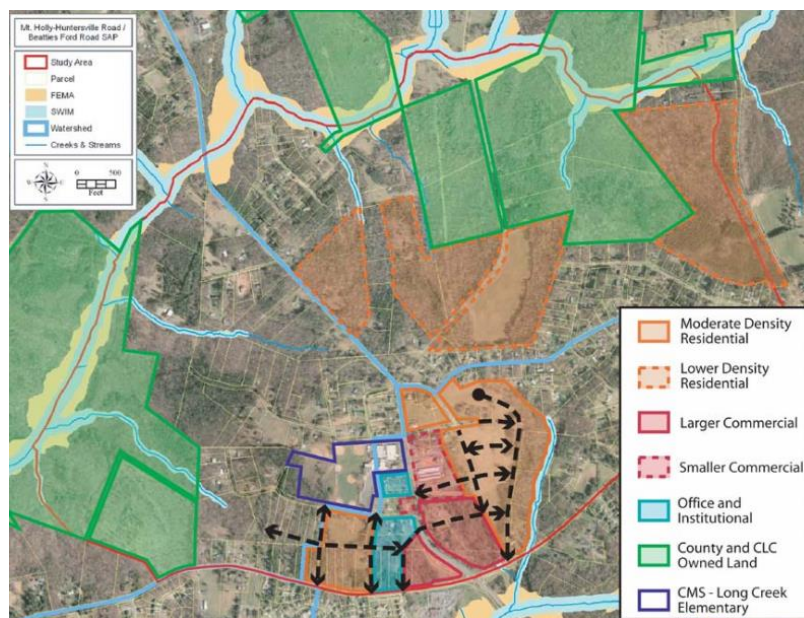
STAFF COMMENT: Per the Huntersville Bike Plan, a Side path (purple line) is called for along Mt. Holly-Huntersville Road, see map below. To address the Bike Plan, a Side path will need to be added to the Mt. Holly-Huntersville Road cross-section.



Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan; Adopted October 17, 2005 - Staff finds the proposed Conditional District Rezoning petition consistent with the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan.

STAFF COMMENT: The concept of the Small Area Plan is to create a new, low intensity “urban village”, with moderate density and low-density residential development. See the map from the Small Area Plan below.

The Small Area Plan calls attention to the extension of existing street network, while avoiding the promotion of high-speed cut-through traffic in existing and proposed residential neighborhoods. The design of the proposed street network within the proposed new Phase of Oak Grove Hill Conditional District Rezoning Plan does not provide a direct link between the existing Phases 1 & 2 and Mt. Holly-Huntersville Road. Traffic is sufficiently calmed via the Town’s residential street cross-section. There is one proposed stub-street, which will continue the street network called for in the Small Area Plan. The Rezoning Plan does not provide a straight connection from Beatties Ford Road to Mt. Holly-Huntersville Road, but rather a connection made-up of several intersections to calm traffic.

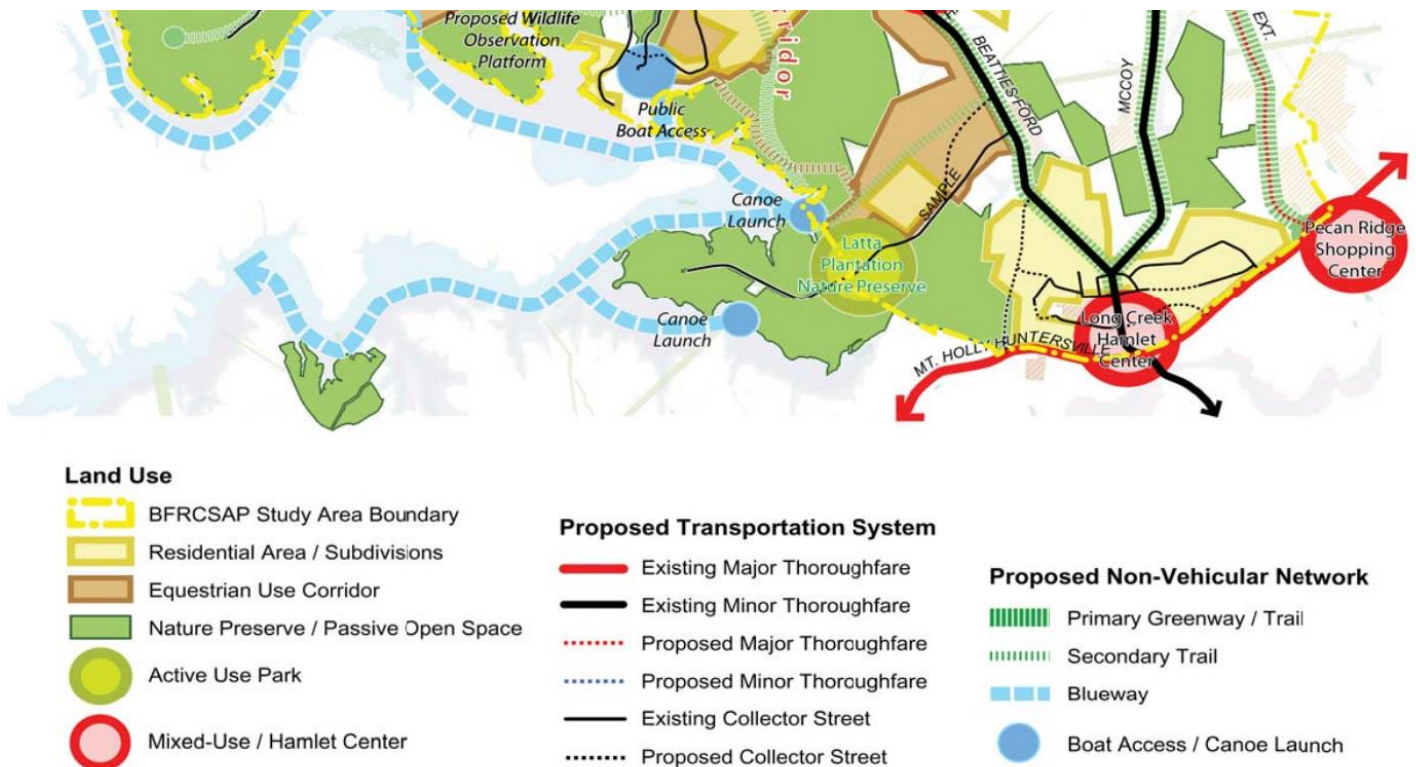


Beatties Ford Road Corridor Small Area Plan; Adopted September 19, 2007 - Staff finds the proposed Conditional District Rezoning petition consistent with the Beatties Ford Road Corridor Small Area Plan.

STAFF COMMENT: This Small Area Plan addressed concerns regarding pressure for commercial development along the Beatties Ford Road corridor. The goal of this Small Area Plan was to establish a long-term vision, define land use changes, influence form/design of future commercial development, provide a framework for transportation improvements, and integrate an open space network.

The proposed Phase 3 of the Conditional District Rezoning is partially located within the “Long Creek Hamlet Center” (see above). The Small Area Plan also acknowledges the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan (see staff comments in previous section). The Small Area Plan highlights the opportunity for increased residential development and retail development on Mt. Holly-Huntersville Road in this area.

The Small Area Plan also laid out a vision for new transportation systems in the area of the requested Conditional District rezoning site (see map above). The Small Area Plan stopped the study at the creek, which runs through the proposed Phase 3 addition. Staff does not find expanding the area of the “Hamlet Center” down to Mt. Holly-Huntersville Road as inconsistent with the intent of the Small Area Plan. The Proposed Phase 3 site plan expands the street network in a manner in keeping with the envisioned transportation system by providing stubs streets to facilitate the collector street network.



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:

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

STAFF COMMENT:

The surrounding area is generally low density residential with the exception of a few commercial and civic (schools) uses. See the context map on page 2. The existing Oak Grove Hill Conditional-District rezoning plan was seen as consistent with development patterns described in the Town’s 2030 Community Plan, the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan, and the Beatties Ford Road Corridor Small Area Plan. The

proposed lot sizes and orientation will not match the older subdivision to the north, but there is open space and buffers to create transition zones between the new development and the existing.

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:

- No transportation improvements were warranted through the Transportation Impact Analysis, however NCDOT and CDOT have outlined several requirements – see Part 3 of this report.
- The 28.26-acres to be added to Oak Grove Hill are not located within the Town Limits. However, the applicants have acknowledged an intent to annex the entire Phase 3 into the Town Limits. Upon annexation police and fire protection and trash collection will be provide as Town Services.
- A Willingness-to-serve letter has been provided from Charlotte Water (water and sewer).
- A Conceptual Storm Water Drainage plan (PCO-1) has been provided and is in review.
- The Conditional District Rezoning petition was sent to Charlotte-Mecklenburg School (CMS) for consideration. CMS reported, if approved, the addition to the Oak Grove Hill Subdivision may add approximately 26 students to the schools in this area. The following data was provided by CMS as of 20th Day of the 2021-2022 school year. See Attachment D.

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

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, historical or cultural resources, as the identified Treasure Tree is proposed to be saved within an Urban Open Space “Park”.

PART 5: PUBLIC HEARING COMMENTS

The Public Hearing will be held on February 20, 2023.

PART 6: STAFF COMMENTS/RECOMMENDATION

Staff finds the proposed addition to the Oak Grove Hill Conditional District Rezoning Plan to be generally consistent with the 2040 Community Plan, the Beatties Ford Road-My. Holly-Huntersville Road Small Area Plan and the Beatties Ford Road Corridor Plan. These plans support moderate density within an Activity Center and the proposed 2.42-units per acre falls under that category.

Staff also recommends:

- Approval of the block length modifications for Blocks 16 and 19.
- A 10’ wide multi-use path should be provided along Mt. Holly-Huntersville Road, as called for in the most recent Huntersville Bike Master Plan.
- Add note indicating willingness to annex the entire Phase 3 (28.26-acres) into the Town of Huntersville.
- Rezoning Notes from Sheet SP-8 of the original plan must be added to plan set.
- If this rezoning is approved, all notes and data will need to be coordinated with Rezoning Petition R23-04, which would remove the 6.89-acres from the original rezoning to permit this addition.
- BMP Access: Maintenance and Access Easements for the BMPs appear to encroach into SWIM buffers. Access should be provided outside of these buffers.
- All outstanding redline comments must be addressed.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board will review the rezoning petition on February 28, 2023.

PART 8: ATTACHMENTS/ENCLOSURES

Attachments

A – Rezoning Application

- B – Proposed Rezoning Plan
- C – Community Meeting Summaries
- D – CMS Report
- E – Charlotte Treasure Tree Report

PART 9: CONSISTENCY STATEMENT – R22-05: OAK GROVE HILL - ADDITION

Planning Department	Planning Board	Board of Commissioners
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APPROVAL: In considering the proposed Conditional District Rezoning application R22-05 Oak Grove Hill - Addition, the Planning staff RECOMMENDS APPROVAL to rezone 28.87-acres from Rural (R) and Neighborhood Residential Conditional District (NR-CD) to Oak Grove Hill Neighborhood Residential – Conditional District (NR-CD), as it is consistent with Policy Recommendations LU-2, LU-2.1, LU-2.2, LU-3.1, LU-7.1, LU-10.2, LU-10.4, LU-12.3, EOS-1.1, EOS-4.1, EOS-10 & T-3.2 of the 2040 Community Plan and consistent with the objectives of both the Beatties Ford Road & Mt. Holly-Huntersville Road Small Area Plan and the Beatties Ford Road Corridor Plan. <u>It is reasonable and in the public interest to approve the Conditional District Rezoning Plan - Addition, BECAUSE it is consistent with the Plans outlined above and the applicable provisions of the Zoning Ordinance can be adequately addressed.</u>	APPROVAL: In considering the proposed Conditional District Rezoning application R22-05 Oak Grove Hill - Addition, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u> <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	APPROVAL: In considering the proposed Conditional District Rezoning application R22-05 Oak Grove Hill - Addition, 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:	DENIAL: In considering the proposed Conditional District Rezoning application R22-05 Oak Grove Hill - Addition, the Planning Board recommends denial based on <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and not in the public interest to approve the Rezoning Plan because... (Explain)</u>	DENIAL: In considering the proposed Conditional District Rezoning application R22-05 Oak Grove Hill - Addition, the Planning Board recommends denial based on <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 September 9, 2022

Name of Project Oak Grove Hill Phase # (if subdivision) _____

Project Address 9301 Carver Avenue, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01526456, 01526432, 01526450, 01526455, 01526428, 01526429, 01526431, 01526443

Current Zoning District NR(CD), R Proposed District (for rezoning only) NR(CD)

Property Size (acres) 67.78ac Street Frontage (feet) _____

Current Land Use Single Family Residential

Proposed Land Use(s) Single Family Residential

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

This is a conditional rezoning to the Oak Grove Hill property.

Approximately 22.66 ac additional and 45 additional lots.

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 Carver Bowman, LLC Phone 704-875-9704
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature [Signature] Printed Name: Robert Bowman
Title Manager Email bowman31@gmail.com

Address of Applicant 13815 Cinnabar Place, Huntersville, NC 28078

7. Property Owner (if different than applicant)

*Printed Name Hamilton Hoyt, Conrad Puckett Phone 704-875-9704
☐ 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 [Signature] Printed Name Hamilton Hoyt, Conrad Puckett
Title Owner Email bowman31@gmail.com

Address of Property Owner 8411 & 8705 MT HOLLY-HUNTERSVILLE RD, HUNTERSVILLE NC 28078

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

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

8. Development/Design Firm Contact Information

Carver Bowman, LLC	Robert Bowman	704-875-9704	bowman31@gmail.com
Development Firm	Name of Contact	Phone	Email
R Joe Harris	Daniel Gates	80-802-1799	dgates@rjoe-harris.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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

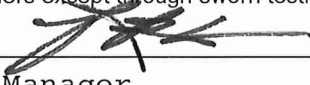
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Printed Name Carver Bowman, LLC Phone 704-875-9704
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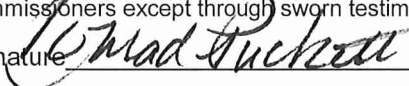
Signature  Printed Name: Robert Bowman
Title Manager Email bowman31@gmail.com

Address of Applicant 13815 Cinnabar Place, Huntersville, NC 28078

7. Property Owner (if different than applicant)

*Printed Name Hamilton, Hoyt, Conrad Puckett Phone 704-875-9704
☐ 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 Hamilton Hoyt, Conrad Puckett
Title Owner Email bowman31@gmail.com

Address of Property Owner 8411 & 8705 MT HOLLY-HUNTERSVILLE RD, HUNTERSVILLE NC 28078

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

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

8. Development/Design Firm Contact Information

Carver Bowman, LLC	Robert Bowman	704-875-9704	bowman31@gmail.com
Development Firm	Name of Contact	Phone	Email
R Joe Harris	Daniel Gates	80-802-1799	d gates@rjoe harris.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

CH

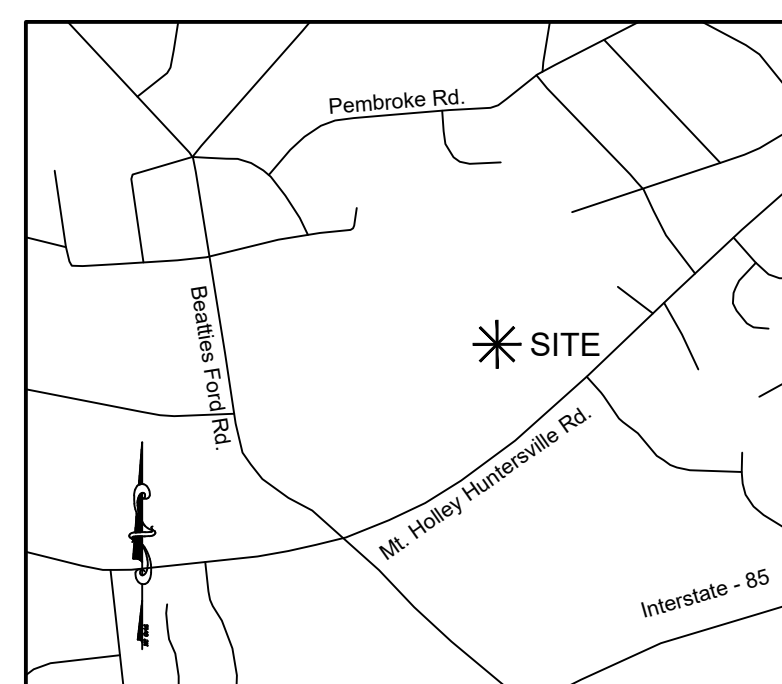
ASSOCIATED INTERNAL #S
400982
409691
441269

TOWN OF HUNTERSVILLE
MECKLENBURG COUNTY, NORTH CAROLINA

Carver Bowman, LLC

Sheet Number	Sheet Title
COVER	COVER
SP-1	REZONING PLAN: PHASE 1 &2
SP-2	OVERALL SITE PLAN: PHASE 1&2
SP-3 - SP-5	SITE PLAN: PHASE 1&2
SP-7 - SP-8	SITE PLAN DETAILS: PHASE 1&2
SP-9	OVERALL SITE & REZONING PLAN: PHASE 3
SP-10	OVERALL SITE PLAN: PHASE 3
SP-11	SITE DETAILS: PHASE 3
SP-12	FOUR STEP PROCESS: PHASE 3
EX-1	OVERALL EXISTING CONDITIONS: PHASE 1&2
EX-2 - EX-4	EXISTING CONDITIONS: PHASE 1&2
EX-5	EXISTING CONDITIONS: PHASE 3
GP-1	OVERALL GRADING PLAN: PHASE 1&2
GP-2 - GP-4	GRADING PLANS: PHASE 1&2
GP-5	OVERALL GRADING PLAN: PHASE 3
BMP-1	PRE DEV. DRAINAGE AREAS: PHASE 1&2
BMP-2	POST DEV. DRAINAGE AREAS: PHASE 1&2
BMP-3	POST DEV. DRAINAGE AREAS: PHASE 3
LP-1	OVERALL LANDSCAPE PLAN: PHASE 1&2
LP-2 - LP-4	LANDSCAPE PLAN: PHASE 1&2
LP-5	OVERALL LANDSCAPE PLAN: PHASE 3
LP-6	URBAN OPEN SPACE DESIGN: PHASE 3
UT-1	OVERALL UTILITY PLAN: PHASE 3

November 23, 2022



VICINITY MAP - N.T.S.



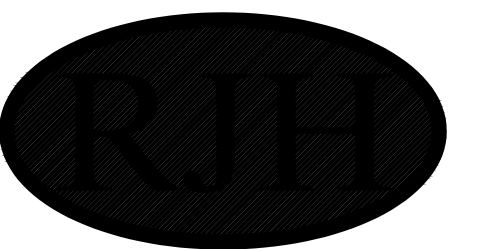
R. Joe Harris & Associates, Inc.
Engineering • Land Surveying • Planning
Management
1186 Stonecrest Blvd., Tega Cay, SC 29708 Phone: (803) 802-1799

NO DUKE ENERGY TRANSMISSION ROW SHOWN
WITHIN PROJECT LIMITS. IF IMPACTS ARE TO DUKE
ENERGY DISTRIBUTION FACILITIES PLEASE
CONTACT 800.777.9898 TO HAVE A WORK ORDER
SET-UP TO DISCUSS PROJECT WITH A
DISTRIBUTION ENGINEER.

APPROVAL OF THIS CONCEPT PLAN DOES NOT IMPLY OR GUARANTEE APPROVAL OF THE FINAL CONSTRUCTION PLAN. FINAL CONSTRUCTION PLAN WILL BE REVIEWED FOR COMPLIANCE PER ALL TOWN, COUNTY AND STATE REGULATIONS IN EFFECT AT TIME OF SUBMITTAL.

[illegible]

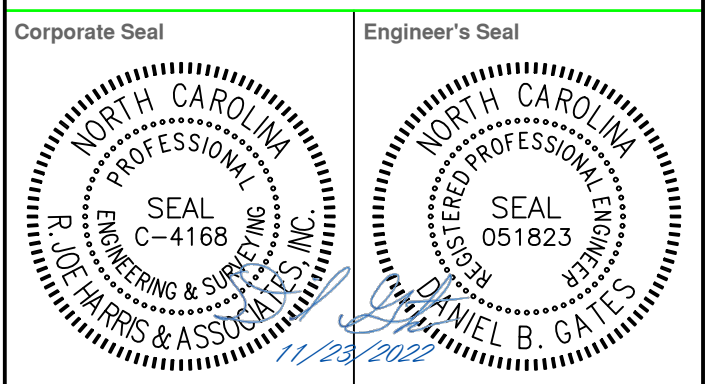
Engineer:



Engineering • Land Surveying • Planning
Management

www.rjoe Harris.com

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.



Project Manager	Drawn
D. Gates	J. Vavrina
Department Manager	Checked
P. Murphy	D. Gates

November 23, 2022

Asbuilt Drawn	Asbuilt Date
-	-

Client	
--------	--

Carver Bowman, LLC
13815 CINNABAR PLACE
HUNTERSVILLE, NC 28078
P: (704) 875-9704

Project:

Oak Grove Hill
Rezoning/Sketch Plan:
Phase 3

Drawing Title:

Cover Sheet

Project No.	Drawing No.
5259	Cover
DWG File Name:	
5259 Cover	

Huntersville General Notes:

- All development and construction shall comply with all zoning and subdivision standards of the Town of Huntersville, Mecklenburg County, and NCDOT, as applicable.
- This property may be subject to any easements and/or right-of-way of record.
- All areas designated as common and/or urban open space shall be owned and maintained by the homeowners association and dedicated for perpetuity.
- Access (ingress/egress) location and design shown on this sketch plan area subject to achieving vertical and horizontal sight distances, turn lane improvements (including) right-of-way and intersection with adjacent and opposing access points. Modifications to plan may result.
- Large maturing trees will be planted 40' O/C within the required planting strip along all streets. Small maturing trees are to be used where overhead power lines exist.
- Garbage pick-up shall be via roll-out trash and mail delivery shall be to mail kiosks.
- Direct access from lots to a thoroughfare is prohibited.
- Lots subject to flooding should not be established in subdivisions except as provided in Section 7.280 (if applicable).
- Any construction or use within the areas delineated by roadway fringes district boundary line and roadway district encroachment line is subject to the restrictions imposed by roadway regulation.
- Water Quality LID Maintenance. BMPs that are constructed on privately owned land and that are not within a public easement shall be maintained by the Property Owners Association or the owner of the subject property.

EXISTING DATA

FEMA Panel: 3710453800K
Watershed: Long Creek
Soil Types: CeB2 - Cecil sandy clay loam, 2 to 8 percent slopes
CeD2 - Cecil sandy clay loam, 8 to 15 percent slopes
EnB - Enon sandy loam, 2 to 8 percent slopes
EnD - Enon sandy loam, 8 to 15 percent slopes
PaE - Pacolet sandy loam, 15 to 25 percent slopes
Vab - Vance sandy loam, 2 to 8 percent slopes
W - Water

CONSTRAINING FEATURES: PHASE 3

ZONING:	NR-CD
ACREAGE:	45.18± ACRES
SWIM BUFFER	2.43± ACRES
SLOPE ANALYSIS: (% OF SITE AREA)	
0% - 10%	34.6 ACRES (76.72%)
10% - 15%	5.13 ACRES (11.36%)
15% - 25%	3.24 ACRES (7.17%)
25% - 100%	2.01 ACRES (4.46%)

Soil Hydrologic Groups: (% of site area)

ZONING:	NR-CD
ACREAGE:	45.18± ACRES
Group A	0
Group B	24.0± ACRES(53.0%)
Group C	21.2± ACRES (47.0%)
Group D	0
Group B/D	0

TREE PRESERVATION

Specimen tree - A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- Large hardwood (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines) in good or better or better condition with a DBH of 24" or greater.
- Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
- Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Heritage tree - A tree that is listed in the North Carolina Big Tree List, the American Forest Association's Champion Tree List, the Mecklenburg County treasure Tree List or any tree that would meet 60% of the points of a tree on North Carolina's Big Tree List.

Note: Urban open spaces shall comply with Article 7.7 of the Zoning Ordinance and include one or more of the following: landscaping, walks, seating, fountains, playground equipment, statues, etc. Materials used shall be a combination of brick pavers, stamped asphalt, stone, wrought iron, wood, crushed gravel or stone etc.

OAK GROVE HILL TREE PRESERVATION

	PHASE 1&2	PHASE 3	ALL PHASES
SITE ACREAGE	38.19± AC	28.26± AC	66.45± AC
% COVERED BY TREE CANOPY	26.26± AC (68.8%)	22.07± AC (78.1%)	32.68± AC (72.7%)
% OF TREE CANOPY PRESERVATION REQUIRED	3.82± AC (10%)	2.83± AC (10%)	6.65± AC (10%)
% OF TREE CANOPY PROVIDED	3.48± AC (9.11%)	6.20± AC (21.9%)	9.68± AC (14.6%)
NO. OF SPECIMEN TREES ON-SITE*	8	81	89
NO. OF SPECIMEN TREES TO BE SAVED (MIN REQ. 10%)	3 (37%)	19 (22%)	22 (25%)
NO. OF HERITAGE TREES ON SITE	0	1	1

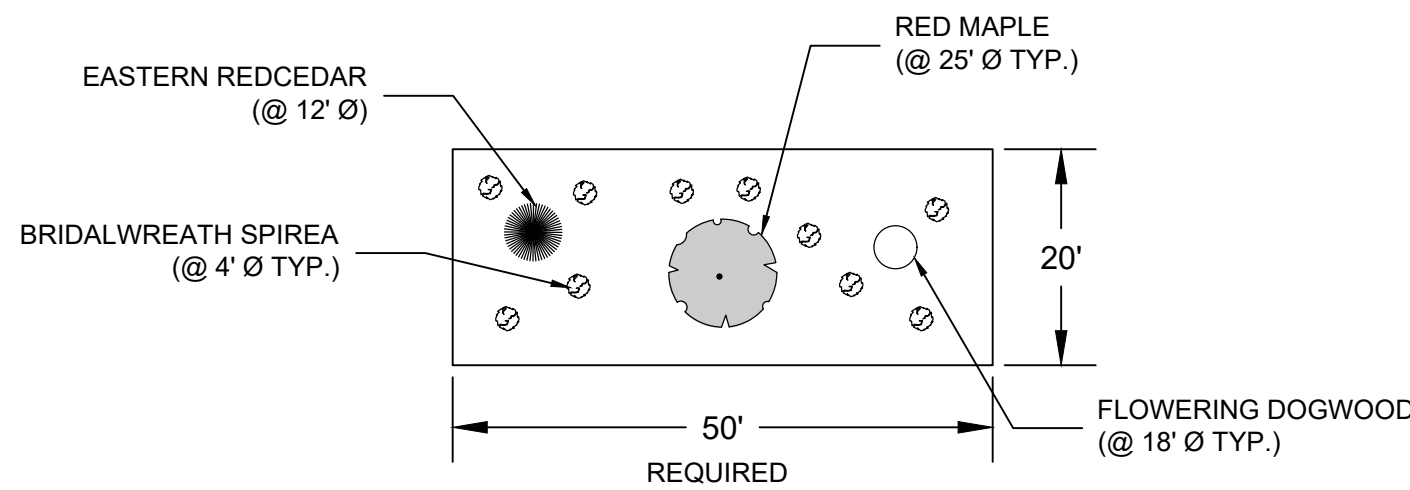
* DOES NOT INCLUDE SPECIMEN TREES WITH PROPOSED SMITH PROPERTY BOUNDARY

TREE LEGEND

TR - Tree
EL - Elm
BE - Beach
P - Pine
PO - Poplar
OA - Oak
GU - Gum
MA - Maple
PE - Pecan
WA - Walnut
HI - Hickory

SUPPLEMENTAL RESIDENTIAL BUFFER YARD LANDSCAPING ALONG ABUTTING PROPERTIES

TOTAL LENGTH = 50 LINEAR FEET X 20 LINEAR FEET = 1000SQFT

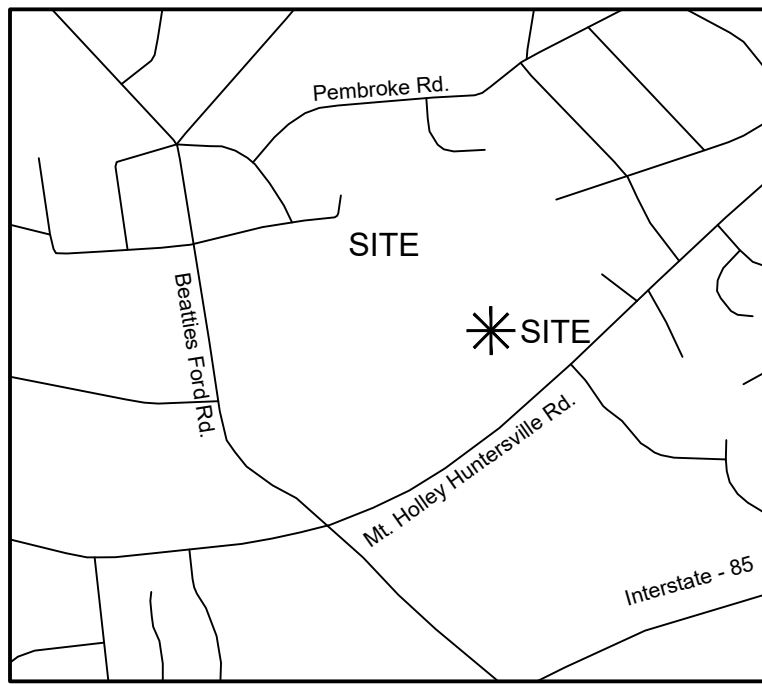


- 25% (1 TREE) EVERGREEN TREES PER 50LF
- 25% (1 TREE) CANOPY TREES PER 50LF (LARGE MATURING)
- 25% (1 TREE) UNDERSTORY TREES PER 50LF (SMALL MATURING)
- 10 SHRUBS PER 50LF

(NUMBER OF TREES & SHRUBS SHOWN MUST BE THE MINIMUM NUMBER PLANTED. TYPE & ACTUAL LOCATION MAY VARY.)
(EXISTING TREES AND SHRUBS CAN COUNT TOWARDS PLANTING REQUIREMENTS, AS LONG AS THEY MEET THE REQUIRED SIZE)

LEGEND

- 35' SWIM BUFFER
- 20' UNDISTURBED BUFFER
- 20' BUFFER WITH SUPPLEMENTAL PLANTING AS NECESSARY
- 20' REPLANTED BUFFER
- TREE SAVE AREA
- URBAN OPEN SPACE (UOS)
- 20' BUFFERS WITH REQUESTED MODIFICATION
- NR(CD) - CONDITIONAL ZONING NEIGHBORHOOD RESIDENTIAL DISTRICT
- R - RURAL DISTRICT (TO BE REZONED TO NR(CD))



VICINITY MAP - N.T.S.

Development Information: Phase 3

Project Name:	Oak Grove Hill Phases 1, 2, & 3 Construction Plans Huntersville, NC (Mecklenburg County)
Developer:	Bowman Bayard Bradford, LLC 13815 Cinnabar Place Huntersville, NC 28078
Tax I.D.:	01526443, 01526504, 01526506, 01526480 (Land Swap), 01526443, 01525432, 01526506, 01526443, 01526450, 01526455, 01526428, 01526429, 01526431
Property Owners of Record:	Buchanan, Beverly W.; Smith, Miriam W., H. Hoyle, C. Puckett
Zoning:	NR-CD
Acres:	45.12± ACRES = 1,965,427 SF
Building type:	Detached House (156 lots)
Build to Line:	
Minimum Lot Width:	SINGLE FAMILY 42'-50": FRONT: 10-25 FT. SIDE: 5 FT. CORNER: 10 FT. REAR: 25 FT. SINGLE FAMILY 51'-60": FRONT: 10-25 FT. SIDE: 5 FT. CORNER: 10 FT. REAR: 25 FT. SINGLE FAMILY 61'-93": FRONT: 10-25 FT. SIDE: 5 FT. CORNER: 10 FT. REAR: 25 FT. SINGLE FAMILY: 51 FT. SINGLE FAMILY: 42 FT. SINGLE FAMILY: 93 FT
Lot Width Range (Measured at Build-To line):	61-93 FT. 51-60 FT. 42-50 FT.
Lot Size Range:	SF: 65 Lots 91 Lots
5,000 SQ. FT. - 6,500 SQ. FT. 6,500 SQ. FT. - 11,500 SQ. FT.	

Open Space Table: Phase 3					
Urban Open Space			Common Open Space		
U.O.S.#	Area	Type	C.O.S.#	Area	Type
1	12,633 SF	Mini/Pocket Park	1	593,223 SF	COS
2	30,477 SF	Green	2	57,168 SF	Buffers
3	36,038 SF	Mini/Pocket Park			
Total	79,148 SF 1.82 Acres		Total	650,391 SF 14.93 Acres	

NOTE: REQUIRED ROAD IMPROVEMENTS

- NCDOT
- The TIA for this site was scoped by the Town of Huntersville and the Applicant. Huntersville required no improvements to adjacent roads. NCDOT specified improvements to the connection at Mount Holly - Huntersville Rd. as follows:
- A left and right turn lane to enter the site at the access point on Mt. Holly-Huntersville Rd, including 100' min storage and appropriate tapers
 - Widening of Carver avenue and Overhill Rd. from 16' to 20' along all site frontage.
 - Curb island at south east corner of intersection of Carver Ave. and Beatties Ford Rd.
 - Alley fed lots on Beatties Ford Rd, Carver Ave., and Overhill Rd will not be allowed a driveway or access to respective streets. Homes should be addressed to the alley behind the lots.
 - Lots fronting Overhill Rd will not be allowed to front load. They will only be allowed a shared driveway (this may be waived if Huntersville takes over maintenance of this street)
- CDOT
- Sketch Plan was submitted to CDOT for comments on Mt. Holly-Huntersville road intersection improvements. CDOT specified additional improvements as follows;
- Recommends a three (3) approach-lane section at Mt. Holly-Huntersville Road and Road C. This would include an 11' right-turn lane, 11' left-turn lane and a 13' receiving lane. This section to be carried to the first stub street.
 - Recommends a 12' Multi-use Path or buffered bike lane along frontage.
- (CDOT specified improvements to be shown on Construction Plans)

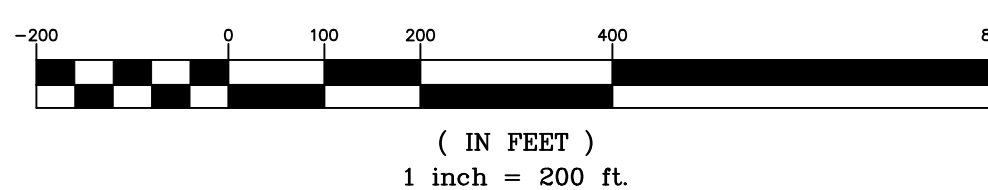
NOTE: APPROVAL FOR ENCROACHMENTS ONTO PIEDMONT NATURAL GAS EASEMENTS TO BE OBTAINED PRIOR TO APPROVAL OF CONSTRUCTION PLANS.

SITE TOPOGRAPHY & LOCATE FIELD RUN BY R. JOE HARRIS & ASSOCIATES, INC. SUPPLEMENTAL TOPOGRAPHY PROVIDED FROM MECKLENBURG COUNTY AERIAL TOPOGRAPHY (OFF-SITE).

THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD HAZARD ZONE AS DEFINED ON COMMUNITY PANEL 3710453800-K OF THE FLOOD INSURANCE RATE MAPS FOR MECKLENBURG COUNTY DATED 09-02-2015.

BOUNDARY SURVEY PROVIDED BY R. JOE HARRIS & ASSOCIATES, INC.
HORIZONTAL DATUM TIED TO NAD 83 AND VERTICAL DATUM BASED ON NAVD 88. CONTACT R. JOE HARRIS & ASSOCIATES, INC. FOR BENCHMARKS AND CONTROL INFORMATION.

GRAPHIC SCALE



ROAD NAME LENGTH

BUTTERNUT OAK TERR	2,432 LF
CARVER AVE.	1,551 LF
CHERRYBARK OAK LN	1,901 LF

ROAD BLOCK LENGTHS

BL 1 1,246'	BL 7 136'	BL 13 479'	BL 19 326'
BL 2 283'	BL 8 178'	BL 14 789'	BL 20 623'
BL 3 352'	BL 9 307'	BL 15 245'	BL 21 448'
BL 4 551'	BL 10 442'	BL 16 586'	BL 22 618'
BL 5 236'	BL 11 157'	BL 17 277'	BL 23 200'
BL 6 94'	BL 12 388'	BL 18 560'	

*In major subdivisions the dimension of blocks may not exceed 800 linear feet between cross streets.

ALLEY NAME LENGTH

PIN ALLEY	437LF
CHINKAPIN OAK ALLEY	184LF
OSAGE ORANGE ALLEY	626LF
SAWTOOTH OAK ALLEY	360LF
NUTTALL ALLEY	232LF

ALLEY BLOCK LENGTHS

AL 14 215'	AL 16 51'
AL 15 222'	AL 17 181'

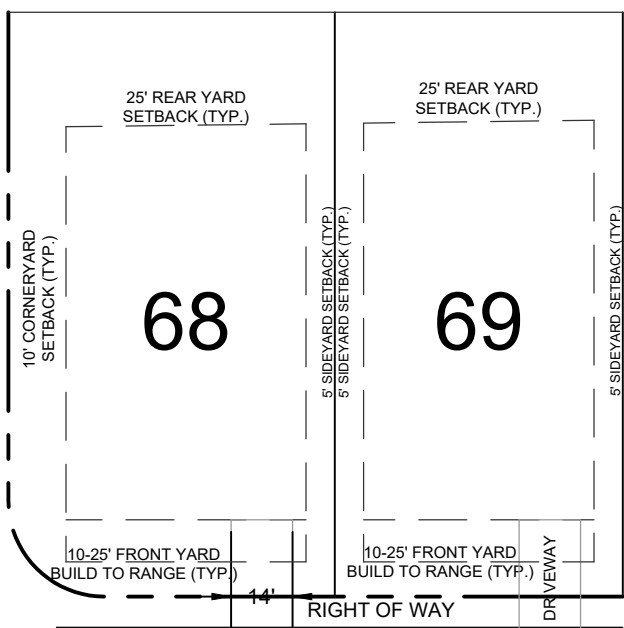
Parcel Line and Curve Table			
Line #/Curve #	Length	Bearing/Delta	Radius
C1	233.08	S 58° 11' 30" E	1489.60
C2	33.53	N 11° 30' 00" E	170.00
C3	71.27	S 76° 00' 00" E	532.88
C4	170.43	N 11° 30' 00" E	845.00
L1	137.83	S 70° 15' 02.81"W	
L2	81.41	S 70° 15' 02.81"W	
L3	128.99	N 31° 31' 24.74"W	
L4	44.12	S 64° 35' 27.67"W	
L5	60.54	N 6° 07' 20.97"W	
L6	200.13	S 81° 00' 10.39"W	
L7	273.43	S 81° 52' 53.75"E	
L8	184.38	N 79° 27' 40.55"E	
L9	109.25	S 9° 07' 07.48"E	
L10	186.97	N 79° 12' 35.09"E	
L11	223.70	N 79° 12' 35.09"E	
L12	269.43	N 1° 10' 17.70"W	
L13	343.27	N 86° 05' 36.20"W	
L14	263.13	S 80° 21' 33.24"W	
L15	103.01	N 36° 08' 11.61"W	
L16	43.55	N 36° 42' 08.24"W	

Parcel Line and Curve Table			
Line #/Curve #	Length	Bearing/Delta	Radius
L17	218.10	N 40° 39' 07.52"E	
L18	203.71	S 41° 29' 25.17"E	
L19	220.02	N 62° 30' 22.84"E	
L20	236.50	N 86° 02' 26.57"E	
L21	60.08	N 86° 02' 26.57"E	
L22	60.05	N 85° 59' 35.18"E	
L23	249.57	S 43° 00' 21.52"E	
L24	207.49	S 45° 01' 00.45"E	
L25	234.82	S 52° 51' 13.07"E	
L26	94.14	S 61° 08' 54.19"E	
L27	220.66	S 10° 58' 39.63"E	
L28	415.63	N 83° 29' 47.60"W	
L29	524.77	S 9° 49' 49.70"W	
L30	206.19	S 9° 37' 08.45"W	
L31	225.58	S 49° 52' 72"W	
L32	206.36	S 59° 52' 21"W	
L33	423.11	S 10° 10' 22.30"W	
L34	754.03	N 27° 17' 08.81"W	
L35	107.42	N 85° 10' 00.37"W	
L36	725.59	N 24° 45' 00.37"W	

Impervious Area Table

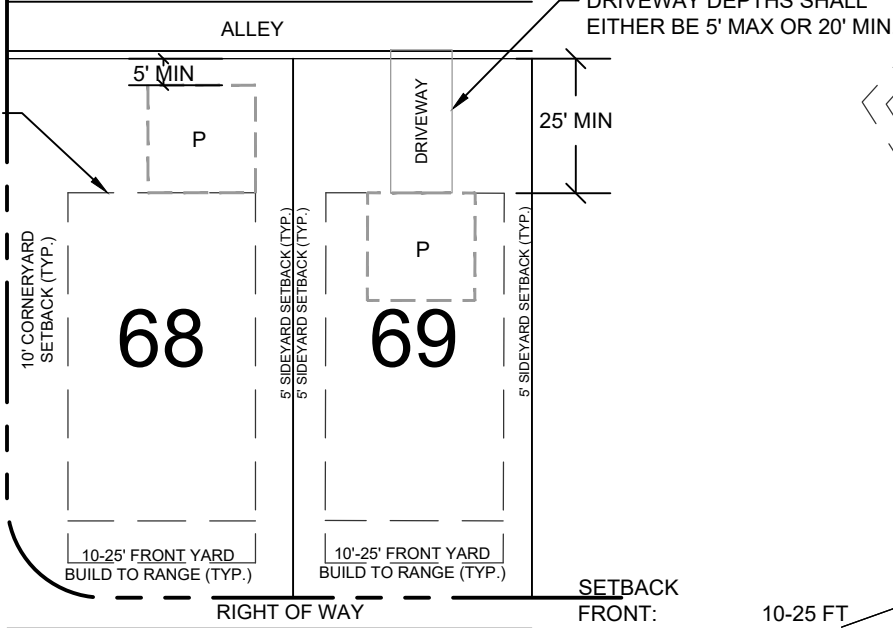
% Impervious Shown	Max. Allowable
13.72 Ac. (30.38%)	45.18 Ac. (100%)

NOTE: 1% or 150 sq/ft of impervious area per lot added to allow for addition of future impervious area by the homeowner/occupant.



LOT SETBACKS: FRONT LOAD

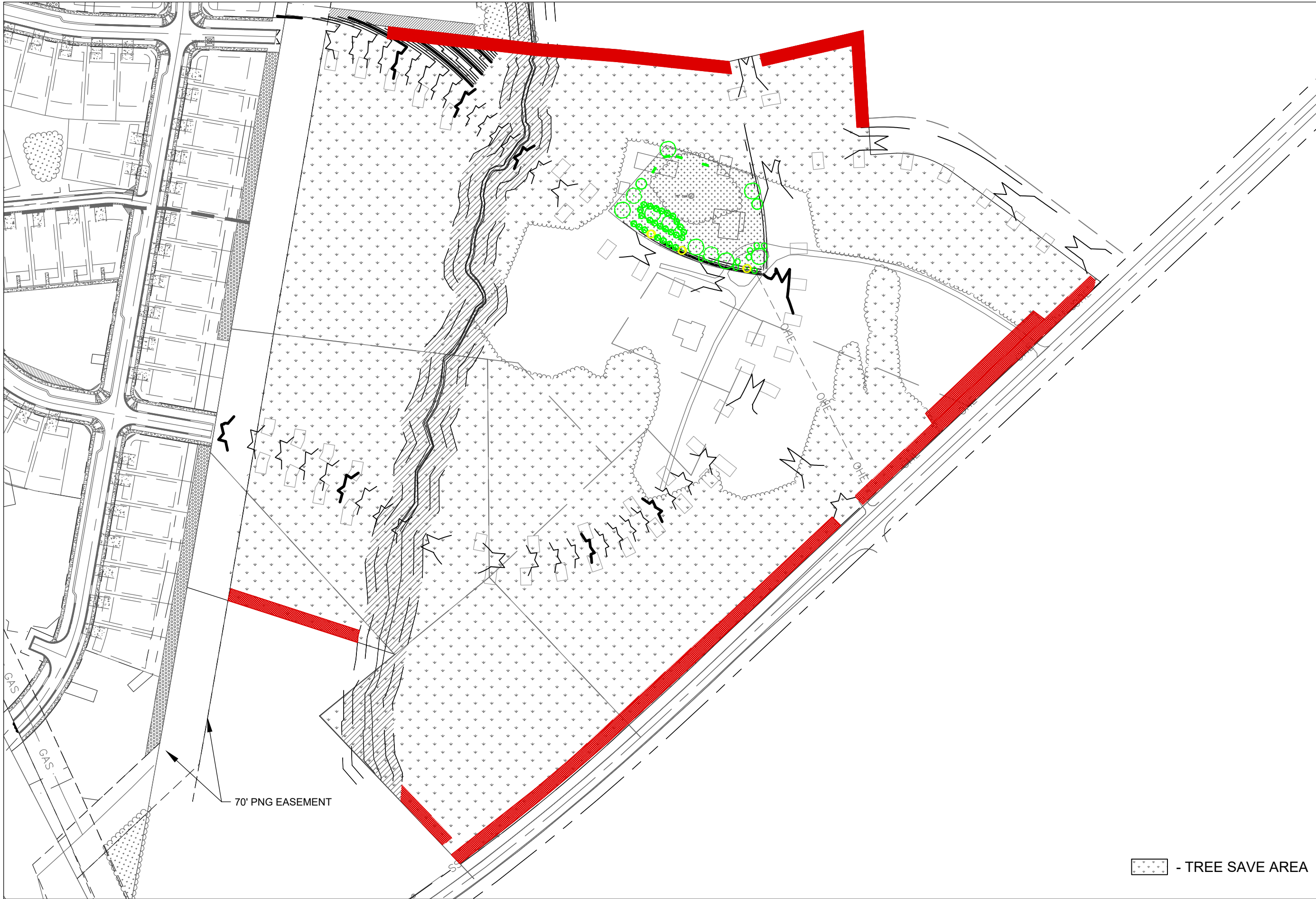
- Lots 60' wide or less shall have driveways no more than 14' wide as measured along the public streets ROW.
- Driveways shall extend a minimum of 20' from back of public ROW.



LOT SETBACKS: ALLEY ACCESS

- If placed more than 5' from rear alley curb, garage must be placed on site to have a minimum 20' Driveway.

Parcel Line and Curve Table			
Line #/Curve #	Length	Bearing/Delta	Radius
L37	155.28	S 81° 27' 26.90"W	
L38	208.14	N 6° 44' 16.11"W	
L39	367.53	N 79° 12' 35.09"E	
L40	17.74	N 11° 30' 00" E	
L41	100.95	N 79° 47' 38.78"E	
L42	52.62	S 91° 09' 24.98"E	
L43	208.84	S 85° 55' 35.48"E	
L44	424.81	N 83° 15' 25.30"W	
L45	359.58	S 0° 25' 51.55"E	
L46	450.72	S 42° 21' 15.28"E	
L47	201.10	N 50° 36' 40.56"E	
L48	362.86	S 43° 23' 19.44"E	
L49	158.90	N 50° 36' 40.56"E	
L50	364.61	N 43° 22' 29.44"W	



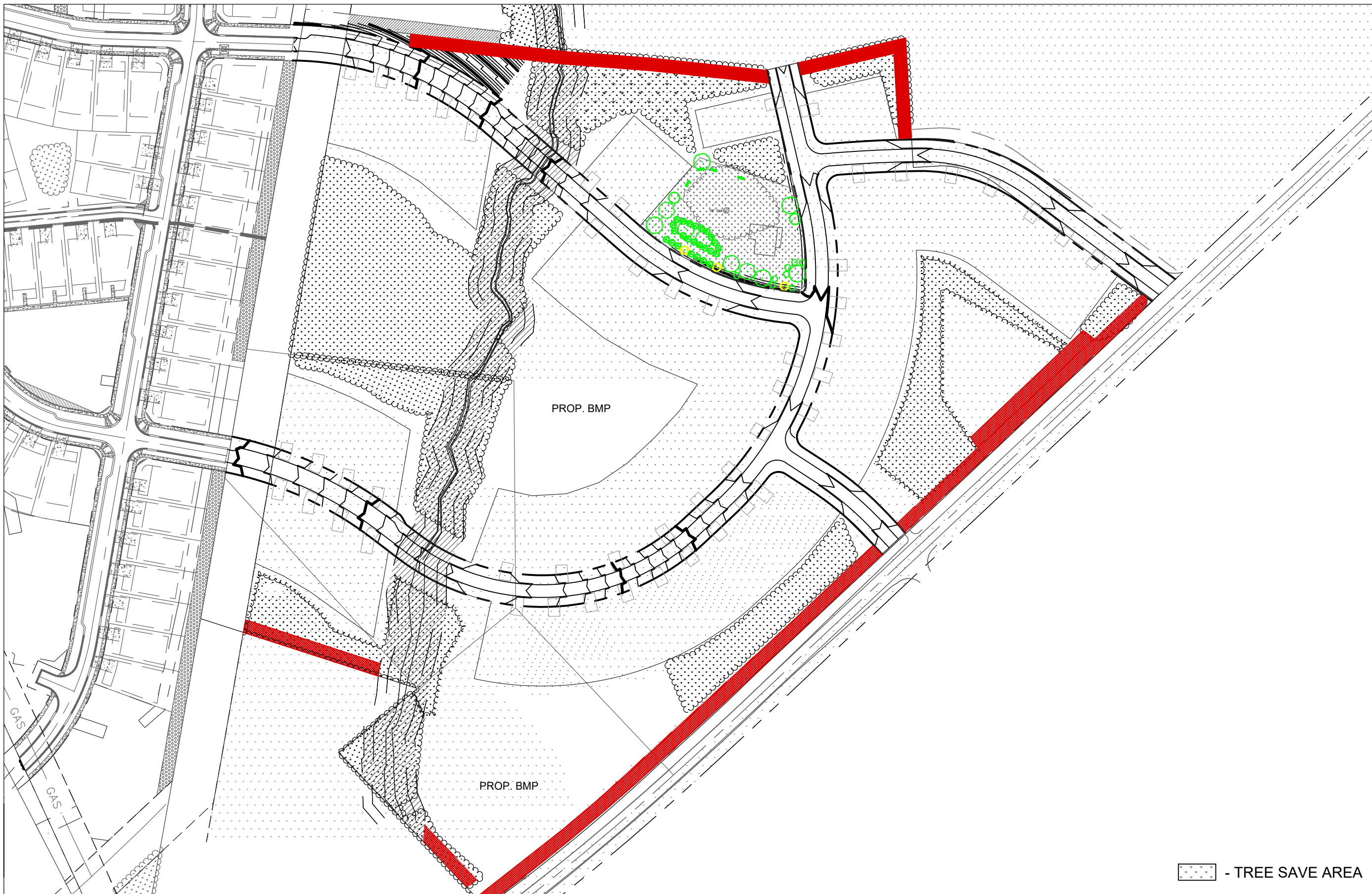
STEP 1: IDENTIFY OPEN SPACE

THE HATCHED AREAS REPRESENT THE OPEN SPACE. THE PROPOSED OPEN SPACE AREAS WILL CONTAIN CREEKS/STREAMS, STEEP SLOPES, NATURAL HARDWOODS, SPECIMEN TREES, OR REQUIRED LANDSCAPE BUFFER AREAS. AS MUCH OF THE OPEN SPACE IN THE EAST AND WEST PORTION OF THE SITE IS POTENTIAL OPEN SPACE.



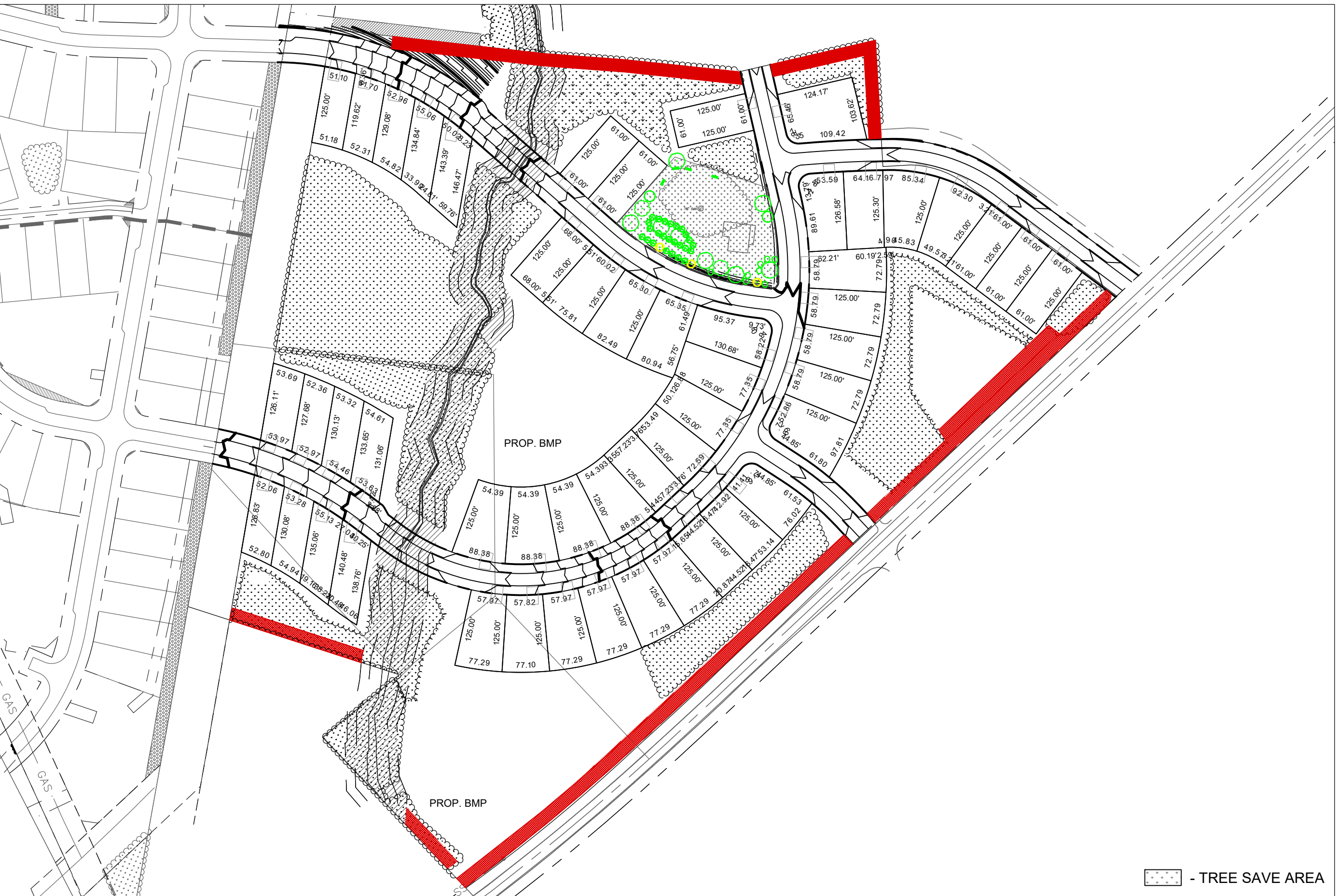
STEP 2: LOCATION OF HOUSE SITES

THE AREAS IDENTIFIED AS HOUSE SITES ARE LARGE, OPEN AREAS, THE HOUSE SITES AVOID THE STEEP SLOPES AND ARE PLACED ON GOOD TERRAIN. IN SOME AREAS, THE HOUSE SITES ARE PLACED WHERE THERE IS SOME EXISTING HARDWOOD TREES.



STEP 3: STREET AND LOT LAYOUT

BASED ON THE PREVIOUS TWO STEPS, A GENERAL ROAD AND LOT LAYOUT WAS CREATED. THE RESIDENTIAL ENTRY ROAD ENTERS FROM MT HOLLY-HUNTERSVILLE ROAD AT TWO POINTS AND LOOPS THROUGH THE MIDDLE OF THE SITE AND ATTACHES AS AN EXTENSION TO ANOTHER RESIDENTIAL SITE. THE LOCATION OF THE ENTRY ROADS WERE CHOSEN BASED ON THE VAST FIELD AREA AND MINIMAL SLOPING TOPOGRAPHY AND WITH THE PRESERVATION OF EXISTING TREES IN MIND. THE LOTS WERE LAID OUT TO AVOID THE EXISTING STREAMS, AND TOPOGRAPHY. BY USING THIS APPROACH, THE LOTS ARE PROPOSED ON THE MOST SUITABLE BUILDING SITES. THE STREAMS WILL NOT BE DISTURBED.



STEP 4: DRAWING LOT LINES

WE WERE ABLE TO CREATE 51 LOTS WITHIN THE BUILDABLE AREA. THE LOTS RANGE IN SIZE (NO SMALLER THAN 51' WIDE). THE LOTS LINES WERE DRAWN PERPENDICULAR TO THE ROADWAY THEY MEET TO ALLOW FOR VISUAL AESTHETICS WHEN DRIVING DOWN THE ROADS. THE VARYING LOT SIZES ALLOW FOR VISUAL APPEAL AND A LESS UNIFORM LOOKING RESIDENTIAL AREA.

DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1



Engineer:

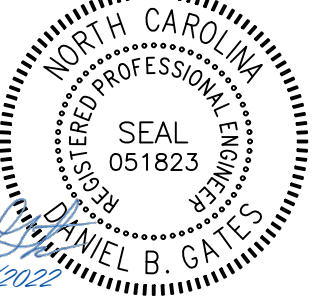


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Engineering • Land Surveying • Planning
Management

1100 Stonecrest Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

www.rjoeharris.com

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.

Corporate Seal	Engineer's Seal
	

Project Manager	Drawn
D. Gates	T. Alston
Department Manager	Checked
P. Murphy	D. Gates
Print/Plot Date	
November 23, 2022	
Asbuilt Drawn	Asbuilt Date
-	-
Client	
Carver Bowman, LLC 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	

Project:

Oak Grove Hill
Rezoning/Sketch Plan:
Phase 3

Drawing Title:

Four Step Process: Phase 3

Project No.	Drawing No.
5259	SP-12
DWG File Name:	
5259_Four Step Process	

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Specimen tree - A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- Large hardwood (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines) in good or better or better condition with a DBH of 24" or greater.
- Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
- Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Heritage tree - A tree that is listed in the North Carolina Big Tree List, the American Forest Association's Champion Tree list, the Mecklenburg County treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

Note: Urban open spaces shall include one or more of the following: landscaping, walks, seating, fountains, playground equipment, statues, etc. Materials used shall be a combination of brick pavers, stamped asphalt, stone, wrought iron, wood, crushed gravel or stone etc.

TREE PRESERVATION	
ZONING:	NR (CD)
ACREAGE:	28.26± ACRES
COVERED BY TREE CANOPY:	78.1%
TREE CANOPY PRESERVATION REQUIRED: 10%	±2.83 ACRES
TREE CANOPY PRESERVATION PROVIDED: 21.9%	±6.20 ACRES
NO. OF SPECIMEN TREES ON-SITE:	81
NO. OF SPECIMEN TREES SAVED:(Min. Req. 10%)	18 (Provided 22.2%)
NO. OF HERITAGE TREES ON-SITE:	1
NO. OF HERITAGE TREES SAVED:(Min. Req. 100%)	1 (Provided 100%)

TREE LEGEND

- TR - Tree

EL - Elm

BE - Beach

P - Pine

PO - Poplar

OA - Oak
- GU - Gum

MA - Maple

PE - Pecan

WA - Walnut

HI - Hickory

TREE CANOPY MITIGATION

Large maturing trees required for tree canopy mitigation = 150 sqft
 =Nos.

- Trees planted as tree canopy mitigation shall be a minimum of 2" in caliper and 25% shall be evergreens
- Mitigated trees to be placed 40' on center

CONSTRAINING FEATURES

ZONING:	R
ACREAGE:	28.26± ACRES
SWIM BUFFER	2.28± ACRES
TREE COVERAGE:	20.94± ACRES
SLOPE ANALYSIS: (% OF SITE AREA)	
0% - 10%	18.04 ACRES (63.64%)
10% - 15%	5.38 ACRES (19.04%)
15% - 25%	4.55 ACRES (16.10%)
25% - 100%	0.29 ACRES (1.03%)

Soil Hydrologic Groups: (% of site area)	
ZONING:	R
ACREAGE:	28.26± ACRES
Group A	0
Group B	24.4± ACRES(86.34%)
Group C	3.86± ACRES (13.66%)
Group D	0± ACRES (0%)
Group B/D	0± ACRES (0%)

EXISTING DATA:

FEMA Panel: 3710453800K

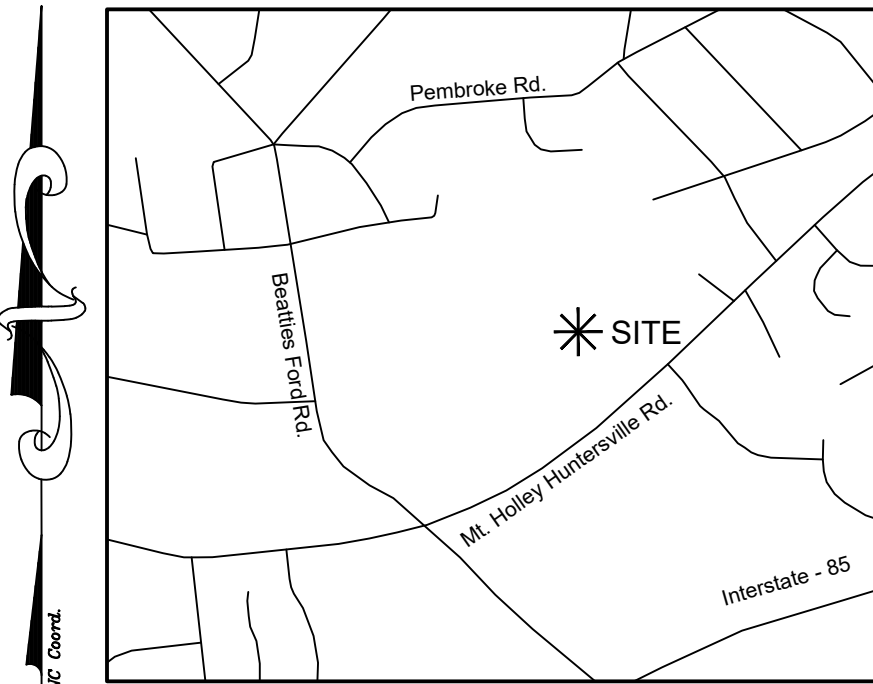
Watershed: Long Watershed

Soil Types:	CeB2 - Cecil sandy clay loam, 2 to 8 percent slopes	55.6%
	CeD2 - Cecil sandy clay loam 8 to 15 percent slopes	6.5%
	EnB - Enon sandy loam, 2 to 8 percent slopes	7.7%
	EnD - Enon sandy loam, 8 to 15 percent slopes	4.9%
	PaE - Pacolet sandy loam, 15 to 25 percent slopes	24.5%
	VaB - Vance sandy loam, 2 to 8 percent slopes	0.7%

Slopes Table				
Number	Min. Slope	Max. Slope	Area	Color
1	25.00%	100.00%	187966.40	■

Impervious Area Table	
% Impervious Shown	Max. Allowable
12.65 Ac. (22.74%)	55.63 Ac. (100%)

NOTE: 1% or 150 sqft of impervious area per lot added to overall to allow for addition of future impervious area by the homeowner/occupant.



VICINITY MAP - N.T.S.

LEGEND

S.W.I.M Buffer

- 30' Post Construction Buffer

DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1



Engineer:



R. Joe Harris & Associates, Inc.
 Engineering • Land Surveying • Planning
 Management

1188 Stonerock Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

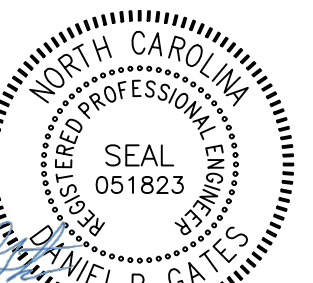
www.rjoeharris.com

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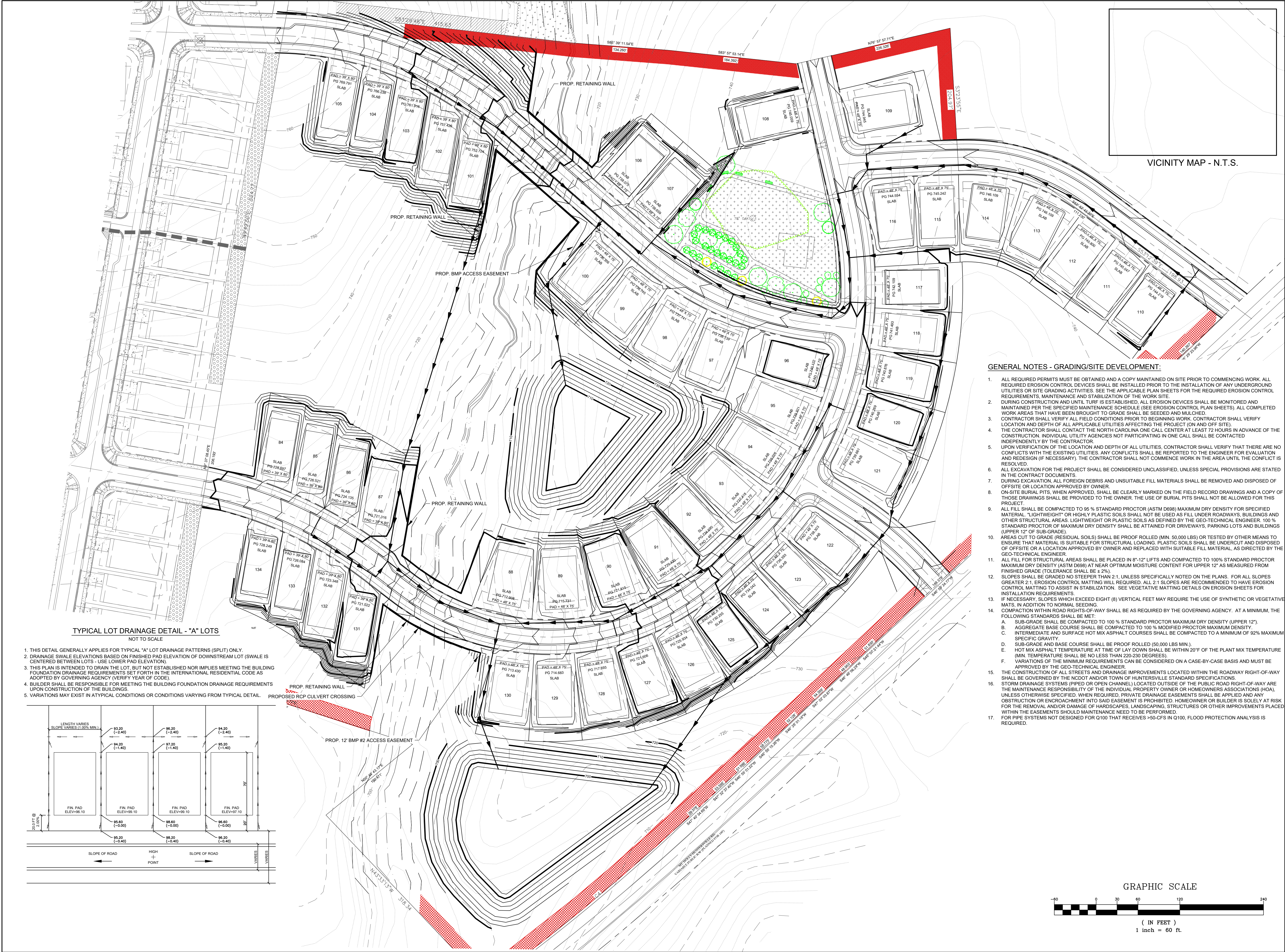
Corporate Seal



Engineer's Seal



Project Manager D. Gates	Drawn T. Alston
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date November 23, 2022	
Asbuilt Drawn -	Asbuilt Date -
Client Carver Bowman, LLC 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project: Oak Grove Hill Rezoning/Sketch Plan: Phase 3	
Drawing Title: Existing Conditions: Phase 3	
Project No. 5259 DWG File Name: 5259_Existing Conditions	Drawing No. EX-5



DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1

Engineer:

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Management

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Corporate Seal

Engineer's Seal

Project Manager	Drawn
D. Gates	J. Vavrina
Department Manager	Checked
P. Murphy	D. Gates
Print/Plot Date	
November 23, 2022	
Asbuilt Drawn	Asbuilt Date
-	-
Client	
Carver Bowman, LLC 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project:	
Oak Grove Hill Rezoning/Sketch Plan: Phase 3	
Drawing Title:	
Grading Plan: Phase 3	
Project No.	Drawing No.
5259	
DWG File Name:	
5259 - Grading	GP-5

TREE LEGEND

TR	- Tree	GU	- Gum
EL	- Elm	MA	- Maple
BE	- Beach	PE	- Pecan
P	- Pine	WA	- Walnut
PO	- Poplar	HI	- Hickory
OA	- Oak		

Open Space Table				
Urban Open Space			Common Open Space	
U.O.S #	Area	Type	C.O.S #	Area
1	12,633 SF	MiniPocket Park	1	593,223 SF
2	30,477 SF	Green	2	57,168 SF
3	36,038 SF	MiniPocket Park		
Total	79,148 SF		Total	650,391 SF
	1.82 Acres			14.93 Acres

TREE PRESERVATION

ZONING:	NR (CD)
ACREAGE:	28.26± ACRES
COVERED BY TREE CANOPY:	78.1%
TREE CANOPY PRESERVATION REQUIRED: 10%	±2.83 ACRES
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TREE PRESERVATION

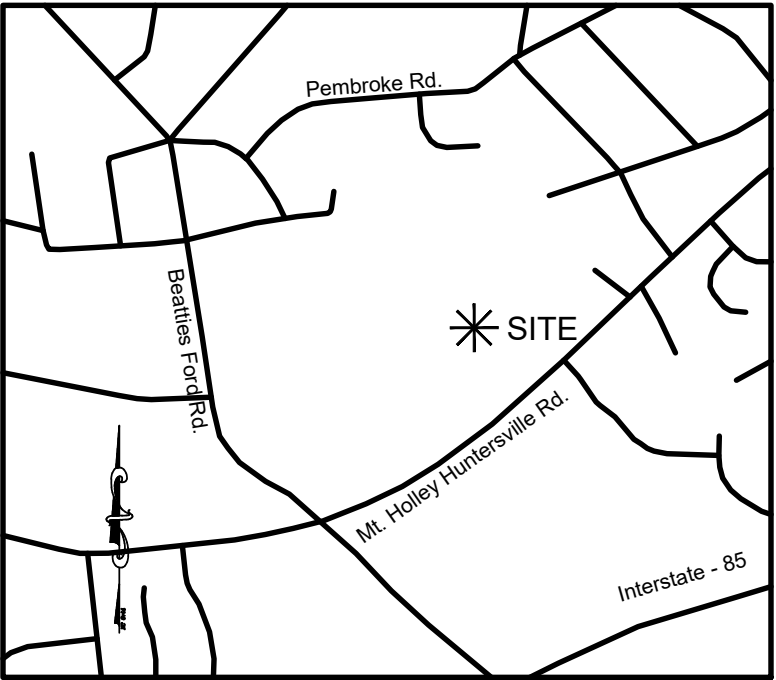
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- Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
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Note: Urban open spaces shall include one or more of the following: landscaping, walks, seating, fountains, playground equipment, statues, etc. Materials used shall be a combination of brick pavers, stamped asphalt, stone, wrought iron, wood, crushed gravel or stone etc.

Note: Yard Trees will be planted as to not conflict with street trees.

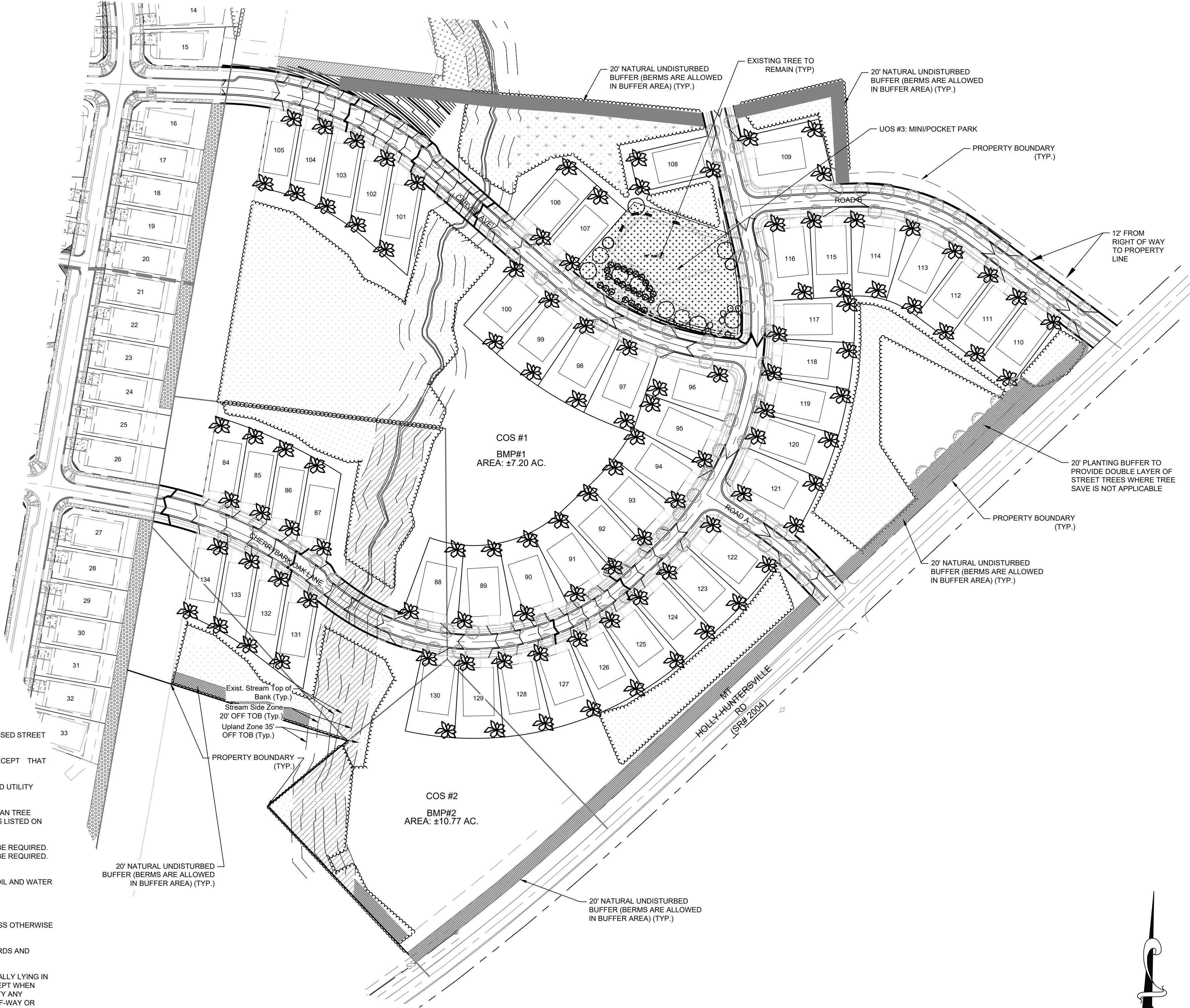


VICINITY MAP - N.T.S.

LEGEND

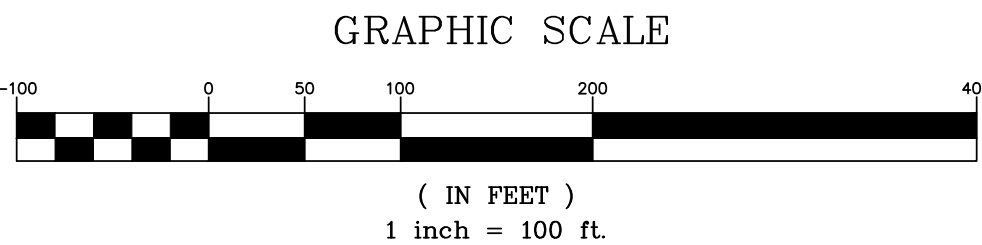
- 35' S.W.I.M BUFFER
- 30' Post Construction Buffer
- 20' Natural Buffer (1.05 Acres total)
- Urban Open space
- Tree Save space
- 125 LARGE MATURING TREES (40' OC)
- 105 RED MAPLE LOT TREES
- EXISTING SPECIMEN TREE

LOT TREES		
SQ.FT. :	LOT NUMBER :	LOT TREES REQUIRED:
LESS THAN 10,000 :	84-108; 110-120; 122-134	1 FRONT & 1 REAR
10,000 - 15,000 :	109; 121	1 FRONT & 2 REAR
APPROVED LOT TREES: RED MAPLE, SUGAR MAPLE, COMMON HACKBERRY, WHITE ASH, SCARLET OAK, SOUTHERN RED OAK, OVERCUP OAK, WILLOW OAK, NORTHERN RED OAK, EASTERN RED OAK, SHUMARD OAK, LACEBARK ELM, JAPANESE ZELKOVA (SEE TOWN OF HUNTERSVILLE TREE LIST FOR COMPLETE APPROVED LIST)		



LANDSCAPING NOTES (PER TOWN OF HUNTERSVILLE):

- STREET TREES ARE REQUIRED TO BE WITHIN A MINIMUM 7-FOOT PLANTING STRIP LOCATED BETWEEN THE PROPOSED STREET AND PROPOSED SIDEWALK. PLANTING SHALL BE PROVIDED AS FOLLOWS:
A) LARGE MATURING CANOPY TREES SHALL BE PLANTED AT A SPACING NOT TO EXCEED 40-FEET ON CENTER EXCEPT THAT SPACING MAY BE ALTERED SLIGHTLY TO ACCOMMODATE DRIVEWAYS.
B) SMALL MATURING "CANOPY-LIKE" TREES SHALL BE PLANTED 30-FEET ON CENTER WHERE EXISTING OVERHEAD UTILITY LINES PROHIBIT THE USE OF LARGE MATURING CANOPY TREES.
- NEW TREES SHALL BE REQUIRED WITHIN EACH RESIDENTIAL LOT. IN ORDER TO MAINTAIN OR REPLENISH THE URBAN TREE CANOPY IN AREAS OF NEW RESIDENTIAL SUBDIVISION, EACH LOT SHALL PROVIDE AN APPROVED CANOPY TREE AS LISTED ON THE TOWN OF HUNTERSVILLE TREE AND SHRUB LIST. (SEE LOT SIZE CHART THIS PAGE)
FOR LOTS LESS THAN 10,000 SQ. FT., 1 FRONT YARD AND 1 REAR YARD CANOPY TREE SHALL BE REQUIRED.
FOR LOTS BETWEEN 10,000 SQ. FT. AND 15,000 SQ. FT., 1 FRONT YARD AND 2 REAR YARD CANOPY TREES SHALL BE REQUIRED.
FOR LOTS BETWEEN 15,000 SQ. FT. AND 20,000 SQ. FT., 2 FRONT YARD AND 2 REAR YARD CANOPY TREES SHALL BE REQUIRED.
FOR LOTS MORE THAN 20,000 SQ. FT., 3 FRONT YARD AND 3 REAR YARD CANOPY TREES SHALL BE REQUIRED.
- ALL REQUIRED PLANTINGS SHALL BE INSTALLED IN A MANNER THAT INSURES THE AVAILABILITY OF SUFFICIENT SOIL AND WATER FOR HEALTHY GROWTH AND THAT IS NOT INTRUSIVE TO ABOVEGROUND AND UNDERGROUND UTILITIES
- ALL STREET TREES MUST BE FROM THE "TOWN OF HUNTERSVILLE TREE AND SHRUB LIST."
- ALL TREES SHALL BE A MINIMUM OF 2-INCHES IN CALIPER AND 8-FEET IN HEIGHT AT THE TIME OF PLANTING, UNLESS OTHERWISE SPECIFIED.
- INSTALLATION OF TREES AND SHRUBS SHALL COMPLY WITH THE TOWN OF HUNTERSVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL.
- EVERY REASONABLE EFFORT SHALL BE MADE TO PROTECT AND RETAIN EXISTING TREES AND SHRUBS NOT ACTUALLY LYING IN PLANNED ROADWAYS, DRAINAGEWAYS, BUILDING FOUNDATION SITES AND CONSTRUCTION ACTIVITY AREAS. EXCEPT WHEN NECESSARY TO PROVIDE ACCESS TO A SITE OR TO INSURE THE SAFETY AND SECURITY OF PEOPLE AND PROPERTY ANY EXISTING HEALTHY TREES THAT ARE EIGHT INCHES OR GREATER IN CALIPER, LOCATED WITHIN A PUBLIC RIGHT-OF-WAY OR UNDEVELOPED REQUIRED YARD SHALL BE RETAINED UNLESS APPROVED FOR REMOVAL BY STAFF DURING PLAN REVIEW.
- TREES SHOULD NOT BE PLANTED: WITHIN 40' OF THE CURB RETURN.
WITHIN 10' FROM DRAINAGE STRUCTURES.
WITHIN 40' OF RADIUS RETURN AT AN INTERSECTION.
AT OR IN A STORM DRAINAGE EASEMENT.
ON TOP OF STORM DRAIN LINE.
WITHIN SIGHT DISTANCE.
- ALL LOT TREES AS PER SECTION 7.7 (STREET TREES AND INTERNAL LANDSCAPING) OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE. EXISTING SPECIMEN TREES TO BE USED IN LIEU OF NEW PLANTINGS (AS APPROVED BY TOWN OF HUNTERSVILLE).
- AS THE REMAINDER OF THE THOROUGHFARE IS BUILT, DOUBLE ROW OF TREES AND SIDEWALKS WILL BE REQUIRED.



DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1



Engineer:

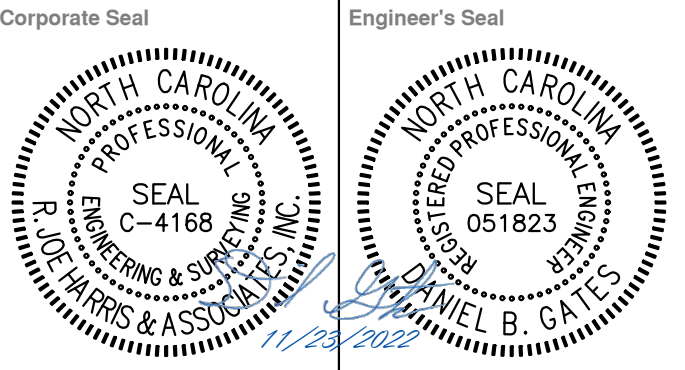


R. Joe Harris & Associates, Inc.
Engineering • Land Surveying • Planning
Management

1180 Stonecrest Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

www.rjoeharris.com

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Project Manager D. Gates	Drawn T. Alston
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date November 23, 2022	

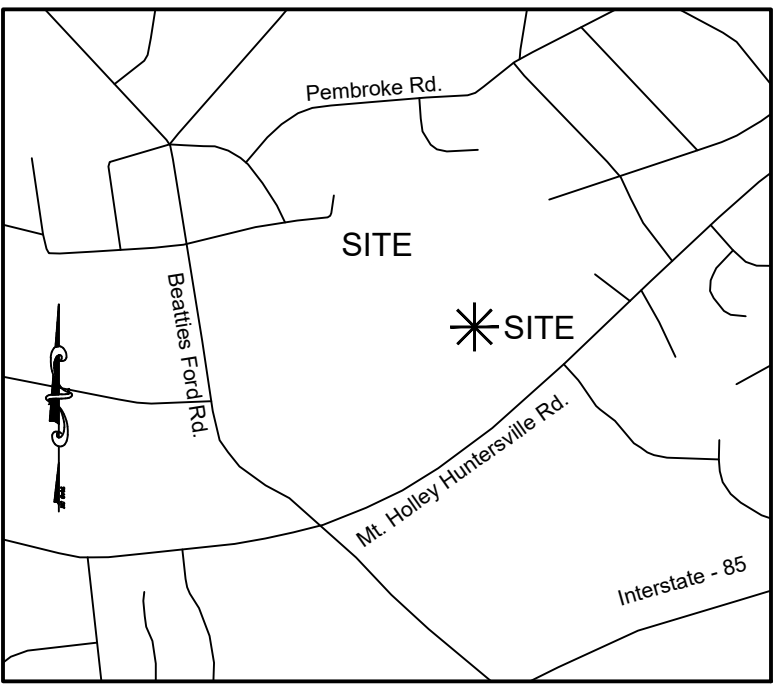
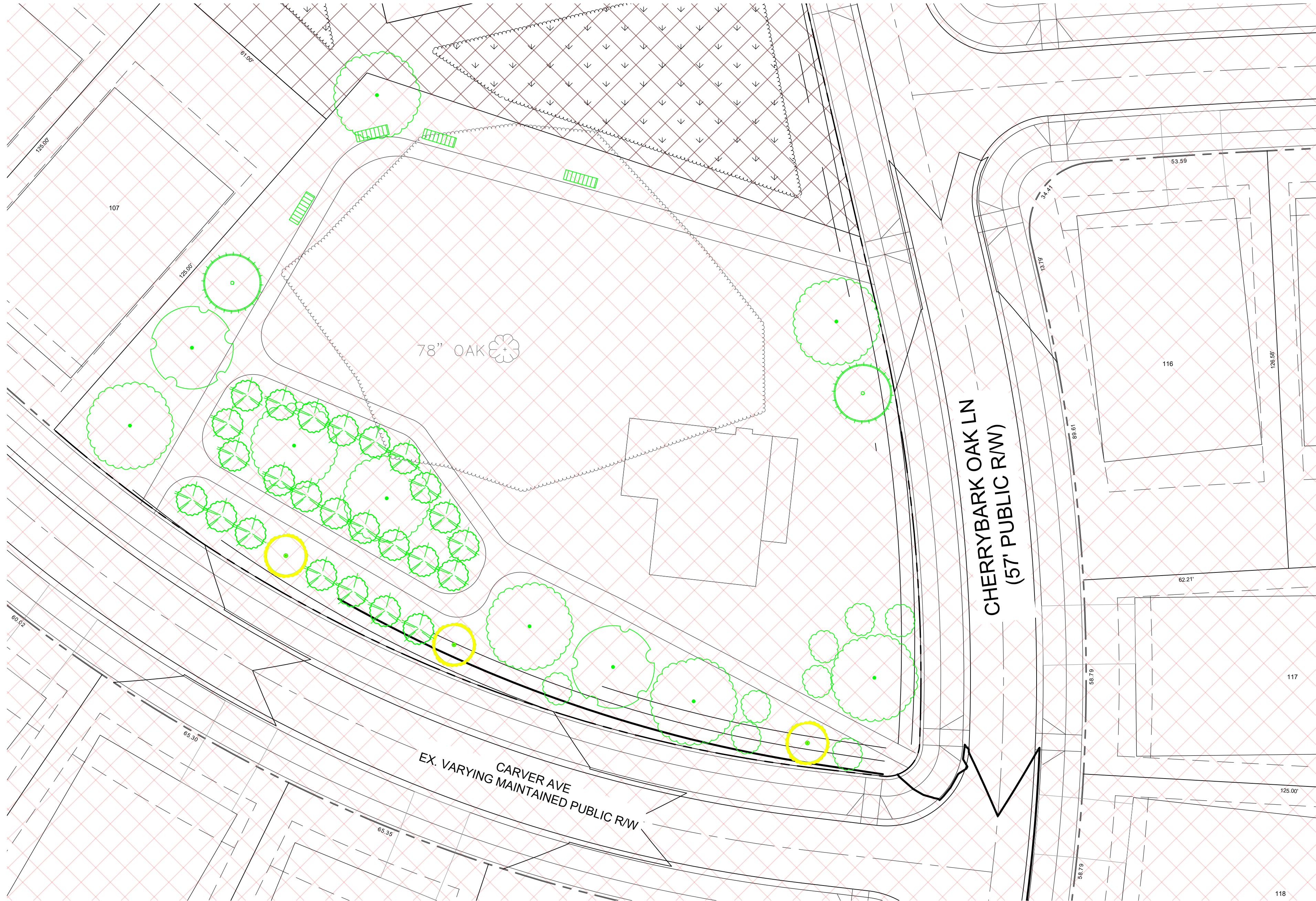
Asbuilt Drawn -	Asbuilt Date -
Client	

Carver Bowman, LLC
13815 CINNABAR PLACE
HUNTERSVILLE, NC 28078
P: (704) 875-9704

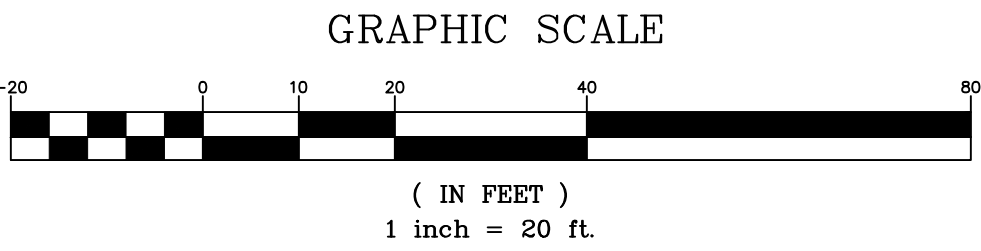
Project:
Oak Grove Hill
Rezoning/Sketch Plan:
Phase 3

Drawing Title:
Landscape

Project No. 5259 DWG File Name: 5259 Landscape Plan	Drawing No. LP-5
--	---------------------



VICINITY MAP - N.T.S.



LEGEND

- RESIDENTIAL LOT TREE
- LARGE MATURING TREES (40' OC)
- LIVE OAK
- NUTTALL OAK
- RED CEDAR
- CRYPTOMERIA
- LITTLE GEM MAGNOLIA
- WAX MYRTLE
- LOROPETALUM
- PARK BENCH
- STREET LIGHT
- STOP SIGN
- STREET SIGN
- SPEED LIMIT SIGN



SEATING BENCH
PROVISION OF SEATING BENCH UNDER/NEAR
ARBOR/PERGOLA AND MAY CONSIST OF THE FOLLOWING
MATERIALS:

- TREATED WOOD/TIMBERS
- ALUMINUM OR CAST IRON/STEEL
- COMPOSITE MATERIALS
- DURABLE PLASTICS

Open Space Table					
Urban Open Space			Common Open Space		
U.O.S #	Area	Type	C.O.S #	Area	Type
1	12,633 SF	Mini/Pocket Park	1	593,223 SF	COS
2	30,477 SF	Green	2	57,168 SF	Buffers
3	36,038 SF	Mini/Pocket Park			
Total	79,148 SF 1.82 Acres		Total	650,391 SF 14.93 Acres	

UOS Totals				
ITEM	UOS #1	UOS #2	UOS #3	TOTAL
LIVE OAK	0	5	8	13
NUTTALL OAK	0	4	2	6
RED CEDAR	15	0	0	15
CRYPTOMERIA	0	9	2	11
LITTLE GEM MAGNOLIA	0	3	3	6
WAX MYRTLE	9	11	25	45
LOROPETALUM	12	15	8	36
PARK BENCH	0	3	4	7
GAZEBO	1	0	0	1

DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1



Know what's below.
Call before you dig.

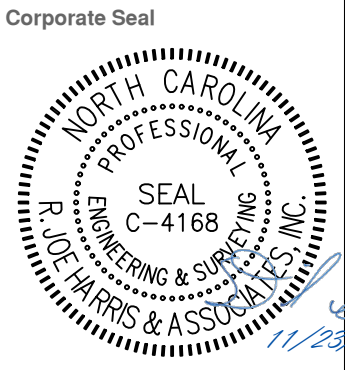
Engineer:



R. Joe Harris & Associates, Inc.
Engineering • Land Surveying • Planning
Management
1166 Stoneroot Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

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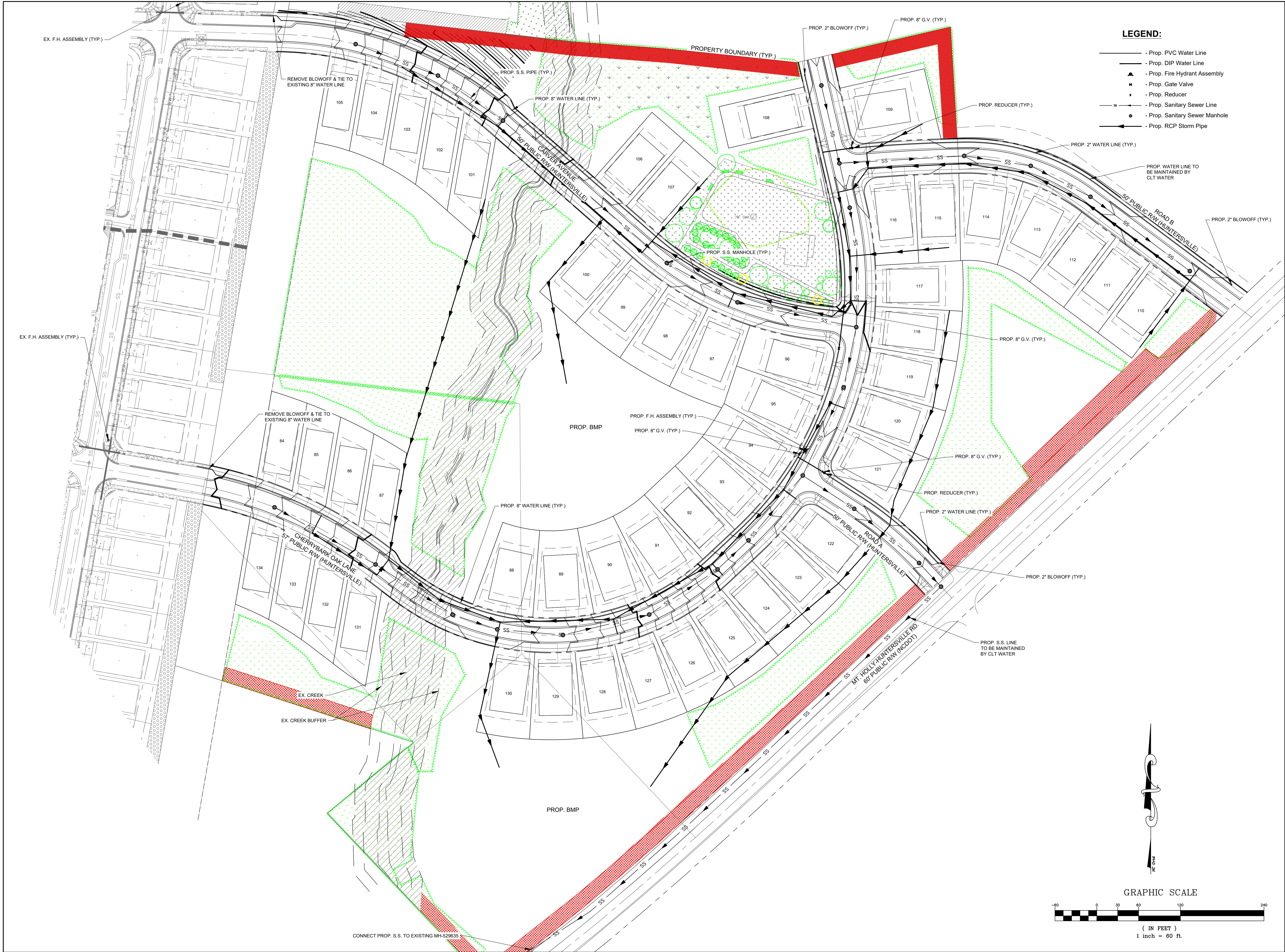


CORPORATE SEAL
R. JOE HARRIS & ASSOCIATES, INC.
SEAL
C-4168



ENGINEER'S SEAL
DANIEL B. GATES
SEAL
051823
11/23/2022

Project Manager D. Gates	Drawn T. Alston
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date November 23, 2022	
Asbuilt Drawn -	Asbuilt Date -
Client Carver Bowman, LLC 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project: Oak Grove Hill Rezoning/Sketch Plan: Phase 3	
Drawing Title: UOS-Design	
Project No. 5259 DWG File Name: 5259_Site-Phase 3	Drawing No. LP-6



DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1



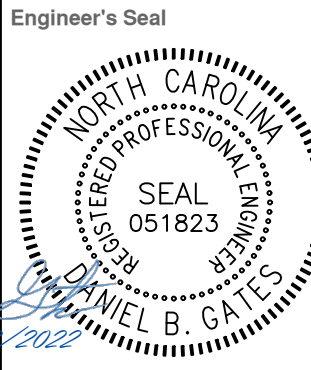
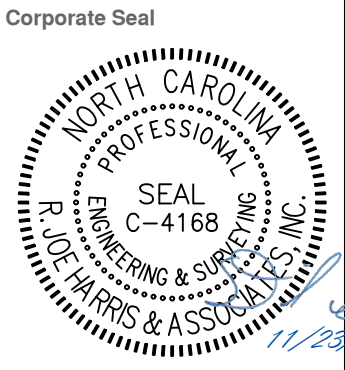
Engineer:



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1100 Stonecrest Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

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Project Manager
D. Gates

Department Manager
P. Murphy

Print/Plot Date
November 23, 2022

Asbuilt Drawn
-

Client
Carver Bowman, LLC
13815 Cinnabar Place
Huntersville, NC 28078
P: (704) 875-9704

Drawn
T. Alston

Checked
D. Gates

Asbuilt Date
-

Project:

Oak Grove Hill Sketch Plan

Drawing Title:

Utility Plan

Project No. 5259	Drawing No. UT-1
DWG File Name: 5259 - Utilities	

Oak Grove Hill
Neighborhood Meeting
1/11/2023
6:00 pm
Huntersville Cultural and Arts Building

Introductions

Bowman Development: Nate Bowman, Whitney Hodges

RJ Harris Engineering: Daniel Gates

Town of Huntersville: David Peete, Lauren Speight

Description of project

Bowman Development went over the highlights of the plan (site plan attached). Of note:

- Original Oak Grove Hill is at least nine months from starting. Lots will not be ready until April, and housing construction will begin shortly after. DR Horton is the builder.
- Wanted to solve a traffic problem
 - Added an additional property now known as Phase 3
- Open Space exceeds requirements

Questions:

Rhynes S:

Who was notified? He had a neighbor that did not receive a letter. Mr. Peete answered the question that notifications were sent based on the ordinance which is 200' from the property line. (Later in the meeting it was verified that the neighbor had been notified).

What was the State's rationale for lining up the road with Sheltonham Way? Mr. Gates responded that NCDOT prefers to line up cross streets to create a full movement intersection. It creates fewer conflict points. Widening for road improvements will occur all to the development side.

Unidentified person:

Will there be a red light at Sheltonham Way and Mt. Holly-Huntersville Road? Answer: Not at this time. That is a decision for NCDOT or CDOT.

Weir:

Why is there not a cul-de-sac at the larger lots? The plan shows a street stub. Mr. Bowman answered it is not a town connectivity policy. Mr. Peete expanded. She asked why other stub decisions were made. Mr. Peete explained the easement constraints and surrounding developments.

Rhynes, S:

Where is sewer and water for Mt. Holly-Huntersville? Mr. Gates explained where and how these extensions would occur.

Barney:

How far up the creek will this line go? Mr. Bowman said we are not at that point in the process. We are getting closer to Westminster, which will help if the septic fails. Also, explained how Charlotte Water extends sewer lines within 1000'.

What is the lot average? Answer: 8,000 sq ft., 1/5 of an acre.

Wier:

Has DR Horton changed the price point? Mr. Bowman stated that we do not control price and gave community anecdotes

Wallace:

Shared concerns about trees. Mr. Bowman stated we will be saving as many trees in the buffers and will be saving trees in the tree save areas. She wanted maples verses willow oaks.

Are the powerlines underground? Yes

Rhynes ,G:

Still has concerns about the functionality Sheltonham Way. Mr Gates will send the NCDOT regulations. She asked about traffic lights or caution lights. NCDOT has warrants that would have to be met. Further Mr. Peete explained that CDOT controls Mt. Holly-Huntersville Rd

Weir:

What are the plans for "5 points" intersection in regards to traffic mitigation? Mr. Bowman suggested contacting Stephen Trott for the Capital Improvement Project list, which is also found on the website.

Rahlfino (sp?):

What is the span of the creek? What will you put in? Mr. Bowman stated that whatever the Town requires will be installed. Mr. Gates also stated that water studies on the two creeks will be done with the construction plans.

Brooks, Jane:

When would the RI/RO construction start? Mr. Bowman stated that construction for this phase would likely begin at the end of 2023 to the start of 2024.

McElroy:

Who maintains the buffers? Mr. Bowman stated the HOA will eventually take over. If there issue right now, call Nate.

Brooks, Jason:

Concerned about his father's property. Mr. Gates stated that there will be a 4' median in the center of the road on the existing road. There is a very small chance we might have to ask for ROW to provide better ditches per NCDOT, but we are trying to stay on our side. More information will be known at the construction phase of this project.

Dickerson:

Explained the road improvements on BFR. Was there a TIA required? Answer: No. Traffic counts did require some improvements.

Will there be a buffer along the roads? Answer: Yes. Mr. Bowman stated we plan to leave the trees and plant to supplement the 50' buffer.

Will it be a nice entrance? Yes, to both entrances will have enhanced landscaping.

Wallace:

Do they require a left turn lane into the neighborhood on Harris Blvd? Yes.

Next Steps to the Public Process

Mr. Pete explained next steps for the rezoning process.

The meeting ended at 6:45 pm.



OAK GROVE HILL

HUNTERSVILLE, NC

NEW OVERALL PLAN

+/- 66.45 ACRES

156 LOTS

2.35 UNITS PER ACRE

OPEN SPACE 32.15 ACRES (48%)

SIGN IN SHEET

[illegible]

BOWMAN DEVELOPMENT GROUP

R 22-05 OAK GROVE HILL NEIGHBORHOOD MEETING MINUTES

The meeting began at 6:00 pm at the Huntersville Cultural Arts Center, 109 S. Old Statesville Road.

In attendance were David Peete, Principal Planner (Town of Huntersville, and Drew Bowman and Whitney Hodges (Bowman Development Group). There was no public in attendance.

Notifications were sent on January 31, 2023. Letter, maps, and mailing list are attached to these minutes.



Planning Services

4421 Stuart Andrew Blvd.

Charlotte, NC 28217

Phone: 980-343-6246

Email: planning@cms.k12.nc.us

Town of Huntersville: Phase 3 - Oak Grove Hill - Update

IMPACT OF THE PROPOSED DEVELOPMENT

Proposed Housing Units: 51 single family detached

CMS Planning Area: North

Average Student Yield per Unit: 0.5118 (single family detached) =

This development may add 26 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>
LONG CREEK ELEMENTARY	36.00	39	496	537	92%	10	95%
FRANCIS BRADLEY MIDDLE	57	53	1075	1000	108%	7	108%
HOPEWELL HIGH	99.0	100	1809	1827	99%	9	99%

The total estimated capital cost of providing the additional school capacity for this new development is \$259,000; calculated as follows:

Middle School: $7 \times \$37,000 = \$259,000$

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.

#037 White Oak (Quercus alba)

This White Oak stands by an original farmhouse built over 220 years ago. The tree was planted before the construction of the house and stands in a row of other extremely large White Oaks. These Oaks likely lined a pasture and provided a large amount of shade for those operations. The property has been in the same family for hundreds of years, although some of the surrounding land has been sold off over the years. The man in the original photo is the current homeowner, photographed in 1992! The owner noted that Hurricane Hugo (1989) damaged every single tree on the property except for this Treasure Tree.

Statistics (1992//2020)

- **Circumference (In.):** 190"/127"
- **Height (Ft.):** 90'/92'
- **Avg. Crown Spread (Ft.):** 110'/130'
- **Total Points:** 316/342

More Information

- **Nominated By:** Hoyt Hamilton
- **Year Added:** 1992
- **Owned By:** Hoyt and Carol Hamilton
- **Current condition:** Good
- **Neighborhood:** Mountain Island
- **Property Type:** Private Home



**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: David Peete, Principal Planner

Date: February 20, 2023

Subject: Conduct public hearing on Petition #R23-04

EXPLAIN REQUEST:

Conduct public hearing on Petition #R23-04, Oak Grove Hill - REVISION, a request by Carver Bowman, LLC to remove +/- 6.89-acres generally located north of Mt. Holly-Huntersville Road, east of Beatties-Ford Road and south of Pembroke Road from the existing Oak Grove Hill Neighborhood Residential - Conditional District. The removal of the 6.89-acres is contingent upon approval of R22-05, a proposed revision to Oak Grove Hill CD-Rezoning for an overall 161-lot subdivision (see R22-05); (Parcel #s 015254432 & 01526450).

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

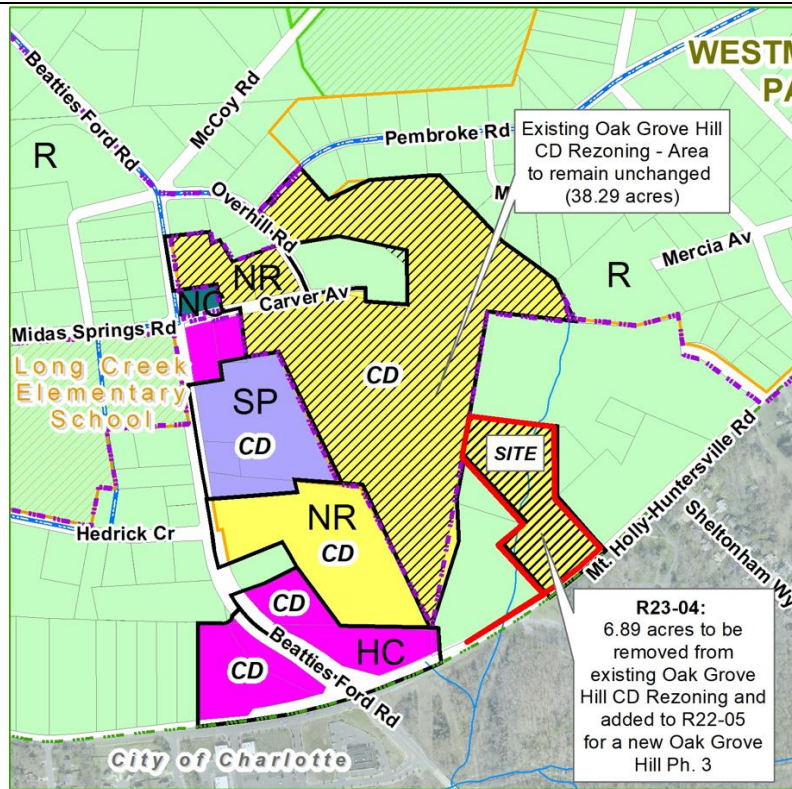
N/A

ATTACHMENTS:

1. R23-04 Public Hearing Staff Report
2. Attachment A - Rezoning Application (Bowman)
3. Attachment B - Oak Grove Hill Rezoning & Sketch Plan
4. Attachment C - Oak Grove Hill Community Mtg summary

Petition R23-04 Oak Grove Hill - REVISION Conditional District Rezoning.

PART 1: PROJECT SUMMARY



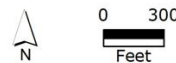
R23-04: Oak Grove Hill - Revision

Remove 6.89 acres from existing Oak Grove Hill Rezoning and add to R22-05 for a new Oak Grove Hill Phase 3

Applicant:
Carver Bowman, LLC

Parcel(s):
01526506, 01526504,
01526443, 01526450,
and 01526432

- ▬ Rezoning Boundary
- ▬ Existing Oak Grove Hill Boundary
- NR Neighborhood Residential
- SP Special Purpose
- R Rural
- HC Highway Commercial
- NC Neighborhood Center



Applicant: Carver Bowman, LLC

Property Owner: Carver Bowman, LLC.

Property Address: N/A.

Project Size: (+/-) 45.18-acres

Parcel Numbers:
01526443, 01526432, 01526450,
01526506, 01526504.

Current Zoning: Oak Grove Hill Neighborhood Residential - Conditional District (NR-CD).

Current Land Use: Vacant & Single-Family Homes (under construction).

Proposed Zoning: "Revised" Oak Grove Hill Neighborhood Residential – Conditional District (NR-CD)

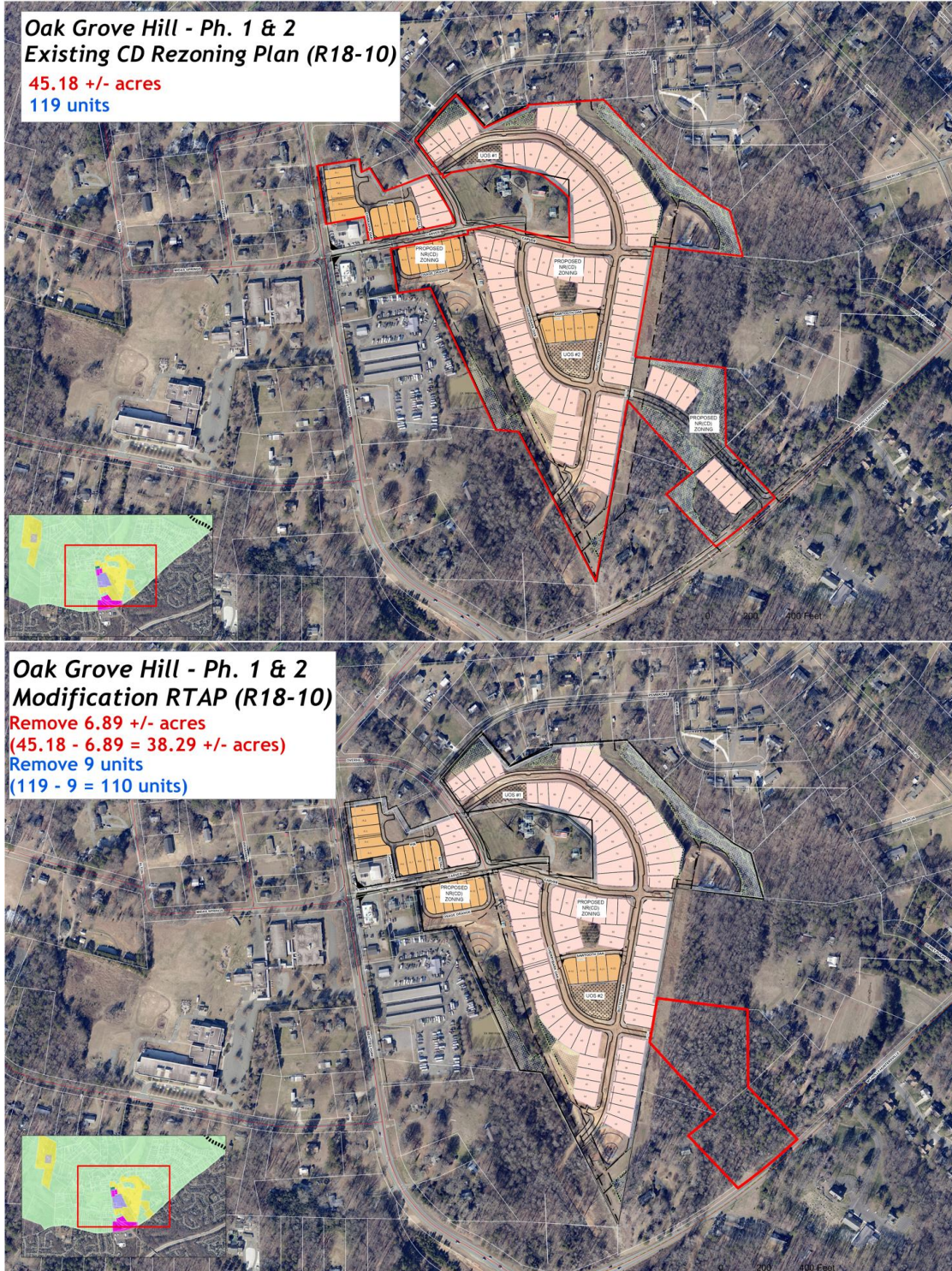
Proposed Land Use: Single Family Residential.

Application Summary:

- Proposal: Remove +/- 6.89-acres (east of Beatties Ford Road, north of Mt. Holly-Huntersville Road and south of Pembroke Road) from Oak Grove Hill Neighborhood Residential – Conditional District (NR-CD) to create a "Revised" Oak Grove Hill Neighborhood Residential – Conditional District. If CD Rezoning # R22-05 is approved, the 6.89-acres will become part of a proposed Phase 3 of the Oak Grove Hill Rezoning Plan. The remaining 38.29-acres of Oak Grove Hill CD-Rezoning will remain unchanged from the original approval. A Subdivision Sketch Plan has been submitted with the Rezoning Plan and would be administratively approved if the Rezoning Plan is approved (See Attachments A & B).
- Adjoining Zoning and Land Uses (see Context Map on page 2):
 - North - Rural (R): Single-family lots.
 - South – Neighborhood Residential – Conditional District (NR-CD): congregate care home, Highway Commercial – Conditional District (HC-CD): City of Charlotte R-3 & R-9PUD: Mt. Holly-Huntersville Road right-of-way, single family homes & St. Mark's Episcopal Church.
 - East - Rural (R): Vacant & Single-family lots (Westminster Park Subdivision).
 - West – Neighborhood Commercial (NC): small businesses, Special Purpose (SP): outdoor storage, Neighborhood Residential – Conditional District (NR-CD) & Rural (R): Single-family lots (existing Oak Grove Hill).
- Two Community Meetings were held on January 11, and February 8, 2023, at Huntersville Arts & Cultural Center. See Attachment C for complete meeting summaries.

PART 2: REZONING/SITE PLAN HIGHLIGHTS

The existing Oak Grove Hill Conditional District Rezoning was approved by the Town of Huntersville on January 26, 2020. The applicant, Carver Bowman, LLC, has acquired additional adjacent acreage and has petitioned to amend the plan to add 28.87-acres and 51 single-family homes to create a Phase 3. The new development (Phases 1-3) would consist of 66.92-acres and 161 single-family homes.



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

- Proposed Uses: remove 9 single-family homes from Phase 1 & 2 and add them to Phase 3 – If R22-05 is approved. The new total for Oak Grove Hill would be 161 homes overall for Phases 1-3.
- Urban Open Space is not impacted by the revision.
- New and additional right-of-way to be dedicated along Mt. Holly-Huntersville Road, as required by NCDOT and CDOT would be provided as part of R22-05 – if approved. R22-05 will still connect new public streets (and all required right-of-way) into the existing Oak Grove Hill Phases 1 & 2 and to Mt. Holly-Huntersville Road.
- Minimum Tree Preservation and specimen tree save in the NR Zoning District is 10% and the proposed tree preservation for Phases 1 & 2 will be reduced, but would still comply if R22-05 is approved.
- If the Rezoning Plan is approved, Staff, at the construction document phase, will review the plans for compliance with the Water Quality Ordinance, Erosion Control Ordinance and Stream Buffer Requirements, as found in the Zoning Ordinance.
- The 38.29-acres left after the revision will be developed as two phases (Phases 1 & 2).

The following comments/items are not consistent with Town Ordinances and/or Manuals or remain to-be-addressed by the applicant:

Planning Comments:

- If this rezoning is approved, all notes and data will need to be coordinated with R22-05 (if approved), which would remove the 6.89-acres from the original rezoning.
- All outstanding comments must be addressed.

PART 3: TRANSPORTATION HIGHLIGHTS

Traffic impact analysis (TIA): The original TIA from the 2018 submittal was re-scoped based upon the amended rezoning plan. On October 26, 2022, Town Engineering Staff determined the amended TIA is acceptable and that no improvements are required by the Town to meet the thresholds identified in Article 14.4 of the Town Zoning Ordinance. **All of the required improvements below will cover the area re-assigned to Phase 3 by R22-05 (if approved).** The applicants were further advised to contact North Carolina Dept. of Transportation (NCDOT) and Charlotte Dept. of Transportation (CDOT) regarding improvements they may require, and the following comments were received:

NCDOT:

- A left and right turn lane to enter the site at the access point on Mt. Holly-Huntersville Road, including 100'(min.) of storage and appropriate tapers;
- No on-street parking on state-maintained roads;
- Widening of Carver Avenue & Overhill Road required to widen from 16' to 20' along all site frontage;
- Curb island at southeast corner of intersection of Carver Avenue and Beatties Ford Road.
- Alley-fed lots on Beatties Ford Road, Carver Avenue and Overhill Road will not be allowed a driveway or access to respective streets. Homes to be addressed to the alley behind the lots;
- Lots fronting Overhill Road will not be allowed to front-load. They will only be allowed a shared driveway (this may be waived if Huntersville takes over maintenance of this street).

CDOT:

- Recommends a three (3) approach-lane section at Mt. Holly-Huntersville Road and Road C. This would include an 11' right-turn lane, 11' left turn lane and a 13' receiving lane. This section to be carried to the first stub street.
- Recommends a 12' Multi-Use Path or buffered bike lane along frontage. (CDOT specified improvements to be shown on Construction Plans).

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”.

Huntersville 2040 Community Plan – Staff finds the proposed Conditional District Rezoning petition consistent with the following policies of the 2040 Community Plan; adopted December 21, 2020:

- **Policy LU-2: Encourage residential development that follows the pattern outlined in the future land use map.**
 - **LU 2.1: Higher intensity residential uses will be focused generally within two miles of I-77 / NC-115 corridor and the future Activity Centers in the eastern and western areas of Huntersville’s zoning jurisdiction.**
 - **LU 2.2: Lower intensity residential uses are expected within the Residential Edge and Rural Conservation areas identified on the Future Land Use Map.**

STAFF COMMENT: The removal of 6.89-acres from this CD Rezoning to a new addition (Phase 3) does not change the consistency with the 2040 Community Plan if R22-05 is approved prior to this request.

- **Policy LU-3: Manage residential growth in the eastern and western parts of Huntersville’s planning jurisdiction.**
 - **Policy LU3.1: Discourage rezonings to higher intensity residential districts in the Residential Edge and Rural Conservation future land use character areas.**

STAFF COMMENT: The removal of 6.89-acres from this CD Rezoning to a new addition (Phase 3) does not change the consistency with the 2040 Community Plan if R22-05 is approved prior to this request.

- **Policy LU-7.1: Require all new development to adhere to the following design principles:**
 - **In Activity Centers, 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.
 - Accommodate a mix of housing types.
 - **In lower intensity area (Rural Conservation) 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.**

STAFF COMMENT: The removal of 6.89-acres from this CD Rezoning to a new addition (Phase 3) does not change the consistency with the 2040 Community Plan if R22-05 is approved prior to this request.

- **Policy LU-10.2: Continue to encourage a mix of lot sizes in new developments.**

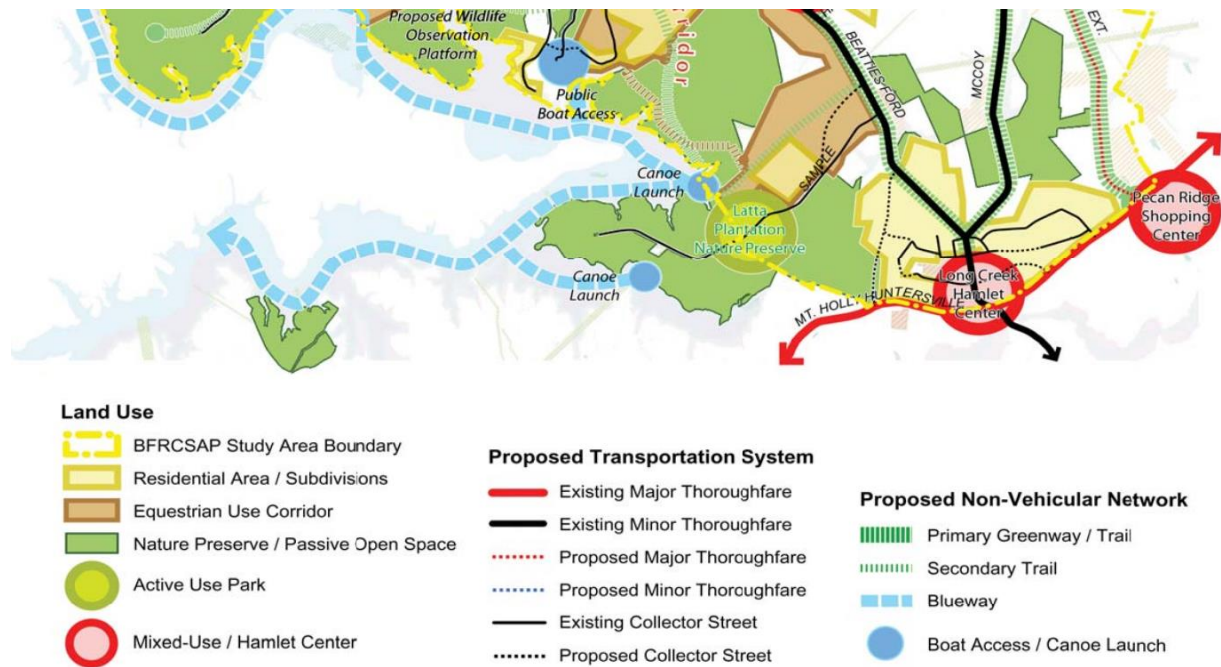
STAFF COMMENT: The removal of 6.89-acres from this CD Rezoning to a new addition (Phase 3) does not change the consistency with the 2040 Community Plan if R22-05 is approved prior to this request.

Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan; Adopted October 17, 2005 - Staff finds the proposed Conditional District Rezoning petition consistent with the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan.

STAFF COMMENT: The removal of 6.89-acres from this CD Rezoning to a new addition (Phase 3) does not change the consistency with the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan if R22-05 is approved prior to this request.

Beatties Ford Road Corridor Small Area Plan; Adopted September 19, 2007 - Staff finds the proposed Conditional District Rezoning petition consistent with the Beatties Ford Road Corridor Small Area Plan.

STAFF COMMENT: The removal of 6.89-acres from this CD Rezoning to a new addition (Phase 3) does not change the consistency with the 2040 Community Plan if R22-05 is approved prior to this request.



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:

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

STAFF COMMENT:

The existing Oak Grove Hill Conditional-District rezoning plan was seen as consistent with development patterns described in the Town’s 2030 Community Plan, the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan, and the Beatties Ford Road Corridor Small Area Plan. The removal of this 6.89-acres from this development, will not impact previous recommendations, if R22-05 is approved.

- 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:

- The removal of the 6.89-acres will have no impact on public facilities for the remainder of the development.

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

STAFF COMMENT:

Planning staff has no indication that the removal of 6.89-acres will adversely affect known archeological, environmental, historical or cultural resources within the Oak Grove Hill development.

PART 5: PUBLIC HEARING COMMENTS

The Public Hearing will be held on February 20, 2023.

PART 6: STAFF COMMENTS/RECOMMENDATION

Staff finds the proposed addition to the Oak Grove Hill Conditional District Rezoning Plan to be generally consistent with the 2040 Community Plan, the Beatties Ford Road-My. Holly-Huntersville Road Small Area Plan and the Beatties Ford Road Corridor Plan. These plans support moderate density within an Activity Center and the proposed 2.42-units per acre falls under that category.

Staff also recommends:

- Only approve this Rezoning Revision if R22-05 is approved prior to this request.
- If this rezoning is approved, all notes and data for this request will need to be coordinated with Rezoning Petition R22-05.
- All outstanding redline comments must be addressed.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board will review the rezoning petition on February 28, 2023.

PART 8: ATTACHMENTS/ENCLOSURES

Attachments

A – Rezoning Application

B – Proposed Rezoning Plan

C – Community Meeting Summaries

PART 9: CONSISTENCY STATEMENT – R23-04: OAK GROVE HILL - REVISION

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed Conditional District Rezoning application R23-04 Oak Grove Hill - Revision, the Planning staff RECOMMENDS APPROVAL to remove 6.89-acres from Oak Grove Hill Neighborhood Residential Conditional District (NR-CD), if R22-05 is previously approved. The approval of R22-05 would facilitate the removal of this 6.89-acres as it would not impact the original Oak Grove Hill's consistency with adopted policies, as outline in R18-10A. <u>It is reasonable and in the public interest to approve the Conditional District Rezoning Plan - Revision, BECAUSE it is consistent with the Plans outlined above and the applicable provisions of the Zoning Ordinance can be adequately addressed.</u>	APPROVAL: In considering the proposed Conditional District Rezoning application R23-04 Oak Grove Hill - Revision, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u> <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	APPROVAL: In considering the proposed Conditional District Rezoning application R23-04 Oak Grove Hill - Revision, 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:	DENIAL: In considering the proposed Conditional District Rezoning application R23-04 Oak Grove Hill - Revision, the Planning Board recommends denial based on <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and not in the public interest to approve the Rezoning Plan because... (Explain)</u>	DENIAL: In considering the proposed Conditional District Rezoning application R23-04 Oak Grove Hill - Revision, the Planning Board recommends denial based on <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 September 9, 2022

Name of Project Oak Grove Hill Phase # (if subdivision) _____

Project Address 9301 Carver Avenue, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01526456, 01526432, 01526450, 01526455, 01526428, 01526429, 01526431, 01526443

Current Zoning District NR(CD), R Proposed District (for rezoning only) NR(CD)

Property Size (acres) 67.78ac Street Frontage (feet) _____

Current Land Use Single Family Residential

Proposed Land Use(s) Single Family Residential

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

This is a conditional rezoning to the Oak Grove Hill property.

Approximately 22.66 ac additional and 45 additional lots.

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 Carver Bowman, LLC Phone 704-875-9704
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature [Signature] Printed Name: Robert Bowman
Title Manager Email bowman31@gmail.com

Address of Applicant 13815 Cinnabar Place, Huntersville, NC 28078

7. Property Owner (if different than applicant)

*Printed Name Hamilton Hoyt, Conrad Puckett Phone 704-875-9704
☐ 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 [Signature] Printed Name Hamilton Hoyt, Conrad Puckett
Title Owner Email bowman31@gmail.com

Address of Property Owner 8411 & 8705 MT HOLLY-HUNTERSVILLE RD, HUNTERSVILLE NC 28078

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

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

8. Development/Design Firm Contact Information

Carver Bowman, LLC	Robert Bowman	704-875-9704	bowman31@gmail.com
Development Firm	Name of Contact	Phone	Email
R Joe Harris	Daniel Gates	80-802-1799	dgates@rjoe-harris.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

CH

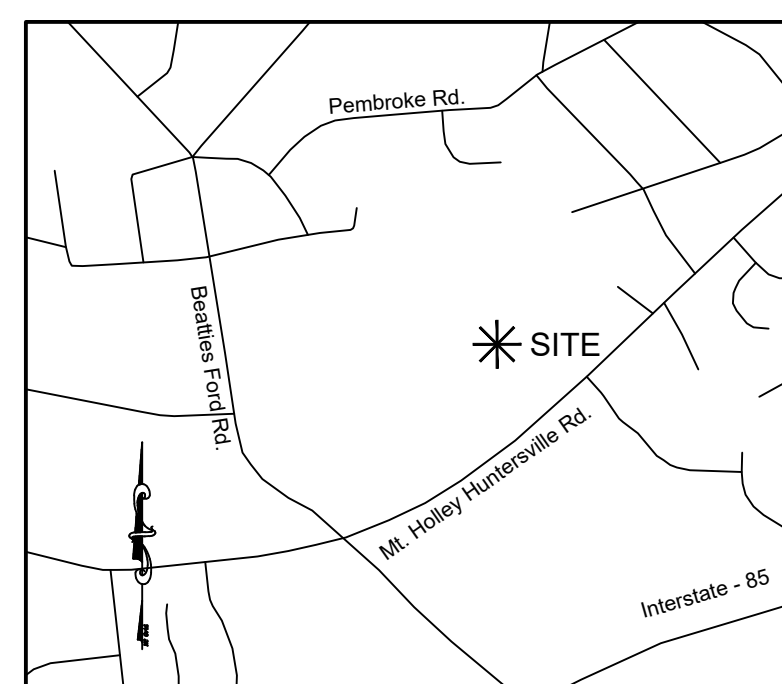
ASSOCIATED INTERNAL #S.
400982
409691
441269

TOWN OF HUNTERSVILLE
MECKLENBURG COUNTY, NORTH CAROLINA

Carver Bowman, LLC

Sheet List Table	
Sheet Number	Sheet Title
COVER	COVER
SP-1	REZONING PLAN: PHASE 1 & 2
SP-2	OVERALL SITE PLAN: PHASE 1&2
SP-3 - SP-5	SITE PLAN: PHASE 1&2
SP-7 - SP-8	SITE PLAN DETAILS: PHASE 1&2
SP-9	OVERALL SITE & REZONING PLAN: PHASE 3
SP-10	OVERALL SITE PLAN: PHASE 3
SP-11	SITE DETAILS: PHASE 3
SP-12	FOUR STEP PROCESS: PHASE 3
EX-1	OVERALL EXISTING CONDITIONS: PHASE 1&2
EX-2 - EX-4	EXISTING CONDITIONS: PHASE 1&2
EX-5	EXISTING CONDITIONS: PHASE 3
GP-1	OVERALL GRADING PLAN: PHASE 1&2
GP-2 - GP-4	GRADING PLANS: PHASE 1&2
GP-5	OVERALL GRADING PLAN: PHASE 3
BMP-1	PRE DEV. DRAINAGE AREAS: PHASE 1&2
BMP-2	POST DEV. DRAINAGE AREAS: PHASE 1&2
BMP-3	POST DEV. DRAINAGE AREAS: PHASE 3
LP-1	OVERALL LANDSCAPE PLAN: PHASE 1&2
LP-2 - LP-4	LANDSCAPE PLAN: PHASE 1&2
LP-5	OVERALL LANDSCAPE PLAN: PHASE 3
LP-6	URBAN OPEN SPACE DESIGN: PHASE 3
UT-1	OVERALL UTILITY PLAN: PHASE 3

November 23, 2022



VICINITY MAP - N.T.S.



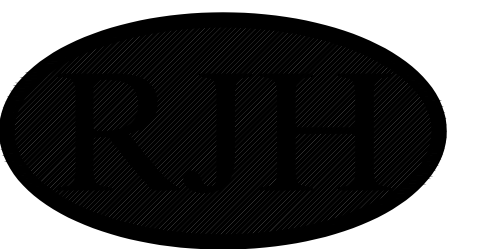
1186 Stonecrest Blvd., Tega Cay, SC 29708 Phone: (803) 802-1799

NO DUKE ENERGY TRANSMISSION ROW SHOWN
WITHIN PROJECT LIMITS. IF IMPACTS ARE TO DUKE
ENERGY DISTRIBUTION FACILITIES PLEASE
CONTACT 800.777.9898 TO HAVE A WORK ORDER
SET-UP TO DISCUSS PROJECT WITH A
DISTRIBUTION ENGINEER.

APPROVAL OF THIS CONCEPT PLAN DOES NOT IMPLY OR GUARANTEE APPROVAL OF THE FINAL CONSTRUCTION PLAN. FINAL CONSTRUCTION PLAN WILL BE REVIEWED FOR COMPLIANCE PER ALL TOWN, COUNTY AND STATE REGULATIONS IN EFFECT AT TIME OF SUBMITTAL.

[illegible]

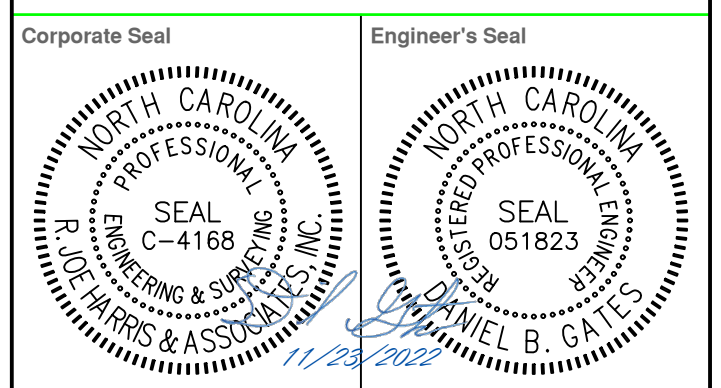
Engineer:



Engineering • Land Surveying • Planning
Management

www.rjoe Harris.com

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.



Project Manager	Drawn
D. Gates	J. Vavrina
Department Manager	Checked
P. Murphy	D. Gates

November 23, 2022

Asbuilt Drawn	Asbuilt Date
-	-

Client	
--------	--

Carver Bowman, LLC
13815 CINNABAR PLACE
HUNTERSVILLE, NC 28078
P: (704) 875-9704

Project:

Oak Grove Hill
Rezoning/Sketch Plan:
Phase 3

Drawing Title:

Cover Sheet

Project No.	Drawing No.
5259	Cover
DWG File Name:	
5259_Cover	

Huntersville General Notes:

- All development and construction shall comply with all zoning and subdivision standards of the Town of Huntersville, Mecklenburg County, and NCDOT, as applicable.
- This property may be subject to any easements and/or right-of-way of record.
- All areas designated as common and/or urban open space shall be owned and maintained by the homeowners association and dedicated for perpetuity.
- Access (ingress/egress) location and design shown on this sketch plan area subject to achieving vertical and horizontal sight distances, turn lane improvements (including) right-of-way and intersection with adjacent and opposing access points. Modifications to plan may result.
- Large maturing trees will be planted 40' O/C within the required planting strip along all streets. Small maturing trees are to be used where overhead power lines exist.
- Garbage pick-up shall be via roll-out trash and mail delivery shall be to mail kiosks.
- Direct access from lots to a thoroughfare is prohibited.
- Lots subject to flooding should not be established in subdivisions except as provided in Section 7.280 (if applicable).
- Any construction or use within the areas delineated by roadway fringes district boundary line and roadway district encroachment line is subject to the restrictions imposed by roadway regulation.
- Water Quality LID Maintenance. BMPs that are constructed on privately owned land and that are not within a public easement shall be maintained by the Property Owners Association or the owner of the subject property.

EXISTING DATA

FEMA Panel: 3710453800K
Watershed: Long Creek
Soil Types: CeB2 - Cecil sandy clay loam, 2 to 8 percent slopes
CeD2 - Cecil sandy clay loam, 8 to 15 percent slopes
EnB - Enon sandy loam, 2 to 8 percent slopes
EnD - Enon sandy loam, 8 to 15 percent slopes
PaE - Pacolet sandy loam, 15 to 25 percent slopes
Vab - Vance sandy loam, 2 to 8 percent slopes
W - Water

CONSTRAINING FEATURES: PHASE 3

ZONING:	NR-CD
ACREAGE:	45.18± ACRES
SWIM BUFFER	2.43± ACRES
SLOPE ANALYSIS: (% OF SITE AREA)	
0% - 10%	34.6 ACRES (76.72%)
10% - 15%	5.13 ACRES (11.36%)
15% - 25%	3.24 ACRES (7.17%)
25% - 100%	2.01 ACRES (4.46%)

Soil Hydrologic Groups: (% of site area)

ZONING:	NR-CD
ACREAGE:	45.18± ACRES
Group A	0
Group B	24.0± ACRES(53.0%)
Group C	21.2± ACRES (47.0%)
Group D	0
Group B/D	0

TREE PRESERVATION

Specimen tree - A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- Large hardwood (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines) in good or better or better condition with a DBH of 24" or greater.
- Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
- Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Heritage tree - A tree that is listed in the North Carolina Big Tree List, the American Forest Association's Champion Tree list, the Mecklenburg County treasure Tree List or any tree that would meet 60% of the points of a tree on North Carolina's Big Tree List.

Note: Urban open spaces shall comply with Article 7.7 of the Zoning Ordinance and include one or more of the following: landscaping, walks, seating, fountains, playground equipment, statues, etc. Materials used shall be a combination of brick pavers, stamped asphalt, stone, wrought iron, wood, crushed gravel or stone etc.

OAK GROVE HILL TREE PRESERVATION

	PHASE 1&2	PHASE 3	ALL PHASES
SITE ACREAGE	38.19± AC	28.26± AC	66.45± AC
% COVERED BY TREE CANOPY	26.26± AC (68.8%)	22.07± AC (78.1%)	32.68± AC (72.7%)
% OF TREE CANOPY PRESERVATION REQUIRED	3.82± AC (10%)	2.83± AC (10%)	6.65± AC (10%)
% OF TREE CANOPY PROVIDED	3.48± AC (9.11%)	6.20± AC (21.9%)	9.68± AC (14.6%)
NO. OF SPECIMEN TREES ON-SITE*	8	81	89
NO. OF SPECIMEN TREES TO BE SAVED (MIN REQ. 10%)	3 (37%)	19 (22%)	22 (25%)
NO. OF HERITAGE TREES ON SITE	0	1	1

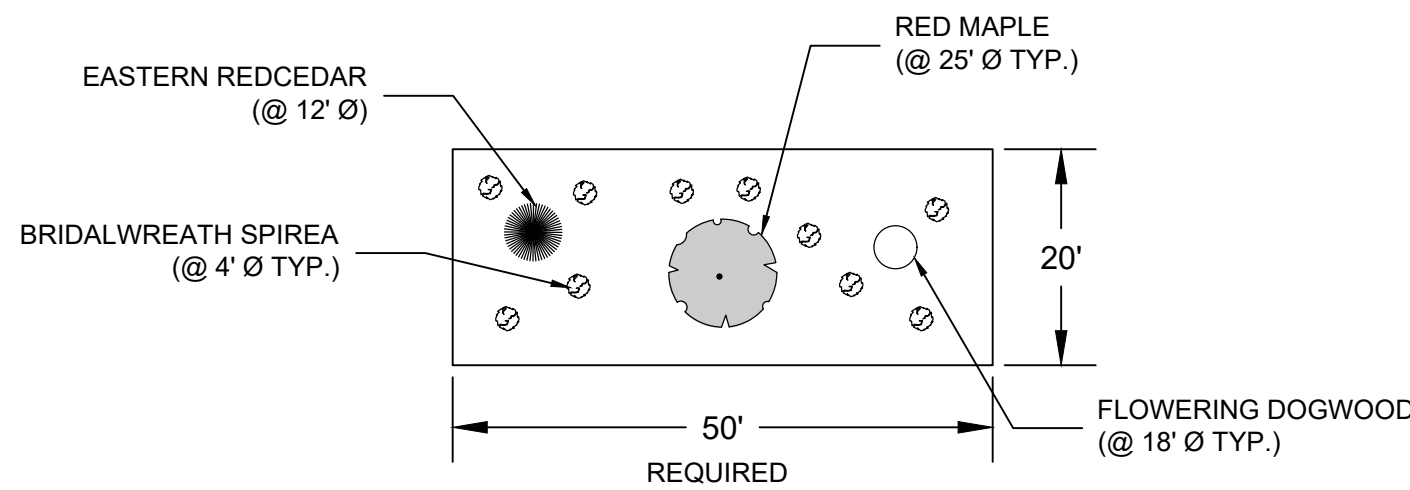
* DOES NOT INCLUDE SPECIMEN TREES WITH PROPOSED SMITH PROPERTY BOUNDARY

TREE LEGEND

TR - Tree
EL - Elm
BE - Beach
P - Pine
PO - Poplar
OA - Oak
GU - Gum
MA - Maple
PE - Pecan
WA - Walnut
HI - Hickory

SUPPLEMENTAL RESIDENTIAL BUFFER YARD LANDSCAPING ALONG ABUTTING PROPERTIES

TOTAL LENGTH = 50 LINEAR FEET X 20 LINEAR FEET = 1000SQFT

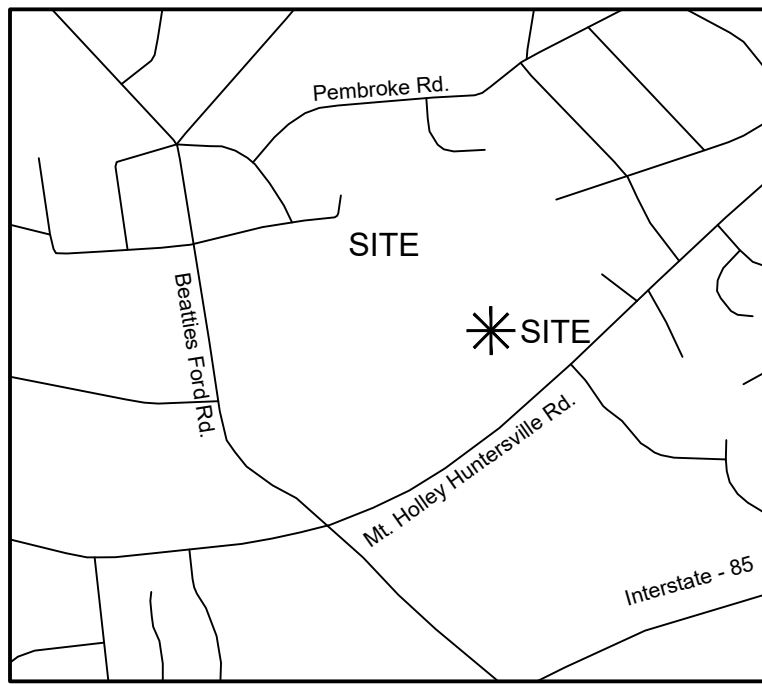


- 25% (1 TREE) EVERGREEN TREES PER 50LF
- 25% (1 TREE) CANOPY TREES PER 50LF (LARGE MATURING)
- 25% (1 TREE) UNDERSTORY TREES PER 50LF (SMALL MATURING)
- 10 SHRUBS PER 50LF

(NUMBER OF TREES & SHRUBS SHOWN MUST BE THE MINIMUM NUMBER PLANTED. TYPE & ACTUAL LOCATION MAY VARY.)
(EXISTING TREES AND SHRUBS CAN COUNT TOWARDS PLANTING REQUIREMENTS, AS LONG AS THEY MEET THE REQUIRED SIZE)

LEGEND

- 35' SWIM BUFFER
- 20' UNDISTURBED BUFFER
- 20' BUFFER WITH SUPPLEMENTAL PLANTING AS NECESSARY
- 20' REPLANTED BUFFER
- TREE SAVE AREA
- URBAN OPEN SPACE (UOS)
- 20' BUFFERS WITH REQUESTED MODIFICATION
- NR(CD) - CONDITIONAL ZONING NEIGHBORHOOD RESIDENTIAL DISTRICT
- R - RURAL DISTRICT (TO BE REZONED TO NR(CD))



VICINITY MAP - N.T.S.

Development Information: Phase 3

Project Name:	Oak Grove Hill Phases 1, 2, & 3 Construction Plans Huntersville, NC (Mecklenburg County)
Developer:	Bowman Bayard Bradford, LLC 13815 Cinnabar Place Huntersville, NC 28078
Tax I.D.:	01528443, 01528504, 01528506, 01528480 (Land Swap), 01528443, 01528432, 01528506, 01528432, 01528450, 01528455, 01528428, 01528429, 01528431
Property Owners of Record:	Buchanan, Beverly W.; Smith, Miriam W., H. Hoyle, C. Puckett
Zoning:	NR-CD
Acres:	45.12± ACRES = 1,965,427 SF
Building type:	Detached House (156 lots)
Build to Line:	
Minimum Lot Width:	SINGLE FAMILY 42'-50": FRONT: 10-25 FT. SIDE: 5 FT. CORNER: 10 FT. REAR: 25 FT. SINGLE FAMILY 51'-60": FRONT: 10-25 FT. SIDE: 5 FT. CORNER: 10 FT. REAR: 25 FT. SINGLE FAMILY 61'-93": FRONT: 10-25 FT. SIDE: 5 FT. CORNER: 10 FT. REAR: 25 FT. SINGLE FAMILY: 51 FT. SINGLE FAMILY: 42 FT. SINGLE FAMILY: 93 FT
Lot Width Range (Measured at Build-To line):	61-93 FT. 51-60 FT. 42-50 FT.
Lot Size Range:	SF: 65 Lots 91 Lots
5,000 SQ. FT. - 6,500 SQ. FT. 6,500 SQ. FT. - 11,500 SQ. FT.	

Open Space Table: Phase 3					
Urban Open Space			Common Open Space		
U.O.S.#	Area	Type	C.O.S.#	Area	Type
1	12,633 SF	Mini/Pocket Park	1	593,223 SF	COS
2	30,477 SF	Green	2	57,168 SF	Buffers
3	36,038 SF	Mini/Pocket Park			
Total	79,148 SF 1.82 Acres		Total	650,391 SF 14.93 Acres	

NOTE: REQUIRED ROAD IMPROVEMENTS

- NCDOT
- The TIA for this site was scoped by the Town of Huntersville and the Applicant. Huntersville required no improvements to adjacent roads. NCDOT specified improvements to the connection at Mount Holly - Huntersville Rd. as follows:
- A left and right turn lane to enter the site at the access point on Mt. Holly-Huntersville Rd, including 100' min storage and appropriate tapers
 - Widening of Carver avenue and Overhill Rd. from 16' to 20' along all site frontage.
 - Curb island at south east corner of intersection of Carver Ave. and Beatties Ford Rd.
 - Alley fed lots on Beatties Ford Rd, Carver Ave., and Overhill Rd will not be allowed a driveway or access to respective streets. Homes should be addressed to the alley behind the lots.
 - Lots fronting Overhill Rd will not be allowed to front load. They will only be allowed a shared driveway (this may be waived if Huntersville takes over maintenance of this street)
- CDOT
- Sketch Plan was submitted to CDOT for comments on Mt. Holly-Huntersville road intersection improvements. CDOT specified additional improvements as follows;
- Recommends a three (3) approach-lane section at Mt. Holly-Huntersville Road and Road C. This would include an 11' right-turn lane, 11' left-turn lane and a 13' receiving lane. This section to be carried to the first stub street.
 - Recommends a 12' Multi-use Path or buffered bike lane along frontage.
- (CDOT specified improvements to be shown on Construction Plans)

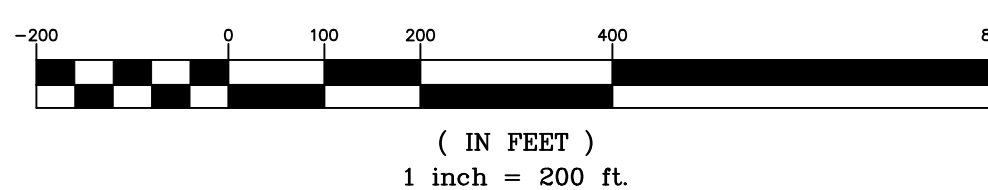
NOTE: APPROVAL FOR ENCROACHMENTS ONTO PIEDMONT NATURAL GAS EASEMENTS TO BE OBTAINED PRIOR TO APPROVAL OF CONSTRUCTION PLANS.

SITE TOPOGRAPHY & LOCATE FIELD RUN BY R. JOE HARRIS & ASSOCIATES, INC. SUPPLEMENTAL TOPOGRAPHY PROVIDED FROM MECKLENBURG COUNTY AERIAL TOPOGRAPHY (OFF-SITE).

THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD HAZARD ZONE AS DEFINED ON COMMUNITY PANEL 3710453800-K OF THE FLOOD INSURANCE RATE MAPS FOR MECKLENBURG COUNTY DATED 09-02-2015.

BOUNDARY SURVEY PROVIDED BY R. JOE HARRIS & ASSOCIATES, INC.
HORIZONTAL DATUM TIED TO NAD 83 AND VERTICAL DATUM BASED ON NAVD 88. CONTACT R. JOE HARRIS & ASSOCIATES, INC. FOR BENCHMARKS AND CONTROL INFORMATION.

GRAPHIC SCALE



ROAD NAME LENGTH

BUTTERNUT OAK TERR	2,432 LF
CARVER AVE.	1,551 LF
CHERRYBARK OAK LN	1,901 LF

ROAD BLOCK LENGTHS

BL 1 1,246'	BL 7 136'	BL 13 479'	BL 19 326'
BL 2 283'	BL 8 178'	BL 14 789'	BL 20 623'
BL 3 352'	BL 9 307'	BL 15 245'	BL 21 448'
BL 4 551'	BL 10 442'	BL 16 586'	BL 22 618'
BL 5 236'	BL 11 157'	BL 17 277'	BL 23 200'
BL 6 94'	BL 12 388'	BL 18 560'	

*In major subdivisions the dimension of blocks may not exceed 800 linear feet between cross streets.

ALLEY NAME LENGTH

PIN ALLEY	437LF
CHINKAPIN OAK ALLEY	184LF
OSAGE ORANGE ALLEY	626LF
SAWTOOTH OAK ALLEY	360LF
NUTTALL ALLEY	232LF

ALLEY BLOCK LENGTHS

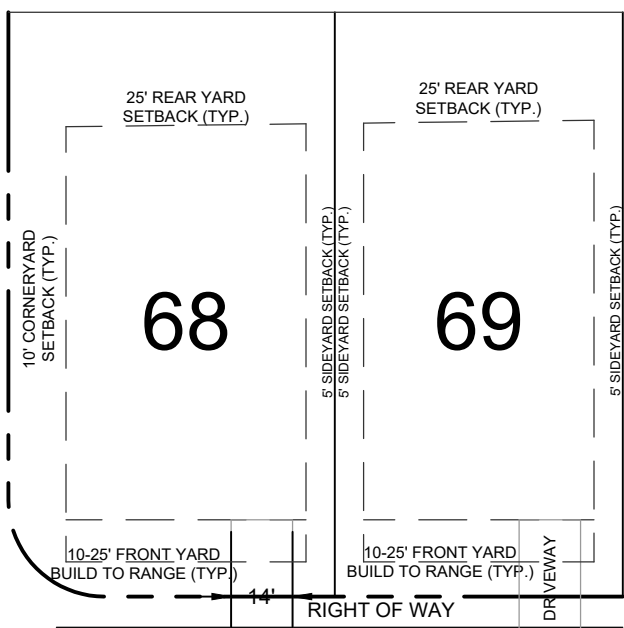
AL 14 215'	AL 16 51'
AL 15 222'	AL 17 181'

Parcel Line and Curve Table			
Line #/Curve #	Length	Bearing/Delta	Radius
C1	233.08	S 58° 07' 52"E	1489.60
C2	33.53	S 11° 30' 17"W	170.00
C3	71.27	S 76° 05' 52"E	532.88
C4	170.43	S 11° 56' 00"E	845.00
L1	137.83	S 70° 15' 02.81"W	
L2	81.41	S 70° 15' 02.81"W	
L3	128.96	N 31° 31' 24.74"W	
L4	44.12	S 84° 35' 27.67"W	
L5	60.54	N 6° 07' 20.97"W	
L6	200.13	S 81° 00' 10.39"W	
L7	273.43	S 81° 52' 53.75"E	
L8	184.38	N 79° 27' 40.55"E	
L9	109.25	S 9° 07' 07.48"E	
L10	186.97	N 79° 12' 35.09"E	
L11	223.70	N 79° 12' 35.09"E	
L12	289.43	N 1° 10' 17.70"W	
L13	343.27	N 8° 05' 36.20"W	
L14	263.13	S 80° 21' 33.24"W	
L15	103.01	N 36° 08' 11.61"W	
L16	43.55	N 39° 42' 08.24"W	

Parcel Line and Curve Table			
Line #/Curve #	Length	Bearing/Delta	Radius
L17	218.10	N 40° 39' 07.52"E	
L18	203.71	S 41° 29' 25.17"E	
L19	220.02	N 62° 30' 22.84"E	
L20	236.50	N 86° 02' 26.57"E	
L21	60.08	N 86° 02' 26.57"E	
L22	60.05	N 85° 59' 35.18"E	
L23	249.57	S 43° 00' 21.52"E	
L24	207.49	S 45° 01' 00.45"E	
L25	234.82	S 52° 51' 13.07"E	
L26	94.14	S 61° 08' 54.19"E	
L27	220.66	S 15° 58' 39.63"E	
L28	415.63	N 83° 29' 47.60"W	
L29	524.77	S 9° 49' 49.70"W	
L30	206.19	S 9° 37' 08.45"W	
L31	225.58	S 49° 52' 72"W	
L32	206.36	S 59° 52' 21"W	
L33	423.11	S 10° 10' 22.30"W	
L34	754.03	N 27° 17' 08.81"W	
L35	107.42	N 85° 10' 00.37"W	
L36	725.59	N 24° 45' 00.37"W	

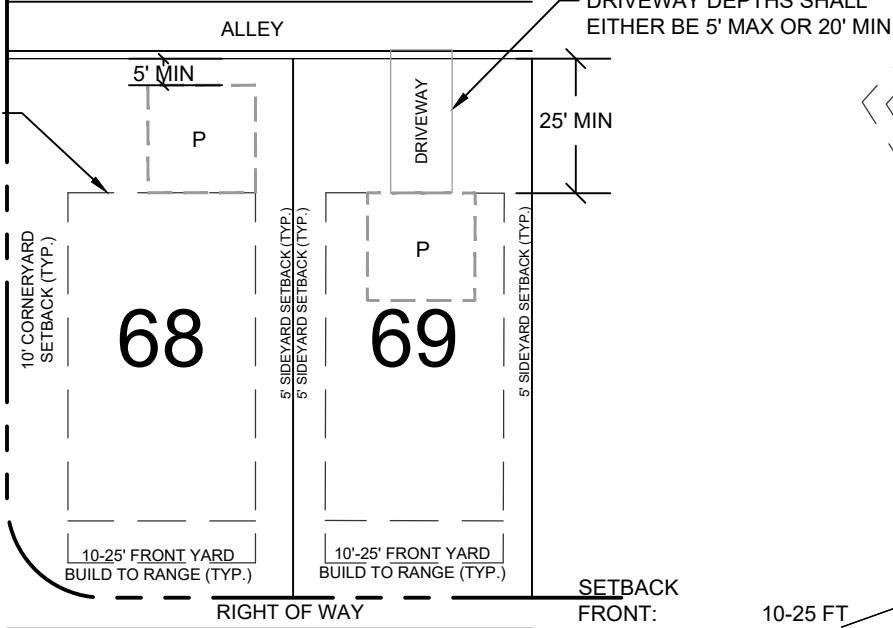
Impervious Area Table	
% Impervious Shown	Max. Allowable
13.72 Ac. (30.38%)	45.18 Ac. (100%)

NOTE: 1% or 150 sq/ft of impervious area per lot added to allow for addition of future impervious area by the homeowner/occupant.



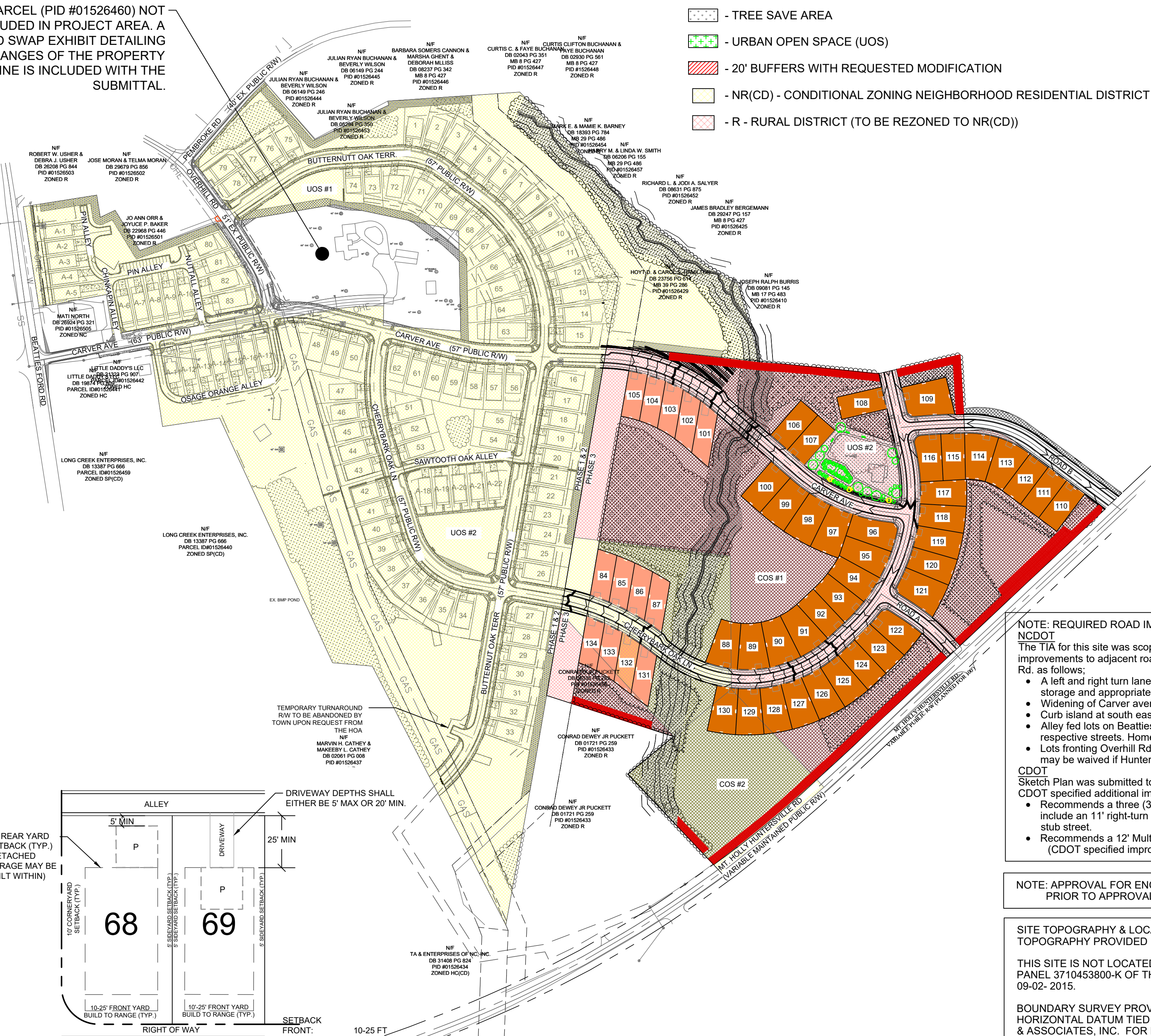
LOT SETBACKS: FRONT LOAD

- Lots 60' wide or less shall have driveways no more than 14' wide as measured along the public streets ROW.
- Driveways shall extend a minimum of 20' from back of public ROW.



LOT SETBACKS: ALLEY ACCESS

- If placed more than 5' from rear alley curb, garage must be placed on site to have a minimum 20' Driveway.



DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1

Engineer:

R. Joe Harris & Associates, Inc.

Engineering • Land Surveying • Planning Management

1188 Stonerock Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

www.rjoeharris.com

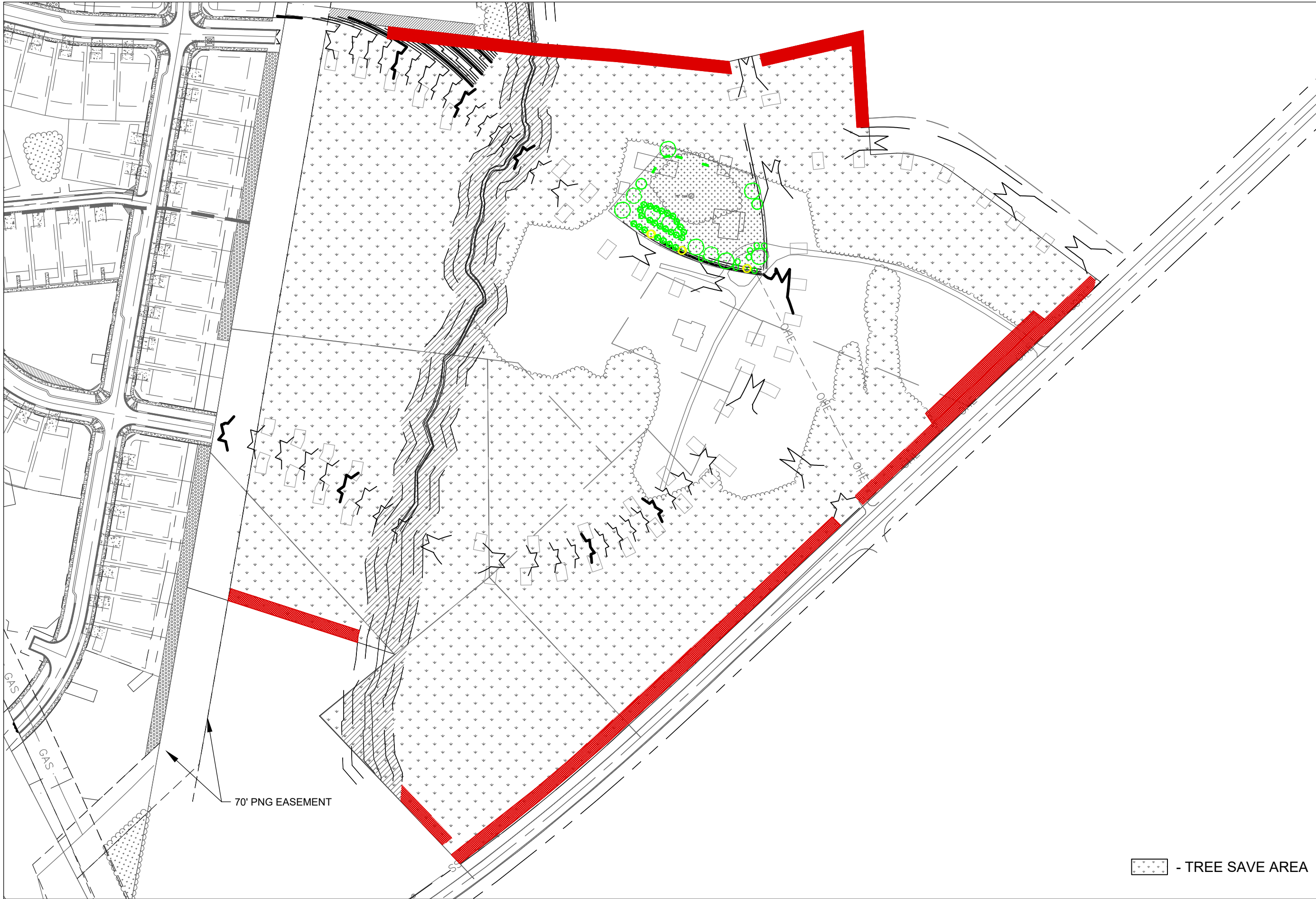
This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.

Project Manager D. Gates	Drawn T. Alston
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date November 23, 2022	Asbuilt Date -
Asbuilt Drawn -	Asbuilt Date -
Client -	

Project: **Oak Grove Hill Rezoning/Sketch Plan: Phase 3**

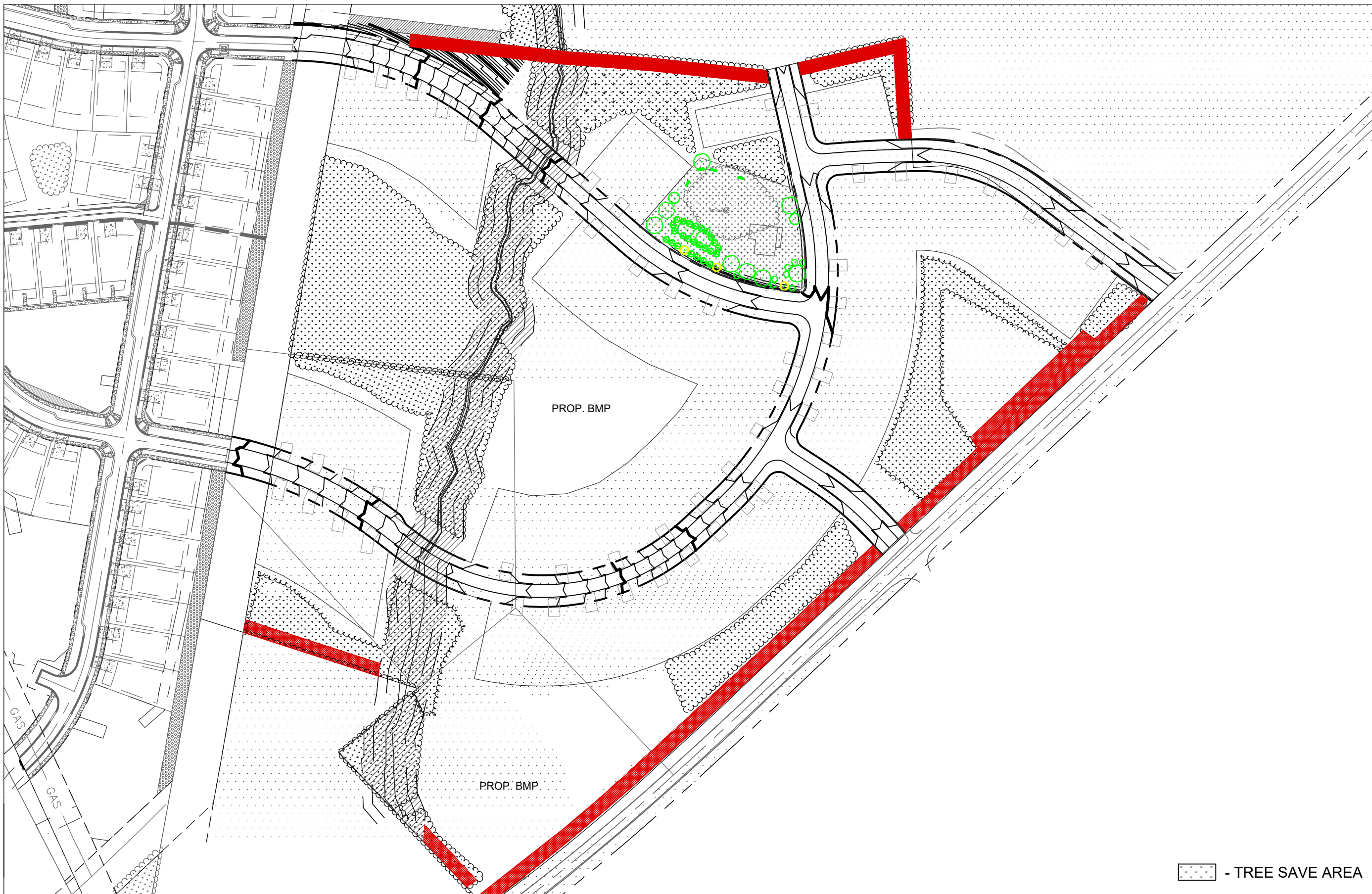
Drawing Title: **Overall Site & Rezoning Plan: Phase 3**

Project No. 5259	Drawing No. SP-9
DWG File Name: 5259_Site-Phase 3	



STEP 1: IDENTIFY OPEN SPACE

THE HATCHED AREAS REPRESENT THE OPEN SPACE. THE PROPOSED OPEN SPACE AREAS WILL CONTAIN CREEKS/STREAMS, STEEP SLOPES, NATURAL HARDWOODS, SPECIMEN TREES, OR REQUIRED LANDSCAPE BUFFER AREAS. AS MUCH OF THE OPEN SPACE IN THE EAST AND WEST PORTION OF THE SITE IS POTENTIAL OPEN SPACE.



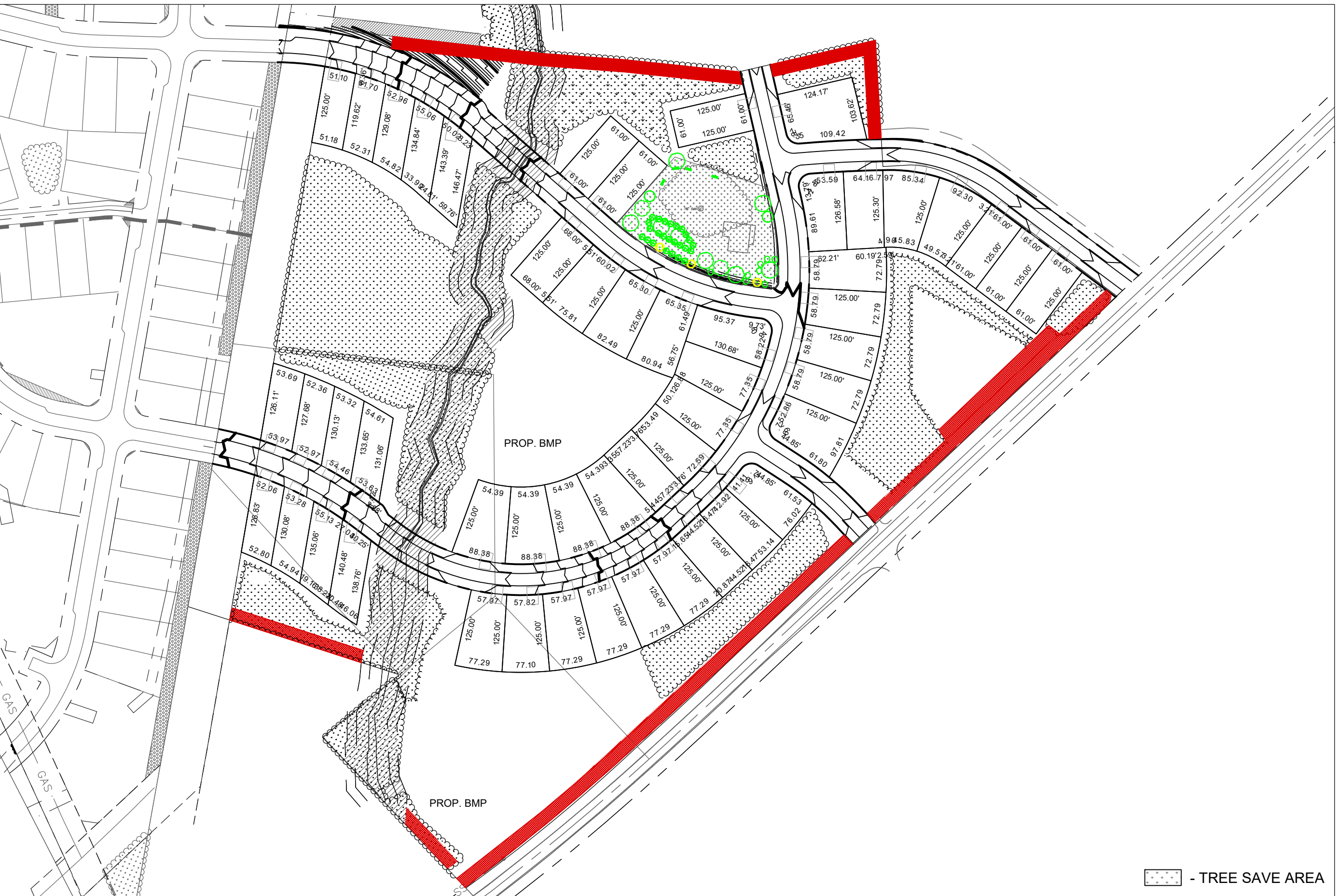
STEP 3: STREET AND LOT LAYOUT

BASED ON THE PREVIOUS TWO STEPS, A GENERAL ROAD AND LOT LAYOUT WAS CREATED. THE RESIDENTIAL ENTRY ROAD ENTERS FROM MT HOLLY-HUNTERSVILLE ROAD AT TWO POINTS AND LOOPS THROUGH THE MIDDLE OF THE SITE AND ATTACHES AS AN EXTENSION TO ANOTHER RESIDENTIAL SITE. THE LOCATION OF THE ENTRY ROADS WERE CHOSEN BASED ON THE VAST FIELD AREA AND MINIMAL SLOPING TOPOGRAPHY AND WITH THE PRESERVATION OF EXISTING TREES IN MIND. THE LOTS WERE LAID OUT TO AVOID THE EXISTING STREAMS, AND TOPOGRAPHY. BY USING THIS APPROACH, THE LOTS ARE PROPOSED ON THE MOST SUITABLE BUILDING SITES. THE STREAMS WILL NOT BE DISTURBED.



STEP 2: LOCATION OF HOUSE SITES

THE AREAS IDENTIFIED AS HOUSE SITES ARE LARGE, OPEN AREAS, THE HOUSE SITES AVOID THE STEEP SLOPES AND ARE PLACED ON GOOD TERRAIN. IN SOME AREAS, THE HOUSE SITES ARE PLACED WHERE THERE IS SOME EXISTING HARDWOOD TREES.



STEP 4: DRAWING LOT LINES

WE WERE ABLE TO CREATE 51 LOTS WITHIN THE BUILDABLE AREA. THE LOTS RANGE IN SIZE (NO SMALLER THAN 51' WIDE). THE LOTS LINES WERE DRAWN PERPENDICULAR TO THE ROADWAY THEY MEET TO ALLOW FOR VISUAL AESTHETICS WHEN DRIVING DOWN THE ROADS. THE VARYING LOT SIZES ALLOW FOR VISUAL APPEAL AND A LESS UNIFORM LOOKING RESIDENTIAL AREA.

DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1



Engineer:



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Engineering • Land Surveying • Planning
Management

1100 Stonecrest Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

www.rjoeharris.com

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Corporate Seal	Engineer's Seal
	

Project Manager D. Gates	Drawn T. Alston
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date November 23, 2022	
Asbuilt Drawn -	Asbuilt Date -
Client Carver Bowman, LLC 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	

Project: Oak Grove Hill Rezoning/Sketch Plan: Phase 3
Drawing Title: Four Step Process: Phase 3

Project No. 5259 DWG File Name: 5259_Four Step Process	Drawing No. SP-12
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TREE PRESERVATION

Specimen tree - A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- Large hardwood (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines) in good or better or better condition with a DBH of 24" or greater.
- Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
- Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Heritage tree - A tree that is listed in the North Carolina Big Tree List, the American Forest Association's Champion Tree list, the Mecklenburg County treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

Note: Urban open spaces shall include one or more of the following: landscaping, walks, seating, fountains, playground equipment, statues, etc. Materials used shall be a combination of brick pavers, stamped asphalt, stone, wrought iron, wood, crushed gravel or stone etc.

TREE PRESERVATION	
ZONING:	NR (CD)
ACREAGE:	28.26± ACRES
COVERED BY TREE CANOPY:	78.1%
TREE CANOPY PRESERVATION REQUIRED: 10%	±2.83 ACRES
TREE CANOPY PRESERVATION PROVIDED: 21.9%	±6.20 ACRES
NO. OF SPECIMEN TREES ON-SITE:	81
NO. OF SPECIMEN TREES SAVED:(Min. Req. 10%)	18 (Provided 22.2%)
NO. OF HERITAGE TREES ON-SITE:	1
NO. OF HERITAGE TREES SAVED:(Min. Req. 100%)	1 (Provided 100%)

TREE LEGEND

- TR - Tree

EL - Elm

BE - Beach

P - Pine

PO - Poplar

OA - Oak
- GU - Gum

MA - Maple

PE - Pecan

WA - Walnut

HI - Hickory

TREE CANOPY MITIGATION

Large maturing trees required for tree canopy mitigation = 150 sqft
 =Nos.

- Trees planted as tree canopy mitigation shall be a minimum of 2" in caliper and 25% shall be evergreens
- Mitigated trees to be placed 40' on center

CONSTRAINING FEATURES

ZONING:	R
ACREAGE:	28.26± ACRES
SWIM BUFFER	2.28± ACRES
TREE COVERAGE:	20.94± ACRES
SLOPE ANALYSIS: (% OF SITE AREA)	
0% - 10%	18.04 ACRES (63.64%)
10% - 15%	5.38 ACRES (19.04%)
15% - 25%	4.55 ACRES (16.10%)
25% - 100%	0.29 ACRES (1.03%)

Soil Hydrologic Groups: (% of site area)	
ZONING:	R
ACREAGE:	28.26± ACRES
Group A	0
Group B	24.4± ACRES(86.34%)
Group C	3.86± ACRES (13.66%)
Group D	0± ACRES (0%)
Group B/D	0± ACRES (0%)

EXISTING DATA:

FEMA Panel: 3710453800K

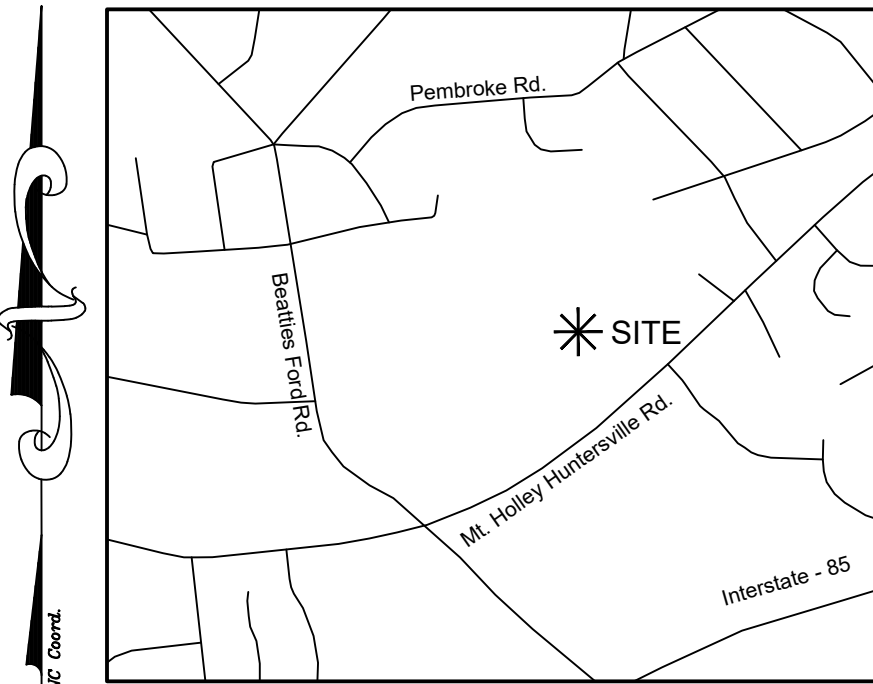
Watershed: Long Watershed

Soil Types:	CeB2 - Cecil sandy clay loam, 2 to 8 percent slopes	55.6%
	CeD2 - Cecil sandy clay loam 8 to 15 percent slopes	6.5%
	EnB - Enon sandy loam, 2 to 8 percent slopes	7.7%
	EnD - Enon sandy loam, 8 to 15 percent slopes	4.9%
	PaE - Pacolet sandy loam, 15 to 25 percent slopes	24.5%
	VaB - Vance sandy loam, 2 to 8 percent slopes	0.7%

Slopes Table				
Number	Min. Slope	Max. Slope	Area	Color
1	25.00%	100.00%	187966.40	■

Impervious Area Table	
% Impervious Shown	Max. Allowable
12.65 Ac. (22.74%)	55.63 Ac. (100%)

NOTE: 1% or 150 sqft of impervious area per lot added to overall to allow for addition of future impervious area by the homeowner/occupant.



VICINITY MAP - N.T.S.

LEGEND

S.W.I.M Buffer

- 30' Post Construction Buffer

DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1



Engineer:



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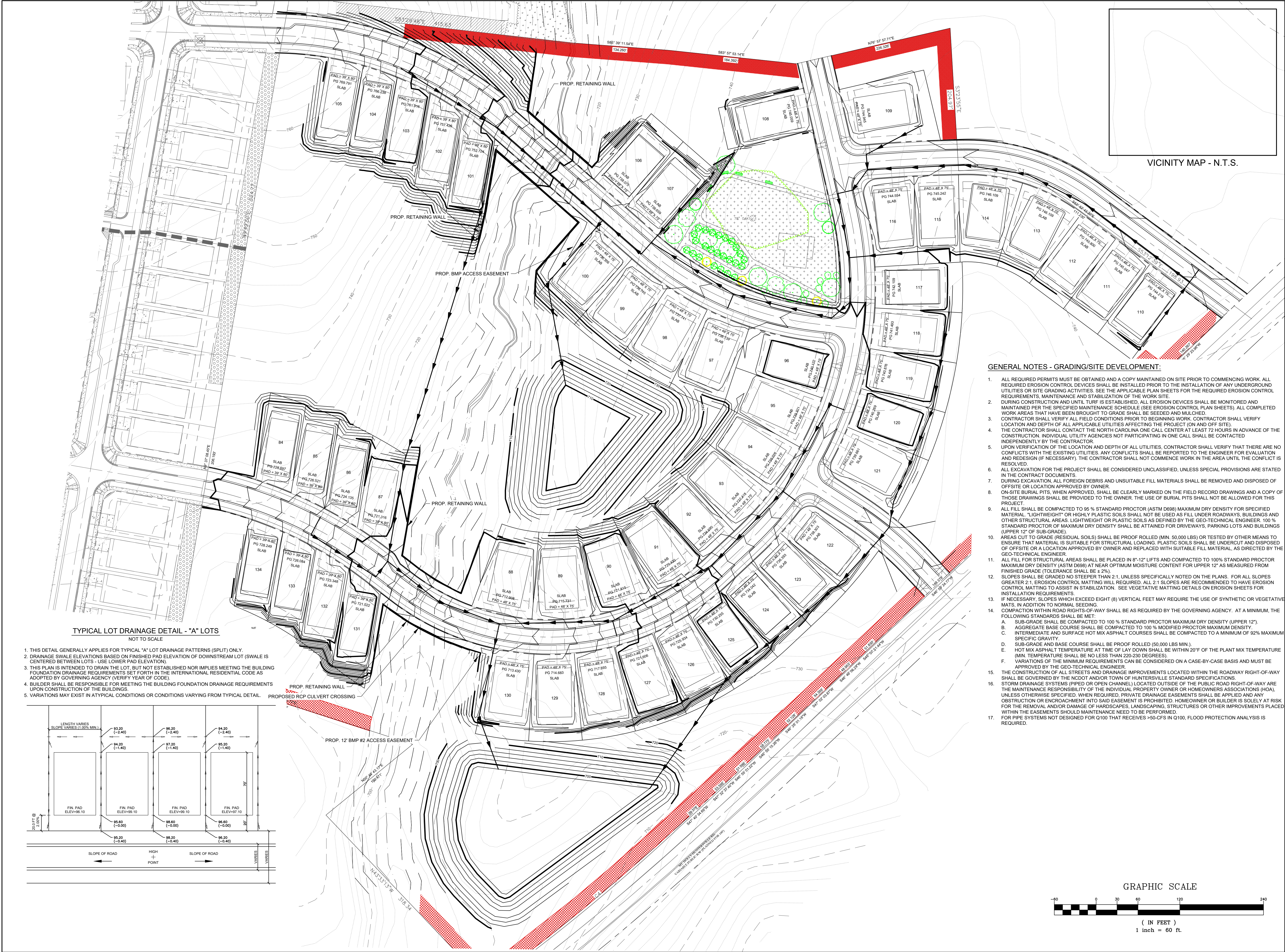
Corporate Seal



Engineer's Seal



Project Manager D. Gates	Drawn T. Alston
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date November 23, 2022	
Asbuilt Drawn -	Asbuilt Date -
Client Carver Bowman, LLC 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project: Oak Grove Hill Rezoning/Sketch Plan: Phase 3	
Drawing Title: Existing Conditions: Phase 3	
Project No. 5259 DWG File Name: 5259_Existing Conditions	Drawing No. EX-5



DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1

Engineer:

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Engineering • Land Surveying • Planning Management
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Project Manager	Drawn
D. Gates	J. Vavrina
Department Manager	Checked
P. Murphy	D. Gates
Print/Plot Date	
November 23, 2022	
Asbuilt Drawn	Asbuilt Date
-	-
Client	
Carver Bowman, LLC 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project:	
Oak Grove Hill Rezoning/Sketch Plan: Phase 3	
Drawing Title:	
Grading Plan: Phase 3	
Project No.	Drawing No.
5259	
DWG File Name:	
5259 - Grading	GP-5

TREE LEGEND

TR	- Tree	GU	- Gum
EL	- Elm	MA	- Maple
BE	- Beach	PE	- Pecan
P	- Pine	WA	- Walnut
PO	- Poplar	HI	- Hickory
OA	- Oak		

Urban Open Space			Common Open Space		
U.O.S #	Area	Type	C.O.S #	Area	Type
1	12,633 SF	MiniPocket Park	1	593,223 SF	COS
2	30,477 SF	Green	2	57,168 SF	Buffers
3	36,038 SF	MiniPocket Park			
Total	79,148 SF		Total	650,391 SF	
	1.82 Acres			14.93 Acres	

TREE PRESERVATION

ZONING:	NR (CD)
ACREAGE:	28.26± ACRES
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TREE CANOPY PRESERVATION REQUIRED: 10%	±2.83 ACRES
TREE CANOPY PRESERVATION PROVIDED: 28.2%	±7.97 ACRES
NO. OF SPECIMEN TREES ON-SITE:	81
NO. OF SPECIMEN TREES SAVED (Min. Req. 10%)	(Provided 22.2%)
NO. OF HERITAGE TREES ON-SITE:	1
NO. OF HERITAGE TREES SAVED (Min. Req. 100%)	1 (Provided 100%)

TREE PRESERVATION

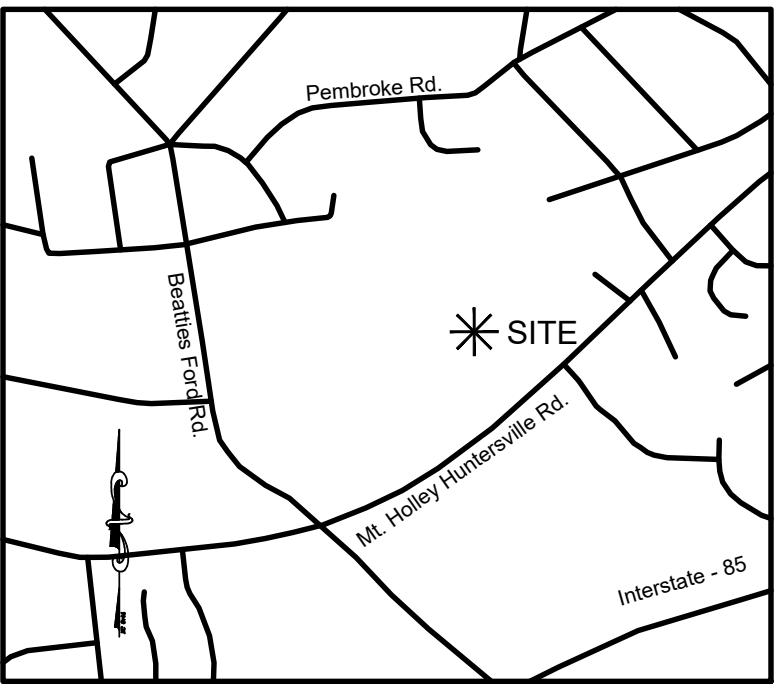
Specimen tree - A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- Large hardwood (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines) in good or better or better condition with a DBH of 24" or greater.
- Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
- Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Heritage tree - A tree that is listed in the North Carolina Big Tree List, the American Forest Association's Champion Tree list, the Mecklenburg County treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

Note: Urban open spaces shall include one or more of the following: landscaping, walks, seating, fountains, playground equipment, statues, etc. Materials used shall be a combination of brick pavers, stamped asphalt, stone, wrought iron, wood, crushed gravel or stone etc.

Note: Yard Trees will be planted as to not conflict with street trees.

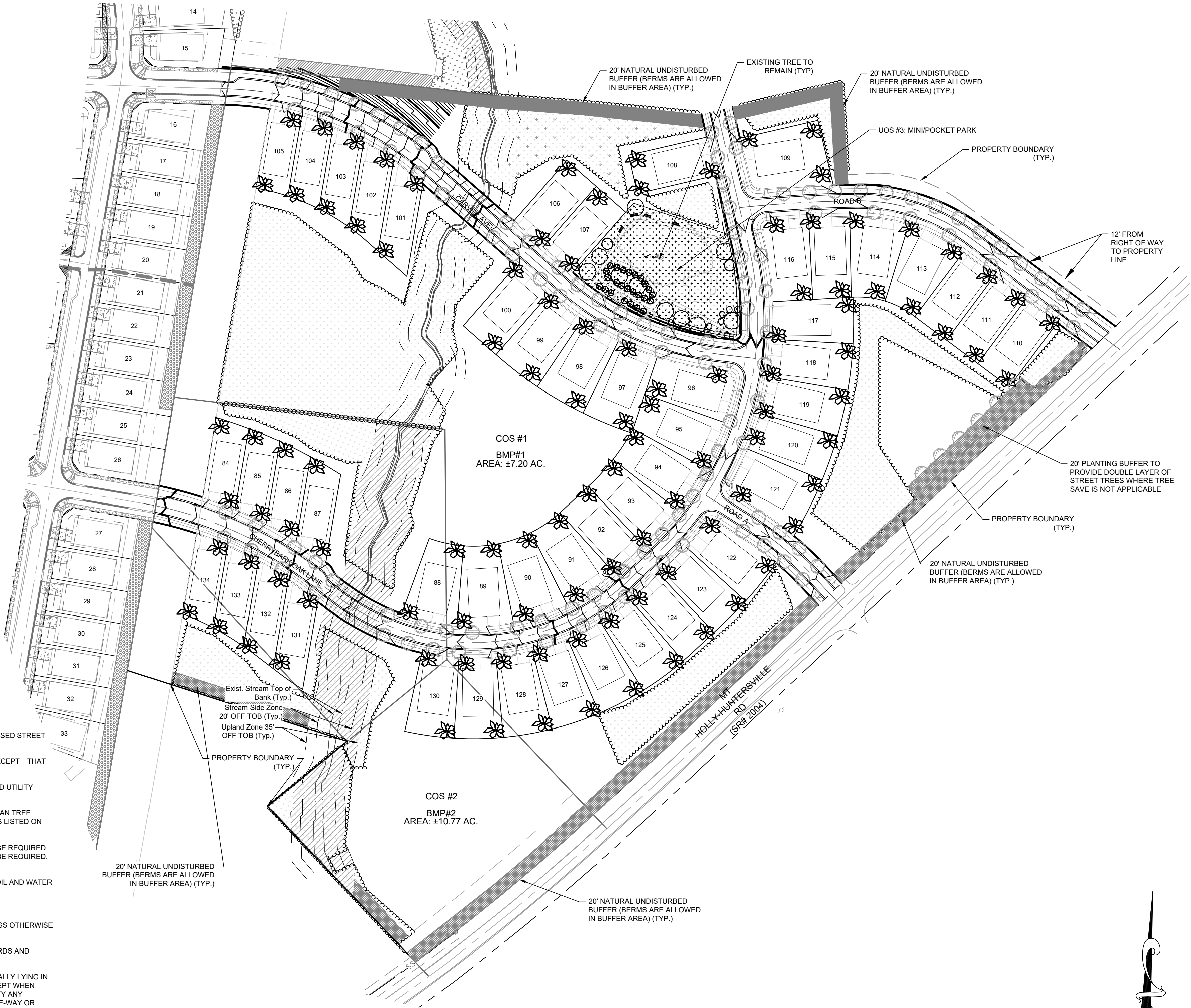


VICINITY MAP - N.T.S.

LEGEND

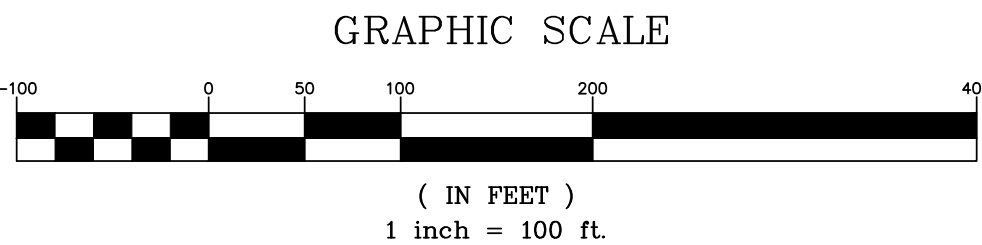
- 35' S.W.I.M BUFFER
- 30' Post Construction Buffer
- 20' Natural Buffer (1.05 Acres total)
- Urban Open space
- Tree Save space
- 125 LARGE MATURING TREES (40' OC)
- 105 RED MAPLE LOT TREES
- EXISTING SPECIMEN TREE

LOT TREES		
SQ.FT. :	LOT NUMBER :	LOT TREES REQUIRED:
LESS THAN 10,000 :	84-108; 110-120; 122-134	1 FRONT & 1 REAR
10,000 - 15,000 :	109; 121	1 FRONT & 2 REAR
APPROVED LOT TREES: RED MAPLE, SUGAR MAPLE, COMMON HACKBERRY, WHITE ASH, SCARLET OAK, SOUTHERN RED OAK, OVERCUP OAK, WILLOW OAK, NORTHERN RED OAK, EASTERN RED OAK, SHUMARD OAK, LACEBARK ELM, JAPANESE ZELKOVA (SEE TOWN OF HUNTERSVILLE TREE LIST FOR COMPLETE APPROVED LIST)		



LANDSCAPING NOTES (PER TOWN OF HUNTERSVILLE):

- STREET TREES ARE REQUIRED TO BE WITHIN A MINIMUM 7-FOOT PLANTING STRIP LOCATED BETWEEN THE PROPOSED STREET AND PROPOSED SIDEWALK. PLANTING SHALL BE PROVIDED AS FOLLOWS:
A) LARGE MATURING CANOPY TREES SHALL BE PLANTED AT A SPACING NOT TO EXCEED 40-FEET ON CENTER EXCEPT THAT SPACING MAY BE ALTERED SLIGHTLY TO ACCOMMODATE DRIVEWAYS.
B) SMALL MATURING "CANOPY-LIKE" TREES SHALL BE PLANTED 30-FEET ON CENTER WHERE EXISTING OVERHEAD UTILITY LINES PROHIBIT THE USE OF LARGE MATURING CANOPY TREES.
- NEW TREES SHALL BE REQUIRED WITHIN EACH RESIDENTIAL LOT. IN ORDER TO MAINTAIN OR REPLENISH THE URBAN TREE CANOPY IN AREAS OF NEW RESIDENTIAL SUBDIVISION, EACH LOT SHALL PROVIDE AN APPROVED CANOPY TREE AS LISTED ON THE TOWN OF HUNTERSVILLE TREE AND SHRUB LIST. (SEE LOT SIZE CHART THIS PAGE)
FOR LOTS LESS THAN 10,000 SQ. FT., 1 FRONT YARD AND 1 REAR YARD CANOPY TREE SHALL BE REQUIRED.
FOR LOTS BETWEEN 10,000 SQ. FT. AND 15,000 SQ. FT., 1 FRONT YARD AND 2 REAR YARD CANOPY TREES SHALL BE REQUIRED.
FOR LOTS BETWEEN 15,000 SQ. FT. AND 20,000 SQ. FT., 2 FRONT YARD AND 2 REAR YARD CANOPY TREES SHALL BE REQUIRED.
FOR LOTS MORE THAN 20,000 SQ. FT., 3 FRONT YARD AND 3 REAR YARD CANOPY TREES SHALL BE REQUIRED.
- ALL REQUIRED PLANTINGS SHALL BE INSTALLED IN A MANNER THAT INSURES THE AVAILABILITY OF SUFFICIENT SOIL AND WATER FOR HEALTHY GROWTH AND THAT IS NOT INTRUSIVE TO ABOVEGROUND AND UNDERGROUND UTILITIES
- ALL STREET TREES MUST BE FROM THE "TOWN OF HUNTERSVILLE TREE AND SHRUB LIST."
- ALL TREES SHALL BE A MINIMUM OF 2-INCHES IN CALIPER AND 8-FEET IN HEIGHT AT THE TIME OF PLANTING, UNLESS OTHERWISE SPECIFIED.
- INSTALLATION OF TREES AND SHRUBS SHALL COMPLY WITH THE TOWN OF HUNTERSVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL.
- EVERY REASONABLE EFFORT SHALL BE MADE TO PROTECT AND RETAIN EXISTING TREES AND SHRUBS NOT ACTUALLY LYING IN PLANNED ROADWAYS, DRAINAGEWAYS, BUILDING FOUNDATION SITES AND CONSTRUCTION ACTIVITY AREAS. EXCEPT WHEN NECESSARY TO PROVIDE ACCESS TO A SITE OR TO INSURE THE SAFETY AND SECURITY OF PEOPLE AND PROPERTY ANY EXISTING HEALTHY TREES THAT ARE EIGHT INCHES OR GREATER IN CALIPER, LOCATED WITHIN A PUBLIC RIGHT-OF-WAY OR UNDEVELOPED REQUIRED YARD SHALL BE RETAINED UNLESS APPROVED FOR REMOVAL BY STAFF DURING PLAN REVIEW.
- TREES SHOULD NOT BE PLANTED: WITHIN 40' OF THE CURB RETURN.
WITHIN 10' FROM DRAINAGE STRUCTURES.
WITHIN 40' OF RADIUS RETURN AT AN INTERSECTION.
AT OR IN A STORM DRAINAGE EASEMENT.
ON TOP OF STORM DRAIN LINE.
WITHIN SIGHT DISTANCE.
- ALL LOT TREES AS PER SECTION 7.7 (STREET TREES AND INTERNAL LANDSCAPING) OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE. EXISTING SPECIMEN TREES TO BE USED IN LIEU OF NEW PLANTINGS (AS APPROVED BY TOWN OF HUNTERSVILLE).
- AS THE REMAINDER OF THE THOROUGHFARE IS BUILT, DOUBLE ROW OF TREES AND SIDEWALKS WILL BE REQUIRED.



DATE	ISSUED FOR	REV
8/15/2022	Pre Submittal to Town of Huntersville	0
11/23/2022	Initial Submittal to Town of Huntersville	1



Engineer:

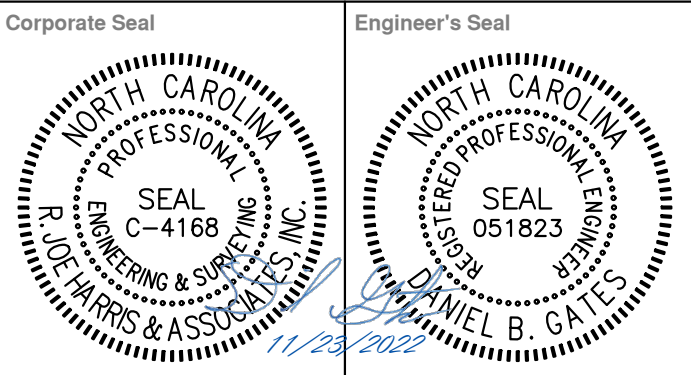


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1180 Stonecrest Blvd., Tega Cay, S.C. 29708 P: (803) 802-1799

www.rjoeharris.com

This drawing shall not be used for construction purposes until the seal and signature of the responsible registrant appears on the drawing, and proper permit forms and related fees are transmitted by the Owner, Owner's Agent or Contractor to the Authority having jurisdiction.



Project Manager D. Gates	Drawn T. Alston
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date November 23, 2022	

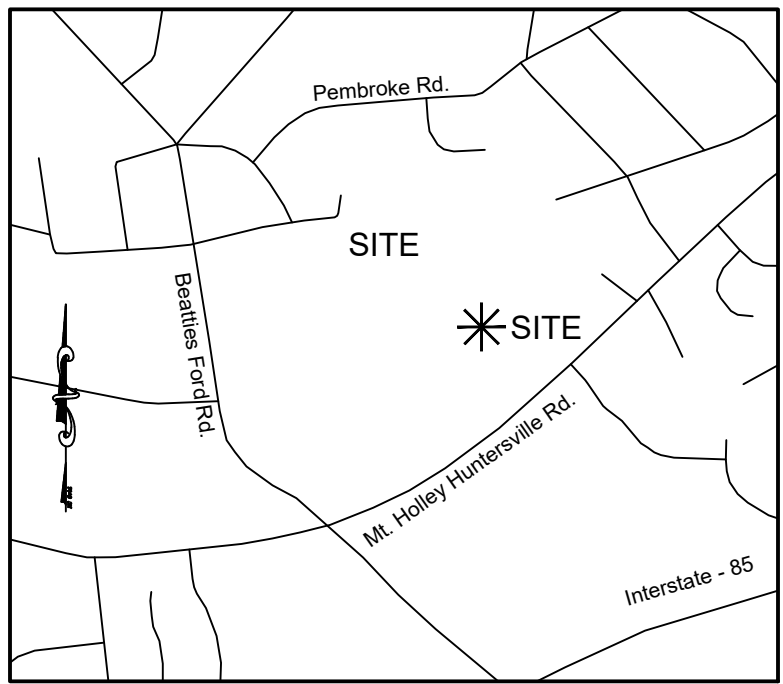
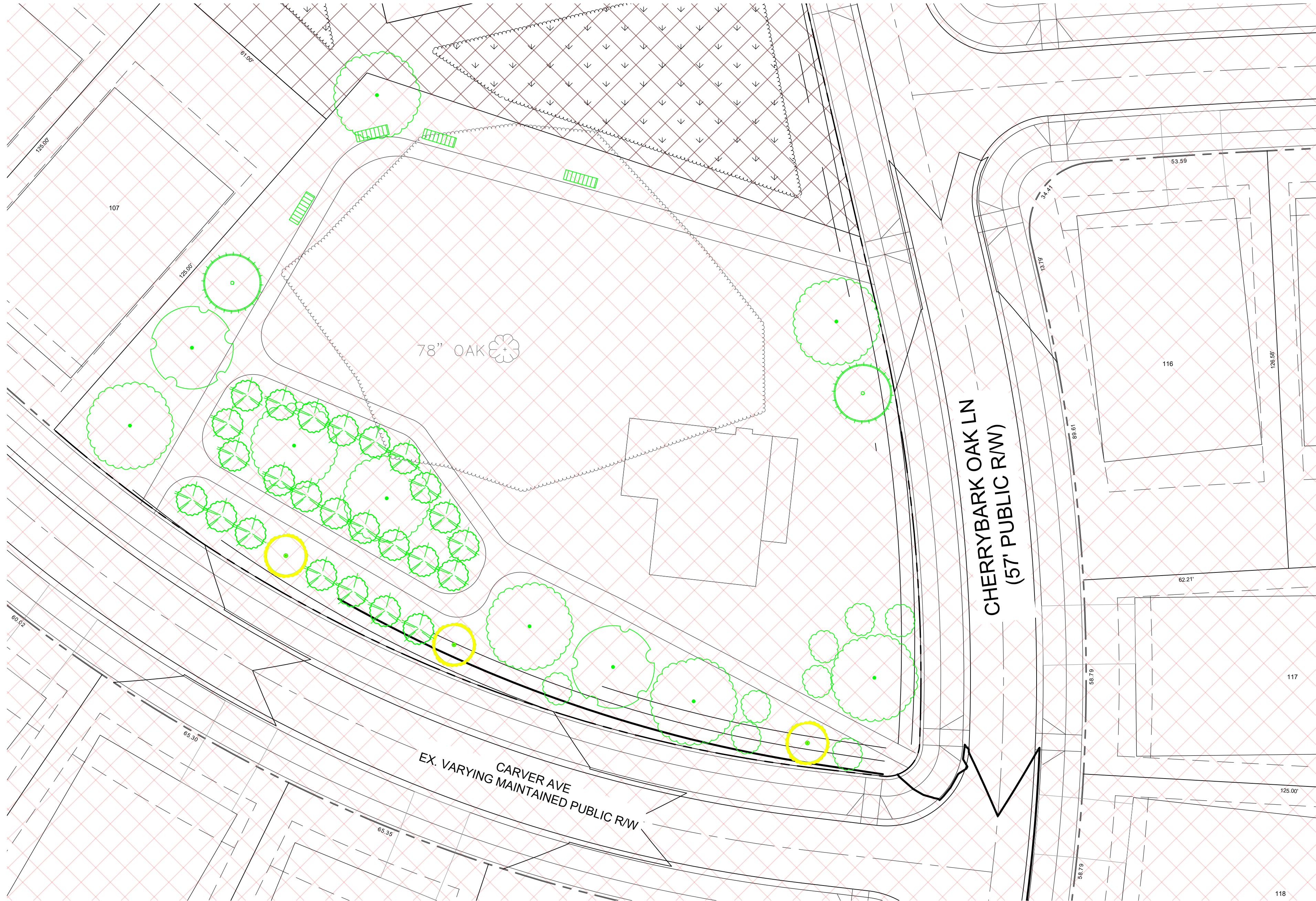
Asbuilt Drawn -	Asbuilt Date -
Client	

Carver Bowman, LLC
13815 CINNABAR PLACE
HUNTERSVILLE, NC 28078
P: (704) 875-9704

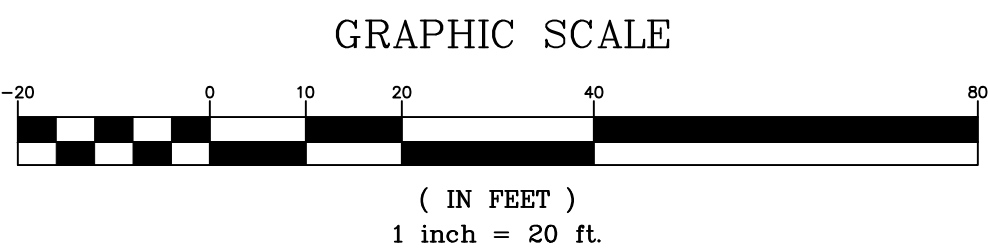
Project:
Oak Grove Hill
Rezoning/Sketch Plan:
Phase 3

Drawing Title:
Landscape

Project No. 5259 DWG File Name: 5259 Landscape Plan	Drawing No. LP-5
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VICINITY MAP - N.T.S.



LEGEND

- RESIDENTIAL LOT TREE
- LARGE MATURING TREES (40' OC)
- LIVE OAK
- NUTTALL OAK
- RED CEDAR
- CRYPTOMERIA
- LITTLE GEM MAGNOLIA
- WAX MYRTLE
- LOROPETALUM
- PARK BENCH
- STREET LIGHT
- STOP SIGN
- STREET SIGN
- SPEED LIMIT SIGN



SEATING BENCH
PROVISION OF SEATING BENCH UNDER/NEAR
ARBOR/PERGOLA AND MAY CONSIST OF THE FOLLOWING
MATERIALS:

- TREATED WOOD/TIMBERS
- ALUMINUM OR CAST IRON/STEEL
- COMPOSITE MATERIALS
- DURABLE PLASTICS

Open Space Table					
Urban Open Space			Common Open Space		
U.O.S #	Area	Type	C.O.S #	Area	Type
1	12,633 SF	Mini/Pocket Park	1	593,223 SF	COS
2	30,477 SF	Green	2	57,168 SF	Buffers
3	36,038 SF	Mini/Pocket Park			
Total	79,148 SF 1.82 Acres		Total	650,391 SF 14.93 Acres	

UOS Totals				
ITEM	UOS #1	UOS #2	UOS #3	TOTAL
LIVE OAK	0	5	8	13
NUTTALL OAK	0	4	2	6
RED CEDAR	15	0	0	15
CRYPTOMERIA	0	9	2	11
LITTLE GEM MAGNOLIA	0	3	3	6
WAX MYRTLE	9	11	25	45
LOROPETALUM	12	15	8	36
PARK BENCH	0	3	4	7
GAZEBO	1	0	0	1

DATE	ISSUED FOR	REV
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Know what's below.
Call before you dig.

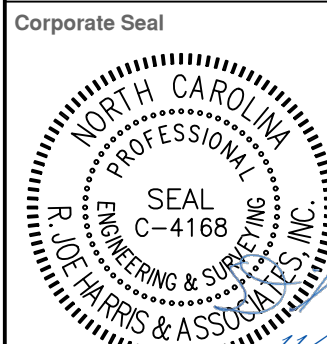
Engineer:



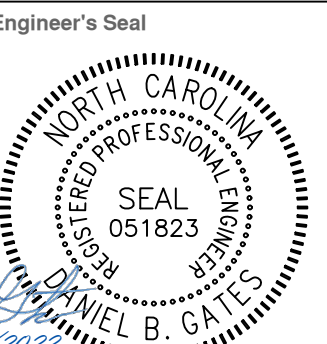
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www.rjoeharris.com

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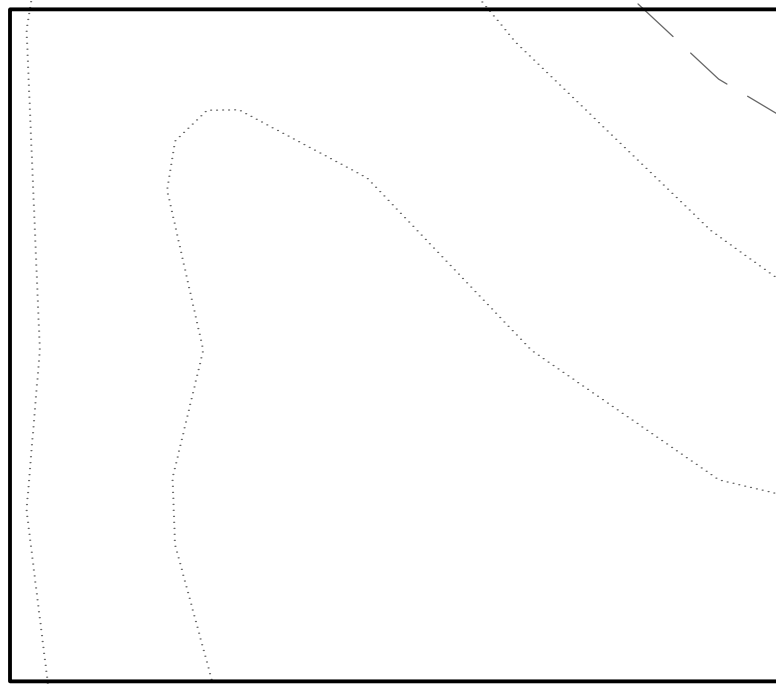
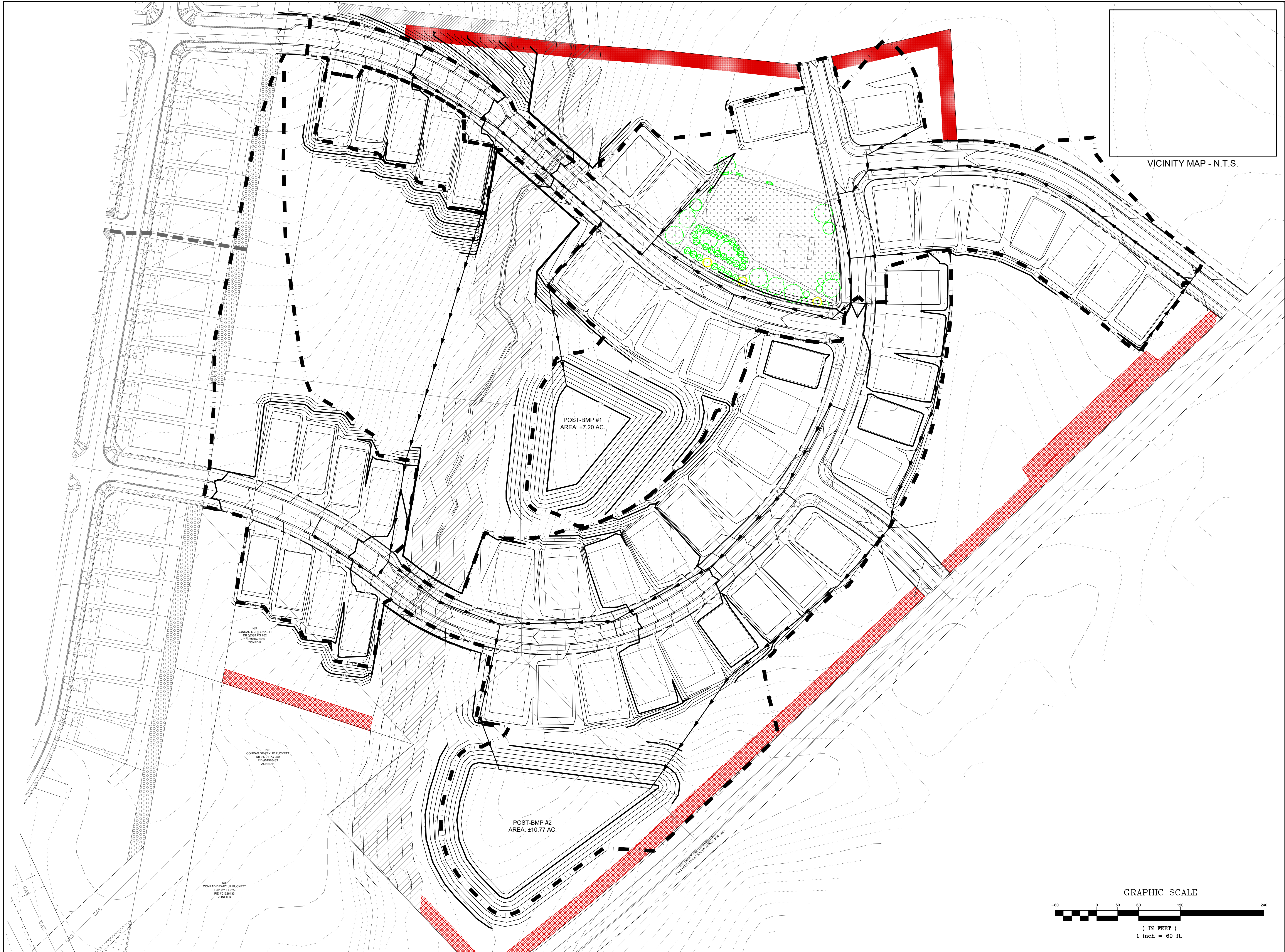


CORPORATE SEAL
NORTH CAROLINA
REGISTERED PROFESSIONAL
R. JOE HARRIS & ASSOCIATES, INC.
SEAL
C-4168



ENGINEER'S SEAL
NORTH CAROLINA
REGISTERED PROFESSIONAL
DANIEL B. GATES
SEAL
051823
11/23/2022

Project Manager	Drawn
D. Gates	T. Alston
Department Manager	Checked
P. Murphy	D. Gates
Print/Plot Date	
November 23, 2022	
Asbuilt Drawn	Asbuilt Date
-	-
Client	
Carver Bowman, LLC 13815 CINNABAR PLACE HUNTERSVILLE, NC 28078 P: (704) 875-9704	
Project:	
Oak Grove Hill Rezoning/Sketch Plan: Phase 3	
Drawing Title:	
UOS-Design	
Project No.	Drawing No.
5259 DWG File Name: 5259_Site-Phase 3	LP-6



VICINITY MAP - N.T.S.

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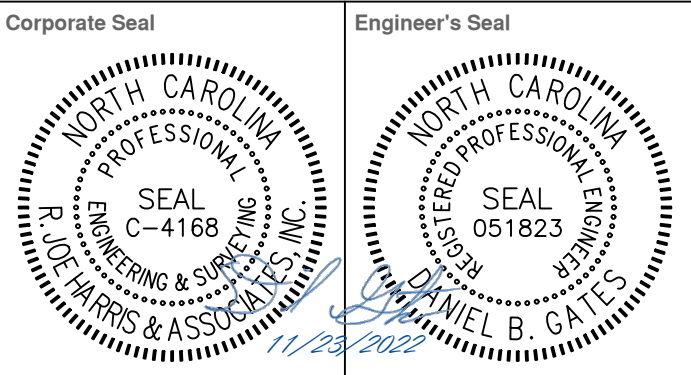
Engineer:



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Project Manager D. Gates	Drawn J. Vavrina
Department Manager P. Murphy	Checked D. Gates

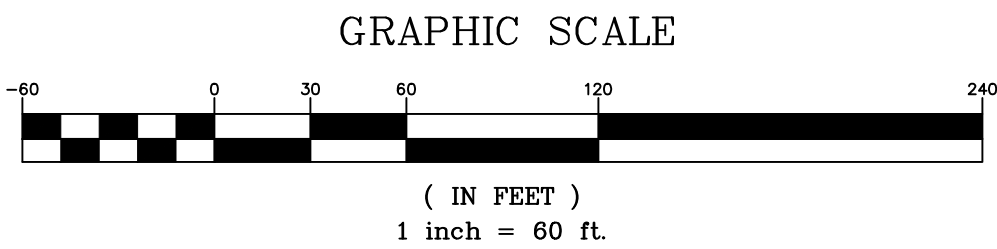
Print/Plot Date November 23, 2022	Asbuilt Date -
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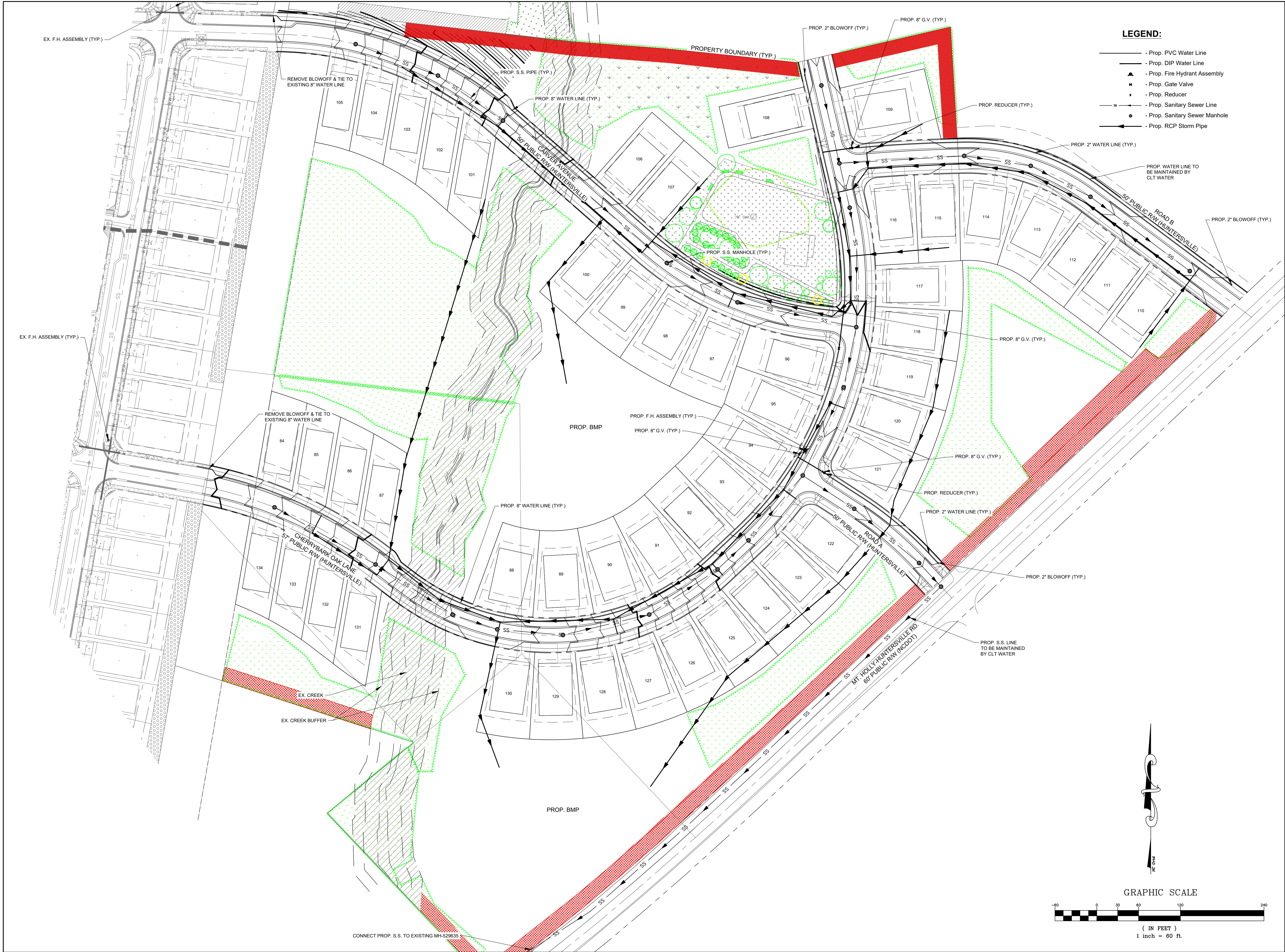
Client
Carver Bowman, LLC
13815 CINNABAR PLACE
HUNTERSVILLE, NC 28078
P: (704) 875-9704

Project:
Oak Grove Hill
Rezoning/Sketch Plan:
Phase 3

Drawing Title:
Post-Drainage Map

Project No. 5259 DWG File Name: 5259_Post Drainage	Drawing No. BMP-3
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DATE	ISSUED FOR	REV
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11/23/2022	Initial Submittal to Town of Huntersville	1



Engineer:

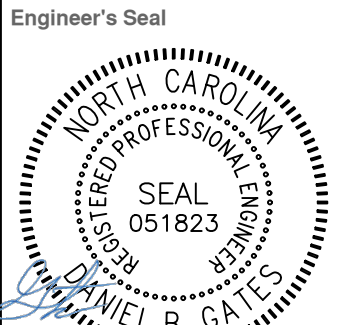


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Project Manager D. Gates	Drawn T. Alston
Department Manager P. Murphy	Checked D. Gates
Print/Plot Date November 23, 2022	
Asbuilt Drawn -	Asbuilt Date -
Client Carver Bowman, LLC 13815 Cinnabar Place Huntersville, NC 28078 P: (704) 875-9704	
Project: Oak Grove Hill Sketch Plan	
Drawing Title: Utility Plan	
Project No. 5259	Drawing No. UT-1
DWG File Name: 5259 - Utilities	

BOWMAN DEVELOPMENT GROUP

R 22-05 OAK GROVE HILL NEIGHBORHOOD MEETING MINUTES

The meeting began at 6:00 pm at the Huntersville Cultural Arts Center, 109 S. Old Statesville Road.

In attendance were David Peete, Principal Planner (Town of Huntersville, and Drew Bowman and Whitney Hodges (Bowman Development Group). There was no public in attendance.

Notifications were sent on January 31, 2023. Letter, maps, and mailing list are attached to these minutes.

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: Jack Simoneau, Planning Director

Date: February 20, 2023

Subject: Public Hearing on Petition #TA22-16

EXPLAIN REQUEST:

Conduct public hearing 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:

Conduct public hearing.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA22-16 PH Staff Report Update - Copy
2. Text Amendment Application
3. Draft Ordinance_12.30.22
4. Examples of Approved 1 Apt. Building on 1 Lot
5. January 5 HOAB Minutes

TA22-16 – Multi-Family Use in One Building on One Lot

PART 1: DESCRIPTION

TA22-16 is a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.2 General Districts and Article 9 Conditions for Certain Uses to establish buffer standards for a multi-family home use in one building, on one lot.

PART 2: BACKGROUND

In the Neighborhood Residential (NR), Neighborhood Center (NC), Town Center (TC), and Highway Commercial (HC) Zoning Districts, one apartment building on one lot is permitted by-right. There is concern that buffers from adjoining lower density development (detached house, duplex house, attached house) do not currently increase based on apartment size (i.e., 4-unit apartment building has same buffer when adjoining single-family homes as a 250-unit apartment).

To address this issue, the proposed amendment is to move multi-family home use from a **use permitted by right** to a **use permitted with conditions** in the NR, NC, TC, and HC Zoning Districts. The condition for a multi-family home use would be that the width of the required landscape buffer increases as the density of the proposed apartment building increases.

- The width of the landscape buffer starts at 5'. The 5' would apply if: a) the apartment has 4 dwelling units or less; b) boundaries are internal to a major subdivision containing the apartment; or c) the apartment adjoins property zoned TC, TOD R or TOD E regardless of number of units, density, or adjoining land use.
- The buffer width can increase to 10', 20', 30', or 40' based on the proposed density of development and if the development adjoins a detached house, duplex, or attached house.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

TA22-16 is consistent with Land Use Policies LU 7.2, LU-9, and LU 11.1 of the 2040 Community Plan.

Policy LU 7.2: Consider updates to the Huntersville Design Guidebook and/or Zoning Ordinance as needed to improve the commercial and multi-family design.

Consider amending the Town's Zoning Ordinance to:

- Address issues including setbacks, architectural requirements, streetscape standards, and landscaping requirements

Staff Comment: Amendment will update Zoning Ordinance to address issues of noise and privacy by requiring increased buffers when existing residential development is adjacent to an infill multi-family use in one building on one lot.

Policy LU-9: New residential development should follow appropriate housing design principles.

Staff Comment: Amendment to create appropriate buffer standards for one building, one lot multi-family infill that is adjacent to less dense residential.

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

Staff Comment: To help protect against noise and the privacy of existing residential developments, the amendment will require increased landscape buffers when a one building, one lot multi-family infill development is adjacent to less dense residential. The buffers will naturally decrease density (as there will be less usable land), provide a greater barrier for noise, and help to protect the privacy of adjacent residential development.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) recommended approval (7-1) of the proposed text amendment on January 5, 2023.

PART 6: PUBLIC HEARING

February 20, 2023

PART 7: PLANNING BOARD RECOMMENDATION

February 28, 2023

PART 8: TOWN BOARD RECOMMENDATION

March 20, 2023

PART 9: ATTACHMENTS

1. Text Amendment Application
2. Ordinance for Adoption
3. Examples of Existing 1 Apartment Building on 1 Lot
4. January 5 HOAB Minutes

PART 10: STATEMENT OF CONSISTENCY – TA22-16		
Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA22-16, Planning Staff recommends approval based on consistency with policies LU 7.2, LU-9, and LU 11.1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment will help to protect the privacy of existing residential development from one building, one lot multi-family infill development.	APPROVAL: In considering the proposed amendment TA22-16, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i>	APPROVAL: In considering the proposed amendment TA22-16, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i>
DENIAL: N/A	DENIAL: In considering the proposed amendment TA22-16, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>	DENIAL: In considering the proposed amendment TA22-16, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>



Text Amendment Application

Date of Application November 10, 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): 3 and 9 Section(s): See attached

See attached

Current Ordinance

See attached

Proposed Text

Reason for Proposed
Change

To address concern for large multi-family buildings on one lot with minimal standards.

Attach additional pages if needed.

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

Applicant

Printed Name Jack Simoneau

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: Huntersville Planning

Signature _____ Date 11/10/22

Title Planning Director Email jsimoneau@huntersville.org

Address of Applicant PO Box 664, Huntersville NC

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	Phone:	704-875-7000
Planning Department	Fax:	704-875-6546
PO Box 664	Physical Address:	105 Gilead Road, Third Floor, Huntersville, NC 28078
Huntersville, NC 28070	Website:	https://www.huntersville.org/228/Planning-Department

Date Received By Planning Department: July 1, 2022

Staff Initials: JS

**AN ORDINANCE TO AMEND ARTICLE 3 & 9 OF THE ZONING ORDINANCE TO
ESTABLISH BUFFER STANDARDS FOR A MULTI-FAMILY HOME USE IN ONE
BUILDING, ON ONE LOT**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.4 of the Zoning Ordinance is hereby amended as follows:

3.2.4 NEIGHBORHOOD RESIDENTIAL DISTRICT (NR)

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

a) Permitted Uses

Uses permitted by right

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

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial use in a mixed-use building¹, located on an arterial or at the intersection of a local street and a larger capacity street
- commercial use, in a detached house building type, located within ¼ mile of a Town Center district and fronting a major or minor thoroughfare (Includes properties in which any portion falls within the ¼ mile boundary) (9.51)
- essential services 1 and 2, (9.14)
- government buildings up to 5000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- retirement communities (9.50)
- schools, (9.35)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- **multi-family homes (9.64)**

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.5 of the Zoning Ordinance is hereby amended as follows:

3.2.5 NEIGHBORHOOD CENTER DISTRICT (NC)

Intent: The Neighborhood Center District is provided for the location of shops, services, small workplaces, civic and residential buildings central to a neighborhood or grouping of neighborhoods and within walking distance of dwellings. A neighborhood center shall be developed on an interconnected pattern of streets and is limited to approximately ¼ mile in radius. Uses in the neighborhood center will have a primary market area of 1 mile and buildings compatible with surrounding residences. If a neighborhood center is the focus of a planned transit stop, it should be designed to serve the neighborhood's residential base plus transit riders.

a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the "civic" building type
- family care home
- indoor amusement
- indoor recreation
- ~~multi-family homes~~
- single family homes

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- government buildings up to 6,000 sq. ft. of first floor area neighborhood
- gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- **multi-family homes (9.64)**

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.6 of the Zoning Ordinance is hereby amended as follows:

3.2.6 TOWN CENTER DISTRICT (TC)

Intent: The Town Center District provides for revitalization, reuse, and infill development in Huntersville's traditional town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Town Center anchors the surrounding residential neighborhoods while also serving the broader community. The district is coded to accommodate the higher overall intensity of development required to support a rail transit station. It is to be expected that the Town Center District will be expanded over time through the zoning change process to an approximate ½ mile radius to meet growth in demand for downtown facilities and services.

a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the "civic" building type
- family care home
- government buildings
- hotels
- indoor amusement
- ~~multi-family homes~~
- nightclubs, music clubs, bars, and similar entertainment facilities
- single family homes

Uses permitted with conditions

- automobile and/or motorcycle sales, automobile service and repair, up to 2 acres in size, with a principal building of at least 8,000 sq. ft., all damaged vehicles and auto parts to be screened opaque (9.25)
- cemeteries, (9.7)
- religious institutions, (9.8)
- essential services 1 and 2, (9.14)
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales), (9.37)

- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- **multi-family homes (9.64)**

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.7 of the Zoning Ordinance is hereby amended as follows:

3.2.7 HIGHWAY COMMERCIAL DISTRICT (HC)

Intent: The Highway Commercial District is established to provide primarily for auto-dependent uses in areas not amenable to easy pedestrian access and a comfortable pedestrian environment. It is expected that the Highway Commercial District will serve not only the Huntersville Community, but interstate travelers as well. Because of the scale and access requirements of uses in this category, they often cannot be compatibly integrated within the Town Center or Neighborhood Center Districts. Development at district boundaries must provide a compatible transition to uses outside the district; property boundaries adjacent to freeways or expressways will require a 50-foot foliated buffer yard; and frontages on major or minor arterials will require formal street tree planting.

a) Permitted Uses

Uses permitted by right

- amusement facilities: all indoor uses
- armories for meetings and training of military organizations
- auction sales
- boarding or rooming houses for up to six roomers
- religious institutions
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- contractor offices and accessory storage yards, excluding the storage of general construction equipment and vehicles
- family care home
- government buildings
- indoor and outdoor recreation
- ~~multi-family homes~~
- nightclubs, music clubs, bars, and similar entertainment facilities
- pawnshops and second-hand shops
- single family homes
- vocational and technical schools
- wholesale sales with related office, storage and warehousing entirely within an enclosed building; truck terminals not permitted

Uses permitted with conditions

- adult establishments, (9.2)
- amusement facilities, outdoor, limited to par 3 golf courses, golf driving ranges, and archery ranges, (9.5)
- car wash, (9.6)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- gasoline service stations, including service and repair of motor vehicles, (9.22)
- hotels spaced 250' or more from residential or mixed-use zones, (9.45)
- parks, (9.29)
- temporary outdoor sales of seasonal agricultural products (example: Christmas tree/pumpkin sales), (9.37)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- vehicle and boat service, rental, cleaning, mechanical repair, and body repair, (9.25; 9.26)
- **multi-family homes (9.64)**

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9 of the Zoning Ordinance is hereby amended as follows:

Article 9.64 – Multi-Family Homes

Multi-family homes in the NR, NC, TC and HC zones shall be subject to the following provisions:

.1 One multi-family home on one lot shall be subject to the following:

a) Minimum buffer widths for adjoining property lines excluding street rights-of-way shall be as follows:

- 1. Five feet (5') minimum buffer width in any of the following circumstances: a) the apartment has four (4) dwelling units or less; b) boundaries are internal to a major subdivision containing the apartment; or c) the apartment adjoins property zoned TC, TOD R or TOD E regardless of number of units, density, or adjoining land use.**
- 2. Ten feet (10') minimum buffer width in either of the following circumstances: a) density is less than 10 units an acre regardless of the adjoining use; or b) the apartment is 10 units an acre or more and adjoins anything other than a detached house, duplex house, or attached house.**
- 3. Twenty feet (20') minimum buffer width when density is between 10 to 15 units an acre and is adjoining a detached house, duplex house, or attached house.**
- 4. Thirty feet (30') minimum buffer width when density is between 15+ to 20 units an acre and is adjoining a detached house, duplex house, or attached house.**
- 5. Forty feet (40') minimum buffer width when density exceeds 20 units an acre and is adjoining a detached house, duplex house, or attached house.**

- b) There shall be three (3) trees per 1000 square feet of buffer area with a minimum of 50% large maturing, minimum of 25% small maturing, and a minimum of 75% evergreen. Further, there shall be ten (10) shrubs per 1000 square feet of buffer area and 100% shall be evergreen.**
- .2 Two or more multi-family homes on one lot constitutes a major subdivision and shall comply with all applicable requirements, including the Multi-Building Sites approval process found in Section 6.800 of the Subdivision Ordinance.**

Approved Multi-Family Use in 1 Apartment Building on 1 Lot

1. Mosaic Senior Living (approved)
9102 Beatties Ford Road
130 units, 9.85 acres (13 units/acre)



2. Norman Lofts (approved)
14801 Statesville Rd.
45 units, 2 acres (22 units/acre)



3. Stumptown Apartments (under construction)
14801 Stumptown Rd
18 units, 1.07 acres (16 units/acre)



4. Bellamoore Senior Living (built)
16515 Old Statesville Rd
116 units, 5.03 acres (23 units/acre)



5. 14719 N Old Statesville Apartments (built)
8 units, .31 acres (25 units/acre)



6. Caldwell Station Senior Apartments (approved)
11130 Will Knox Road
134 units, 6.4 acres (20 units/acre)

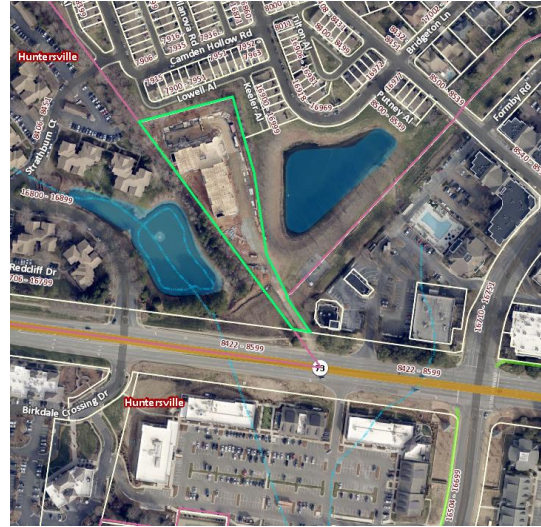


Approved Multi-Family Use in 1 Apartment Building on 1 Lot

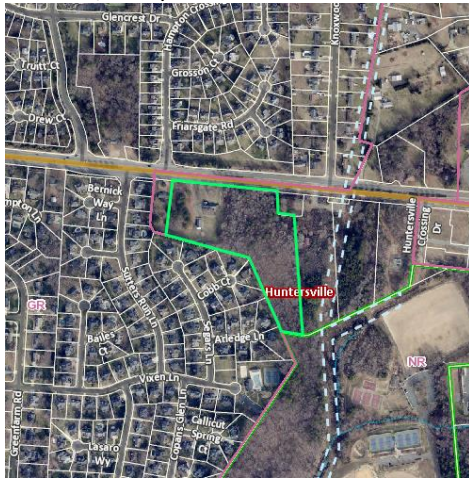
7. Album Senior Living (under construction)
6930 Prosperity Church Rd
168 units, 5.77 acres (29 units/acre)



8. Sam Furr Senior (under construction)
8521 Sam Furr Rd.
62 units, 2.02 acres (30 units/acre)



9. Sam Furr Apartments (not approved yet)
10400 Sam Furr
244 units proposed, 10.03 acres (24 units/acre)



Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, January 5, 2023.

Call to Order/Roll Call

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

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

Voting Members Absent: A. Hallman & T. Finlay

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

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the December 15, 2022, Regular Meeting Minutes

Motion: J. Kluttz made a Motion to Approve the December 15, 2022, minutes. H. Whittaker seconded the motion.

Vote: The motion passed unanimously (6-0-1) with T. Taylor abstaining because he was not in attendance.

Public Comments

Commissioner D. Boone, 317 Southland Drive thanked (the members with terms expiring) T. Finlay, T. Taylor & B. Skelly for their service on the Board.

Action Agenda

Item 5C: Discuss petition TA22-16, a request by the Huntersville Planning Department amending the Town Zoning Ordinance to place standards for a single multi-family home on one lot.

J. Simoneau, Planning Director stated that one issue identified by staff as a concern is one apartment building on one lot can get quite large and can be adjacent to lower density existing development. This amendment is to address the buffer requirements. This amendment is amend Article 3 to move the multi-family homes as a use permitted by right and put it as a use permitted with conditions in the NR, NC, TC, and HC zoning districts. In Article 9.64 would be amended to show different setbacks based on the circumstances involved with one building/one lot. In part B it also indicates how much buffer and screening would be required within that setback. Subsection 2 states that if it is part of a major subdivision it will be subject to this amendment. Staff reviewed the proposed amendment and provided examples of how this would have affected recently approved projects.

F. Gammon asked staff what current zones are by-right zoning for multi-family. Staff replied TC, NC, NR, and HC which are all included in the proposed amendment.

F. Gammon commented that he supports this amendment and the transparency of having this discussed in public forum with public comment. It will not stop multi-family development but the Town Board will be looped back in the discussion and not surprised by by-right development.

Motion: B. Skelly made a Motion to Approve TA22-16 as written. H. Whittaker seconded the motion.

Vote: The motion was approved (6-1) with M. Jones opposed.

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: February 20, 2023

Subject: Petition #TA22-13

EXPLAIN REQUEST:

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

ACTION RECOMMENDED:

Make decision.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

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

TA22-13 – Manufactured Home Skirting, Permit Application, & Tower Collocation

PART 1: DESCRIPTION

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

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

PART 2: BACKGROUND

Manufactured Home Skirting

The Zoning Ordinance requires masonry skirting for all manufactured homes, whether the land that the home sits on is owned or leased by the owner of the manufactured home. Masonry skirting is required for aesthetic and practical purposes (i.e. protection of pipes, home temperature regulation, prevention of animal intrusion, etc.). In August 2021, General Statute Chapter 160D-910(g) was amended to state masonry skirting shall not be required if the manufactured home is located on land leased to the owner of the manufactured home. When presenting the text amendment to the Huntersville Ordinance Advisory Board, the question was raised if the Town could require non-masonry skirting in such cases. It was determined by the Town Attorney that the Town could require non-masonry skirting. Staff then updated the amendment language to require non-masonry skirting if masonry skirting could not be required.

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

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

Permit Application

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

Communication Tower

Staff is amending the Commercial Communication Tower standards to specify towers must comply with G.S. Chapter 160D-937/938 on the collocation of wireless facilities on town utility poles. 160D-937 applies to town owned utility poles and has standards on the right to collocate on town utility poles, the fees for such, and the terms and conditions for collocation.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

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

- Policy LU-10: Encourage a diversity of housing options.
 - LU 10.1: Align housing options with resident needs and promote attainable housing options.
 - Staff comment: The manufactured home skirting amendment lessens the burden on those who own the manufactured home but lease the land the home sits on. Those who lease land for their manufactured home are more likely to move the home to a new lot from time to time. The amendment will help reduce the cost and burden of having to install and then un-install masonry skirting when moving the manufactured home to a new lot. For some people, this could make owning a manufactured home more attainable.
- LU 11.1: Protect and enhance the unique character of Huntersville’s neighborhoods by using planning tools to safeguard from potentially negative impacts of development and redevelopment.
 - Staff comment: Regarding the manufactured home amendment, to help protect the aesthetic of existing neighborhoods, Huntersville will still require non-masonry skirting for manufactured homes located on land leased to the homeowner.

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

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

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

PART 6: PUBLIC HEARING

The public hearing was held January 3, 2023 and no comments from the public were made.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board recommended approval (9-0) of the text amendment at the January 24, 2023 meeting.

PART 8: TOWN BOARD RECOMMENDATION

February 20, 2023

PART 9: ATTACHMENTS

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

PART 10: STATEMENT OF CONSISTENCY – TA22-13		
Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA22-13, Planning Staff recommends approval based on consistency with policies LU-10, LU 10.1, and LU 11.1 of the Huntersville 2040 Community Plan and with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature. It is reasonable and in the public interest to amend the Zoning Ordinance because it is necessary to coordinate the Huntersville Zoning Ordinance to comply with State Legislature.	APPROVAL: C. Boyd made a motion to recommend approval of petition TA22-13 based on the amendment being consistent with policies LU-10, LU 10.1, and LU 11.1 of the Huntersville 2040 Community Plan and with all policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature. It is reasonable and in the public interest to amend the Zoning Ordinance because it is necessary to coordinate the Huntersville Zoning Ordinance to comply with State Legislature.	APPROVAL: In considering the proposed amendment TA22-13, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
DENIAL: N/A	DENIAL: N/A	DENIAL: In considering the proposed amendment TA22-13, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)



Text Amendment Application

Date of Application 10/01/22

Fee

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

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other
☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

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

Current Ordinance

See attached

Proposed Text

See attached

Reason for Proposed
Change

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

Attach additional pages if needed.

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

Applicant

Printed Name Town of Huntersville Planning Department

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

Signature Kayleigh Mielenz Date 10/01/22

Title Planner I Email Kmielenz@huntersville.org

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

Property Owner (if different than applicant)

* Printed Name _____

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

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

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

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

Date Received By Planning Department: 10/01/22

Staff Initials: KIM

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

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

a) Permitted Uses

Uses permitted by right

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

Uses permitted with conditions

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

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

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

11.6 Zoning Compliance

.1 Zoning Compliance

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

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

9.9 Commercial Communication Tower

A Commercial Communication tower shall meet the following standards:

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

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

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

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

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

Section 4. EFFECTIVE DATE

This ordinance shall become effective upon the date of adoption.

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

PUBLIC HEARING DATE: January 3, 2023

PLANNING BOARD MEETING: January 24, 2023

TOWN BOARD DECISION: February 20, 2023

§ 160D-910. Manufactured homes.

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

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

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

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

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

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

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

§ 143-145. Definitions.

The following definitions apply in this Article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 160D-938. Applicability.

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

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

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

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

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

Minutes of the Town of Huntersville Ordinance Advisory Board

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

Call to Order/Roll Call

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

Voting Members Present: M. Jones, T. Taylor, A. Hallman, K. Jones, H. Whittaker, and F. Gammon

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

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

Non-Voting Members Absent: None

Approval of Minutes

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

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

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

Public Comments

No comments.

Action Agenda

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

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

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

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

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

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

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

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

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

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

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

Minutes of the Town of Huntersville Ordinance Advisory Board

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

Call to Order/Roll Call

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

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

Voting Members Absent: J. Kluttz

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

Non-Voting Members Absent: None

Approval of Minutes

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

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

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

Public Comments

No comments.

Action Agenda

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

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

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

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

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

Vote: The motion passed unanimously (8-0)

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

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

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

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

H. Whittaker expressed support for Option 3 as presented.

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

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: Jack Simoneau, Planning Director

Date: February 20, 2023

Subject: Petition #TA22-12

EXPLAIN REQUEST:

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

ACTION RECOMMENDED:

Make Decision

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA22-12 PB Staff Report 2-20-23
2. Text Amendment Application
3. TA22-12 Ordinance
4. HOAB Minutes on TA 22-12
5. Table of Municipalities

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

PART 1: DESCRIPTION

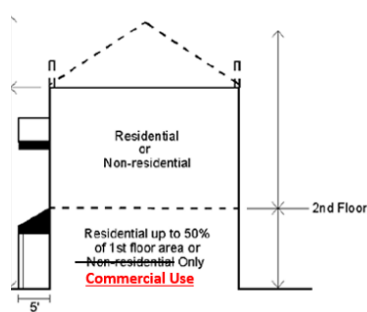
TA 22-12 is a request by the Huntersville Town Board to amend Articles 4 and 12 of the Zoning Ordinance clarifying first floor residential and commercial area requirements for Shopfront and Workplace mixed-use buildings.

PART 2: BACKGROUND

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

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

Through the review process, it was determined the term “non-residential” should be replaced by the term ‘commercial’ as it better aligned with the Town Board’s intentions and is defined in the Zoning Ordinance. Below is the initial proposal presented at the public hearing but has been modified per input from the HOAB and Planning Board (page 2 and 3).



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above and are further controlled by district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential
6. **First floor commercial area shall include floor area used exclusively for commercial use and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.**

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

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

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

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

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

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

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

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

EV 1.4: Review development standards to support business growth.

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

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

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

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

EV 2.2: Leverage Downtown as a unique destination.

EV 2.3: Attract businesses to Downtown.

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

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

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

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

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

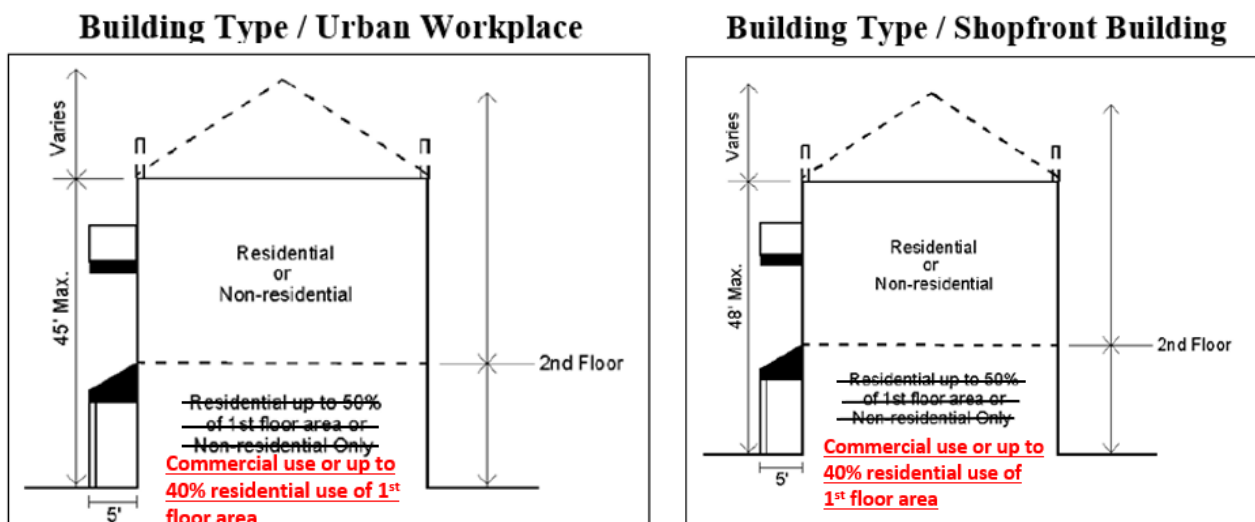
PART 4: STAFF RECOMMENDATIONS

Approval with the illustration wording “Commercial Use or up to 50% residential use of 1st floor area” as recommend by the Planning Board. See Part 9 below.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The HOAB discussed the request on November 3, December 1, and December 15, 2022. On January 5, 2023, the HOAB voted 5 to 2 (Skelly, Whittaker) to recommend TA 22-12 as follows:

The Huntersville Ordinance Advisory Board (HOAB) recommends that Text Amendment 22-12, 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” This 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. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment clarifies first floor residential and commercial area requirements.



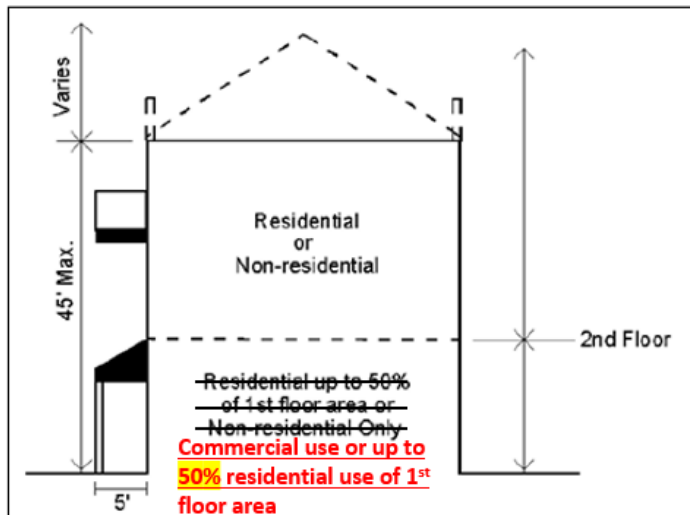
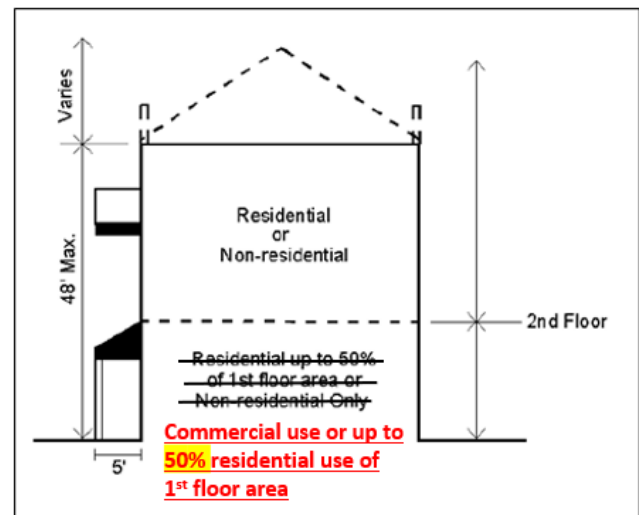
PART 6: PUBLIC HEARING

January 3, 2023 & January 17, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

January 24, 2023 - **Motion:** F. Gammon made a motion to recommend approval of petition TA22-12 with the following change (from what was presented by staff). Delete first floor diagram wording in section two and three and replace with "Commercial Use or Use up to 50% residential use first floor area." The recommendation is based on the amendment being consistent with Huntersville 2040 Community Plan policies LU-6, Lu-7, LU-10, EV-1, EV-2, DT-1, DT-10. It is reasonable and in the public interest to amend the zoning ordinance because the amendment clarifies commercial use and residential first floor area requirements. Further, stating commercial use first and requiring a minimum of 50% commercial space be allocated to commercial use emphasizes commercial usage of the first-floor area in mixed use buildings. S. Swanick accepted the motion.

The amended motion passed (8-1) with G. Baber opposed.

Building Type / Urban Workplace**Building Type / Shopfront Building****PART 8: ATTACHMENTS**

1. Application
2. Ordinance
3. Huntersville Ordinance Advisory Board Minutes November 3, December 1, December 15, 2022, January 5, 2023
4. Floor Area Requirement Comparison of Nearby Cities

PART 9: STATEMENT OF CONSISTENCY

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA22-12, the Planning Staff recommends approval based on the amendment being consistent with LU-6, EV-1, EV-2, and DT-1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment clarifies first floor residential and commercial area requirements.	APPROVAL: In considering the proposed amendment TA22-12, the Planning Board recommends approval based is based on the amendment being consistent with Huntersville 2040 Community Plan policies LU-6, LU-7, LU-10, EV-1, EV-2, DT-1, DT-10. It is reasonable and in the public interest to amend the zoning ordinance because the amendment clarifies commercial use and residential first floor area requirements. Further, stating commercial use first and requiring a minimum of 50% commercial space be allocated to commercial use emphasizes commercial usage of the first-floor area in mixed use buildings.	APPROVAL: In considering the proposed amendment TA22-12, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
		DENIAL: In considering the proposed amendment TA22-12, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u> of the Huntersville 2040 Community Plan. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)



Text Amendment Application

Date of Application October 4, 2022

Fee

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

Type of Change

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

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

Description of Change

Proposed text amendment will affect the following:

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

See attached

Current Ordinance

See attached

Proposed Text

**Reason for Proposed
Change**

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

Attach additional pages if needed.

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

Applicant

Printed Name Jack Simoneau

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

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

Title Planning Director Email jsimoneau@huntersville.org

Address of Applicant PO Box 664, Huntersville, NC 28070

Property Owner (if different than applicant)

* Printed Name N/A

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

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

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

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

Date Received By Planning Department: October 4, 2022

Staff Initials: JS

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

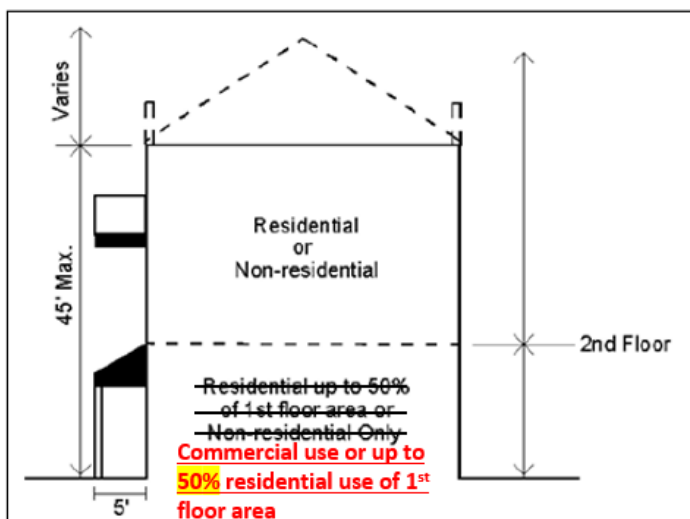
Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12, Definitions, of the Zoning Ordinance is hereby amended by modifying the definition of Commercial Use and adding a new definition of non-residential use as follows:

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

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

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

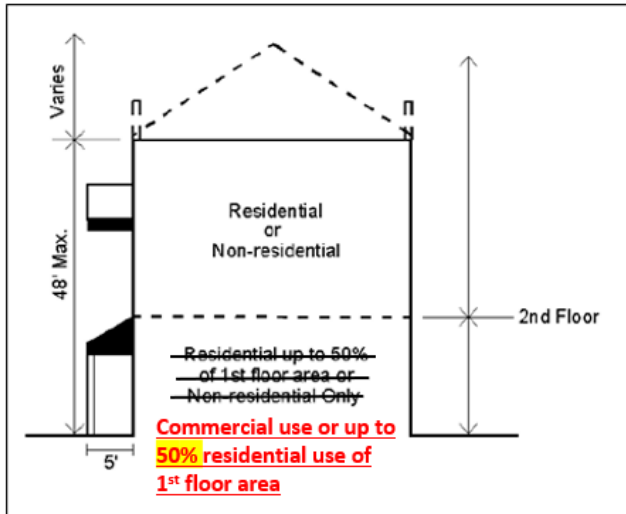
Building Type / Urban Workplace



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above and are further controlled by zoning district standards.
5. Hotels in the Highway Commercial (HC) zoning district may exceed the maximum building height (shown above), not to exceed six (6) stories, subject to the provisions of Article 9.45.
6. **First floor commercial floor area shall include floor area used exclusively for commercial use and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.**

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

Building Type / Shopfront Building



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above and are further controlled by district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential
6. **First floor commercial area shall include floor area used exclusively for commercial use and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.**

Section 4. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: November 3, December 1, December 15, 2022, and January 5, 2023; recommended approval (5-2) with **“Commercial use up to 40% residential use of 1st floor area”**

PUBLIC HEARING DATE: January 3 and 17, 2023

PLANNING BOARD MEETING: January 24, 2023; recommended approval (9-0) with **“Commercial use up to 50% residential use of 1st floor area”**

TOWN BOARD DECISION: February 20, 2023

HOAB November 3, 2022, Minutes

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

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

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

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

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

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

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

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

HOAB December 1, 2022, Minutes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOAB December 15, 2022, Minutes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOAB January 5, 2023, Minutes

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

J. Simoneau, Planning Director stated that staff's recommendation remains the same and staff is available to answer any questions the Board may have. Staff shared with the Board the alternate language provided by F. Gammon to the Board.

F. Gammon commented that he has drafted the proposed language after speaking with the members of this Board for whom he has phone numbers, as well as Commissioners with the goal of getting this amendment moved along in the approval process.

Motion: F. Gammon made a Motion to Approve TA22-12 move forward to Public Hearing, Planning Board recommendation and Town Board decisions as written with the following change, delete first floor diagram wording in section two and section three and replace with, "100% commercial use of first floor area; however, up to 40% residential and/or non-residential floor space may be allowed. Any additional residential or non-residential floor space shall require conditional rezoning." The HOAB feels that the rewording of the proposed amendment provides multiple zoning districts adaptability allowing mixed-use building to configured for success based upon their specific site locations. The recommendation is based on the amendment being consistent with LU-6, LU-7, LU-10, EV-1, EV-2, D-1, D-10 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment clarifies first floor residential and commercial area requirements.

E. Sloop commented for clarity that the proposed language is contradictory because commercial use is non-residential use.

K. Jones seconded the motion.

F. Gammon provided comments on the motion he put forth stating that he requested the Planning Department consider if there is a different need for floor space requirements within the Town Center district, based on a discussion he had with A. Hallman. Also, that the Planning Department address the concerns the Commissioners raised at the Public Hearing which included comments from Commissioner Boone to consider orienting first floor commercial use space on primary streets. F. Gammon stated he did not add this to the motion at this time because he believes it needs to be fully researched for the best application across multiple zoning districts and varied street styles. F. Gammon then shared, Commissioner Phillips mentioned not regulating commercial spaces on first floor for the disabled and elderly since most of these types of buildings do not have elevators and that while there are age restricted accommodations there may be a need for an elderly or disabled resident to reside near a place of care or family member where single or multi-storied housing where accommodations do not exist. Lastly, Mr. Simoneau's comments that requiring an applicant to return to the Town Board would add a month to the process. This is valid, but it's currently taking 4+ months for approval and I provide Birkdale and Northstate as examples.

J. Kluttz asked about the concerns brought up by E. Sloop.

F. Gammon commented that he is open to amending the motion. He wrote it as 100% commercial use not commercial which is the defined term in the Zoning Ordinance. There is other commercial not defined in our commercial use which is non-residential.

M. Jones commented that there are uses that are neither commercial or residential that non-residential incorporates. Staff confirmed there are some uses that are not under commercial use or residential use such as a school. M. Jones commented that if we don't have non-residential in the amendment then those uses would not be allowed in that first floor.

H. Whittaker asked staff to review what led to the proposed language. Staff stated we were originally comfortable with non-residential. There was a desire of the Town Board to have more commercial uses for the first floor and staff was asked to prepare an amendment. Staff proposed the amendment with up to 50% residential or commercial use because it was the sense that this is what the Town Board wanted and that is why non-residential use is not included in what staff proposed.

F. Gammon asked E. Sloop if after hearing the reasoning there were remaining concerns. E. Sloop stated that as worded there is an internal conflict since all commercial is non-residential. F. Gammon said he is willing to amend it and asked if there are commercial areas that could be put on the first floor that is non-residential that is not listed in commercial use. E. Sloop stated that there are non-residential uses that are not commercial that could go there and it is her understanding that the desire of the Town Board was to indicate the use would be commercial so she is not sure this wording meets the goals of the Town Board. Additionally, she would not recommend stating that a developer could request a modification of the ordinance. The developer has the option to seek a conditional rezoning but we do not call that out in every single instance so she would not recommend doing that in this instance either.

F. Gammon commented that he is willing to remove non-residential from the motion at this time so that the item can move forward and could be added in the future if valid.

Amended Motion: "100% commercial use of first floor area; however, up to 40% residential floor space may be allowed. Any additional residential or non-residential floor space shall require conditional rezoning." K. Jones seconded the amendment.

K. Jones expressed concerns over removing non-residential as an option stating that a small start-up church would not be allowed.

F. Gammon commented that he would prefer the statement be written out that a conditional rezoning is required for any alterations. Staff commented that because it is not written out in every other instance it raises the question of why it is not listed elsewhere.

M. Jones stated he understood that the Town Board wants to focus on commercial and our Ordinances currently allow 100% of first floor to be non-residential. As originally written up to 100% is the interpretation of commercial on the first floor but then you can have the ability to have 40% of your residential or non-residential uses. So, we are making it more restrictive on the first floor not allowing non-residential uses if we remove that.

K. Jones followed up and said that is where she had concern because daycare is allowed under commercial, but a small start-up church would not be allowed because they are non-residential, and she would like them to have the same opportunities. Staff stated that as originally proposed they stuck with the term non-residential and there were some concerns from this committee and Town Board, so we are comfortable leaving it commercial use.

M. Jones commented that the 40% residential or non-residential allows for some flexibility and does not restrict the non-residential uses in the first floor of the building. Without that statement there is effectively a minimum of 60% commercial required. For this reason A M. Jones asked F. Gammon if he would withdraw his amendment. F. Gammon agreed and withdrew his amendment. K. Jones seconded withdrawing the amendment.

M. Jones commented that there is a motion on the floor, but it does not include the interpretation aspect that would provide a more comprehensive solution. F. Gammon commented that he supports the things M. Jones has written but he would prefer to see it as a separate text amendment. M. Jones asked if F. Gammon would amend his motion that HOAB will sponsor that as a separate text amendment. Staff confirmed we will handle the interpretation piece next, and no amendment is necessary.

J. Kluttz asked if Staff was fine with the motion and asked why we do not suggest it. Staff responded that our recommendation is to remain at 50% commercial while acknowledging that the proposed motion could get you to 60% commercial, so it is close, but because the simpler you make it to develop here the more attractive you make it. Through the research of neighboring communities, the goal is to not create a regulation that is a disincentive. The second reason Staff is not comfortable with what is being proposed is because of the wording outlining the conditional rezoning exception. In staff's opinion the only difference between the proposed amendment and staff's wording appears to be an increase of 10% of commercial use and staff would simply word that differently.

F. Gammon asked what happens when you are not building in Town Center, you are building in a node, and you want to come back to the Town Board and say you want to build 40% commercial and 60% residential and non-residential. The flexibility is there for any building in any zoning. E. Sloop expressed concern about the numbers not adding up and there being conflict in the statement.

Following discussion as to what the percentages would allow and how this could be interpreted, M. Jones recommended the motion first state, "Up to 40% residential and/or non-residential floor space, or commercial use only." Staff stated that the wording works for staff.

B. Skelly commented that this wording still does not appear to resolve the conflicting issue as stated by E. Sloop. It appears that the same could be accomplished by adjusting staff's proposed wording to 60% commercial. Staff asked if the wording could be adjusted to, "Up to 40% residential and/or non-residential (not including commercial uses), or commercial use only."

F. Gammon stated he thinks commercial use should be mentioned first as this is the primary goal. He offered a rewording of, "Commercial Use or up to 40% residential of the first-floor area." Staff confirmed that avoids the non-residential confusion. He asked if the Board agreed that met the objective. M. Jones said he could live with it.

K. Jones asked for confirmation that a developer could still go through conditional rezoning and commercial on the first floor could be reduced to 20%. Staff confirmed that is always the case, but it is a four and a half month process and the applicant would be opening themselves up to all different things in that process.

Commissioner Munger followed up on the statement made by B. Skelly that adjusting staff's proposed wording to 60% commercial would in his opinion achieve the intent of what the Board is discussing while resolving the legal intent issues that have been raised.

Revised Amended Motion: "Commercial Use or up to 40% residential of the first-floor area."

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

**Town of Huntersville
Planning Board
February 20, 2023**

To: Town Board

From: Jesse James, Senior Planner

Date: February 20, 2023

Subject: Petition #SUP22-02

EXPLAIN REQUEST:

Consider final action on Petition #SUP22-02 a request by Hitesh Patel on behalf of Hotel Ventures of Lake Norman, Inc for a Special Use Permit for a hotel at 16221 Northcross Drive (Parcel # 00930115).

ACTION RECOMMENDED:

Final Action

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. SUP22-02 Staff Analysis 2
2. SUP_Town_of_Huntersville_General_Application
3. Northcross_Hotel_Special_Use_Permit_Set
4. Architectural_Plans_and_Elevations_Revision#1
5. Special Use Permit Applicant Burden_2022
6. EPM_Rezoning_#442291,_Impact_on_Neighboring_Property_Values

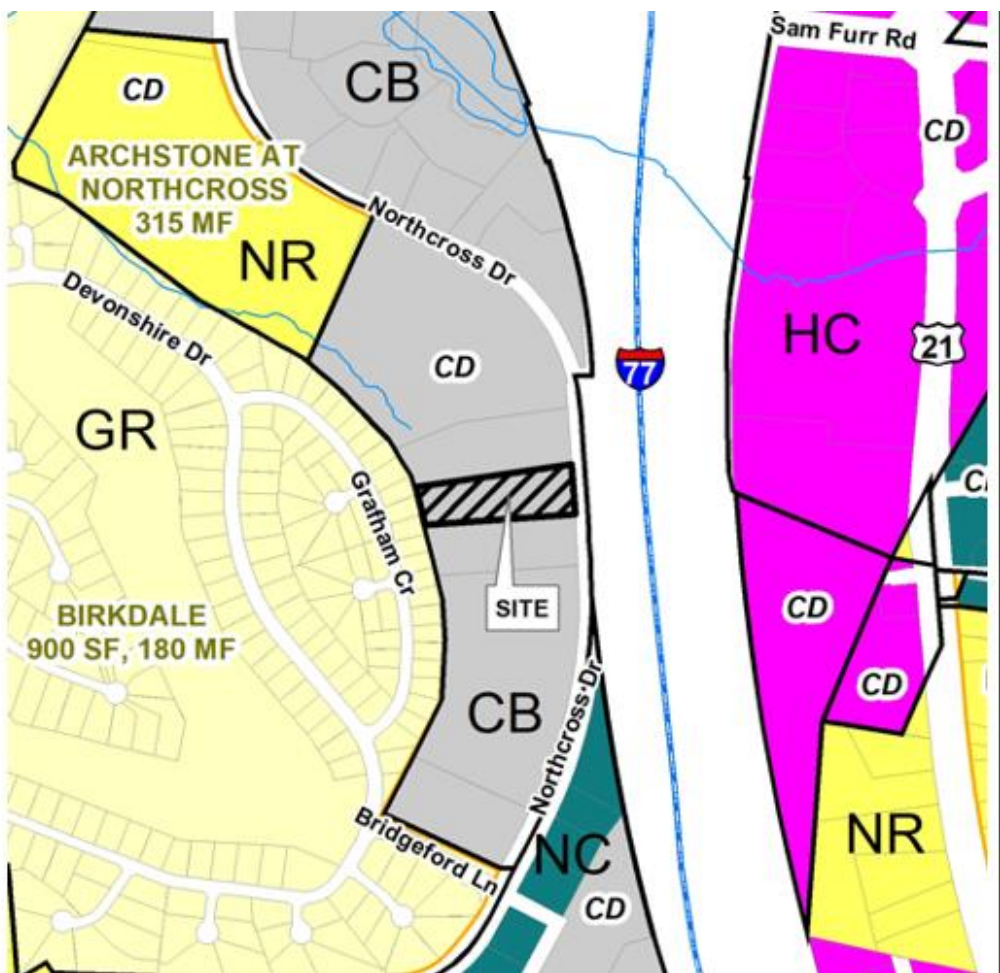
REQUEST:

Special Use Permit Application for Hotel Use in Corporate Business District –
SUP22-02

1: DESCRIPTION

Petition #SUP22-02, Northcross Hotel, is a request by Hitesh Patel on behalf of Hotel Ventures of Lake Norman, Inc for a Special Use Permit for a hotel on at 16221 Northcross Drive PIN 00930115. Hotels are permitted in the Corporate Business (CB) zoning district with the issuance of a special use permit and subject to the conditions outlined in Article 9.45. (this proposal also requires a rezoning and is proposed for a conditional district rezoning-see R22-06)

PART 2: LOCATION



Applicant: Hotel Ventures of Lake Norman, Inc.

Property Owner: Manah Limited Partnership

Property Address: 16221 Northcross Drive

Project Size: (+/-) 2.66 acres

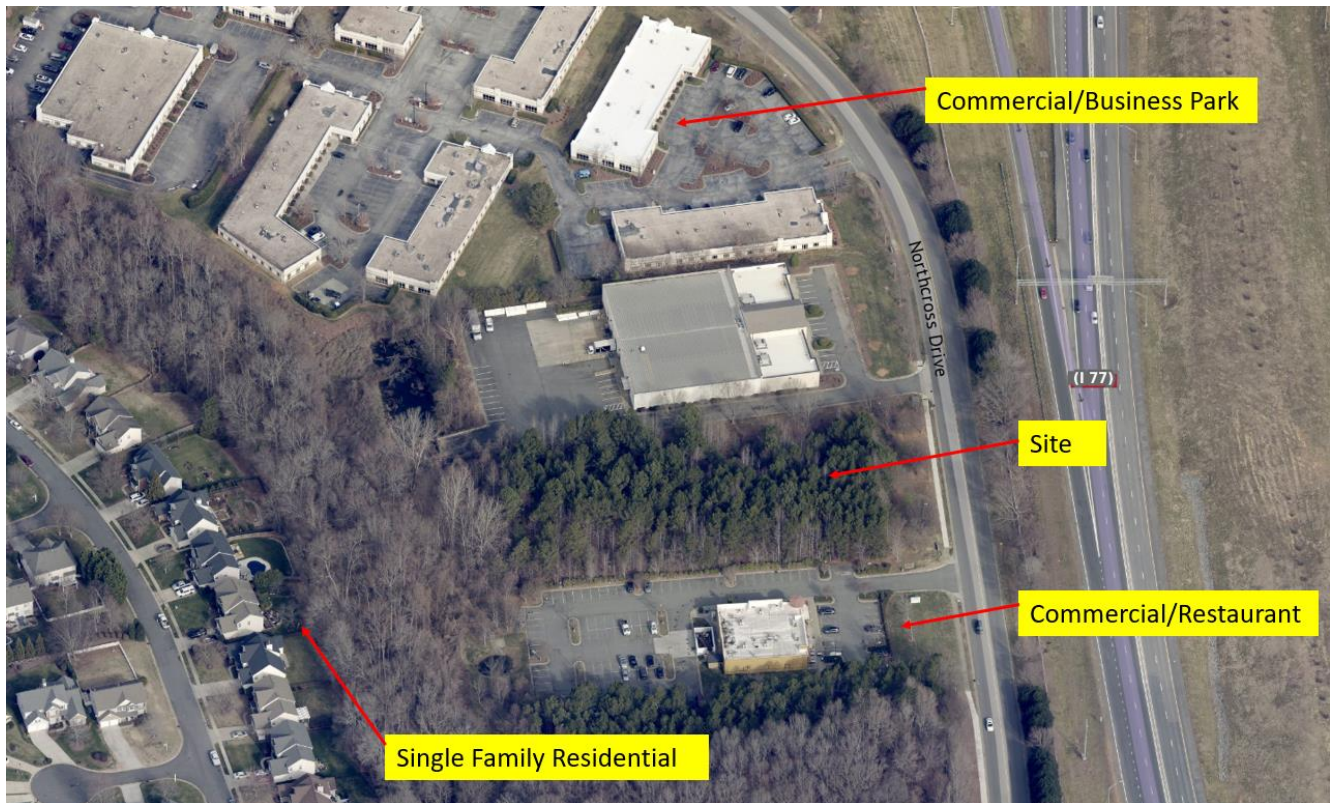
Parcel Numbers: 00930115

Current Zoning: Corporate Business Conditional District (CB-CD)

Current Land Use: Vacant

Proposed Zoning: Corporate Business Conditional District (CB-CD)

Proposed Land Use: Hotel 109 Rooms



PART 3: STAFF FINDINGS

Article 9.45 Hotels and Motels:

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

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

STAFF FINDINGS: The subject property is directly adjacent to a residential zoning district.

2. **a)** Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.

STAFF FINDINGS: The proposal calls for a maximum height of 47 feet, this height times three equals 141 feet. The separation distance proposed under the condition above is at 339 feet, which can be seen in the provided site plans attached.

b) That all other site design requirements stated in this code are met. Any structure in which a hotel or motel is the principal or accessory use is spaced less than established in 1 above shall

require a special use permit subject to the following standards as well as all other standards applicable for special use permits:

STAFF FINDINGS: The application requires this special use permit

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

STAFF FINDINGS: Northcross Drive is classified as a minor thoroughfare.

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

STAFF FINDINGS: The Corporate Business District allows Urban Workplace building types in which 45 feet (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) is the maximum permitted building height.

The height proposed for the hotel is 47 feet, which by this code requires approval of a special use permit.

Article 11.4.10(e)(2) The applicant has the burden of producing competent, material, and substantial evidence establishing that:

- i. The proposed special use will not materially endanger the public health or safety;

STAFF FINDINGS: There is no reason to believe that this project would endanger the public health or safety. All applicable fire and building safety codes will be met if approved.

- ii. The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity;

STAFF FINDINGS: Attached is an Impact Analysis on neighboring property values completed for the applicant by Hotel and Club Appraisal and Consulting Services. This details their findings and conclusions as they relate to subsection ii. This is also summarized in the applicants Special Use Permit Applicant Burden document attached.

- iii. The proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan;

STAFF FINDINGS: the proposal is consistent with the Huntersville 2040 Community Plan policies LU 5.1, 6.2, 7.1, and EV-1.3. Furthermore, Hotels are a use by right with conditions under the Corporate Business zoning district and this proposal complies with all applicable ordinances with only one minor modification requested for additional two feet of height above the maximum allowed in the district. (requires a conditional district rezoning see R22-06)

- iv. The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located;

STAFF FINDINGS: The proposal complies with all applicable standards and ordinances with one minor modification requested for additional two feet of height above the maximum allowed in the district. (requires a conditional district rezoning see R22-06)

- v. The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use.

STAFF FINDINGS: All standards will be met and the proposed plan meets these standards. (see 1 & 2 above)

PART 4: PLANNING STAFF RECOMMENDATION

In considering the Special Use Permit SUP22-02, Northcross Hotel, Planning Staff find that the request meets the requirements for a hotel spaced less than 250 feet from a residential zone, based on the above findings of fact. Staff recommends approval if the Board finds that the applicant has presented competent, material, and substantial evidence that proves the criteria for a special use permit is met.

PART 5: PUBLIC HEARING/FINAL ACTION

The Special Use Permit Hearing will be held on February 20, 2023

PART 6: ATTACHEMENTS

- A: Application
- B: Special Use Permit Set (Site Plans)
- C: Architectural Plans and Elevations
- D: Impact on Neighboring Property Values Analysis
- E: Special Use Permit Applicant Burden Document

PART 7: Town Board Decision Statements

In considering the Special Use Permit SUP22-02, Northcross Hotel, we, the Town Board, find that the request meets all required criteria for granting a Special Use Permit for a hotel spaced less than 250 feet from a residential zone, as outlined in the ZONING ORDINANCE Article 9.45. The Town Board grants SUP 22-02 and (Choose option A, B, or C):

A) Incorporates Staff's Findings of Facts for the standards to Grant SUP22-02.

B) Incorporates Staff's Findings of Facts numbered XXX (specify which Findings to accept and which to reject) and makes the following Findings of Facts for the Standards to Grant SUP 22-02:

- 1)
- 2)

Add additional statements as necessary.

C) Rejects Staff's Findings of Facts and makes the following Findings of Facts for the standards to grant SUP22-02 (The Findings must be in relation to the applicable standards):

1)

2)

Add additional statements as necessary.

Against Special Use Permit

In considering the Special Use Permit SUP22-02, Northcross Hotel, we, the Town Board, find that the request does not meet the required criteria for granting a Special Use Permit for a hotel spaced less than 250 feet from a residential zone, as outlined in the Zoning Ordinance Article 9.45, based on the following Findings of Fact:

(List which conditions are not being met)

1)

2)

Add additional statements as necessary.



General Application

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

1. Application Type

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

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

SUBDIVISION CATEGORIES: Per the
Huntersville Subdivision Ordinance

- ☐ Sketch Plan
- ☐ Preliminary Plan
- ☐ Final Plat (Includes Minor Subdivision)
- ☐ Exempt Subdivision
- ☐ Final Plat Revision
- ☐ Farmhouse Cluster

2. Project Data

Date of Application 10-03-2022

Name of Project Northcross Hotel Special Use Plan Phase # (if subdivision) _____

Project Address 16221 Northcross Drive, Huntersville NC 28078

Parcel Identification Number(s) (PIN) 00930115

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

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

Current Land Use Vacant

Proposed Land Use(s) Commercial

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

This submittal is a part of the rezoning for this parcel to allow for a 4-story Hotel adjacent to single family residential lots. The hotel building footprint is approximately 20,225 sf with 110 rooms.

4. Site Plan Submittals

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

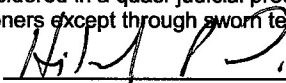
5. Outside Agency Information

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

6. Applicant

Printed Name Hotel Ventures of Lake Norman, Inc. Phone 404-368-9227
☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature  Printed Name: Hitesh Patel

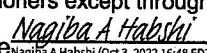
Title Vice President Email hpatel@hotelventuresinc.com

Address of Applicant _____

7. Property Owner (if different than applicant)

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

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

Signature  Printed Name Nagiba A. Habashi
Nagiba A Habashi (Oct 3, 2022 16:48 EDT)

Title _____ Email _____

Address of Property Owner 16115 Weatherly Way, Huntersville NC 28078

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

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

8. Development/Design Firm Contact Information

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

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

Sheet List Table	
Sheet Number	Sheet Title
C01	COVER
C02	SURVEY
C02A	TREE SAVE PLAN
C03	SPECIAL USE PLAN
C04	PRELIM GRADING PLAN
C05	LANDSCAPE-UTILITY PLAN

SPECIAL USE PLAN PACKAGE
PROPOSED

NORTHCROSS HOTEL
HUNTERSVILLE, MECKLENBURG COUNTY, NC

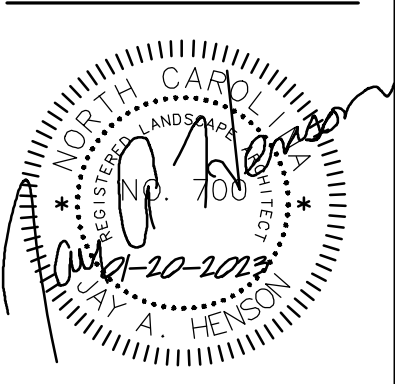
EPM# 442291

DEVELOPER:
HOTEL VENTURES, OF LAKE NORMAN INC.
3836 HONORS WAY
MARTINEZ, GA 30907
PH: (404) 368-9227
CONTACT: HITESH PATEL

OWNER:
MANAH LIMITED PARTNERSHIP
16115 WEATHERLY WAY
HUNTERSVILLE, NC 28078



VICINITY MAP
SCALE: N.T.S.



NORTHCROSS HOTEL

PARCEL ID: 00930115
16221 NORTHCROSS DR HUNTERSVILLE NC 28078

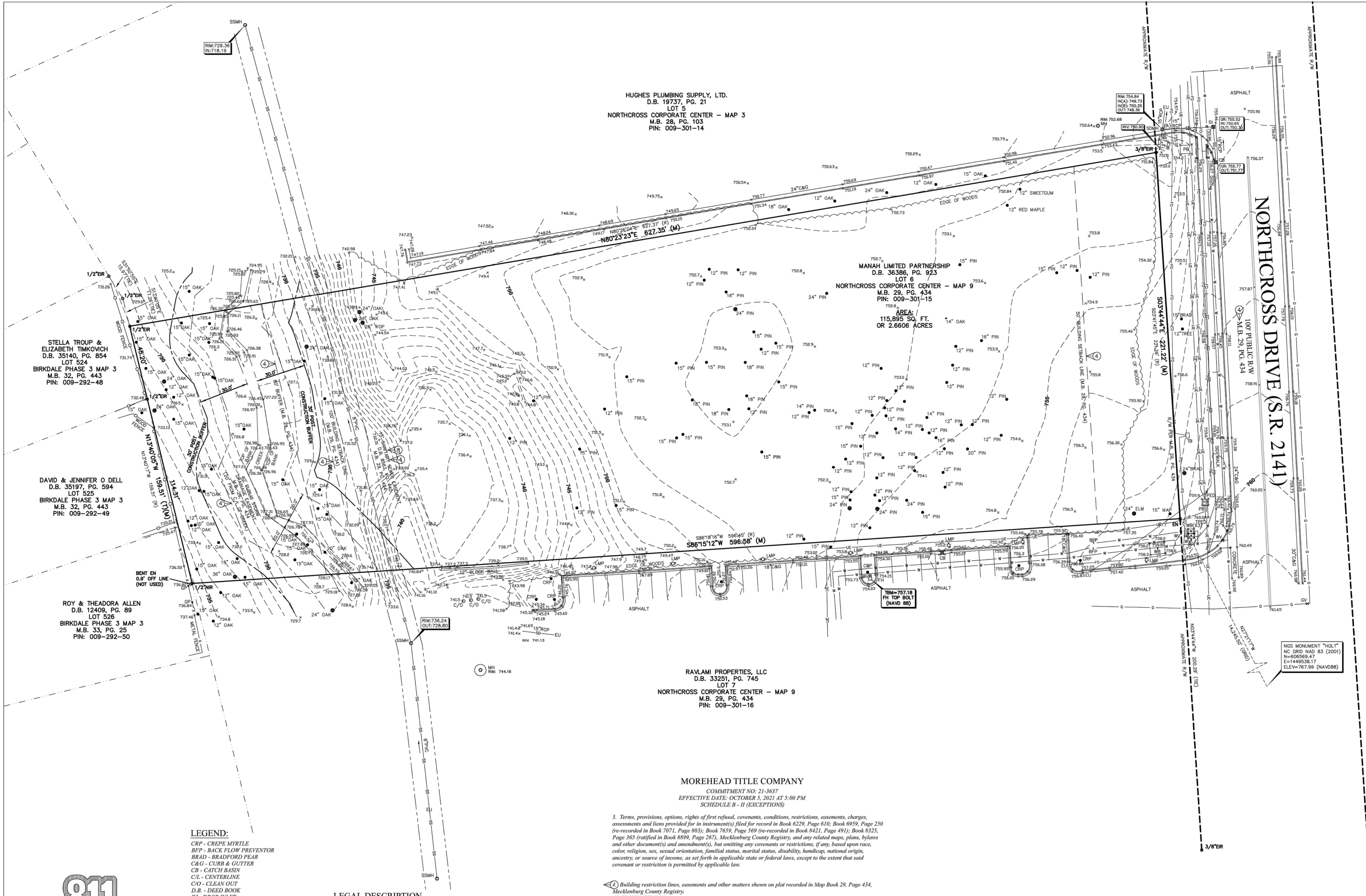
COVER

REVISIONS:	
2022/12/07 - REZONING/SUP COMM.	
2023/01/20 - REZONING/SUP COMM.	

C01 - COVER.DWG	
PROJECT NUMBER:	221088
DATE: 09/15/2022	DRAWN BY: TSF
C01	5
SHEET	OF

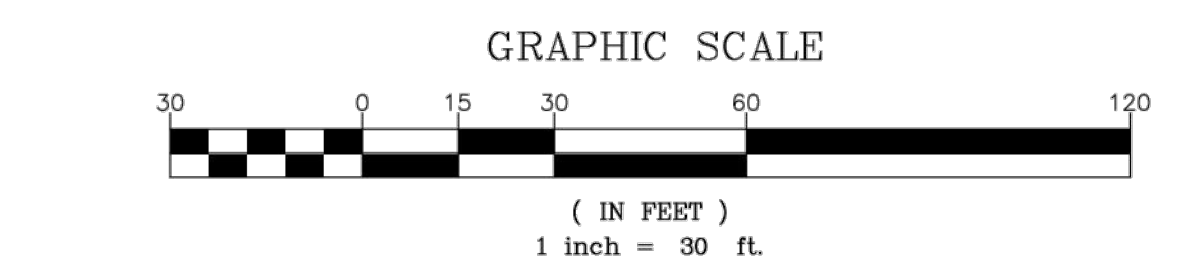
- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAVEMENT CUTS, CONCRETE OR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





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

- LEGAL DESCRIPTION**
- ALL THAT CERTAIN PARCEL OF LAND LOCATED IN THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBABLE AS FOLLOWS:
- BEING ALL OF LOT 6 OF THE NORTHROSS CORPORATE CENTER - MAP 9 AS SHOWN ON PLAT OF THE SAME RECORDED IN MAP BOOK 29, PAGE 434 OF THE MECKLENBURG COUNTY REGISTRY.
- BEING THE SAME PROPERTY AS DESCRIBED IN MOREHEAD TITLE COMPANY COMMITMENT NO. 21-3637, HAVING AN EFFECTIVE DATE OF OCTOBER 5, 2021.
- RECORDED BEARINGS - REFERENCES**
- (R) M.B. 29, PG. 434
- LINE LEGEND:**
- EASEMENT
FENCE
PROPERTY LINE
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY
RIGHT-OF-WAY (NOT SURVEYED)
SETBACK
FIBER OPTIC LINE
GAS LINE
POWER LINE (UNDERGROUND)
SANITARY SEWER PIPE
STORM DRAIN PIPE
WATER LINE
WOOD FENCE



- MOREHEAD TITLE COMPANY**
COMMITMENT NO. 21-3637
EFFECTIVE DATE: OCTOBER 5, 2021 AT 5:00 PM
SCHEDULE B - II (EXCEPTIONS)
3. Terms, provisions, options, rights of first refusal, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in instrument(s) filed for record in Book 6229, Page 610; Book 6959, Page 250 (re-recorded in Book 7071, Page 803); Book 7639, Page 569 (re-recorded in Book 8421, Page 491); Book 8325, Page 365 (cited in Book 8899, Page 267), Mecklenburg County Registry, and any related maps, plans, plats and other document(s) and amendment(s), but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
4. Building restriction lines, easements and other matters shown on plat recorded in Map Book 29, Page 434, Mecklenburg County Registry, AS SHOWN HEREON
5. Lease to Duke Power Company recorded in Book 1019, Page(s) 444, Mecklenburg County Registry. BLANKET IN NATURE; CONTAINS NO PLOTTABLE ITEMS
6. Right of Way to State Highway and Public Works Commission recorded in Book 1785, Page(s) 101, Mecklenburg County Registry. REFERENCED PLANS ARE FOR U.S. HIGHWAY 21 (PROJECT NO. 6538); DOES NOT AFFECT SUBJECT PROPERTY
7. Memorandum of Action in favor of the State Highway Commission recorded in Book 3421, Page(s) 285 and a Judgment recorded in Book 3638, Page 443, Mecklenburg County Registry. REFERENCED PLANS ARE FOR U.S. INTERSTATE 77 (PROJECT NO. 81654302); DOES NOT AFFECT SUBJECT PROPERTY
8. Easement to City of Charlotte recorded in Book 8363, Page(s) 440, Mecklenburg County Registry. AS SHOWN HEREON

TITLE LEGAL DESCRIPTION:

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

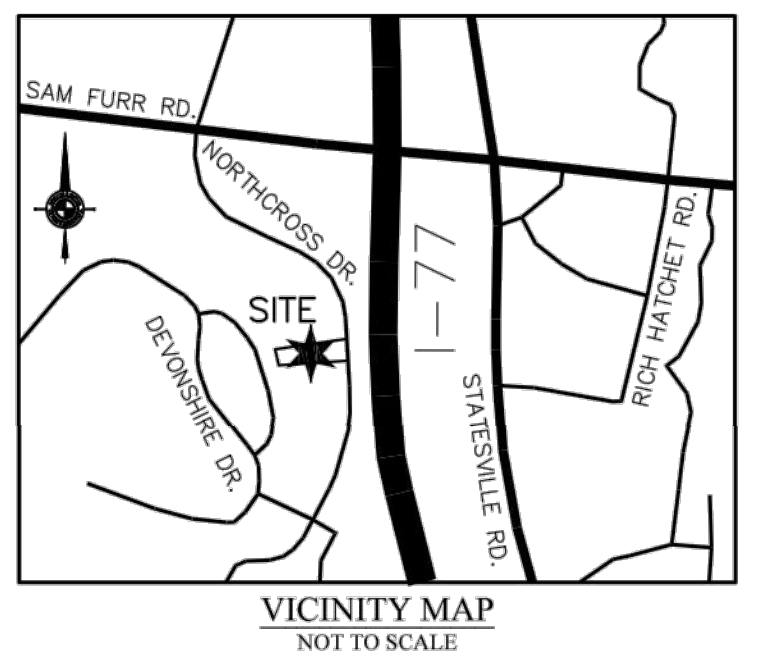
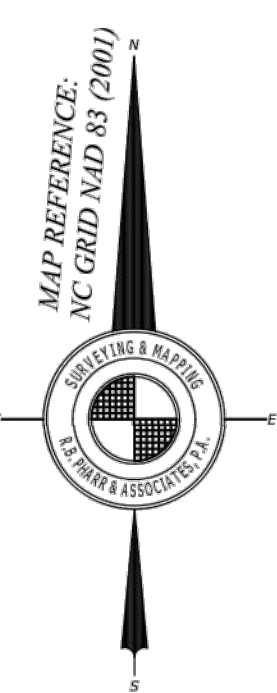
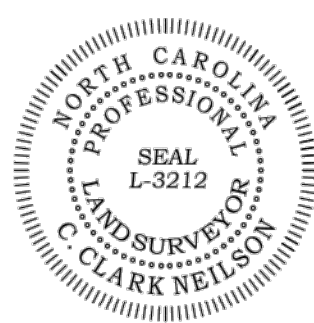
FLOOD CERTIFICATION

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

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

SIGNED

C. Clark Neilson



NOTES:

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

ZONING:

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

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

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

PARKING:

NO MARKED PARKING SPACES WERE OBSERVED AT TIME OF SURVEY.

GPS CERTIFICATION:

- I, C. CLARK NEILSON, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
- (1) CLASS OF SURVEY: A1(10,000)
 - (2) POSITIONAL ACCURACY: NORTH=0.0009, EAST=0.004, VERT=0.007
 - (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC
 - (4) DATE OF SURVEY: AUGUST 02, 2022
 - (5) DATUM/EPOCH: NAD83(2011)/NAVDS8
 - (6) PUBLISHED/FIXED-CONTROL USE: NGS MONUMENT "HOLT"
 - (7) GEOID MODEL: GEOID18(CONUS)
 - (8) COMBINED GRID FACTOR: 1.00000000
 - (9) UNITS: U.S. SURVEY FEET

ALTA/NSPS CERTIFICATION:

TO: HOTEL VENTURES OF LAKE NORMAN, INC.

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

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

8-3-2022
DATE

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

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

TREE PROTECTION NOTES:

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

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

TREE SAVE CALCULATIONS

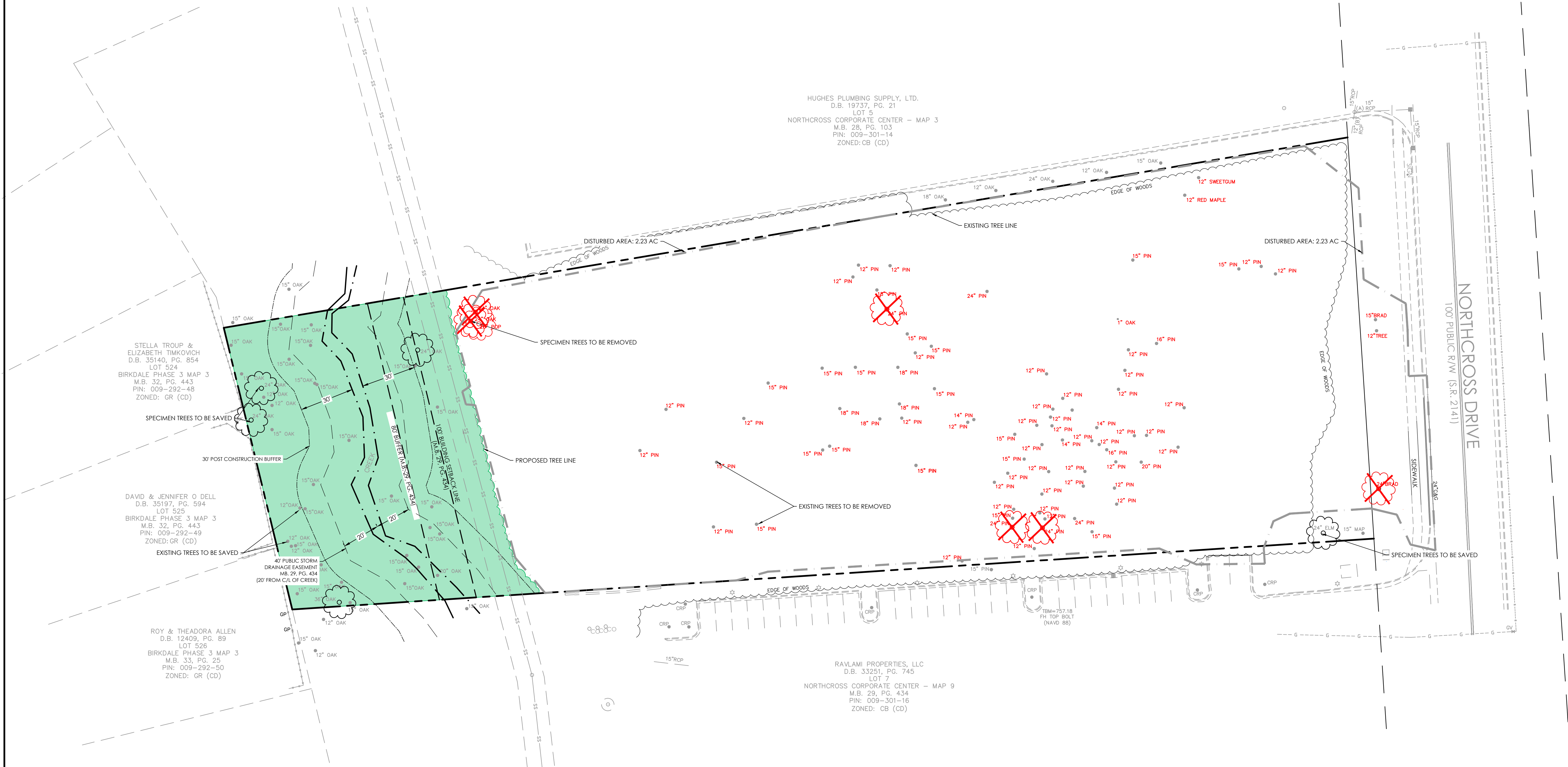
EXISTING CANOPY REQUIRED TO BE SAVED - 0%
EXISTING SPECIMEN TREES REQUIRED TO BE SAVED - 30% (CB)

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

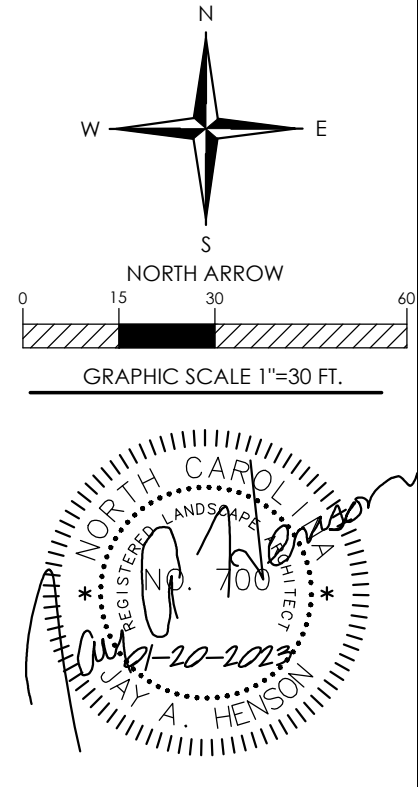
SPECIMEN TREE TABLE		
SIZE (IN)	SPECIES	INVENTORY
24	OAK	KEEP
24	OAK	KEEP
36	OAK	KEEP
24	OAK	KEEP
24	OAK	REMOVE
24	OAK	REMOVE
26	POPLAR	REMOVE
24	PINE	REMOVE
24	PINE	REMOVE
24	PINE	REMOVE
24	PEAR	REMOVE
24	ELM	KEEP

LEGEND

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



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



NORTHCROSS HOTEL
PARCEL ID: 00930115
16221 NORTHCROSS DR HUNTERVILLE NC 28078

TREE SAVE PLAN

REVISIONS:

2022/12/07 - REZONING/SUP COMM.
2023/01/20 - REZONING/SUP COMM.

C02A TREE SAVE PLAN.DWG
PROJECT NUMBER: 221088
DATE: 09/15/2022 DRAWN BY: TSF
C02A OF 5



VICINITY MAP SCALE: N.T.S.



IMPERVIOUS SUMMARY - SITE

ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL PARCEL AREA	115,895 SF	2.66 AC	N/A
TOTAL EXISTING IMPERVIOUS	0 SF	0.00 AC	0.00 %
TOTAL PROPOSED IMPERVIOUS	71,291 SF	1.64 AC	61.51 %
TOTAL PROPOSED PERVIOUS	44,604 SF	1.02 AC	38.49 %
MAX ALLOWABLE BUA	81,126.5 SF	1.86 AC	70.00 %

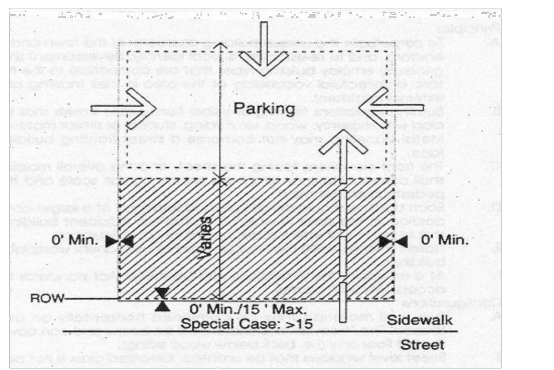
SITE DATA	
LOCATION: 14221 NORTHCROSS DRIVE HUNTERSVILLE, MECKLENBURG COUNTY 28078	(PARCEL ID: 00930115)
CURRENT ZONING: CB (CD)	PROPOSED ZONING: CB (CD)
CURRENT USE: VACANT	PROPOSED USE: HOTEL
CONTACT: HENSONFOLEY (JAY HENSON) 704-875-1615	
ITEM	PROVIDED
TOTAL PARCEL AREA	2.66 ACRES (115,895 SF)
PRINCIPAL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

PARKING CALCULATIONS

TOTAL REQUIRED PARKING SPACES - 1 SPACE PER ROOM PLUS ONE SPACE FOR EVERY 300 SF OF ANCILLARY USE	109 ROOMS + 0 SF ANCILLARY USE = 109 PARKING SPACES
TOTAL REQUIRED ADA PARKING SPACES	5 ADA SPACES : 1 VAN ACCESSIBLE SPACE
TOTAL PROVIDED PARKING SPACES	109 PARKING SPACES
TOTAL PROVIDED ADA PARKING SPACES	7 ADA SPACES : 1 VAN ACCESSIBLE SPACE

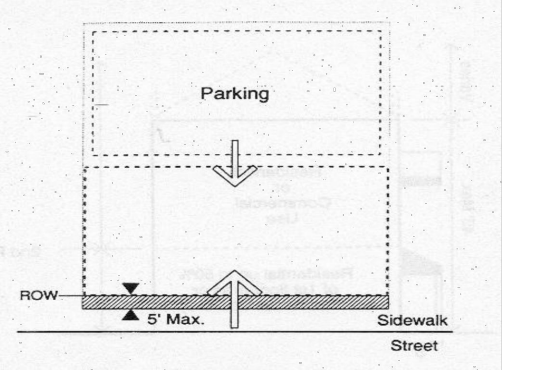
Lot Type / Urban Workplace

Building Placement/Parking/Vehicle Access



- 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 ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
- Building facades shall be generally parallel to frontage property lines. The facade shall be determined by the massing of the building.
- Parking shall be located primarily to the rear of the building; sidewalk parking shall occupy no more than 35% 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.
- Points of permitted access to the parking indicated by arrows.
- Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
- Parking areas on adjacent lots shall be connected wherever practical.
- Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the right-of-way.
- Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the 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.
- Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

Encroachment/Pedestrian Access to Building

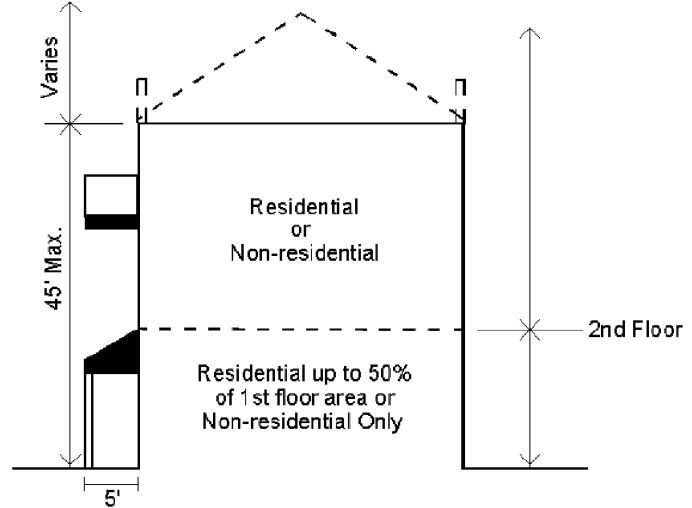


- Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height (min. 7'-6") are permitted within the sidewalk as shown by the hatched area. Encroaching arcades should cover entire sidewalk.
 - Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).
- Special Conditions:**
- Buildings in all locations should relate the principal facade to the sidewalk and public space of the street.
 - Corner: Setback at street corners will generally replicate frontage conditions. Side setbacks on a minor street may be less than the front dimension.
 - Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. For example, squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

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

Building Type / Urban Workplace

Permitted Height and Uses

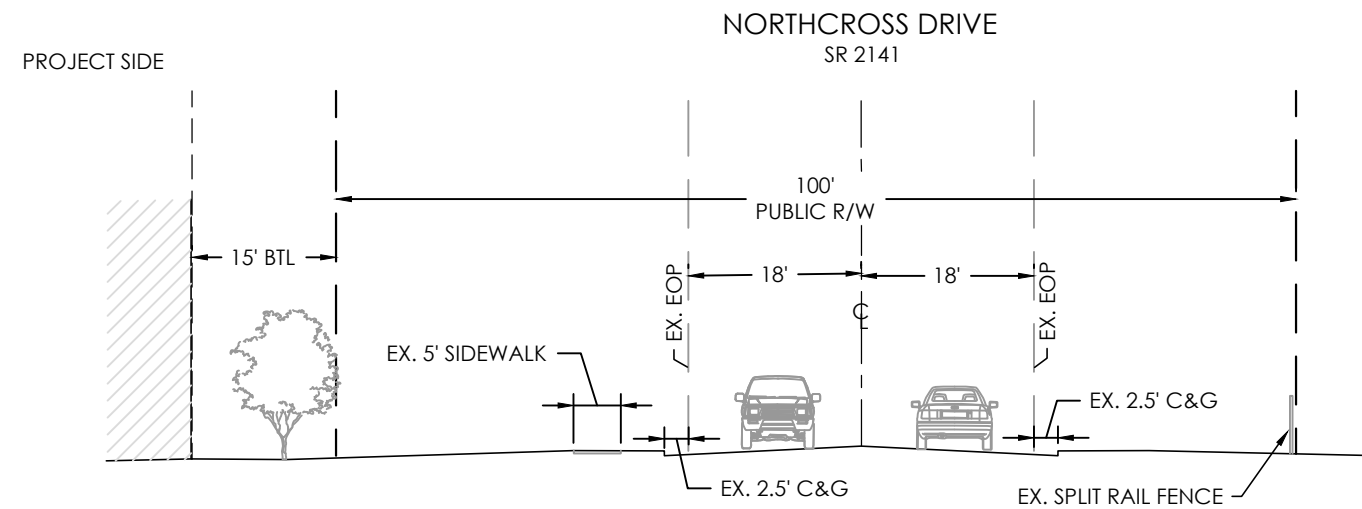


- Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
- The height of parapet walls may vary depending upon the need to screen mechanical equipment.
- Building height to the ridge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

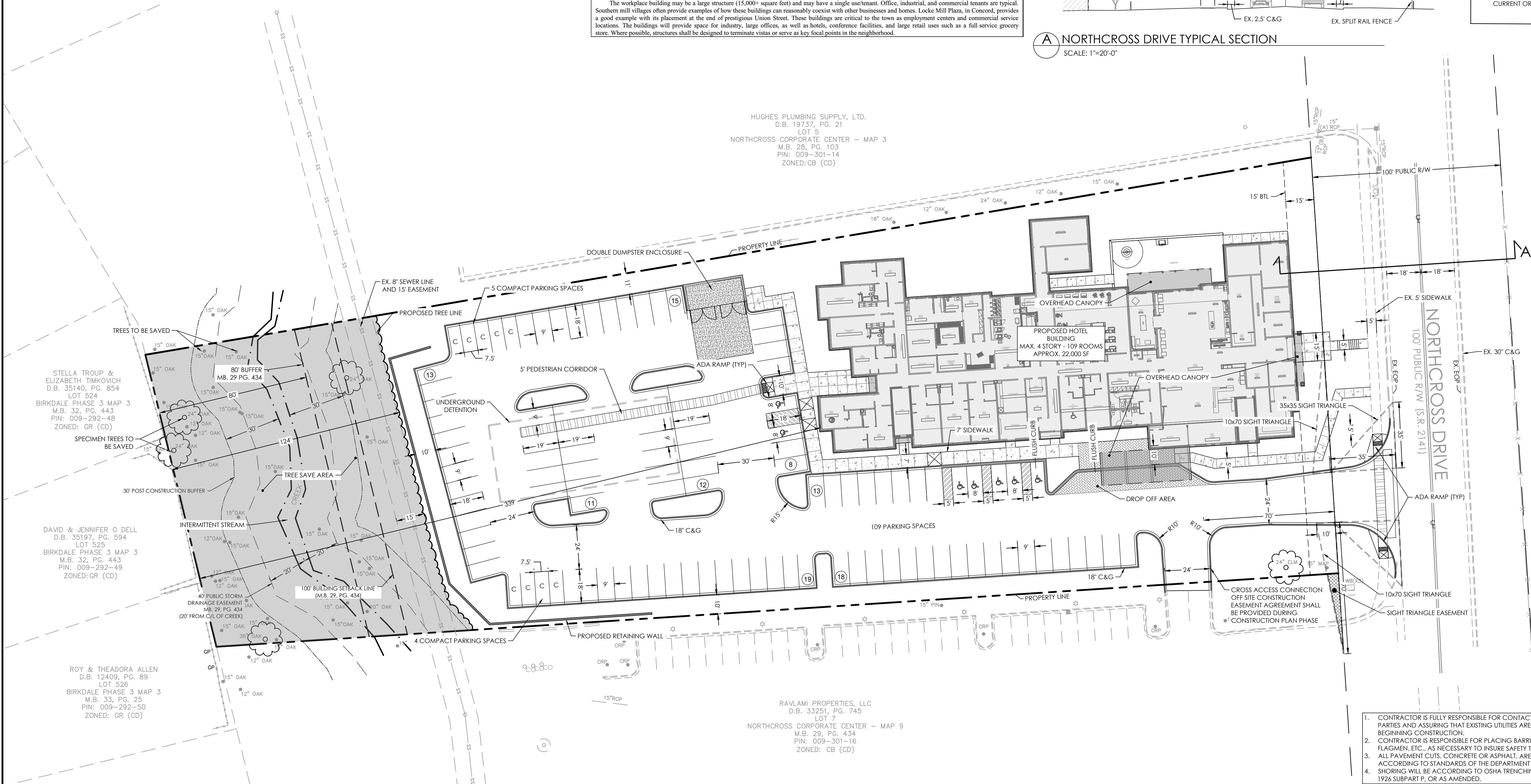
Architectural Standards

Principles

- To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are compatible to the historic architectural vocabulary of the area in their massing and external treatment.
 - Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
 - The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
 - Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
 - Trailers (mobile units) may not be used as permanent workplace buildings.
- Configurations**
- Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and can cover the first floor only (i.e. brick below wood siding).
 - Street level windows shall be unlined. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location.
 - Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.
- Techniques**
- Windows should be set to the inside of the building face wall.
 - All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.



A NORTHCCROSS DRIVE TYPICAL SECTION
SCALE: 1"=20'-0"



- 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.



GENERAL REZONING NOTES:

SCHEMATIC NATURE OF REZONING PLAN

- THE PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE. MINOR MODIFICATIONS TO THE PLAN MAY OCCUR DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT. THE REMOVAL OF TREES AND VEGETATION TO ACCOMPLISH THE IMPROVEMENTS IS GENERALLY CONTEMPLATED AS SHOWN ON THIS REZONING PLAN.
- THIS IS A REZONING PLAN AND AS SUCH IS TO BE GRAPHICALLY REPRESENTATIVE OF WHAT IS PROPOSED. THE FINAL ENGINEERING PLAN WILL HAVE MINOR CHANGES, THE BUILDING LOCATION, SIZE, ORIENTATION, AND FEATURES MAY HAVE MINOR CHANGES BASED ON FINAL ENGINEER DESIGN, AS APPROVED BY STAFF

USE AND COMPATIBILITY

- THE SITE IS LOCATED ALONG NORTHCROSS DRIVE, AND IS A PART OF THE ORIGINAL NORTHCROSS CORPORATE CENTER REZONING PLANS. THE ADJACENT LAND USES CONSIST OF A RESTAURANT AND A COMMERCIAL BUSINESS. THE REAR PROPERTY LINE ABUTS SINGLE FAMILY RESIDENTIAL HOMES. THE APPLICANT IS ASKING TO MODIFY THE ORIGINAL REZONING CONDITIONS FOR THIS PARCEL TO ALLOW FOR A HOTEL. GIVEN THE NATURE OF THE OTHER BUSINESSES ALONG NORTHCROSS DRIVE AND PROXIMITY TO LIKE USES AS YOU MOVE NORTH TOWARDS SAM FURR RD

PERMITTED USES (WITH SPECIAL USE PERMIT)

- ARTICLE 9.45 - HOTELS & MOTELS:
 - ANY STRUCTURE IN WHICH A HOTEL OR MOTEL IS THE PRINCIPLE OR ACCESSORY USE SHALL BE SEPARATED BY A DISTANCE NO LESS THAN THREE (3) TIMES THE HEIGHT OF THE PROPOSED STRUCTURE CLOSEST TO THE COMMON LOT LINE OF THE ADJOINING RESIDENTIAL AND MIXED USE ZONE, BUT IN NO CASE LESS THAN 100 FEET.

MODIFICATION REQUESTS

- REQUEST TO MODIFY THE MAX. BUILDING HEIGHT PER THE TOWN OF HUNTERSVILLE URBAN WORKPLACE BUILDING/LOT TYPE FROM 45' MAX. TO 47' MAX.

ACCESS

- THE PRIMARY VEHICULAR ACCESS IS THE SINGLE ACCESS DRIVEWAY LOCATED ON NORTHCROSS DRIVE
- THERE WILL BE A REQUIRED CROSS ACCESS DRIVE TO THE ADJACENT PARCEL, 00930116, WHERE AN EXISTING STUB OUT FOR CROSS ACCESS IS LOCATED.

SIGNAGE

- ALL SIGNS SHALL COMPLY WITH THE TOWN OF HUNTERSVILLE CODE. ALL SIGNS WILL BE PERMITTED SEPARATELY.

TRASH

- GARBAGE SERVICES WILL BE PROVIDED IN A DUMPSTER FACILITY ON SITE.

HVAC / UTILITY EQUIPMENT

- ALL BUILDING UTILITY EQUIPMENT SHALL BE BEHIND BUFFER SCREENING AND NOT VISIBLE FROM ADJACENT PROPERTIES.

WATER/ SEWER / UTILITIES

- SEWER AVAILABLE IN THE REAR OF THE PROPERTY
- WATER AVAILABLE ON PROJECT SIDE OF NORTHCROSS DRIVE

LIGHTING

- THE LIGHTING FOR THIS PROJECT WILL MEET THE REQUIREMENTS OF 8.2.6.

ENVIRONMENTAL

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

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NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

North Arrow
GRAPHIC SCALE 1"=30' FT.
Professional Engineer Seal for Jay A. Henson, License No. C-3781, State of North Carolina.

NORTHCROSS HOTEL
PARCEL ID: 00930115
16221 NORTHCROSS DR HUNTERSVILLE NC 28078
SPECIAL USE PLAN

REVISIONS:	
2022/12/07 - REZONING/SUP COMM.	
2023/01/20 - REZONING/SUP COMM.	

C03 - SITE PLAN.DWG	
PROJECT NUMBER:	221088
DATE: 09/15/2022	DRAWN BY: TSF
C03	5
SHEET	OF

GENERAL GRADING NOTES (CONT.) :

7. GRADING
- 7.1. GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE. FREE OF IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED.
- 7.2. PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES AND NEW GRADES.
- 7.3. CUT OUT SOFT SPOTS, FILL LOW SPOTS, AND TRIM HIGH SPOTS TO COMPLY WITH REQUIRED SURFACE TOLERANCES.
- 7.4. SITE ROUGH GRADING: SLOPE GRADES TO DIRECT WATER AWAY FROM BUILDINGS AND TO PREVENT PONDING. FINISH SUBGRADES TO REQUIRED ELEVATIONS WITHIN THE FOLLOWING TOLERANCES:
- 7.4.1. TURF OR UNPAVED AREAS: PLUS OR MINUS 1 INCH (25 MM).
- 7.4.2. WALKS: PLUS OR MINUS 1 INCH (25 MM).
- 7.4.3. PAVEMENTS: PLUS OR MINUS 1/2 INCH (13 MM).
- 7.5. GRADING INSIDE BUILDING LINES: FINISH SUBGRADE TO A TOLERANCE OF 1/2 INCH (13 MM) WHEN TESTED WITH A 10-FOOT (3-M) STRAIGHTEDGE.
8. FIELD QUALITY CONTROL
- 8.1. TESTING AGENCY: OWNER WILL ENGAGE A QUALIFIED GEOTECHNICAL ENGINEERING TESTING AGENCY TO PERFORM TESTS AND INSPECTIONS.
- 8.2. ALLOW TESTING AGENCY TO INSPECT AND TEST SUBGRADES AND EACH FILL OR BACKFILL LAYER. PROCEED WITH SUBSEQUENT EARTH MOVING ONLY AFTER TEST RESULTS FOR PREVIOUSLY COMPLETED WORK COMPLY WITH REQUIREMENTS.
- 8.3. 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.
- 8.4. TESTING AGENCY WILL TEST COMPACTION OF SOILS IN PLACE ACCORDING TO ASTM D 1556, ASTM D 2167, ASTM D 2922, AND ASTM D 2937, AS APPLICABLE. TESTS WILL BE PERFORMED AT THE FOLLOWING LOCATIONS AND FREQUENCIES:
- 8.5. PAVED AND BUILDING SLAB AREAS: AT SUBGRADE AND AT EACH COMPACTED FILL AND BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 2000 SQ. FT. (186 SQ. M) OR LESS OF PAVED AREA OR BUILDING SLAB, BUT IN NO CASE FEWER THAN THREE TESTS.
- 8.6. FOUNDATION WALL BACKFILL: AT EACH COMPACTED BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 100 FEET (30 M) OR LESS OF WALL LENGTH, BUT NO FEWER THAN TWO TESTS.
- 8.7. TRENCH BACKFILL: AT EACH COMPACTED INITIAL AND FINAL BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY 150 FEET (46 M) OR LESS OF TRENCH LENGTH, BUT NO FEWER THAN TWO TESTS.
- 8.8. WHEN TESTING AGENCY REPORTS THAT SUBGRADES, 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.

GENERAL GRADING NOTES:

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

HUNTERSVILLE NOTES:

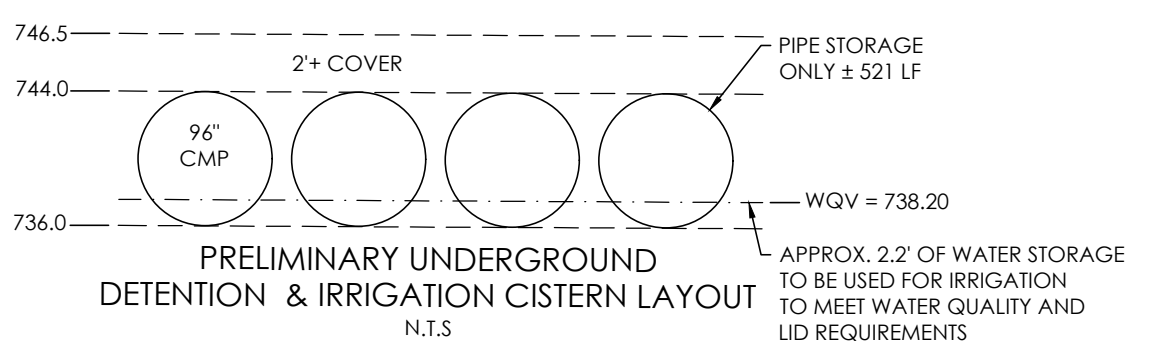
1. COMMUNITY ENCROACHMENT LINE MUST BE MARKED AND MAINTAINED ON SITE UNTIL FINAL GRADING IS COMPLETED.
2. INSPECTIONS SHALL BE CONDUCTED AS PRESCRIBED BY THE MAINTENANCE COVENANT. ADDITIONAL INSPECTIONS MAY BE CONDUCTED BY THE TOWN OF HUNTERSVILLE LAND USE AND ENVIRONMENTAL SERVICES AGENCY ON ANY REASONABLE BASIS, INCLUDING BUT NOT LIMITED TO: ROUTINE INSPECTIONS; RANDOM INSPECTIONS; INSPECTIONS BASED UPON COMPLAINTS OR OTHER NOTICE OF POSSIBLE VIOLATIONS; INSPECTIONS OF DRAINAGE BASINS OR AREAS IDENTIFIED AS HIGHER THAN TYPICAL SOURCES OF SEDIMENT OR OTHER CONTAMINANTS OR POLLUTANTS OR WITH DISCHARGES OF A TYPE WHICH ARE MORE LIKELY THAN THE TYPICAL DISCHARGE TO CAUSE VIOLATIONS OF STATE OR FEDERAL WATER QUALITY STANDARDS OR THE NPDES STORM WATER PERMIT; AND JOINT INSPECTION WITH OTHER AGENCIES INSPECTION UNDER ENVIRONMENTAL AND WATER LAWS. INSPECTIONS MAY INCLUDE, BUT ARE LIMITED TO: REVIEWING MAINTENANCE AND REPAIR RECORDS; SAMPLING DISCHARGES, SURFACE WATER, GROUNDWATER, AND MATERIAL OR WATER IN BMPs, EVALUATING THE CONDITION OF BMPs AND STORM WATER MANAGEMENT PRACTICES.
3. RIGHT OF ENTRY FOR INSPECTION: WHEN ANY NEW BMP IS INSTALLED ON PRIVATE PROPERTY, THE PROPERTY OWNER SHALL GRANT TO THE TOWN OF HUNTERSVILLE LAND USE AND ENVIRONMENTAL SERVICES AGENCY THE RIGHT TO ENTER THE PROPERTY AT REASONABLE TIMES AND IN A REASONABLE MANNER FOR THE PURPOSE OF INSPECTION. THIS INCLUDES THE RIGHT TO ENTER A PROPERTY WHEN THE TOWN OF HUNTERSVILLE LAND USE AND ENVIRONMENTAL SERVICES AGENCY HAS A REASONABLE BASIS TO BELIEVE THAT A VIOLATION OF THIS REGULATION IS OCCURRING OR HAS OCCURRED, AND TO ENTER WHEN NECESSARY FOR ABATEMENT OF A PUBLIC HUSBANCE OR CORRECTION OF A VIOLATION OF THIS REGULATION.

GENERAL GRADING NOTES:

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

PRELIMINARY BMP CALCS

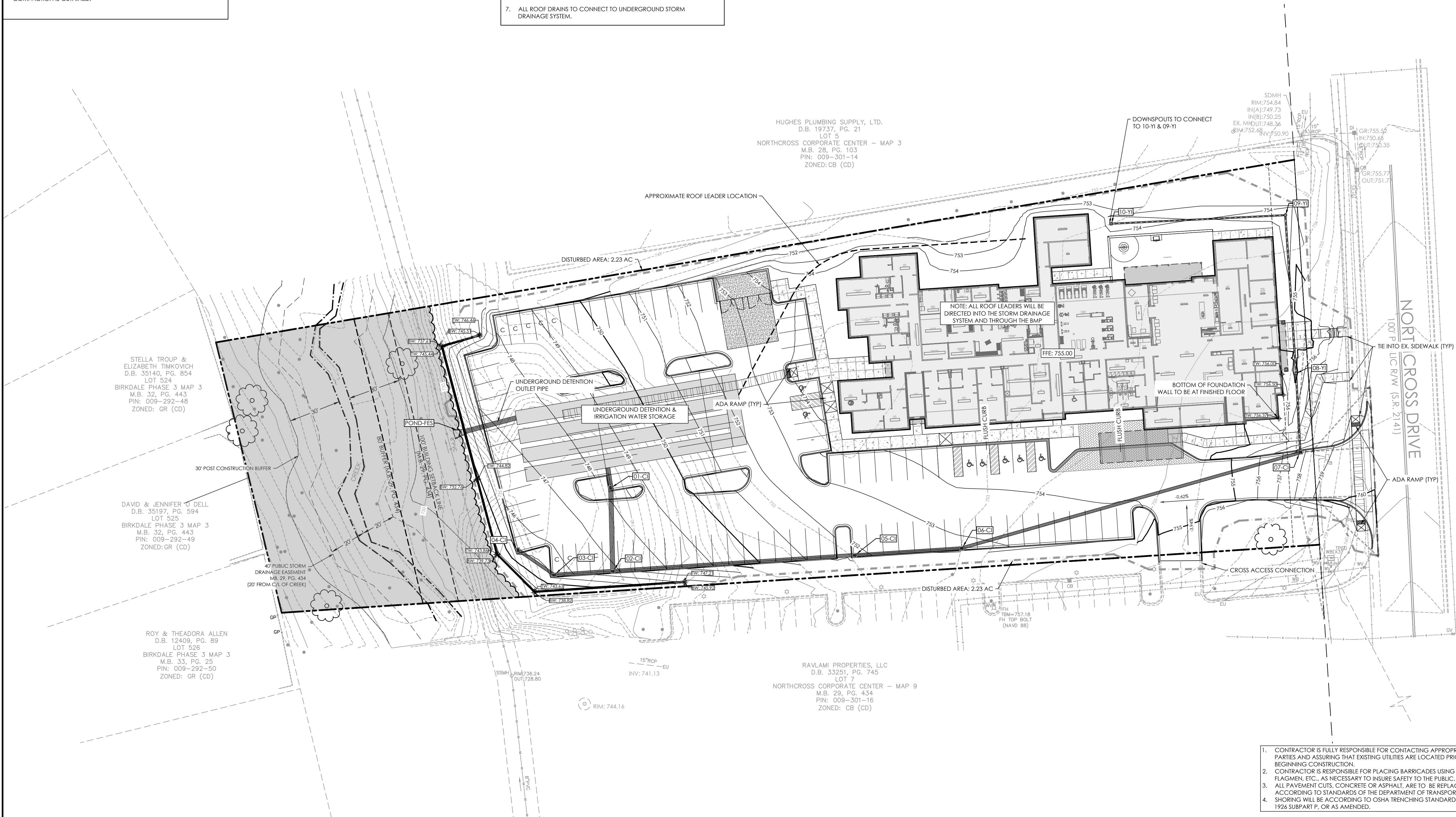
DRAINAGE AREA = 2.13 AC
-10,000 CF PER ACRE=21,316 CF STORAGE



PRELIMINARY UNDERGROUND
DETENTION & IRRIGATION CISTERN LAYOUT
N.T.S.

DISTURBED LIMITS: 2.23 AC

**NOTE: DETAILS OF UNDERGROUND DETENTION SYSTEM WITH IRRIGATION STORAGE TO BE PROVIDED DURING CONSTRUCTION DOCUMENTS.



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 ACCESS 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 F, OR AS AMENDED.



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NC LANDSCAPE ARCHITECTURE BOARD LICENSE # C-389

North Arrow
GRAPHIC SCALE 1"=30 FT.
Professional Engineer Seal for A. Henson, State of North Carolina, License No. 22-2023.

NORTHCROSS HOTEL
PARCEL ID: 00930115
16221 NORTHCROSS DR HUNTERSVILLE NC 28078
PRELIM GRADING PLAN

REVISIONS:

2022/12/07 - REZONING/SUP COMM.	
2023/01/20 - REZONING/SUP COMM.	

C04-PRELIM GRADING.DWG	
PROJECT NUMBER:	221088
DATE:	09/15/2022
DRAWN BY:	TSF
SHEET	C04
OF	5

1. THIS PLAN FOR PLANTING LOCATIONS ONLY. IF FOUND CONDITIONS VARY FROM THIS, CONTRACTOR TO CONTACT OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO DO SO WILL RESULT IN CONTRACTOR'S LIABILITY TO REPLACE PLANT MATERIALS.

3. CONTRACTOR TO COORDINATE WITH OWNER'S REPRESENTATIVE FOR EXISTING PLANT MATERIAL TO BE REMOVED AND/OR RELOCATED.
4. CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND AND ABOVE GROUND UTILITIES. CONTRACTOR SHALL BE LIABLE FOR DAMAGE TO ANY AND ALL EXISTING PRIVATE UTILITIES. CONTRACTOR WILL BE HELD RESPONSIBLE FOR THE COST OF REPAIR TO ALL DAMAGED UTILITIES.
5. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL PLANT MAINTENANCE, INCLUDING SHRUBS AND GROUNDCOVER, AND SHALL MAINTAIN AREA IN A WEED AND DEBRIS FREE CONDITION, THROUGHOUT GUARANTEE PERIOD.
6. WHERE TREES ARE PLANTED IN ROWS, THEY SHALL BE UNIFORM IN SIZE AND SHAPE.
7. SIZES SPECIFIED IN THE PLANT LIST ARE MINIMUM SIZES TO WHICH THE PLANTS ARE TO BE JUDGED. FAILURE TO MEET MINIMUM SIZE ON ANY PLANT WILL RESULT IN REJECTION OF THAT PLANT.
8. PLANTING SIZE DETERMINATION:
SHADE TREES: HEIGHT SHALL BE MEASURED FROM THE CROWN OF THE ROOT BALL TO THE TOP OF MATURE GROWTH. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE CROWN FROM THE CENTER OF THE TRUNK. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH. SINGLE TRUNK TREES SHALL BE FREE OF "Y" CROTCHES THAT COULD BE POINTS OF WEAK LIMB STRUCTURE OR DISEASE INFESTATION.
SHRUBS: HEIGHT SHALL BE MEASURED FROM THE CROWN OF THE ROOT BALL TO THE AVERAGE HEIGHT OF THE TOP OF THE PLANT. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE SHRUB MASS. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH.
9. ALL PLANTS SHALL BE FREELY DUG, SOUND, HEALTHY, VIGOROUS, WELL BRANCHED, FREE OF DISEASE, INSECT EGGS, AND LARVAE, AND SHALL HAVE ADEQUATE ROOT SYSTEMS.
10. ALL CONTAINER GROWN MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED PLANTS AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS WHICH ARE FULLY DEVELOPED AND ARE IN A HEALTHY GROWING CONDITION. ALL ROOT BOUND PLANTS SHALL BE REJECTED.

1. TURF AREAS WILL BE SEEDED OR SODDED WITH REBEL III FESCUE WITH EXCEPTION OF SOIL WITHIN THE AREA OF STORMWATER MANAGEMENT AND WATER QUALITY BASINS AND FILTERS. SOD WILL BE REQUIRED NEXT TO BUILDING STRUCTURES, DRIVEWAYS, ENTRANCES AND AREAS DISTURBED IN THE FRONT SETBACK AS NOTED ON PLAN. LANDSCAPE CONTRACTOR TO SEED ALL OTHER DISTURBED AREAS.
2. PINE NEEDLE MULCH IS THE GENERALLY ACCEPTED MULCH. FOR THE INITIAL PLANTING, IT IS ALSO ACCEPTABLE TO UTILIZE DOUBLE HAMMERED BARK MULCH FOR GOOD SOIL AND BED MANAGEMENT. FUTURE YEARS, THOUGH, WILL REQUIRE THE PROPERTY TO BE CONVERTED TO PINE NEEDLES.

A. MIX TOPSOIL WITH THE FOLLOWING SOIL AMENDMENTS IN THE FOLLOWING QUANTITIES:

1. WEIGHT OF LIME PER 1000 SQ. FT
2. RATIO OF LOOSE COMPOST TO TOPSOIL BY VOLUME: 1:4
3. RATIO OF LOOSE WOOD DERIVATIVES TO TOPSOIL BY VOLUME:
4. WEIGHT OF BONEMEAL PER 1000 SQ. FT.
5. WEIGHT OF COMMERCIAL FERTILIZER PER 1000 SQ. FT.
6. WEIGHT OF SLOW-RELEASE FERTILIZER PER 1000 SQ. FT.

SOIL TEST PROVIDED BY CONTRACTOR REQUIRED FOR TOPSOIL MIX.

1. ALL PERIMETER SCREENING SHRUBS MUST BE NO LESS THAN 36" IN HEIGHT AT PLANTING
2. ALL PARKING LOT SHRUBS MUST BE NO LESS THAN 24" IN HEIGHT AT PLANTING

NOTE: STREET TREE LOCATIONS ARE SUBJECT TO CHANGE DURING CONSTRUCTION PLAN PHASE TO SATISFY THE TOWN'S ENGINEERING STANDARDS AND PROCEDURES MANUAL.

1. A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED PRIOR TO THE INSTALLATION OF TREES AND SHRUBS, EXCLUDING YARD TREES, DURING THE NON-PLANTING SEASON IF A CASH BOND, SURETY BOND OR LETTER OF CREDIT IS ISSUED FOR 120% OF THE COST OF MATERIALS AND INSTALLATION. PLANTING SHALL BE COMPLETED DURING THE NEXT PLANTING SEASON.

2. THE PLANTING SEASON SHALL RUN FROM OCTOBER 15 TO MARCH 15, EXCEPT FOR EXTREME WEATHER CONDITIONS AS DETERMINED BY STAFF. A FINAL CERTIFICATE OF OCCUPANCY SHALL NOT BE GIVEN DURING THE PLANTING SEASON UNLESS ALL OF THE LANDSCAPING IS COMPLETELY INSTALLED ACCORDING TO THIS ARTICLE.

1. DEVELOPERS SHALL ENTER INTO A MAINTENANCE SURETY AGREEMENT WITH MECKLENBURG COUNTY GUARANTEEING THE VIABILITY OF STREET TREES AND TREES AND SHRUBS PLANTED IN BUFFER YARDS FOR A PERIOD OF 1 YEAR FOLLOWING PLANTING, THE AMOUNT OF THE SURETY SHALL BE EQUAL TO 50% OF THE VALUE OF THE NEW TREES OR LANDSCAPE MATERIAL AND THEIR INSTALLATION. THE MAINTENANCE SURETY SHALL BE PROVIDED WHEN ALL OF THE REQUIRED TREES AND SHRUBS HAVE BEEN PLANTED.

1. ALL TREES SHALL BE PLANTED PER TOWN OF HUNTERSVILLE STANDARDS AND DETAILS
2. ALL SPRINKLING AND TIE 2/3" OF WIRE BASKET MUST BE CUT AWAY AND REMOVED FROM THE ROOT BALL PRIOR TO BACKFILLING PLANTING
3. LARGE MATURING TREES MAY NOT BE PLANTED WHERE OVERHEAD DISTRIBUTION OR TRANSMISSION LINES EXIST. IF TREES CONFLICT WITH POWER LINES OR SIGNS, CALL THE URBAN FORESTER TO RESOLVE BEFORE PLANTING.
4. NEW TREES SHALL BE PLANTED AT LEAST 10 FEET FROM SANITARY AND UTILITIES.
5. NEW TREES SHALL BE A MINIMUM 2" CALIPER FOR STREET TREE REQUIREMENTS.
6. SEE TREE PRESERVATION NOTICES ON GRADING AND EROSION CONTROL SHEETS FOR THE PROPOSED AREA. ALL EXISTING TREES SHALL BE PRESERVED TO A MINIMUM TREE SIZE OF 2" CALIPER (MEASURED 6" ABOVE CROWN) 8" MINIMUM HEIGHT.
7. STAKING IS OPTIONAL. RUBBER HOSE AND ROPE OR WIRE FOR STAKING IS NOT RECOMMENDED. NO WIRE OR ROPE IS TO BE IN DIRECT CONTACT WITH TRUNK. REMOVE ALL TRUNK WRAP, TREE STRAPS, AND STAKING WIRE FOR ROPE AFTER ONE GROWING SEASON.
8. GUY WIRES ARE NOT PERMITTING IN THE STREET RIGHT-OF-WAY.
9. ALL TREES AND SHRUBS SHALL MEET THE NORMAL REQUIREMENTS FOR THE AMERICAN STANDARD FOR NURSERY STOCK, LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMAN (AAEN).
10. NEWLY PLANTED TREES SHALL BE PROTECTED BY A TRIANGLE, BUT MUST BE MINED UP TO 6' HEIGHT CLEARANCE PER ADA REQUIREMENTS.
11. SIMILAR CROWN FOR TREE PLACEMENT AND PRUNING UP SHOULD BE CONSIDERED AT DRIVEWAY/STREET INTERSECTIONS.
12. CONTRACTOR SHALL MAINTAIN A MINIMUM 30" AND 72" ABOVE STREET, AREA MUST BE FREE OF LIMBS AND FOLIAGE FOR SAFE CROSS VISIBILITY.

1. NO UTILITIES TO BE LOCATED ON NORTH CROSS DRIVE SIDE OF BUILDING.
2. ALL UTILITIES TO BE SCREENED IN ACCORDANCE WITH TOWN OF HUNTERSVILLE ORDINANCES.
3. ANY WORK RELATED TO SITE UTILITY CONNECTION AND CONSTRUCTION IS THE RESPONSIBILITY OF THE OWNER/GENERAL CONTRACTOR. WHERE WORK TAKES PLACE IN THE RIGHT-OF-WAY, OR ON ADJACENT PROPERTY, THE GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR ANY REPAIRS TO THE CURB, LANDSCAPE, TURF, AND IRRIGATION SYSTEM.

NOTE: ALL BACKFLOW PREVENTERS SHALL BE COVERED IN A NON-REFLECTIVE MATERIAL AND SHALL BE SURROUNDED, ON ALL SIDES VISIBLE FROM PUBLIC STREETS AND ABUTTING PROPERTIES, BY A LANDSCAPED OPAQUE SCREEN

CUSTOMER IS RESPONSIBLE FOR STAKING SITE AS NECESSARY TO DETERMINE SERVICE LOCATIONS AND ELEVATIONS PRIOR TO CLWT CONTRACTOR COMMENCING INSTALLATION. SITE ADDRESS MUST BE VISIBLE POSTED AT SITE.

ON-SITE CONTRACTOR IS RESPONSIBLE FOR COMPLETING ANY APPLICABLE CONFLICTING UTILITIES NECESSARY TO COMPLY WITH SERVICE INSTALLATION. ADDITIONAL FEES MAY APPLY AND CONSTRUCTION TIMELINES EXTENDED IF CONFLICTING UTILITIES ARE NOT SHOWN ON PLANS.

WATER AND SEWER CONNECTIONS SHALL NOT BE LOCATED WITHIN PROPOSED CONSTRUCTION ENTRANCES.

PAYMENT FOR A QUOTED SERVICE CONNECTION SHALL BE CONSIDERED ACKNOWLEDGEMENT & APPROVAL OF CLWT WATER COMMENTS BY THE APPLICANT; PAYMENT DOES NOT INCLUDE ANY ADDITIONAL FEES REQUIRED DUE TO UNFORSEEN OR UNKNOWN CONDITIONS THAT WERE/NOT DEPICTED ON THE SITE PLAN PROVIDED BY THE APPLICANT.

CLWT WATER WILL INSTALL 6" OR 8" LATERAL INTO DOUGHOUSE OR EXISTING MH AND BRING INSIDE 8" IN AS SHOWN. CLWT WATER WILL PLUG END OF LATERAL & SET A 4'X4" POST TO MARK LOCATION OF PROPOSED PVT MH BY ON-SITE CONTRACTOR. IF A PVT MH IS SHOWN ON PLANS.

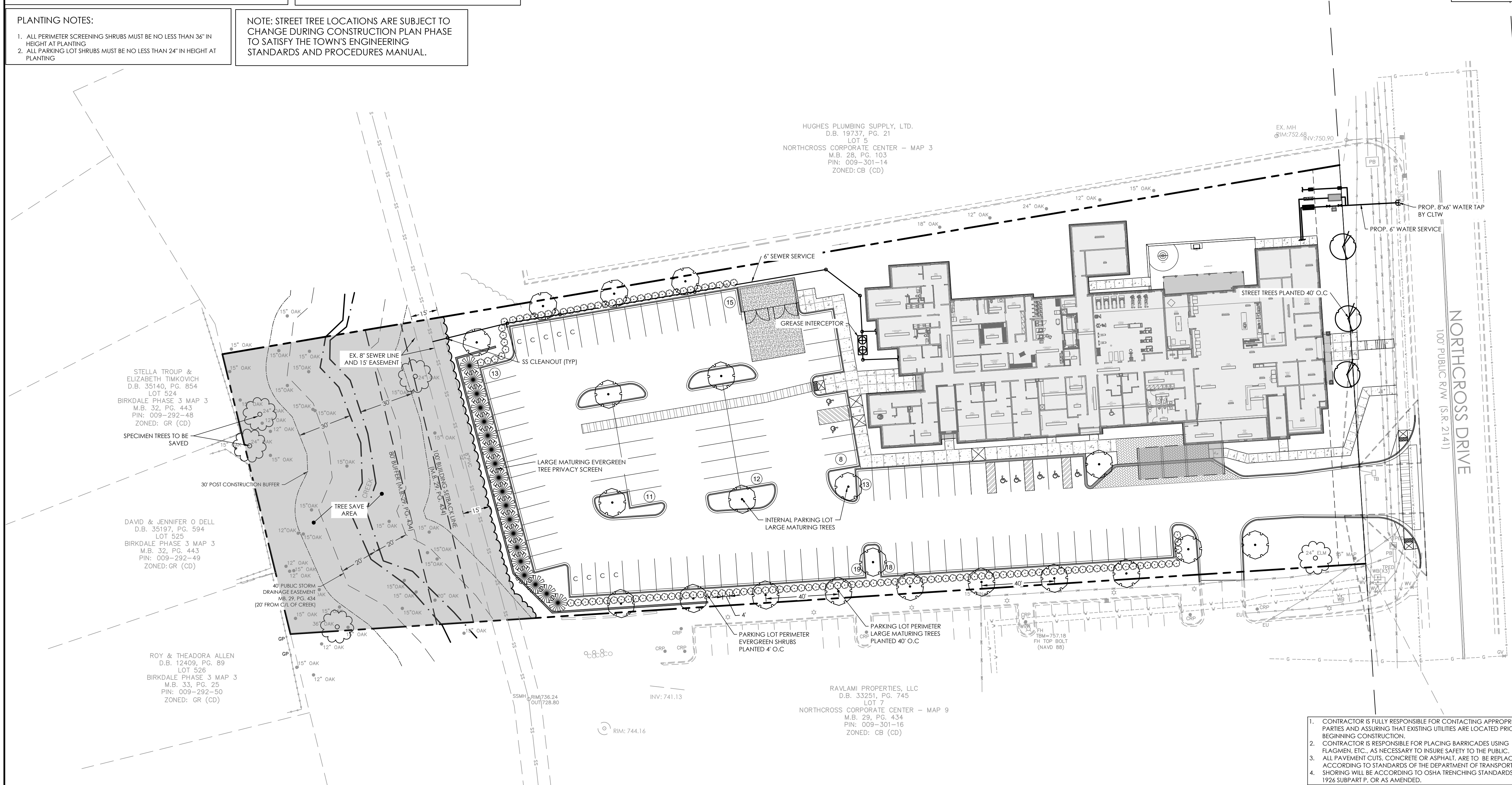
EACH CLWTWATER-REQUIRED PIA IS REQUIRED TO BE TESTED BY A CLWTWATER-APPROVED CERTIFIED TESTER PRIOR TO PLACING THE WATER SYSTEM IN SERVICE

BACKFLOW PREVENTION REVIEW SHALL BE COORDINATED THROUGH MECKLENBURG CO. CODE ENFORCEMENT PERMITTING PROCESS AT TIME OF APPLICATION FOR BUILDING PERMITS. THESE REQUIREMENTS CAN BE FOUND AT <http://charlottesville.gov/DocumentCenter/View/1000/Backflow-Prevention-Flowchart>

FLOWCONTROLSGUIDELINES.ASPX. PLEASE CONTACT JAMIE HYDE AT 704-432-6008. FOR MORE INFORMATION, ANY REVISION TO TAP AND/OR HOLE LOCATIONS MAY BE SUBJECT TO RE-SUBMITTAL TO BACKFLOW REVIEW

1. ALL PIPE LENGTHS ARE HORIZONTAL DISTANCE AND ARE APPROXIMATE.
2. CONTRACTOR SHALL PROVIDE ALL THE MATERIALS AND APPURTENANCES NECESSARY FOR THE COMPLETE INSTALLATION OF THE UTILITIES. ALL PIPES AND FITTINGS SHALL BE INSPECTED BY THE BUILDING INSPECTOR PRIOR TO BEING COVERED.
3. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, REGULATIONS, AND/OR LOCAL STANDARDS IMPOSED BY LOCAL UTILITY.
4. ALL WATER LINES SHALL HAVE A MINIMUM COVER OF 36" ABOVE TOP OF PIPE.
5. CONTRACTOR SHALL ADJUST LOCATION OF PROPOSED WATER LINES AS REQUIRED TO AVOID CONFLICTS WITH STORM SEWER OR OTHER UTILITIES.
7. LOCATION, SIZE AND INVERT ELEVATIONS OF SANITARY SEWER SHALL BE COORDINATED WITH THE APPROVED PLUMBING PLANS FOR THE BUILDING.
9. GENERAL CONTRACTOR SHALL INSTALL UTILITIES TO WITHIN 5' OF BUILDING. PLUMBING CONTRACTOR SHALL BE RESPONSIBLE FOR UTILITIES IN THE BUILDING AND WITHIN 5' OF THE BUILDING.
10. INSTALLATION AND REPAIR OF UNDERGROUND ELECTRICAL, GAS AND TELEPHONE UTILITIES AND DISTURBED AREAS SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR OR APPLICABLE UTILITY COMPANY. THE DISTURBED AREAS BENEATH EXISTING ASPHALT SHALL BE RE-COMPACTED TO THE REQUIRED SPECIFICATIONS, AND THE STONE BASE AND ASPHALT BE RETURNED TO ITS ORIGINAL CONDITION.
11. THE GENERAL CONTRACTOR SHALL COORDINATE ALL NEW UTILITY TAP/CONNECTION LOCATIONS WITH THE UTILITY DEPARTMENT. FEES SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR. HOWEVER, IMPACT/CAPACITY FEES TO BE PAID BY DEVELOPER/OWNER.
12. THERE SHALL BE NO TAPS, PIPING BRANCHES, UNAPPROVED BYPASS PIPES, HYDRANTS, OR CONNECTION POINTS, OR OTHER WATER-USEING APPURTENANCES CONNECTED TO THE SUPPLY LINE BETWEEN ANY WATER METER AND ITS CILTWATER REQUIRED BACKFLOW PREVENTER.
13. EACH REQUIRED BACKFLOW PREVENTER ASSEMBLY IS REQUIRED TO BE TESTED BY A CILTWATER APPROVED CERTIFIED TEST PRIOR TO PLACING THE WATER SYSTEM IN SERVICE.

2. CONTRACTOR SHALL MARK THE LOCATION OF ALL SLEEVES AND CONDUIT WITH THE SLEEVING MATERIAL "FURNISH TO" 2'-0" ABOVE FINISH GRADE AND CAPPED.
3. CONTRACTOR SHALL ELUENED THE IRRIGATION DESIGNER WITH AN "AS-BUILT" DRAWING SHOWING ALL SLEEVES AND THE RESPECTIVE DEPTHS BELOW THE FINISH GRADE AND/OR PAVEMENT.
4. EXCEED ALL SLEEVES TO 2'-0" BEYOND THE EDGE OF ALL PAVEMENT.
5. ADD 4" DIAMETER SLEEVES TO ALL ISOLATED PLANTING AREAS NOT SHOWN ON THIS DRAWING, OR UNDER PAVEMENT. ADDED AFTER THIS PLAN WAS COMPLETED.
6. ALL SLEEVES SHALL BE SCHEDULED 40 PVC.



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 C OR AS AMENDED.



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

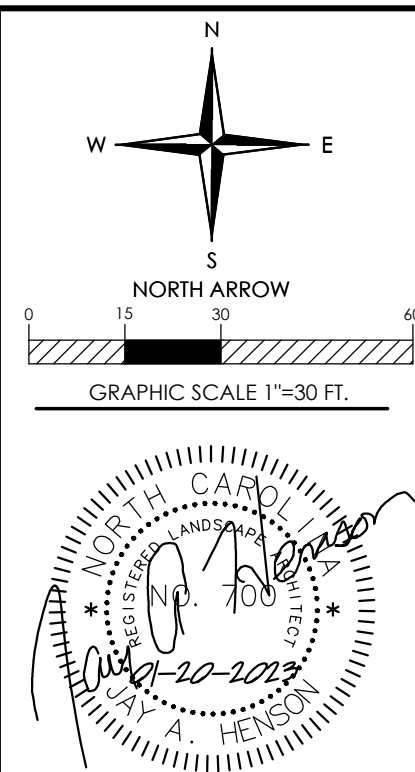
C05 - LANDSCAPE-UTILITY.DWG

PROJECT NUMBER: 221088

DATE: 09/15/2022 DRAWN BY: TSF

C05 5

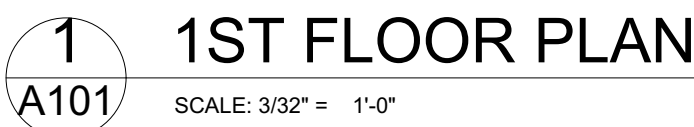
SHEET OF



NORTHCROSS HOTEL
PARCEL ID: 00930115
1 6221 NORTHCROSS DR HUNTERSVILLE NC 28078
LANDSCAPE-UTILITY PLAN

2022/12/07 - REZONING/SUP COMM.
2023/01/20 - REZONING/SUP COMM.

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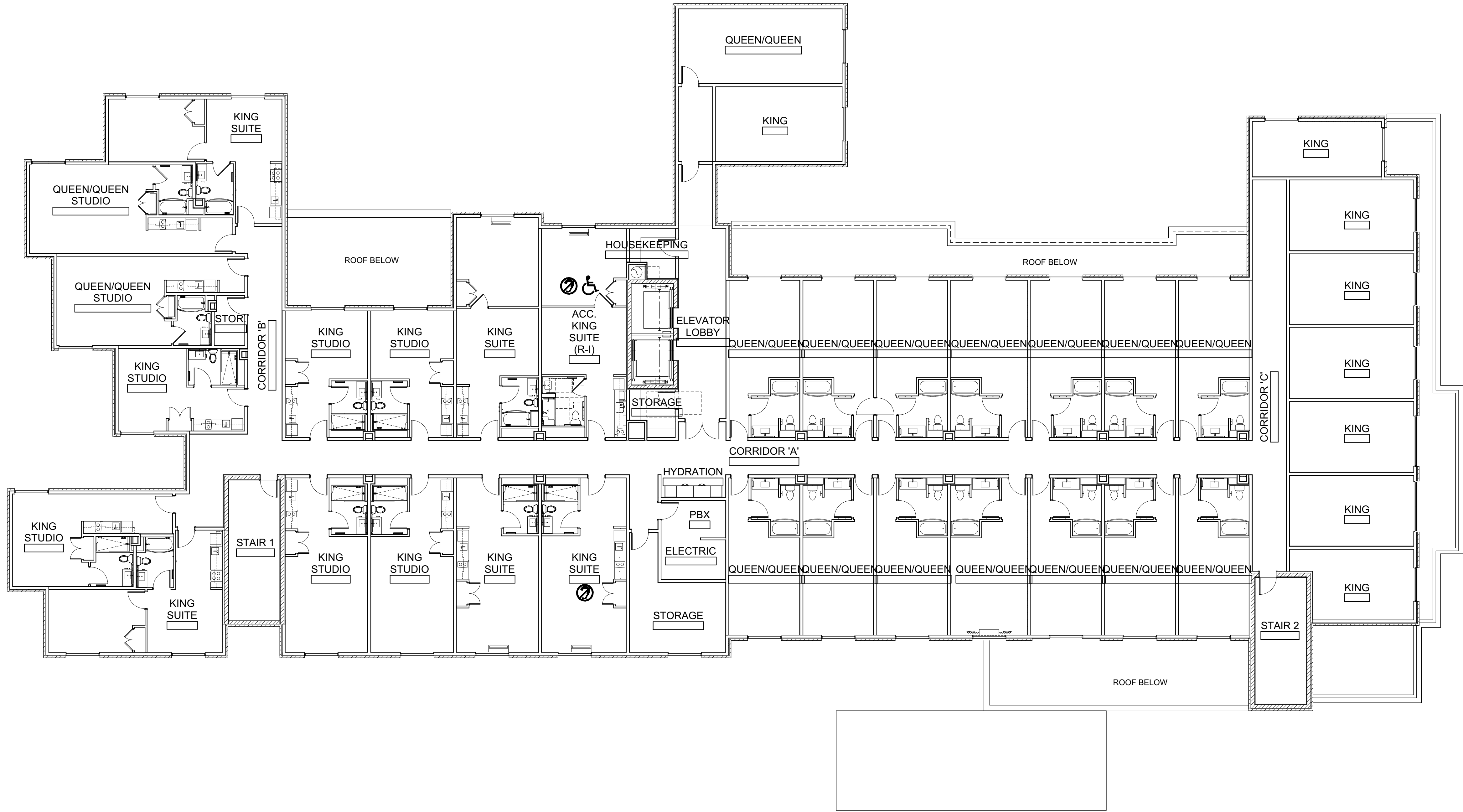
GUESTROOM MATRIX		
Home Story	STORY	Quantity
1ST FLOOR PLAN		
	ACC. QUEEN/QUEEN (R-I)	1
	KING	1
	KING STUDIO	4
	KING SUITE	3
	QUEEN/QUEEN	2
	QUEEN/QUEEN STUDIO	2
2ND FLOOR PLAN		
	ACC. KING SUITE (R-I)	1
	KING	8
	KING STUDIO	6
	KING SUITE	5
	QUEEN/QUEEN	15
	QUEEN/QUEEN STUDIO	2
3RD FLOOR PLAN		
	ACC.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

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

1
A102 2ND FLOOR PLAN

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

GENERAL NOTES:
ALL GLASS TO BE CLEAR GLASS NOT TINTED.



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

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

OVERALL SECOND FLOOR PLAN

SHEET

A102

NOT RELEASED FOR CONSTRUCTION

TownePlace Suites®
by Marriott

Fairfield
by Marriott

NC

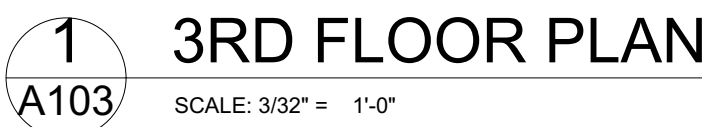
isomham
Design Group PA
Architecture Planning
1305 Collegiate Drive Wileysboro, NC 28697
www.isomham.com

QUALITY FIRST

DRAWN BY
VGW
PROJECT #
21019
APPROVED
RWH
DATE
01/09/23

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



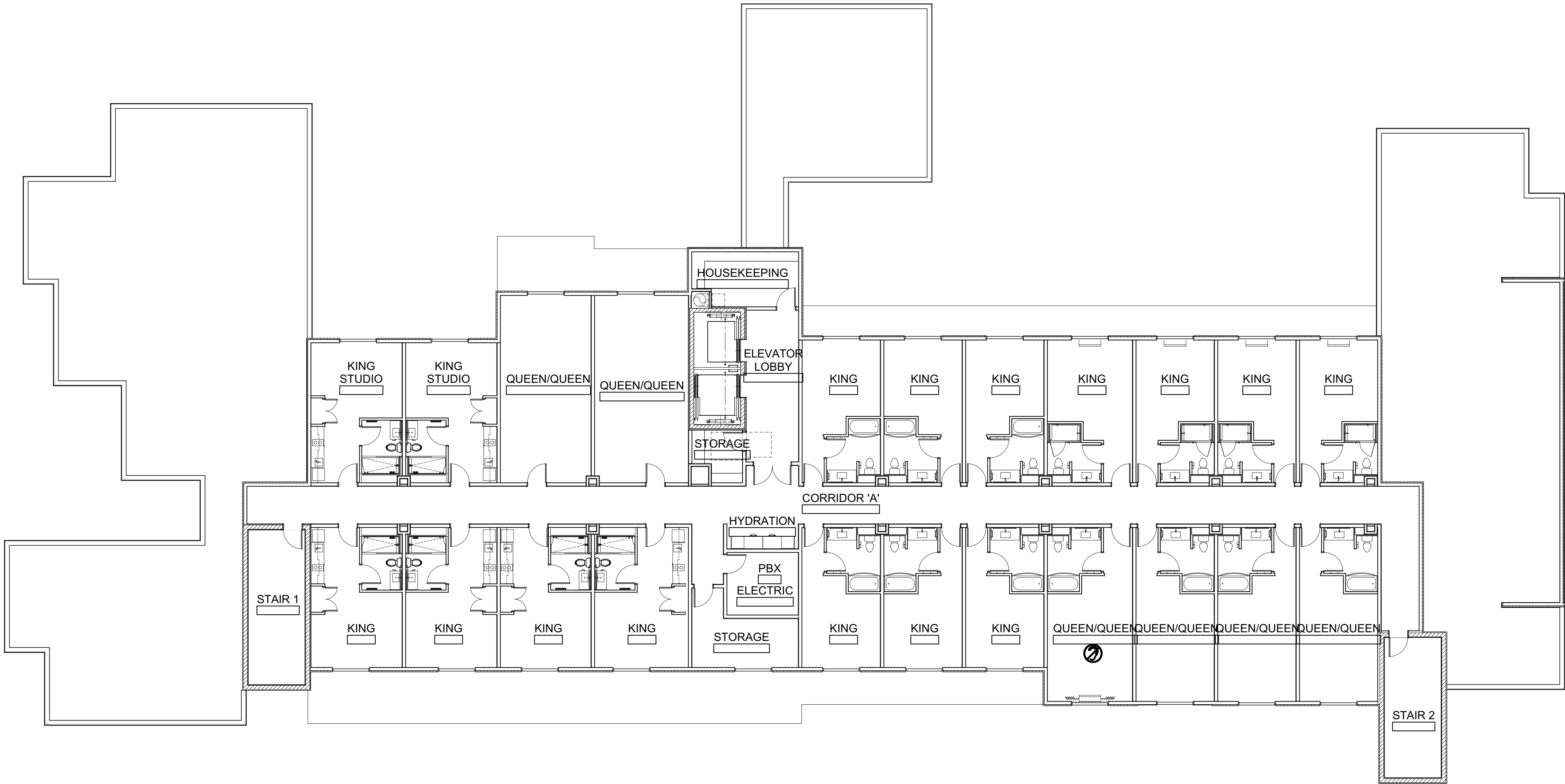
GUESTROOM MATRIX		
Home Story	STORY	Quantity
1ST FLOOR PLAN	ACC. QUEEN/QUEEN (R-I)	1
	KING	1
	KING STUDIO	4
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	QUEEN/QUEEN STUDIO	2
2ND FLOOR PLAN	ACC. KING SUITE (R-I)	1
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3RD FLOOR PLAN	ACC. KING SUITE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

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

1
A104 4TH FLOOR PLAN

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

GENERAL NOTES:
ALL GLASS TO BE CLEAR GLASS NOT TINTED.



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

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

OVERALL FOURTH FLOOR PLAN

SHEET

A104

isomham

DESIGN GROUP PA
Architecture Planning
1309 Collegiate Drive Wilkesboro, NC 28687
www.isomham.com

TownePlace Suites®
BY MARRIOTT

Huntersville

NC

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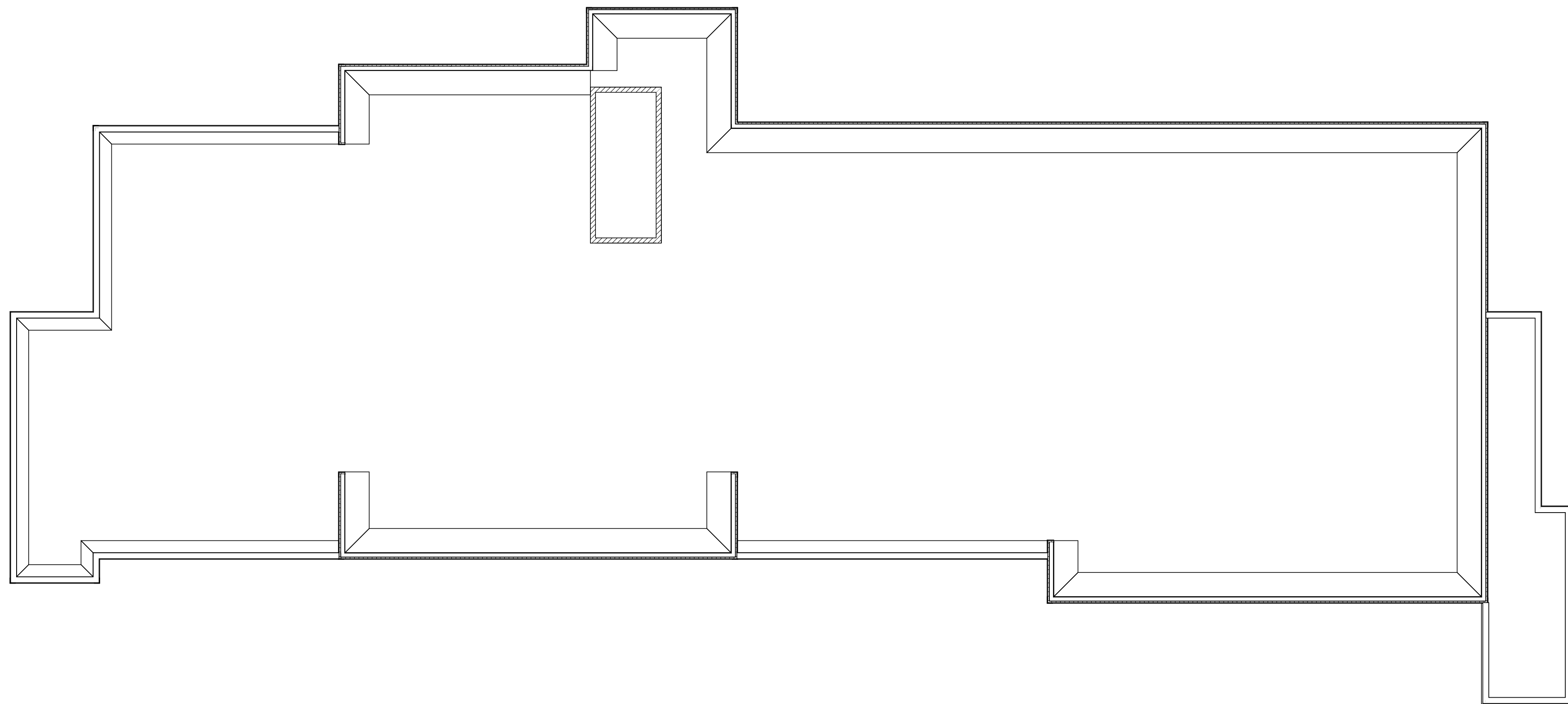
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VGW	RWH
PROJECT #	DATE
21019	01/09/23

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1 ROOF PLAN
A105 SCALE: 3/32" = 1'-0"

[illegible]

[illegible]

Applicant Burden of Proof for Special Use Permits, Article 11.4.10(e).2:

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

1. The proposed special use will not materially endanger the public health or safety;
2. The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity;
3. The proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan;
4. The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located; and
5. The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use.

Please note, if the applicant fails to provide substantial, material, and competent evidence addressing the applicable criteria, then the Town Board must deny the permit. That is true regardless of whether potential opponents present any evidence on point or not.

Expert Witness & Competent, Material, and Substantial Evidence:

Expert Witness:

- Generally, an expert witness is one qualified by knowledge, skill, experience, training, or education to provide specialized knowledge to help with the understanding of evidence or the determination of facts.
- Expert witnesses may include (but are not limited to):
 - A qualified appraiser when determining property value impact.
 - In North Carolina an owner of real property is generally competent to testify as to the value of their own property even though their knowledge on the subject would not qualify them as a witness were they not the owner.
 - An owner is generally expected to know what price the owner paid for the property and the uses to which the property may be put and to have a reasonably good idea of what it is worth. It is understood that the owner's opinion of the value of her own property may be subject to bias.
 - A transportation engineer when determining traffic impact.
 - A doctor or scientist when determining if the emissions from a proposed development would endanger the public health.

Competent, Material, and Substantial Evidence:

- 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 on something that requires an expert; and 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.

- Competent, material, and substantial evidence may include (but is not limited to):
 - Documentation
 - Staff Reports
 - Notice of Violation
 - Adopted Town Plans
 - Academic Journal
 - Wills and Deeds
 - Financial Reports and Documents
 - Transactional Reports and Documents
 - Photograph
 - Expert Testimony

Applicant Response:

In the following space, indicate what competent, material, & substantial evidence you will provide to establish that:

1. The proposed special use will not materially endanger the public health or safety.

The proposed special use will not materially endanger the public health or safety. It will be constructed according to applicable local and state building codes. It will have primary ingress and egress on a commercial thoroughfare and will have modern construction and design attributes. It will be flagged within the Marriott family of brands, which will require it to maintain high levels of maintenance and meet certain fire/life safety standards. The hotel may also have undergo periodic inspections from the fire marshal and health department.

2. The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity.

An Impact Analysis was completed by Hotel & Club Associates, Inc., which concluded that the hotel will have no measurable impact to abutting property values. The study utilizes a paired sales analysis to study the impact, if any, on residential property values as a result of their proximity to an existing hotel. The paired sales analysis examined three residential neighborhoods that are adjacent to an existing hotel. Market data from the three matched pair analyses shows no impact on residential property values as a result of their location adjacent to an existing hotel.



Special Use Permit- Applicant Burden

3. The proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan.

The proposed hotel will be in harmony with the area in which it is located and generally conform to the Huntersville Long Term Community

Plan. "The requested Hotel use is permitted in the existing CB zoning district with a special use permit. The inclusion of a use as a

[special] use in a particular zoning district establishes a prima facie case that the permitted use is in harmony with the general zoning plan."

Mann Media Inc. v Randolph County Planning Board, 356 N.C.1; 565 S.E. 2d 9 (2002). Primary ingress and egress will be on Northcross

Drive. Land uses along Northcross Drive are interstate/commercial oriented and the residential neighborhood to the west of Northcross is

well buffered. Existing transportation infrastructure and utilities are in place to support hotel development as are sidewalks that provide

connectivity and walkability to nearby commercial uses. The project will support the economic vitality of Huntersville by expanding the local

commercial tax base, creating job growth, and supporting a small business/entrepreneurship. From an environmental perspective, the tree

canopy within the buffer zone on the western end of the site will also be preserved.

4. The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located.

The proposed special use complies with all lot, size, yard and other applicable standards for the CB (CD) zoning district

found in the Town of Huntersville Zoning Ordinance. Evidence of this can be found in the Northcross Hotel Special Use

Permit plan set. A modification is requested to the Town of Huntersville Article 4 - Urban Workplace Building/Lot type. The

maximum building height per Article 4 is 45 feet. The applicant is asking for a modification to allow a maximum building

height of 47 feet.

5. The proposed special use will comply with all general standards in Article 11.4 and all specific standards in Article 9 for the issuance of a special use permit for this use.

The proposed special use complies with all general standards of Article 11.4 and all specific standards of Article 9. The

special use complies with all standards of Article 9.45.2 (a.- c.) regarding Hotels and Motels in the CB(CD) zoning district.

Evidence of this can be found in the Northcross Hotel Special Use Permit plan set.

Attach additional documents if needed.



APPRAISAL AND CONSULTING SERVICES

December 7, 2022

Mr. Hitesh Patel
Vice President
Hotel Ventures, Inc.

RE: EPM Rezoning #442291; Special Use Permit Supplemental Information
Impact on Neighboring Properties Values, Harmony with Area, Public Health & Safety
Dual-branded TownePlace Suites by Marriott and Fairfield by Marriott
16221 Northcross Drive, Huntersville, NC 28078

Dear Mr. Patel,

At your request, I have studied the potential impact of a proposed dual-branded TownePlace Suites by Marriott and Fairfield by Marriott hotel to be constructed at 16221 Northcross Drive in Huntersville on surrounding properties. Specifically, I have been asked to give my professional opinion on whether the proposed hotel will have any adverse impact on neighboring property values, whether it would materially endanger the public health or safety, and whether it will be in harmony with the area and conform to the comprehensive plan.

In developing opinions on these issues, I have visited the proposed hotel site and inspected the surrounding neighborhood, making observations about various factors that could potentially impact property values. I have reviewed site and building plans for the hotel, neighborhood GIS aerial maps, the Huntersville Long Term Community Plan, and researched residential sales in similar situations.

To develop an opinion on whether the hotel development would be injurious to the value of abutting properties, an Impact Analysis was completed. The Impact Analysis utilizes a paired sales analysis to study the impact, if any, on residential property values as a result of their proximity to an existing hotel or commercial property. The paired sales analysis examines three residential neighborhoods that are adjacent to an existing hotel. One of these neighborhoods is in

Huntersville. I recently completed a similar assignment in Durham and have included two neighborhoods in Durham that are adjacent to a hotel. Additionally, sales in the Birkdale residential neighborhood are studied relative to a property that adjoins the Birkdale Business Park. My conclusions are based upon the results of these studies along with my general real estate experience and knowledge.

Conclusions

The hotel will be constructed according to applicable local and state building codes. It will have primary ingress and egress on a commercial thoroughfare and will have modern construction and design attributes. It will be flagged within the Marriott family of brands, which will require it to maintain high levels of maintenance and meet certain fire/life safety standards. The hotel may also have undergo periodic inspections from the fire marshal and health department. Therefore, it is reasonable to conclude that the proposed hotel will not materially endanger the public health or safety.

The 2.66-acre hotel site is surrounded by commercial uses to the north and south and to the east by Interstate 77. There are three houses in the Birkdale residential neighborhood that adjoin the hotel site to the west. A 115' wooded buffer will separate the hotel parking lot from the closest residential lot. The hotel building will be constructed on the far eastern portion of the site and will be 339' from the closest residential lot. The primary ingress/egress for the hotel is on Northcross Drive, a commercial thoroughfare.

Market data from three matched pair analyses shows no impact on residential property values as a result of their location adjacent to an existing hotel. This includes one hotel property in Huntersville and two hotel properties in Durham. A fourth matched paired analysis is supportive of this conclusion as it shows no impact on residential property values as a result of proximity to the Birkdale Business Park, a commercial use just north of the hotel site. Therefore, it is my opinion that the proposed hotel will not have any measurable impact on the value of abutting properties.

The proposed hotel will be in harmony with the area in which it is located and generally conform to the Huntersville Long Term Community Plan. The hotel site is surrounded to the north and south by existing commercial uses and to the east by a major interstate highway. Primary ingress and egress will be on Northcross Drive. Land uses along Northcross Drive are interstate/commercial oriented and the residential neighborhood to the west of Northcross is well

buffered. It appears this wooded buffer was deliberate in the planning and development of this area.

The hotel is within the Employment Center district on Huntersville's comprehensive plan (Huntersville 2040 Community Plan). The Employment Center contains a mix of office, industrial, and institutional uses including some residential and retail to create a live, work, and play environment. A key policy emphasis (LU-8) of the Employment District is flexibility, which allows for multiple land uses and offers flexibility in the form-based design principles. It allows for buildings fronting the street, which is proposed for the hotel development. Existing transportation infrastructure and utilities are in place to support hotel development as are sidewalks that provide connectivity and walkability to nearby commercial uses. The project will support the economic vitality of Huntersville by expanding the local commercial tax base, creating job growth, and supporting a small business/entrepreneurship. From an environmental perspective, the tree canopy within the buffer zone on the western end of the site will also be preserved.

Introduction

My name is Zach Spurgeon and I am a partner at Hotel & Club Associates, Inc. based in Greensboro, NC. Hotel & Club Associates is a real estate appraisal and consulting firm that was founded in 1991. I began my career at Hotel & Club in 2006 and have 16 years of real estate appraisal and consulting experience. I graduated from N.C. State University in 2004 with a B.S. degree in Business Management. I hold the MAI designation through the Appraisal Institute and a Certification in Hotel Real Estate Investments & Asset Management from Cornell University. I hold an active N.C. Certified General appraisal license.

Scope of Work

I reviewed site and building plans of the proposed hotel. I visited the proposed hotel site and drove the surrounding neighborhood. I have reviewed the Huntersville Long Term Community Plan. In the paired sales analysis, I analyzed residential property sales in the Birkdale neighborhood that are adjacent to the Birkdale Business Park. I also analyzed residential property sales in a second residential neighborhood in Huntersville that adjoins an existing hotel site, the Best Western Plus at 13830 Statesville Road. I analyzed residential sales in two residential neighborhoods in Durham that adjoin a hotel property. Sales of residential properties that adjoin the hotel were analyzed against other residential sales in the neighborhood that are not adjacent to the hotel to determine if there was any adverse impact on property values from the presence of the hotel.

Overview of Hotel Site / Buffers & Compatibility

The hotel site is surrounded by commercial uses to the north and south, and residential to the west.

Adjacent Uses to Hotel Site		
Direction	Use	Name
North	Commercial	Hughes Supply - Kitchen & Bath Showroom
South	Commercial	La Unica Mexican Restaurant
East	N/A	Interstate 77
West	Residential	Birkdale residential neighborhood

To the north, Hughes Supply and the adjacent Birkdale Business Park were constructed in 1999 while La Unica Mexican Restaurant to the south was built in 2006. Most of the adjacent homes in the Birkdale residential neighborhood were built around 2000-2001.

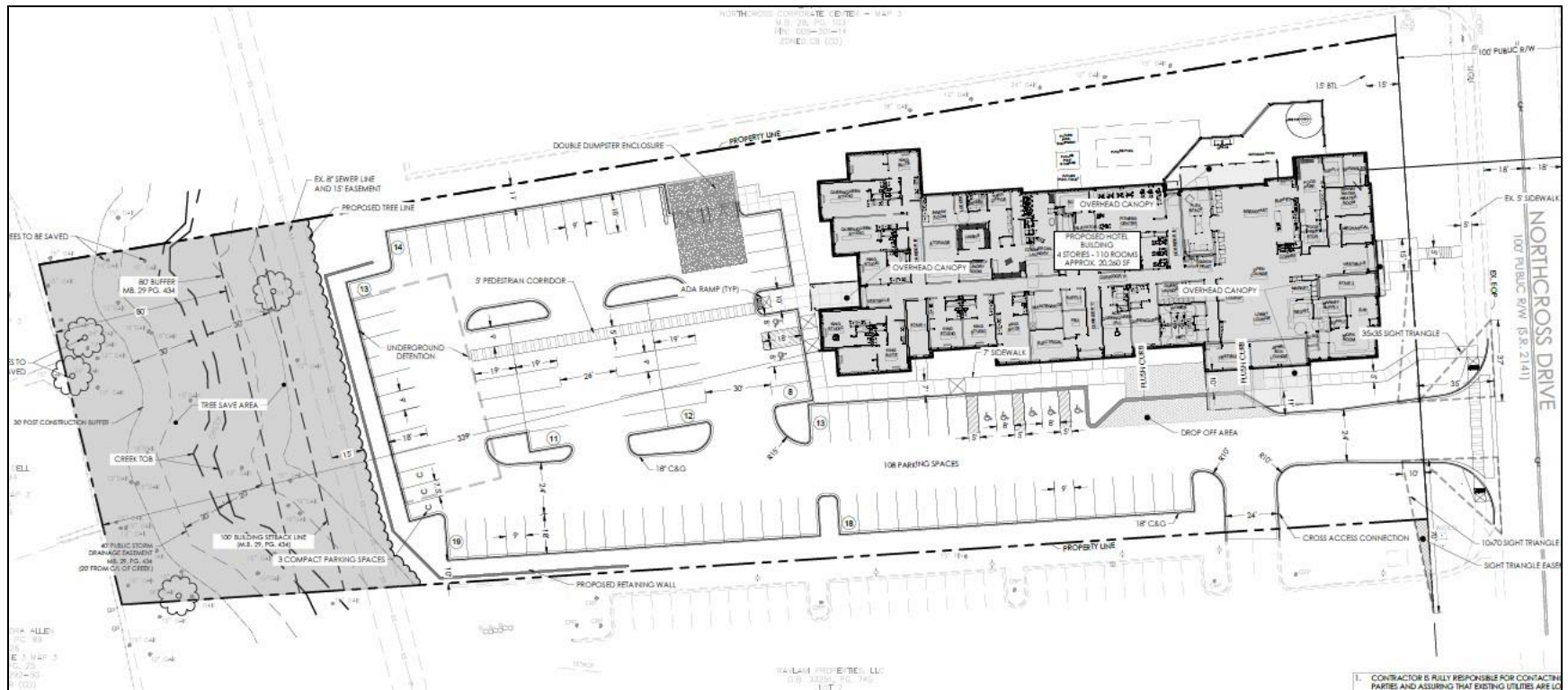
There are three residential lots in Birkdale that adjoin the hotel site. These residential lots will be buffered from the subject development via a 115' wooded area located on the subject site. The hotel improvement will be constructed on the far eastern portion of the site and the closest residential lot will be 339' from the hotel building. The wooded buffer will remain intact during development of the hotel.

Neighborhood Aerial Map



The hotel site is compatible with the adjacent uses to the north and south, which are commercial in nature. The residential uses to the west will be buffered via a 115' wooded area. This is consistent with the commercial uses to the north and south, which also feature a wooded buffer area.

Site Plan



Hotel Construction & Design / Franchise Characteristics

The hotel will have a unique 3 and 4 story construction that is designed to minimize the height on the western end of the building closest to the residential development. The front (eastern) portion of the building will also be 3 stories with a 4 story section in the middle.

The hotel will be flagged as a TownePlace Suites by Marriott and Fairfield by Marriott. The building will be constructed as a modern design with good quality finishes. Marriott requires its franchisees to maintain strict design and quality standards. This includes brand-mandated renovations every few years. The typical franchise term for a newly built Marriott hotel is 20 years with an additional 15-20 year renewal periods. Additionally, the subject represents a \$15.0+ million investment and current or future ownership is incentivized to maintain high quality standards over the years in order to protect the investment. Based on these factors, it is reasonable that the hotel will operate as a good quality hotel into the foreseeable future.

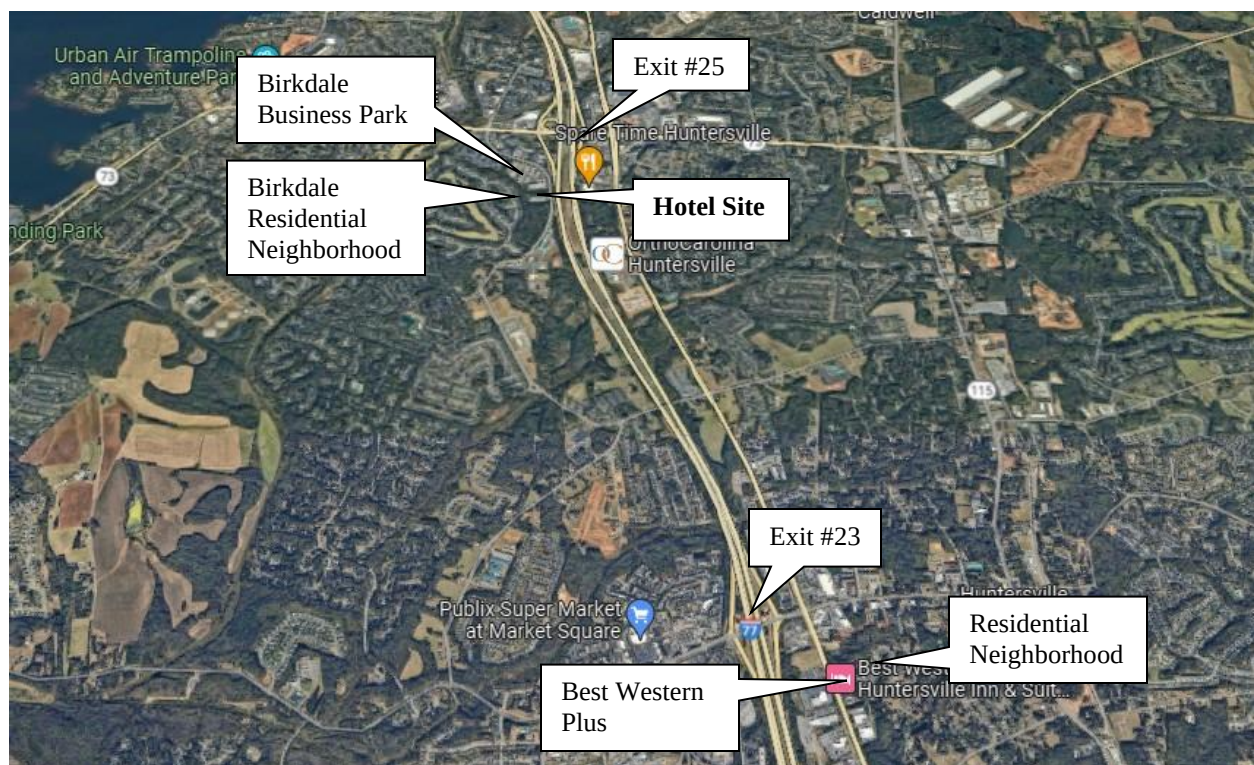
TownePlace Suites by Marriott and Fairfield by Marriott – Exterior Renderings



Impact Study via Paired Sales Analysis

A widely accepted methodology for measuring the impact of a single characteristic's effect on value is paired sales analysis or paired data analysis. According to **The Appraisal of Real Estate**, 14th Edition by the Appraisal Institute page 399, this analysis is described as *a quantitative technique used to identify and measure adjustments to the sale prices of comparable properties*. It is based on the premise that when two properties are equivalent in all respects but one, the value of the single difference can be measured by the difference in price between the two properties.

I have relied on four paired sales analysis in this report. Three of the paired sales analysis are completed on residential neighborhoods that adjoin a hotel property including one in Huntersville and two in Durham, NC. A fourth paired sales analysis includes the Birkdale residential neighborhood and a house that adjoins the Birkdale Business Park near the subject hotel site. The two local sales in Huntersville are illustrated on the map below.



The Best Western Plus hotel at exit #23 in Huntersville adjoins a residential neighborhood. There is one house that adjoins the hotel site that recently sold and is analyzed against other single family home sales in the same neighborhood that are not adjacent to the existing hotel. The sales

are adjusted for various factors and the adjusted sale price per square foot is analyzed to determine if there is any adverse impact on property values given the proximity of the exiting hotel. I have completed the same analysis for the Birkdale neighborhood and two neighborhoods in Durham.

Best Western Plus (13830 Statesville Rd., Huntersville) Adjacent to Residential Neighborhood

The Best Western Plus is 3.1 miles south of the TownePlace-Fairfield by Marriott site near exit #23. The 64-room Best Western Plus hotel opened in 2000 and is on the Statesville Road commercial thoroughfare. It is surrounded by commercial uses to the north, south, and west. A residential neighborhood adjoins the hotel site to the east. Five residential properties adjoin the hotel site to the east and are buffered by an approximate 80-foot wooded area. The closest house is 230± feet from the hotel building.



There are five improved residential properties that abut the hotel site. Of these, one house at 405 Hillcrest Drive sold in June 2022. I have compared this property to other houses in the neighborhood that have recently sold to determine if there was any impact from the proximity to the hotel. I have selected comparable sales that are similar in terms of size, condition, and other factors. A chart summarizing the details of these sales along with a map is shown below.

Residential Sales: Adjacent & Non-Adjacent to Best Western Plus Huntersville														
#	Adjoin Hotel	Address	Sale Date	List Price	Sale Price	Price Per SF	Square Feet	Yr. Built	BR/BA	Parking	Design	Acres	Other	DOM
1	Yes	405 Hillcrest Dr.	6/23/2022	\$449,000	\$430,000	\$201.97	2,129	1973	5/3	1 Car Garage / Carport	1 stry Ranch	0.47	Above Ground Pool, Fence	12
2	No	108 Virginia Ave.	12/10/2021	\$337,900	\$338,000	\$200.47	1,686	1969	3/2	None	1 stry Ranch	0.44	2 Sheds	23
3	No	107 Joyce Avenue	8/5/2022	\$325,000	\$327,500	\$260.33	1,258	1965	3/2	Detached 2 Car Garage	1 stry Ranch	0.49	Fence	3
4	No	216 Greenway St.	12/22/2021	\$448,000	\$448,000	\$240.21	1,865	1989	3/3	2 Car Garage	1 stry Ranch	0.63	None	1
5	No	406 Mount Holly-Huntersville Rd.	12/17/2021	\$380,000	\$370,000	\$187.72	1,971	1979	3/2	Detached 2 Car Garage / Carport	1 stry Ranch	0.82	In Ground Pool	14
-	Average	-	3/10/2022	\$387,980	\$382,700	\$218.14	1,782	1,975	-	-	-	0.57	-	11
-	Median	-	12/22/2021	\$380,000	\$370,000	\$201.97	1,865	1,973	-	-	-	0.49	-	12

Residential Sales Map



The sales are adjusted for time, bathrooms, pool, basement square footage, and other features. The adjusted price per square foot for the sales is shown below.

Residential Sales Adjustment Chart			
#	Address	Total	Adjusted \$ / SF
1	405 Hillcrest Dr.	\$430,000	\$201.97
2	108 Virginia Ave.	\$323,000	\$191.58
3	107 Joyce Avenue	\$287,500	\$228.54
4	216 Greenway St.	\$403,000	\$216.09
5	406 Mount Holly-Huntersville Rd.	\$315,000	\$159.82

Sale Adjoining Hotel (1)		
	Average	Median
Adjusted Sale Price Per SF	\$201.97	\$201.97
Sales Not Adjacent to Hotel (2-5)		
	Average	Median
Adjusted Sale Price Per SF	\$199.00	\$203.83
Difference in Median (Adjoining vs. non-adjacent)		-0.9%

After adjustments, the price per square foot for the home adjoining the hotel is 1.0% less than homes not adjoining the hotel. This is within a typical range of variation to be expected in real estate transactions. The house adjoining the hotel (sale #1) had a days on market (DOM) of 12, which is near the average for the other homes that have sold within the neighborhood. This house is buffered from the hotel improvement via an 80-foot wooded buffer. The subject site will have a 115-foot wooded buffer. Therefore, **the preceding market data is indicative that there is no adverse impact on property values from the presence of the hotel.**

Birkdale Neighborhood Adjacent to Birkdale Business Park (Commercial) on Northcross Dr.

The east end of the Birkdale residential neighborhood borders several commercial sites including the Birkdale Business Park, Hughes Supply, La Unica Mexican Restaurant, and the proposed hotel site. The homes that border these commercial sites are along Grafham Circle as illustrated on the map below.



A residential house at 16214 Grafham Circle that adjoins the Birkdale Business Park sold in September 2022. Within the paired sales analysis, I have identified four additional comparable sales in the Birkdale neighborhood that have recently sold and do not adjoin a commercial site. These sales are reasonably similar in terms of size, condition, and other factors.

A chart summarizing the details of these sales along with a map is shown below.

Birkdale Residential Sales: Adjacent & Non-Adjacent to a Commercial Use (Birkdale Business Park)														
Adjoin														
#	Commercial	Address	Sale Date	List Price	Sale Price	Price Per SF	Square Feet	Yr. Built	BR/BA	Parking	Design	Acres	Other	DOM
1	Yes	16214 Grafham Circle	9/1/2022	\$615,000	\$595,000	\$218.03	2,729	2000	4/2.5	Garage	2 stry	0.22	Fence	34
2	No	9624 Devonshire Dr.	5/6/2022	\$710,000	\$780,000	\$212.38	3,343	2001	4/2.5	Garage	2 stry	0.37	Deck/Outdoor Fireplace	0
3	No	10135 Devonshire Dr.	12/1/2021	\$684,900	\$675,000	\$200.12	3,373	2001	4/3.5	Garage	2 stry	0.27	Deck	68
4	No	8818 St Brides Ct.	8/3/2022	\$550,000	\$570,000	\$224.06	2,544	2001	4/2.5	Garage	2 stry	0.30	Patio/Fence	1
5	No	16027 Grafham Circle	6/16/2022	\$650,000	\$725,000	\$254.03	2,854	2001	5/3	Garage	2 stry	0.22	Patio/Fence	35
-	Average	-	5/24/2022	\$641,980	\$669,000	\$221.72	2,969	2,001	-	-	-	0.28	-	28
-	Median	-	6/16/2022	\$650,000	\$675,000	\$218.03	2,854	2,001	-	-	-	0.27	-	34

Birkdale Residential Neighborhood Sales Map



The sales are adjusted for time, bathrooms, and other features. The adjusted price per square foot for the sales is shown below.

Residential Sales Adjustment Chart			
#	Address	Total	Adjusted \$ / SF
1	16214 Grafham Circle	\$595,000	\$218.03
2	9624 Devonshire Dr.	\$770,000	\$230.33
3	10135 Devonshire Dr.	\$680,250	\$201.68
4	8818 St Brides Ct.	\$570,000	\$224.06
5	16027 Grafham Circle	\$717,500	\$251.40

Sales Adjoining Hotel (1)		
	Average	Median
Adjusted Sale Price Per SF	\$218.03	\$218.03
Sales Not Adjacent to Hotel (2-5)		
	Average	Median
Adjusted Sale Price Per SF	\$226.87	\$227.19
Difference in Median (Adjoining vs. non-adjacent)		-4.0%

After adjustments, the price per square foot for the house adjoining the commercial use (Birkdale Business Park) is 4.0% less than the adjusted median square foot for houses not adjoining the Birkdale Business Park. This is within a typical range of variation to be expected in real estate transactions. Sale #1 had a days on market (DOM) of 34 days, which was generally in line with the median DOM for the other sales in the neighborhood. Therefore, **the preceding market data is indicative that there is no adverse impact on property values from the presence of the commercial use (Birkdale Business Park).**

Trinity Park Adjacent to Residence Inn by Marriott (1108 W. Main St, Durham, NC)

The Residence Inn by Marriott is a 147-room hotel that opened in mid-2015. It is on the W. Main Street commercial thoroughfare. Adjacent uses include the Trinity Park residential neighborhood to the north, commercial uses to the south and east, and Duke's east campus to the west. The hotel site adjoins the Trinity Park residential neighborhood to the north and two improved residential properties abut the hotel site. These two properties are buffered by an approximate 10-foot brick fence.



There are two improved residential properties that abut the hotel site. Of these, one house sold in January 2022. I have compared this properties to other houses that have sold within the Trinity Park neighborhood to determine if there was any impact from their proximity to the hotel. I have selected comparable sales that are similar to these properties in terms of size, condition, and other factors.

A chart summarizing the details of these sales along with a map is shown below.

Residential Sales: Trinity Park Neighborhood														
#	Adjoin Hotel	Address	Sale Date	List Price	Sale Price	Price Per SF	Square Feet	Yr. Built	BR/BA	Parking	Design	Acres	Other	DOM
1	Yes	115 Watts St.	1/31/2022	\$1,700,000	\$1,700,000	\$390.18	4,357	1920	6/4	Garage	2 stry	0.23	Pool, Fence	5
2	No	114 N. Buchanan St.	5/21/2021	\$1,000,000	\$1,100,000	\$263.54	4,174	1924	3/3	Garage	2 stry	0.22	Fence	3
3	No	116 N. Buchanan St.	11/1/2019	\$975,000	\$940,000	\$222.17	4,231	1925	5/3	None	2 stry	0.23	Fence	1
4	No	1009 Watts St.	7/15/2021	\$1,845,000	\$1,845,000	\$419.70	4,396	2009	4/4.5	Garage	2 stry	0.33	Fence	3
5	No	1010 Gloria Ave.	8/12/2020	\$1,400,000	\$1,375,000	\$331.72	4,145	1910	4/2.5	None	2 stry	0.17	Fence	14
6	No	1005 Lamond Ave.	6/1/2022	\$890,000	\$965,000	\$396.14	2,436	1906	3/3	None	2 stry	0.22	Fence	3
7	No	1111 Urban Ave.	6/2/2022	\$892,000	\$920,000	\$369.63	2,489	1918	3/2	None	2 stry	0.12	Fence	5
-	Average	-	6/20/2021	\$1,243,143	\$1,263,571	\$341.87	3,747	1,930	-	-	-	0.22	-	5
-	Median	-	7/15/2021	\$1,000,000	\$1,100,000	\$369.63	4,174	1,920	-	-	-	0.22	-	3

Trinity Park Sales Map



The sales are adjusted for time, bathrooms, pool, and other features. The adjusted price per square foot for the sales is shown below.

Residential Sales Adjustment Chart			
#	Address	Total	Adjusted \$ / SF
1	115 Watts St.	\$1,785,000	\$409.69
2	114 N. Buchanan St.	\$1,239,000	\$296.84
3	116 N. Buchanan St.	\$1,240,000	\$293.07
4	1009 Watts St.	\$2,052,000	\$466.79
5	1010 Gloria Ave.	\$1,722,500	\$415.56
6	1005 Lamond Ave.	\$1,030,000	\$422.82
7	1111 Urban Ave.	\$1,000,000	\$401.77

Sales Adjoining Hotel (1)		
	Average	Median
Adjusted Sale Price Per SF	\$409.69	\$409.69
Sales Not Adjacent to Hotel (2-7)		
	Average	Median
Adjusted Sale Price Per SF	\$382.81	\$408.66
Difference in Median (Adjoining vs. non-adjacent)		0.2%

After adjustments, the price per square foot for the house adjoining the hotel is generally in line with the houses not adjoining the hotel. Sale #1 had a days on market (DOM) of 5, which is similar to the other homes that have sold within the neighborhood. This home is buffered from the hotel site via the 10' fence and significant vegetation. **The preceding market data is indicative that there is no adverse impact on property values from the presence of the hotel.**

Landsbury/Waterbury Neighborhood Adjacent to La Quinta Inn & Suites (4414 Durham-Chapel Hill Blvd., Durham)

The La Quinta Inn & Suites is located 5.3 miles south of the TownePlace site along the Durham-Chapel Hill Blvd. (US 15-501) commercial thoroughfare. The 130-room La Quinta Inn opened in 1999. Adjacent uses include the Landsbury-Waterbury residential neighborhood to the north, commercial to the south and west, and vacant land to the east. There are three residential homes in the neighborhood that are abutting the hotel site.



Of the three houses that adjoin the hotel site, two have sold within the last year. However, one of these homes was very dated and has been excluded from the analysis. The house at 118 Landsbury Drive adjoins the hotel and is analyzed against other recently sold homes in the neighborhood that do not adjoin the hotel site. I have selected comparable sales that are reasonably similar in terms of size, condition, and other factors.

A chart summarizing the details of these sales along with a map is shown below.

Residential Sales: Trinity Park Neighborhood													
#	Adjoin Hotel	Address	Sale Date	List Price	Sale Price	Price Per SF	Square Feet	Yr. Built	BR/BA	Parking	Design	Acres	DOM
1	Yes	118 Landsbury Dr.	6/14/2021	\$449,000	\$449,000	\$259.84	1,728	1971	3/2	Garage	1 stry	0.49	45
2	No	226 Landsbury Dr.	2/8/2022	\$419,000	\$500,000	\$191.50	2,188	1974	4/3	Garage	1 stry	0.47	3
3	No	4011 Garrett Rd.	3/21/2022	\$449,900	\$505,000	\$291.23	1,734	1965	4/3	None	1 stry	0.48	5
4	No	204 Landsbury Dr.	8/30/2021	\$370,000	\$395,000	\$238.67	1,655	1966	3/2	None	1 stry	0.47	6
5	No	142 Landsbury Dr.	9/14/2020	\$329,000	\$349,153	\$201.59	1,732	1977	3/2	None	1 stry	0.85	3
6	No	102 Landsbury Dr.	11/18/2021	\$340,000	\$370,000	\$209.99	1,762	1972	3/2	None	1 stry	0.61	4
7	No	217 Landsbury Dr.	8/13/2020	\$279,900	\$306,350	\$212.60	1,441	1998	3/5	Garage	1 stry	0.46	2
-	Average	-	7/9/2021	\$376,686	\$410,643	\$229.35	1,749	1,975	-	-	-	0.55	10
-	Median	-	8/30/2021	\$370,000	\$395,000	\$212.60	1,732	1,972	-	-	-	0.48	4

Landsbury-Waterbury Sales Map



The sales are adjusted for time, bathrooms, and other features. The adjusted price per square foot for the sales is shown below.

Residential Sales Adjustment Chart			
#	Address	Total	Adjusted \$ / SF
1	118 Landsbury Dr.	\$493,900	\$285.82
2	226 Landsbury Dr.	\$394,000	\$180.07
3	4011 Garrett Rd.	\$585,150	\$337.46
4	204 Landsbury Dr.	\$480,550	\$290.36
5	142 Landsbury Dr.	\$465,492	\$268.76
6	102 Landsbury Dr.	\$449,600	\$255.16
7	217 Landsbury Dr.	\$392,620	\$272.46

Sales Adjoining Hotel (1)		
	Average	Median
Adjusted Sale Price Per SF	\$285.82	\$285.82
Sales Not Adjacent to Hotel (2-7)		
	Average	Median
Adjusted Sale Price Per SF	\$267.38	\$270.61
Difference in Median (Adjoining vs. non-adjacent)		5.6%

After adjustments, the price per square foot for the home adjoining the hotel is 5.6% more than the adjusted median square foot for home not adjoining the hotel. This is within a typical range of variation to be expected in real estate transactions. Sale #1 had a days on market (DOM) that was longer than other sales in the neighborhood, which could indicate a smaller buyer pool for the property. However, **ultimately there does not appear to be any adverse impact on value.**

Conclusion – Paired Sales Analysis

Based on the market data presented in the three hotel related paired sales analyses, it is my opinion that there is no adverse impact on market value to the houses adjacent to a hotel property. In the case of the Best Western Plus in Huntersville, an 80' wooded buffer separated the hotel parking lot from the adjoining residential lots. There was an even smaller buffer for the two residential houses that abutted the Residence Inn and La Quinta Inn in Durham. The subject hotel site will have a 115' wooded buffer separating its improved parking lot from the closest residential lot. Therefore, it is reasonable to conclude that there will be no adverse impact on market value for the residential homes adjoining the hotel site. The paired sales analysis of the house adjoining the Birkdale Business Park (while not a hotel) is supportive of this conclusion.

Respectfully submitted,



Zachary J. Spurgeon, MAI

Appraiser & Consultant Qualifications

Zachary J. Spurgeon, MAI

Hotel & Club Associates, Inc.
3717-D West Market Street
Greensboro, North Carolina 27403
Office: (336) 379-1400
zspurgeon@hotelandclub.com

PROFESSIONAL EXPERIENCE:

Hotel and Club Associates, Inc. – Partner	2018 - Present
Hotel and Club Associates, Inc. – Appraiser and Consultant	2006 - 2018

PROFESSIONAL DESIGNATIONS:

MAI (Member, The Appraisal Institute)
CHIA (Certification in Hotel Industry Analytics from the American Hotel & Lodging Educational Institute and Smith Travel Research)

EDUCATION:

N.C. State University – Bachelor of Science Degree, Business Management (2004)
Cornell University – Certificate in Hotel Real Estate Investments & Asset Management (2017)

STATE CERTIFICATIONS/LICENSES:

N.C. Certified General Appraiser – A7157	GA Certified General Appraiser – 339129
S.C. Certified General Appraiser – CG 6658	PA Certified General Appraiser - GA004286
VA Certified General Appraiser – 4001-014498	N.C. Licensed Real Estate Broker (inactive) – 250158
TN Certified General Appraiser - 4647	

PROFESSIONAL EXPERIENCE:

Zach began his career with Hotel & Club Associates, Inc. in 2006 and has completed over 700 assignments including appraisals, market studies, feasibility studies, and consultations for lending institutions, developers, property owners, attorneys, and municipalities throughout the United States.

COURSEWORK:

Completion of the comprehensive exam and coursework required for the MAI designation.
Completion of 28 hours of appraisal related continuing education every two years.
Specialized hotel coursework through Cornell University's Certification Program.
Completion of the coursework required to obtain an N.C. Certified General Appraisal License.
Completion of the coursework required to obtain an N.C. Real Estate Broker License.

**Town of Huntersville
Planning Board
February 20, 2023**

To: Town Board

From: Jesse James, Senior Planner

Date: February 20, 2023

Subject: Petition #R22-06

EXPLAIN REQUEST:

Consider final action on petition R22-06 a request by Hitesh Patel on behalf of Hotel Ventures of Lake Norman, Inc. to rezone approximately 2.66 acres at 16221 Northcross Drive from Corporate Business Conditional District (CB-CD) to Corporate Business Conditional District (CB-CD) to permit a 4-story 109 room hotel.

ACTION RECOMMENDED:

Final Action

FINANCIAL IMPLICATIONS:

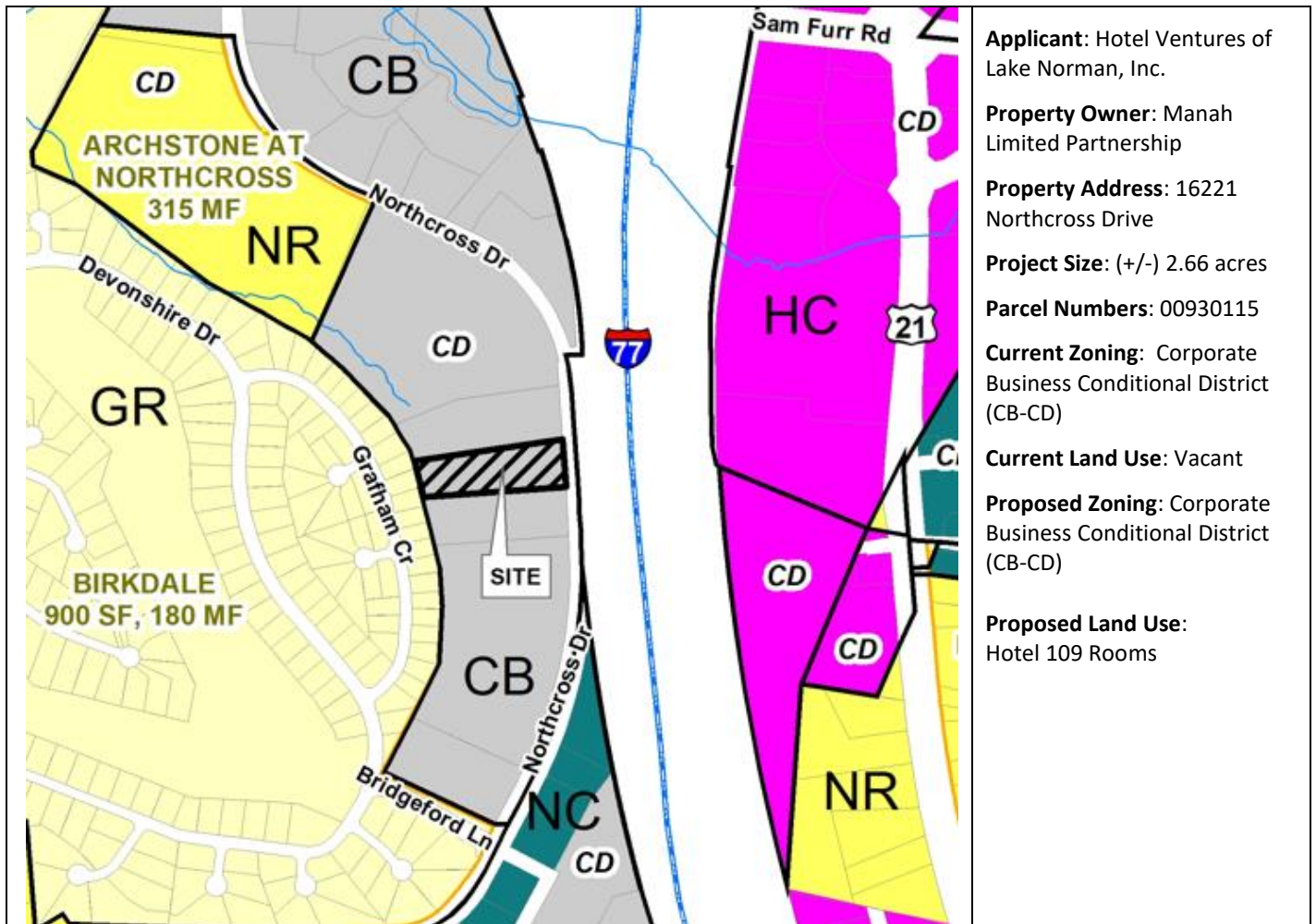
N/A

ATTACHMENTS:

1. R22-06 TB 2-20-23 Staff Report 1
2. Rezoning_Town_of_Huntersville_General_Application
3. Northcross_Hotel_Rezoning_Set
4. Architectural_Plans_and_Elevations_Revision#1
5. Northcross Corporate Center 1-28-97
6. CLTW_WTSLetter_NORTHCROSS_HOTEL,_McDowell_Creek_WWTP,
7. Notice for Nov 17 Meeting
8. TIA_Determination_10-3-22
9. I-5715_Handout_February_2018

Petition R22-06 Northcross Hotel

PART 1: PROJECT SUMMARY



Applicant: Hotel Ventures of Lake Norman, Inc.

Property Owner: Manah Limited Partnership

Property Address: 16221 Northcross Drive

Project Size: (+/-) 2.66 acres

Parcel Numbers: 00930115

Current Zoning: Corporate Business Conditional District (CB-CD)

Current Land Use: Vacant

Proposed Zoning: Corporate Business Conditional District (CB-CD)

Proposed Land Use: Hotel 109 Rooms

1. Purpose: Rezone 2.66-acres at 16221 Northcross Drive from Corporate Business Conditional District (CB-CD) to Corporate Business Conditional District (CB-CD) to accommodate for a proposed 4-story 109 room hotel. CB-CD is proposed due to the exclusion of hotels as a permitted use under the current CB-CD plan. This application also requires an approved Special Use Permit due to the proximity of an adjacent residential zoned district within 250 feet.
2. Hotels are not a permitted land use under the original Business Park Conditional District (BP-CD) Northcross Corporate Center plan (site plan attached, approved prior to Huntersville jurisdiction and later amended in 1994 by Town of Huntersville), however under the 1996 adoption of the current zoning ordinance, BP was replaced with the Corporate Business District zoning in which hotels are a permitted land use with conditions.
3. Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet. The proposal calls for a maximum height of 47 feet, this height times three equals 141 feet. The separation distance proposed under the condition above is at 339 feet, which can be seen in the provided site plans attached.
4. Adjoining Zoning and Land Uses.
 - North: Corporate Business Conditional District– Office/Service
 - South: Corporate Business Conditional District- Restaurant
 - East: Northcross Drive and I-77
 - West: General Residential- Single Family Residential.

[illegible]

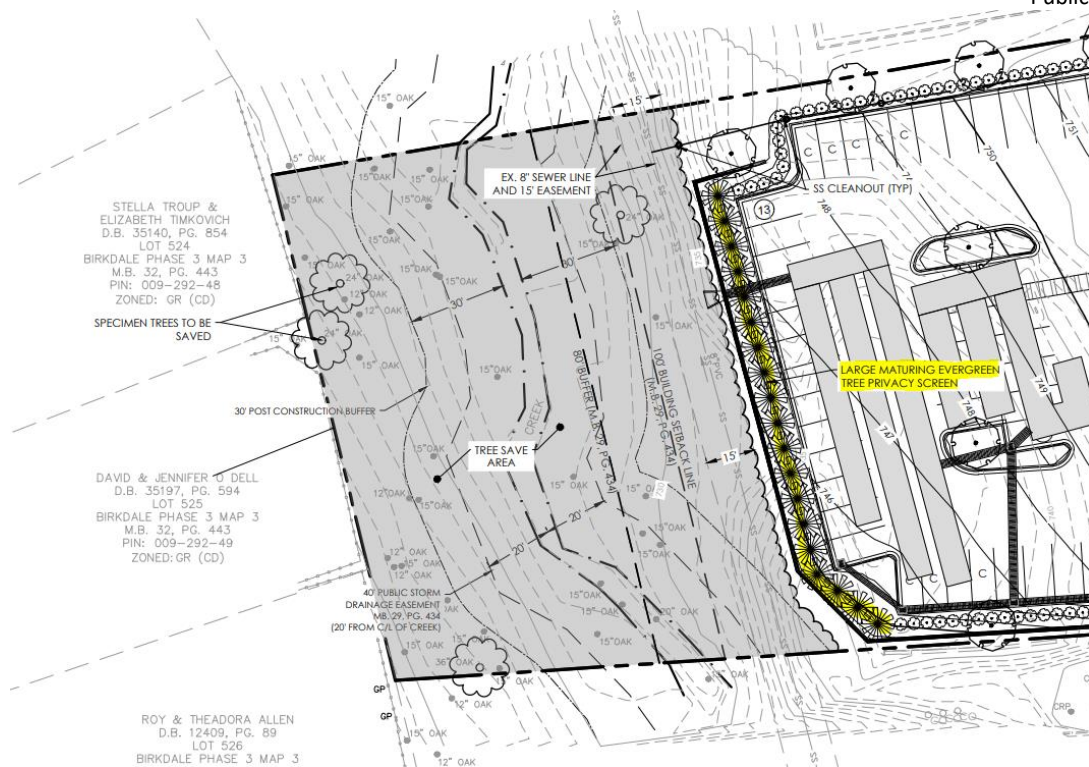
- The proposal is for a single building four story hotel with 109 rooms, fronting Northcross Drive.
- Article 3.2.4(d) states that “1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by **varying the massing of buildings to reduce perceived scale and volume.**” The applicant has proposed to break up the building massing with modulating building walls and scaling back of forth level floor area. This is seen most clearly by the proposed site plan above and the elevation provided below.



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



- Article 7.5: Requires an 80 foot in width buffer abutting residential property. The applicant is offering 124 feet of undisturbed buffer with existing vegetation which exceeds the minimum requirement. In addition to the buffering width that exceeds the requirement, the applicant is offering an additional row of large maturing evergreen trees along the back of the parking lot to allow for supplemental evergreen buffering due to much of the existing buffering being of the deciduous variety as seen below:



- Minimum Tree Preservation (canopy tree save) for Corporate Business is 0%. The applicant is proposing to save 124 feet of existing canopy buffering the western property line.
- Minimum Tree Preservation (specimen tree save) for Corporate Business is 30%. The Rezoning Plan saves roughly 40% of existing specimen trees.
- There are no identified Heritage Trees on site.
- Planning, Transportation, and Storm Water Engineering staff have minor site plan comments outstanding that need to be addressed prior to final plan approval.
- One minor modification is requested. The applicant is requesting that the overall height below the parapet wall be increased from the 45 foot maximum height permitted to 47 feet.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

The Application for Determination was submitted on 9/29/22 and is based on a 109 Room hotel. No TIA is required.

NCDOT Project STIP I-5715

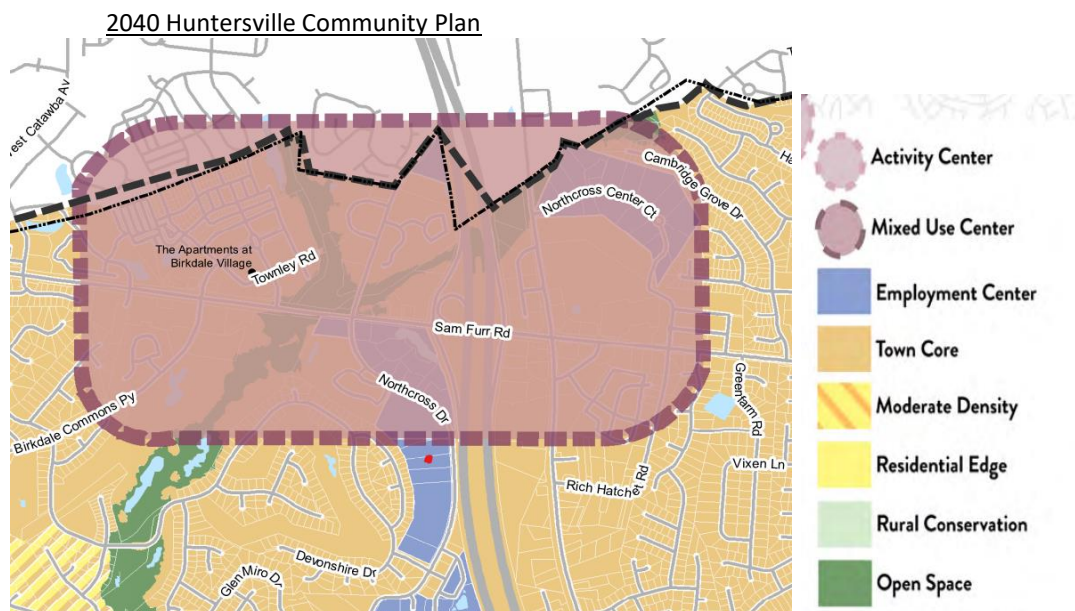
The N.C. Department of Transportation proposes to reconfigure the I-77 and N.C. 73 (Sam Furr Road) interchange. The purpose of this project is to improve mobility and connectivity for local traffic accessing properties adjacent to this interchange. A secondary purpose is to reduce delay and congestion on N.C. 73 through the I-77/N.C. 73 interchange.

The new interchange design is called a “split diamond.” As part of this design, the existing ramps will remain in approximately their same locations, and two new bridges will be added across I-77. The northern crossing will connect with the I-77 ramps with roundabouts on both sides. On the east end, the roundabout will also connect to Caldwell Creek Drive. Two alternatives for the eastern roundabout, a four and a five leg roundabout, are under consideration.

The southern crossing will connect Northcross Drive and U.S. 21 (Statesville Road), using a loop on the west side and a roundabout on the east side. Drivers using the I-77 northbound off-ramp will have the choice to access the new crossing or go directly to N.C. 73. (See attachment).

PART 4: REZONING CRITERIA

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



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

- LU 5.1: Allow more intense development only where transportation infrastructure and utilities already exist.
Comment- This parcel is located where transportation and utility infrastructure exist.
- LU 6.2: Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.
Comment- This parcel is within the Town Core.
- LU 7.1: Require all new development to adhere to the following design principles:
 - All buildings shall front a public street or open space
 - Parking lots, if required, should be predominately located behind buildings screened from view and larger lots should be broken by buildings and or landscape features.
 - Improve connectivity, particularly for pedestrians and vehicles.

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

- EV 1.3: Inventory and protect strategic development sites.

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

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

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

PART 5: STAFF RECOMMENDATION

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

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing was held on January 3, 2023. Two residents of an adjacent neighborhood voiced concerns over the proposed hotel as not being harmonious with the surrounding area(see public Hearing Minutes, Youtube Video hearing). Several questions were asked to the proposed hotel ownership regarding the branding of the hotel.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board met on January 24, 2023, with a unanimous (8-0) vote in favor of approving this petition (J. Henson recused due to work on the project) contingent upon Huntersville Town Board approval of SUP 22-02.

PART 8: TOWN BOARD RECOMMENDATION

Town Board Meeting is scheduled for February 20, 2023.

PART 9: ATTACHMENTS

- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C-Northcross Corporate Center Approved CD Plan
- C – Charlotte Willingness To Serve Letter
- D – Neighborhood Meeting Report (11-17-22)
- E- TIA Determination
- F- NCDOT STIP Project I-5715
- G- Public Hearing Minutes

PART 10: CONSISTENCY STATEMENT – R22-06 Northcross Hotel

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



General Application

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

1. Application Type

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

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

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

2. Project Data

Date of Application 09-26-2022

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

Project Address 16221 Northcross Drive, Huntersville NC 28078

Parcel Identification Number(s) (PIN) 00930115

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

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

Current Land Use Vacant

Proposed Land Use(s) Commercial

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

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

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

4. Site Plan Submittals

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

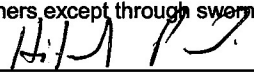
5. Outside Agency Information

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

6. Applicant

Printed Name Hotel Ventures of Lake Norman, Inc. Phone 404-368-9227
☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature  Printed Name: Hitesh Patel

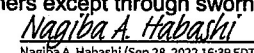
Title Vice President Email hpatel@hotelventuresinc.com

Address of Applicant 3836 HONORS WAY, MARTINEZ GA 30907

7. Property Owner (If different than applicant)

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

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

Signature  Printed Name Nagiba A. Habashi
Nagiba A. Habashi (Sep 28, 2022 16:39 EDT)

Title _____ Email shabashi@nsmgpa.com

Address of Property Owner 16115 Weatherly Way, Huntersville NC 28078

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

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

8. Development/Design Firm Contact Information

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

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

Sheet List Table	
Sheet Number	Sheet Title
Z01	COVER
Z02	SURVEY
Z02A	TREE SAVE PLAN
Z03	REZONING PLAN
Z04	PRELIM GRADING PLAN
Z05	LANDSCAPE-UTILITY PLAN

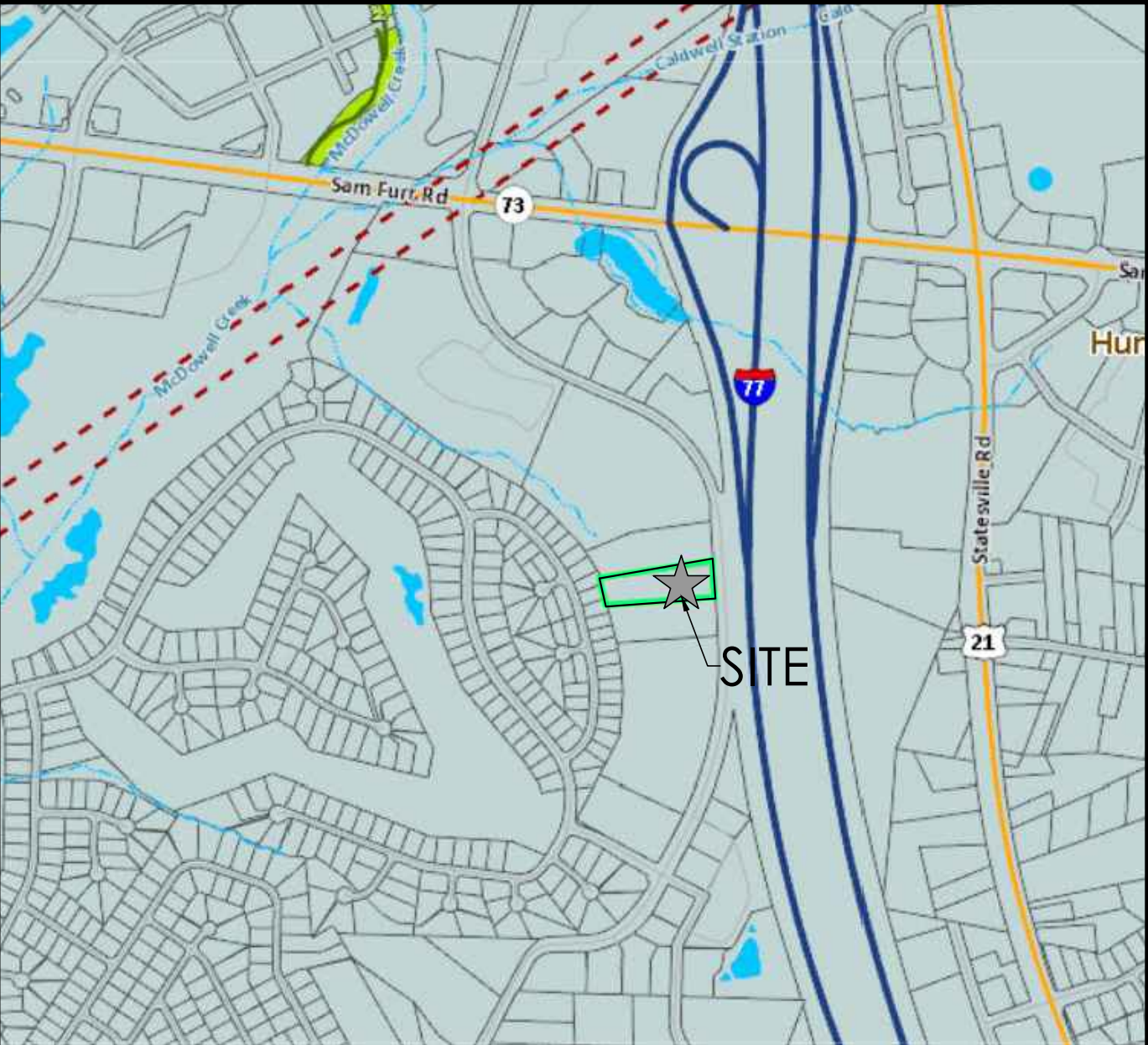
REZONING SITE PLAN PACKAGE
PROPOSED

NORTHCROSS HOTEL
HUNTERSVILLE, MECKLENBURG COUNTY, NC

EPM# 442177

DEVELOPER:
HOTEL VENTURES, OF LAKE NORMAN INC.
3836 HONORS WAY
MARTINEZ, GA 30907
PH: (404) 368-9227
CONTACT: HITESH PATEL

OWNER:
MANAH LIMITED PARTNERSHIP
16115 WEATHERLY WAY
HUNTERSVILLE, NC 28078



VICINITY MAP
SCALE: N.T.S.



NORTHCROSS HOTEL

PARCEL ID: 00930115
16221 NORTHCROSS DR HUNTERSVILLE NC 28078

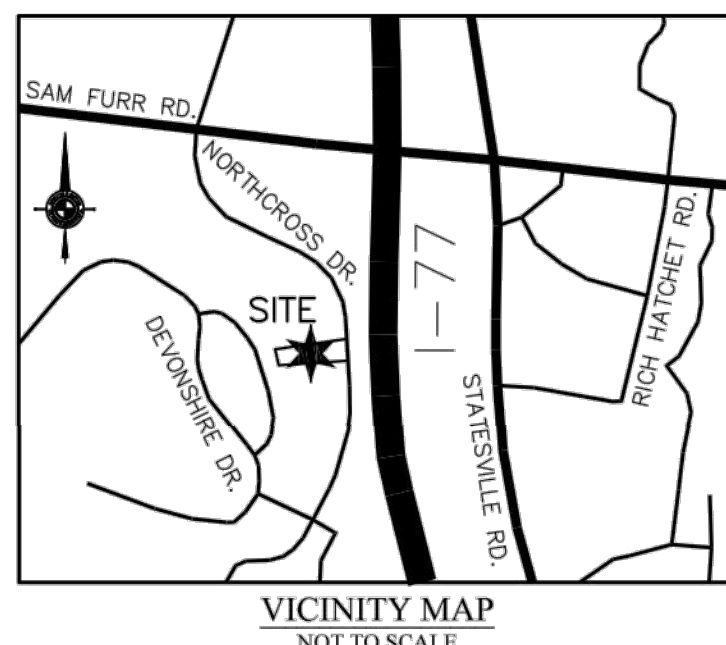
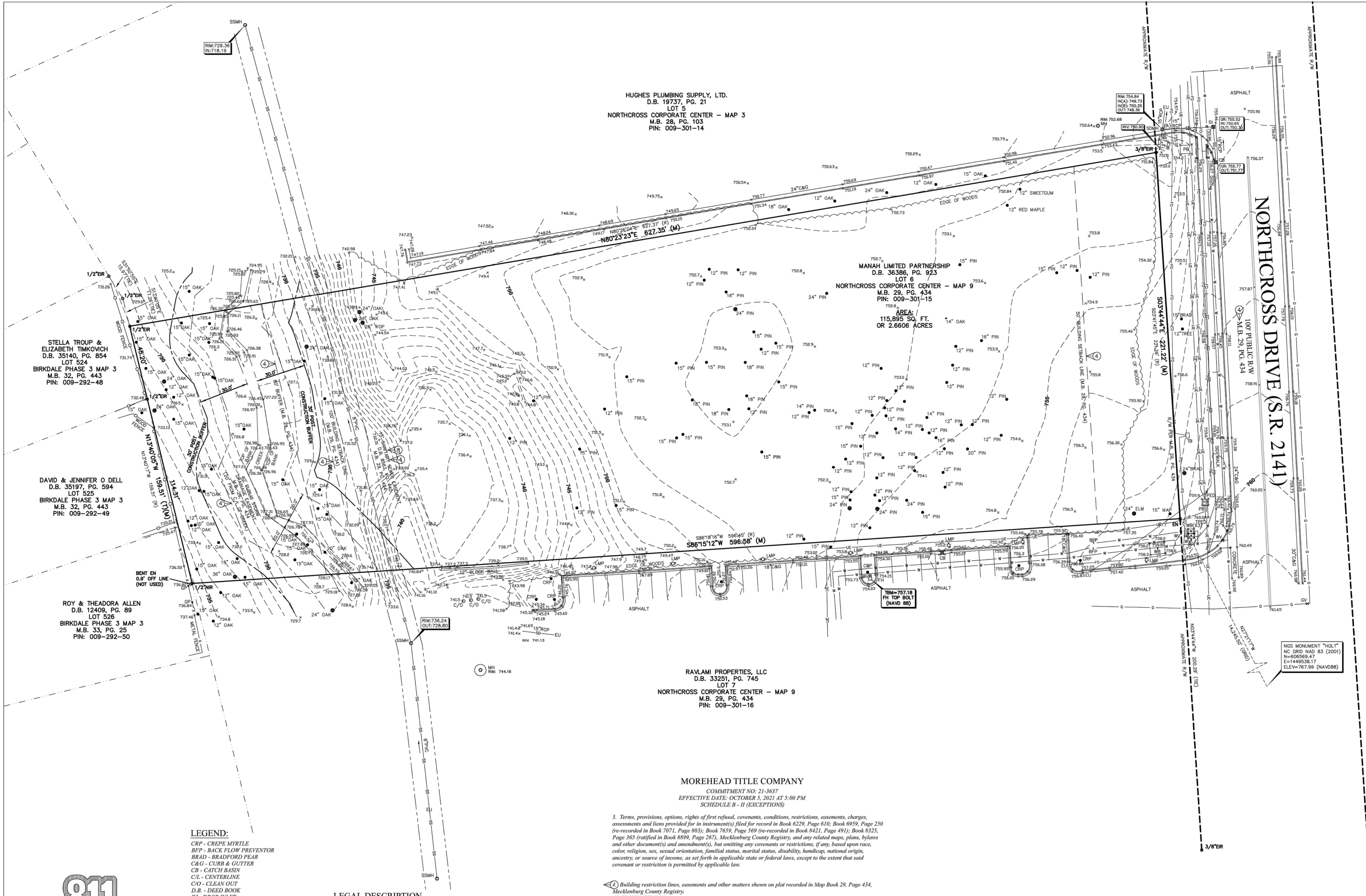
COVER

REVISIONS:	
2022/12/07 - REZONING/SUP COMM.	
2023/01/20 - REZONING/SUP COMM.	

Z01 - COVER.DWG	
PROJECT NUMBER:	221088
DATE: 09/15/2022	DRAWN BY: TSF
SHEET	OF
Z01	5

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





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

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

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

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

PARKING:
NO MARKED PARKING SPACES WERE OBSERVED AT TIME OF SURVEY.

GPS CERTIFICATION:

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

- (1) CLASS OF SURVEY: A11-10,000
- (2) POSITIONAL ACCURACY: NORTH-0.0009, EAST-0.004, VERT-0.007
- (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC
- (4) DATE OF SURVEY: AUGUST 02, 2022
- (5) DATUM/EPOCH: NAD83(2011)/NAVD88
- (6) PUBLISHED/FIXED-CONTROL USE: NGS MONUMENT "HOLT"
- (7) GEOID MODEL: GEOID18(CONUS)
- (8) COMBINED GRID FACTOR: 1.00000000
- (9) UNITS: U.S. SURVEY FEET

ALTA/NSPS CERTIFICATION:

TO: HOTEL VENTURES OF LAKE NORMAN, INC.

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

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

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

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



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

LEGAL DESCRIPTION

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

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

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

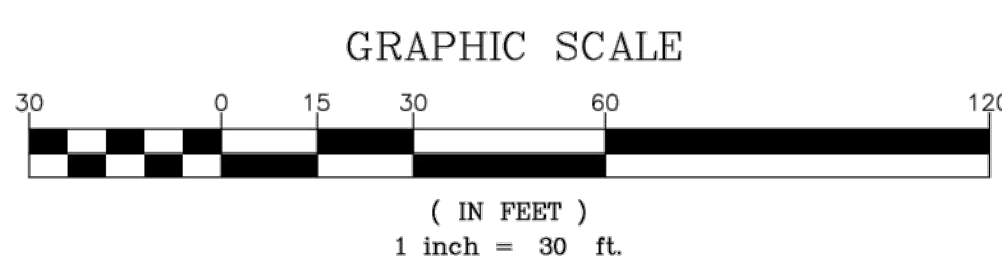
RECORDED BEARINGS - REFERENCES

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

LINE LEGEND:

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

- MOREHEAD TITLE COMPANY**
COMMITMENT NO. 21-3637
EFFECTIVE DATE: OCTOBER 5, 2021 AT 5:00 PM
SCHEDULE B - II (EXCEPTIONS)
3. Terms, provisions, options, rights of first refusal, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in instrument(s) filed for record in Book 6229, Page 610; Book 6959, Page 250 (re-recorded in Book 7071, Page 803); Book 7639, Page 569 (re-recorded in Book 8421, Page 491); Book 8325, Page 365 (cited in Book 8899, Page 267); Mecklenburg County Registry, and any related maps, plans, plats and other document(s) and amendment(s), but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
4. Building restriction lines, easements and other matters shown on plat recorded in Map Book 29, Page 434, Mecklenburg County Registry, AS SHOWN HEREON
5. Lease to Duke Power Company recorded in Book 1019, Page(s) 444, Mecklenburg County Registry. BLANKET IN NATURE; CONTAINS NO PLOTTABLE ITEMS
6. Right of Way to State Highway and Public Works Commission recorded in Book 1785, Page(s) 101, Mecklenburg County Registry. REFERENCED PLANS ARE FOR U.S. HIGHWAY 21 (PROJECT NO. 6538); DOES NOT AFFECT SUBJECT PROPERTY
7. Memorandum of Action in favor of the State Highway Commission recorded in Book 3421, Page(s) 285 and a Judgment recorded in Book 3638, Page 443, Mecklenburg County Registry. REFERENCED PLANS ARE FOR U.S. INTERSTATE 77 (PROJECT NO. 81654302); DOES NOT AFFECT SUBJECT PROPERTY
8. Easement to City of Charlotte recorded in Book 8363, Page(s) 440, Mecklenburg County Registry. AS SHOWN HEREON



TITLE LEGAL DESCRIPTION:

The Land is described as follows:

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

FLOOD CERTIFICATION

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

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

SIGNED *C. Clark Neilson*

TREE PROTECTION NOTES:

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

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

TREE SAVE CALCULATIONS

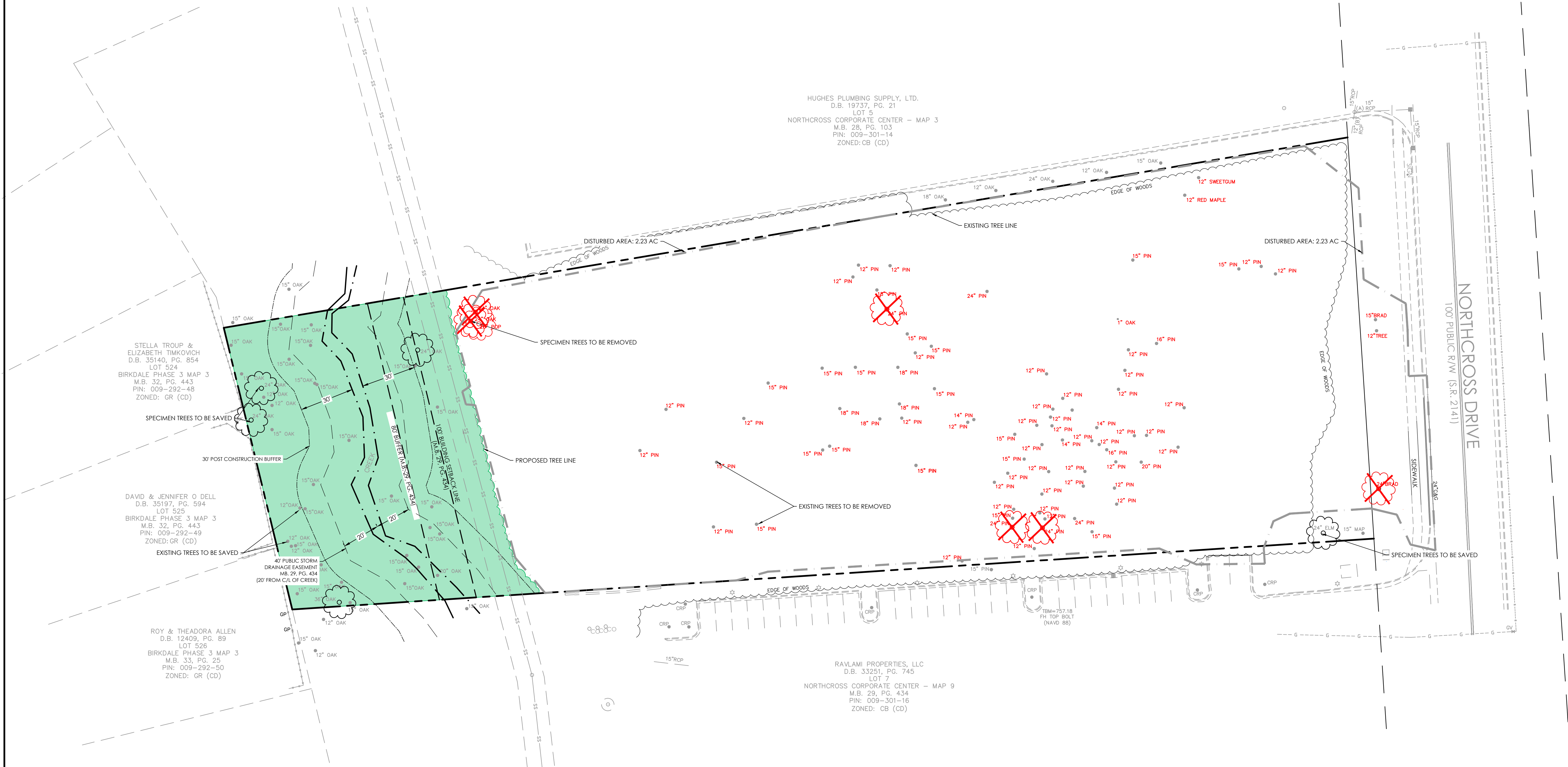
EXISTING CANOPY REQUIRED TO BE SAVED - 0%
EXISTING SPECIMEN TREES REQUIRED TO BE SAVED - 30% (CB)

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

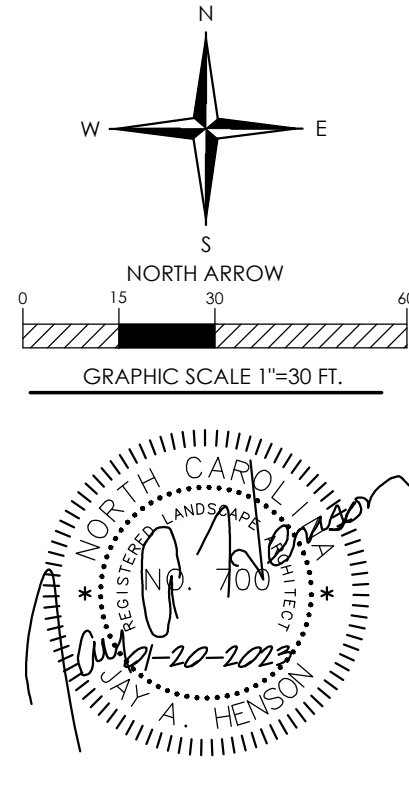
SPECIMEN TREE TABLE		
SIZE (IN)	SPECIES	INVENTORY
24	OAK	KEEP
24	OAK	KEEP
36	OAK	KEEP
24	OAK	KEEP
24	OAK	REMOVE
24	OAK	REMOVE
26	POPLAR	REMOVE
24	PINE	REMOVE
24	PINE	REMOVE
24	PINE	REMOVE
24	PEAR	REMOVE
24	ELM	KEEP

LEGEND

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



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



NORTHCROSS HOTEL
PARCEL ID: 00930115
16221 NORTHCROSS DR HUNTERVILLE NC 28078

TREE SAVE PLAN

REVISIONS:

2022/12/07 - REZONING/SUP COMM.
2023/01/20 - REZONING/SUP COMM.

Z02A TREE SAVE PLAN.DWG	
PROJECT NUMBER:	221088
DATE: 09/15/2022	DRAWN BY: TSF
SHEET	Z02A OF 5



PARKING CALCULATIONS	
TOTAL REQUIRED PARKING SPACES - 1 SPACE PER ROOM PLUS ONE SPACE FOR EVERY 500 SF OF ANCILLARY USE	109 ROOMS + 0 SF ANCILLARY USE = 109 PARKING SPACES
TOTAL REQUIRED ADA PARKING SPACES	5 ADA SPACES : 1 VAN ACCESSIBLE SPACE
TOTAL PROVIDED PARKING SPACES	109 PARKING SPACES
TOTAL PROVIDED ADA PARKING SPACES	7 ADA SPACES : 1 VAN ACCESSIBLE SPACE

IMPERVIOUS SUMMARY - SITE			
ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL PARCEL AREA	115,895 SF	2.66 AC	N/A
TOTAL EXISTING IMPERVIOUS	0 SF	0.00 AC	0.00 %
TOTAL PROPOSED IMPERVIOUS	71,291 SF	1.64 AC	61.51 %
TOTAL PROPOSED PERVIOUS	44,604 SF	1.02 AC	38.49 %
MAX ALLOWABLE BUA	81,126.5 SF	1.86 AC	70.00 %

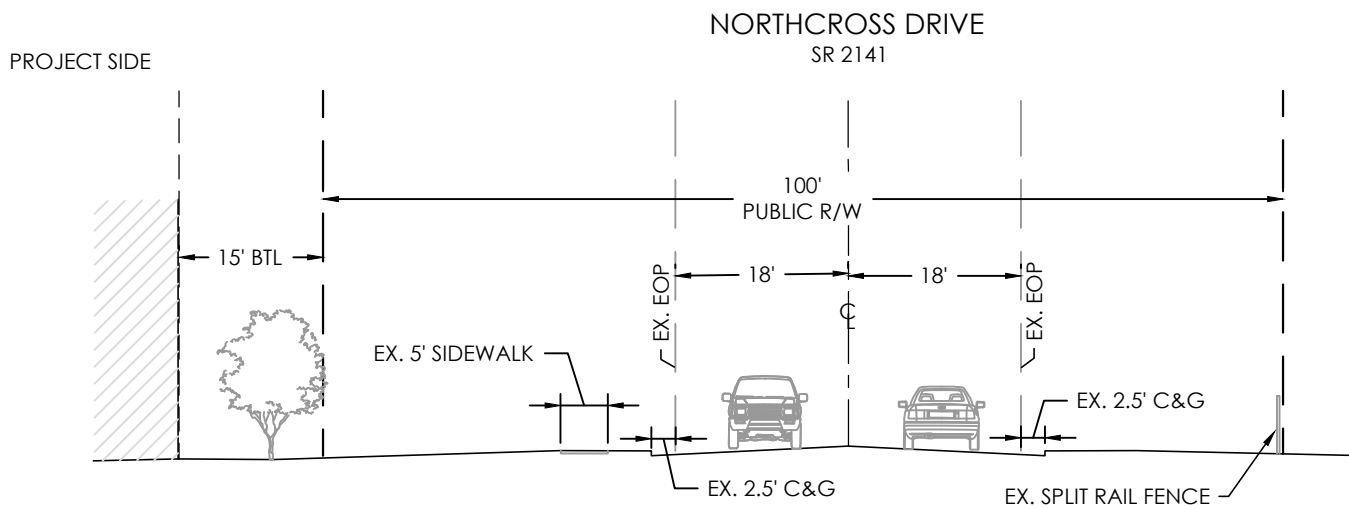


Description: The workplace building may be a large structure (15,000+ square feet) and may have a single user/tenant. Office, industrial, and commercial tenants are typical. Southern mill villages often provide examples of how these buildings can reasonably coexist with other businesses and homes. Locke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

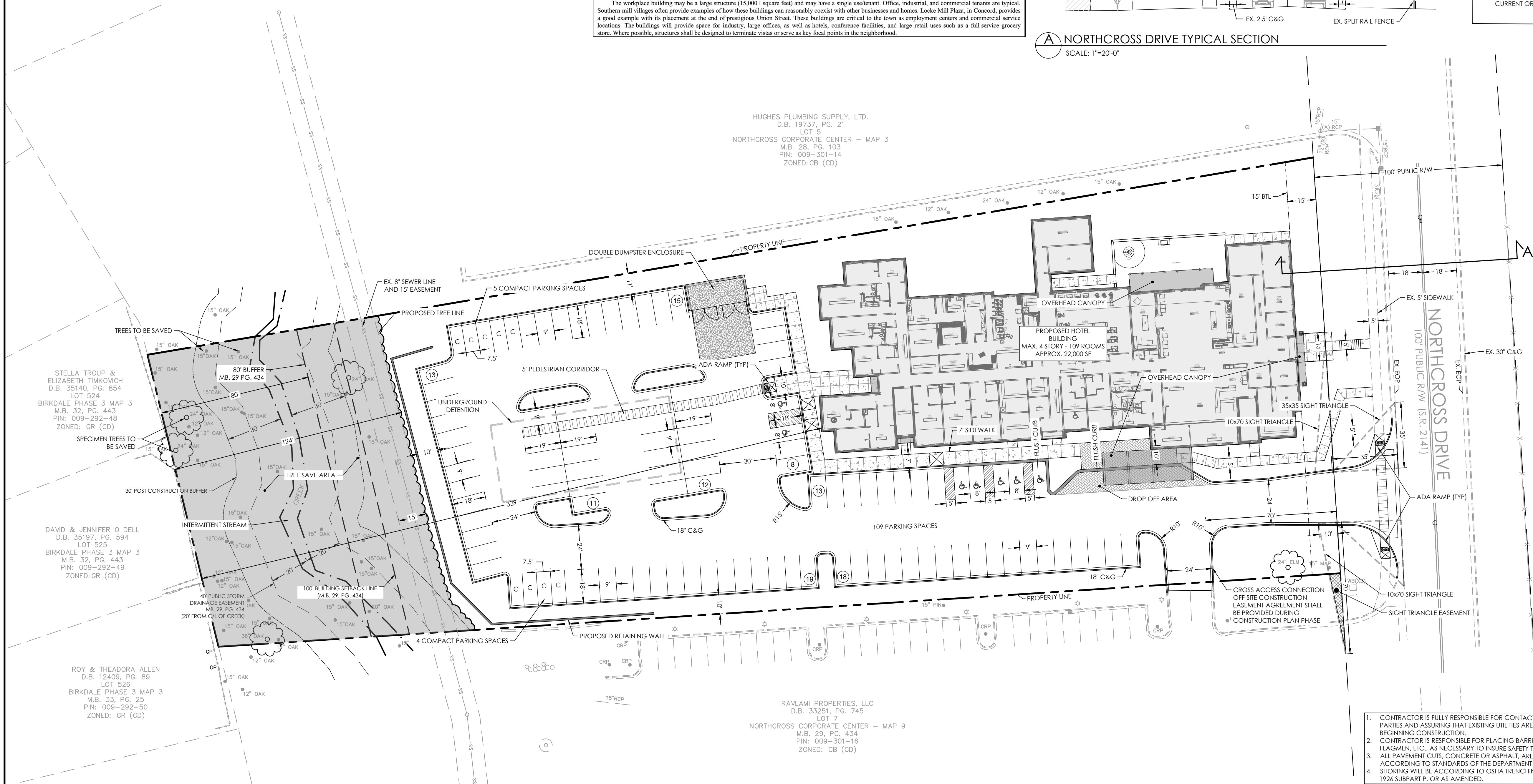
- A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are compatible to the historic architectural vocabulary of the area in their massing and external treatment.
- B. Buildings featuring fronting or visible from public streets shall clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
- C. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
- D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
- E. Trailers (mobile units) may not be used as permanent workplace buildings.

Configurations

- A. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and can cover the first floor only (i.e. brick below wood siding).
- B. Street level windows shall be unintted, 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.



A NORTH CROSS DRIVE TYPICAL SECTION
SCALE: 1"=20'-0"



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4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART C OR AS ADEQUATE.



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

Z03 - SITE PLAN.DWG

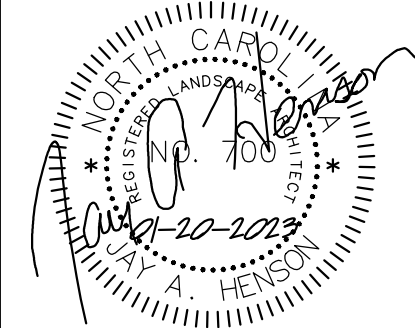
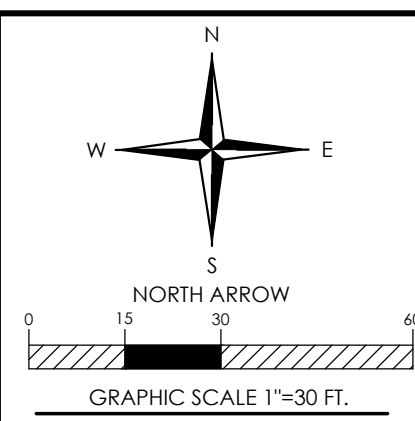
PROJECT NUMBER: 221088

DATE: 09/15/2022 DRAWN BY: TSF

Z03 5

SHEET OF

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



NORTHCROSS HOTEL

PARCEL ID: 00930115

REZONING PLAN

2022/12/07 - REZONING/SUP COMM.
2023/01/20 - REZONING/SUP COMM.

[illegible]

Z03 - SITE PLAN.DWG
 PROJECT NUMBER: 221088
 DATE: 09/15/2022 DRAWN BY: TSF
 SHEET Z03 OF 5

7. GRADING
- 7.1. GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE, FREE OF IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED.
- 7.2. PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES AND NEW GRADES.
- 7.3. CUT OR FILL SPOTS, FILL LOW SPOTS, AND TRIM HIGH SPOTS TO COMPLY WITH REQUIRED SURFACE TOLERANCES.
- 7.4. SITE ROAD GRADING: SLOPE GRADIES TO DIRECT WATER AWAY FROM BUILDINGS AND TO PREVENT PONDING. FINISH GRADIES TO REQUIRED FINISH GRADES AND SLOPES.
- 7.4.1. TURT OR UNPAVED AREAS: PLUS OR MINUS 1/4 INCH (25 MM).
- 7.4.2. WALKS: PLUS OR MINUS 1/4 INCH (25 MM).
- 7.4.3. PAVEMENTS: PLUS OR MINUS 1/2 INCH (13 MM).
- 7.4.4. DRIVEWAYS: INSIDE BUILDING FLOOR FINISH SURFACE TO A TOLERANCE OF 1/2 INCH (13 MM) WHEN TESTED WITH A 10-FOOT (3-M) STRAIGHTEDGE.

3. ALL STORM WATER CATCH BASINS, INLETS, MANHOLES, ETC. SHALL BE PERMANENTLY LABELED AS "NO DUMPING, DRAINS TO RIVER" AND INCLUDE A FISH SYMBOL.
4. SOIL FILL (GEOTECH REPORT SHALL TAKE PRECEDENCE OVER THIS SPECIFICATION IF EXISTS).
5. FLOW, SCARIFY, BENCH, OR BREAK UP SLOPED SURFACES STEEPER THAN 1 VERTICAL TO 4 HORIZONTAL SO FILL MATERIAL WILL BOND WITH EXISTING MATERIAL.
6. PLACE AND COMPACT FILL MATERIAL IN LAYERS TO REQUIRED ELEVATIONS AS FOLLOWS:
 - a. UNDER GRASS AND PLANTED AREAS, USE SATISFACTORY SOIL MATERIAL.
 - b. UNDER WALKS AND PAVEMENTS, USE SATISFACTORY SOIL MATERIAL.
 - c. UNDER DRIVEWAYS AND BRACKS, USE SATISFACTORY FILL.
 - d. UNDER BUILDINGS, USE ENGINEERED FILL.
 - e. UNDER FOOTINGS AND FOUNDATIONS, USE ENGINEERED FILL.
 - f. PLACE SOIL FILL ON SUBGRADE FREE OF MUD, ROCK, SNOW, OR ICE.
7. SOIL MOISTURE CONTROL
 - a. REVERSE PERCENTAGES IN THIS ARTICLE ACCORDING TO GEOTECHNICAL ENGINEER'S WRITTEN REPORT.
 - b. UNIFORMLY MOISTEN OR AERATE SUBGRADE AND EACH SUBSEQUENT FILL OR BACKFILL SOIL LAYER BEFORE COMPACTION TO WITHIN 2 PERCENT OF OPTIMUM MOISTURE CONTENT.
 - c. DO NOT PLACE BACKFILL OR FILL SOIL MATERIAL ON SURFACES THAT ARE MUDDY, FROZEN, OR CONTAIN ROCK OR ICE.
 - d. REMOVE AND REPLACE OR SCARIFY AND AIR DRY. OTHERWISE SATISFACTORY SOIL MATERIAL THAT DOES NOT EXCEED MOISTURE CONTENT BY 2 PERCENT AND IS TOO WET TO COMPACTION TO SPECIFIED DRY WEIGHT.
8. COMPACTION OF SOIL BACKFILLS AND FILLS
 - a. 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.
 - b. PLACE BACKFILL AND FILL SOIL MATERIALS EVENLY ON ALL SLOES OF STRUCTURES TO REQUIRED ELEVATIONS, AND UNIFORMLY ALONG THE FULL LENGTH OF EACH STRUCTURE.
 - c. COMPACT ALL MATERIALS TO NOT LESS THAN THE FOLLOWING PERCENTAGES OF MAXIMUM DRY UNIT WEIGHT ACCORDING TO ASTM D 698:
 - b.6.3.1. UNDER STRUCTURES, BUILDING SLABS, STEPS, AND PAVEMENTS, SCARIFY AND RECOMPACT TOP 12 INCHES (300 MM) OF EXISTING SUBGRADE AND FILL LAYER OF BACKFILL OR FILL SOIL MATERIAL AT 100 PERCENT.
 - b.6.3.2. 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.
 - b.6.3.3. UNDER ROADS 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.
 - d. FOR UTILITIES TRENCHES, COMPACT EACH LAYER OF INITIAL AND FINAL BACKFILL SOIL MATERIAL AT 95 PERCENT.

THE COMMUNITY ENGAGEMENT LINE MUST BE MARKED AND MAINTAINED ON SITE UNTIL FINAL GRADING IS COMPLETED.

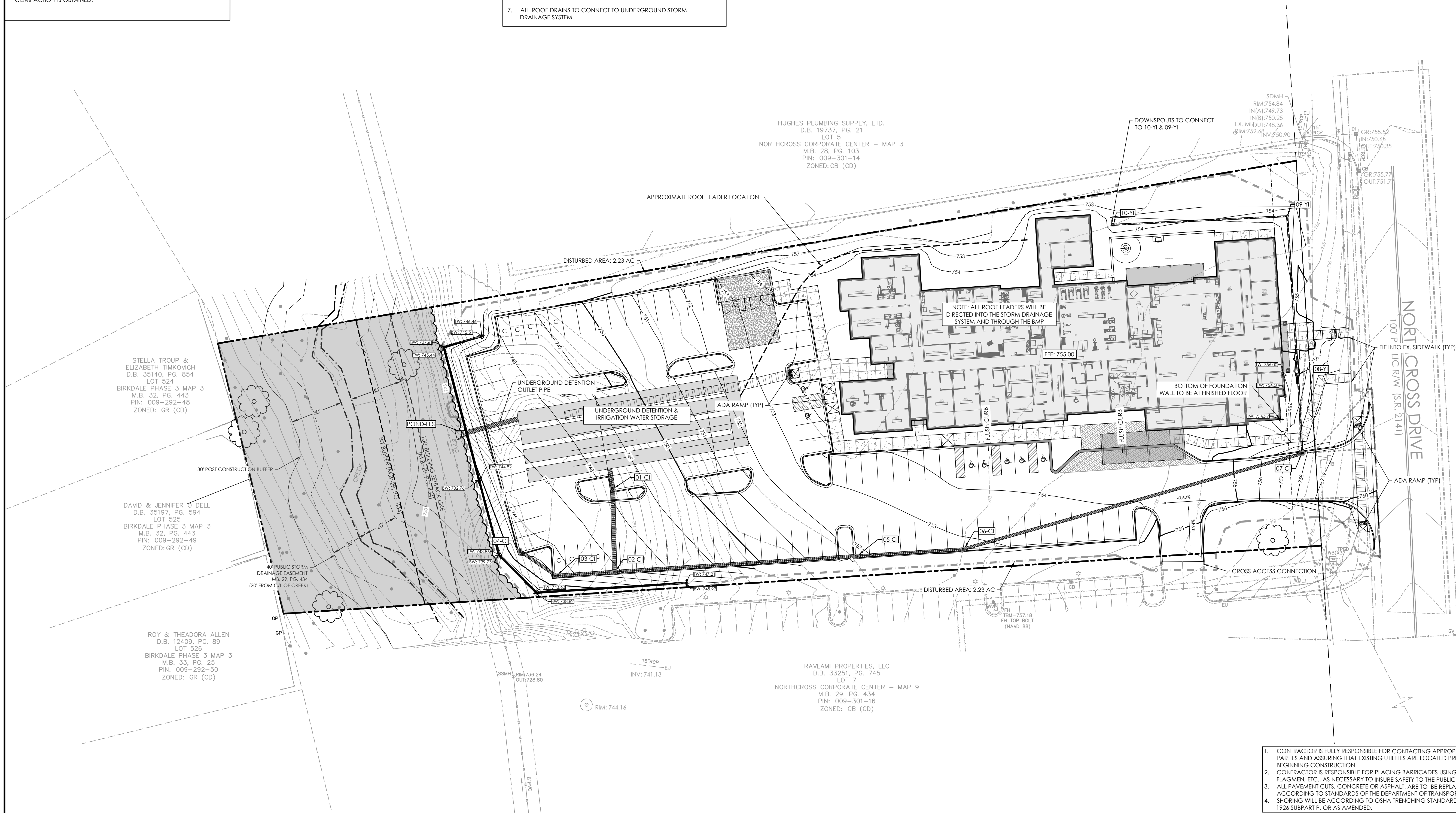
2. INSPECTIONS CONDUCTED AS PART OF THE MAINTENANCE COVENANT, ADDITIONAL INSPECTIONS MAY BE CONDUCTED BY THE TOWNS OF HUNTERVILLE LAND USE AND ENVIRONMENTAL SERVICES AGENCY ON ANY REASONABLE BASIS, INCLUDING BUT NOT LIMITED TO, THE FOLLOWING: INSPECTIONS OF EROSION CONTROL MEASURES; INSPECTIONS OF COMPLAINTS OR OTHER NOTICE OF POSSIBLE VIOLATIONS; INSPECTIONS OF DRAINAGE BASINS; INSPECTIONS OF EROSION CONTROL MEASURES; INSPECTIONS OF EROSION CONTROL MEASURES; CONTAMINANTS OR POLLUTANTS OR WITH DISCHARGES OF A TYPE WHICH ARE MORE LIKELY TO BE AFFECTED BY EROSION CONTROL MEASURES; INSPECTIONS OF EROSION CONTROL MEASURES OR THE IMPDS STORM WATER PERMIT; AND JOINT INSPECTIONS WITH OTHER AGENCIES OR AGENCIES WITH JURISDICTION OVER THE PROPERTY. INSPECTIONS MAY INCLUDE, BUT ARE NOT LIMITED TO: REVIEWING MAINTENANCE AND REPAIR RECORDS; SAMPLING CHANGES TO THE PROPERTY; AND OTHER ACTIONS THAT ARE NECESSARY FOR EVALUATING THE CONDITION OF BMPs AND STORM WATER INSTALLATION PRACTICES.

3. RIGHT OF ENTRY FOR INSPECTION. WHEN ANY BMP IS INSTALLED ON PRIVATE PROPERTY, THE PROPERTY OWNER SHALL GRANT TO THE TOWNS OF HUNTERVILLE LAND USE AND ENVIRONMENTAL SERVICES AGENCY ACCESS TO THE PROPERTY AT ANY REASONABLE TIME AND IN A REASONABLE MANNER FOR THE PURPOSE OF INSPECTION. THIS INCLUDES THE RIGHT OF ENTRY FOR INSPECTION OF THE PROPERTY FOR THE PURPOSE OF INSPECTION. THE ENVIRONMENTAL SERVICES AGENCY HAS A REASONABLE BASIS TO BELIEVE THAT A VIOLATION OF THE MAINTENANCE COVENANT HAS OCCURRED OR MAY OCCUR. ACCESS IS NECESSARY FOR ABATEMENT OF A PUBLIC NUISANCE OR CORRECTION OF A VIOLATION OF THIS

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

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



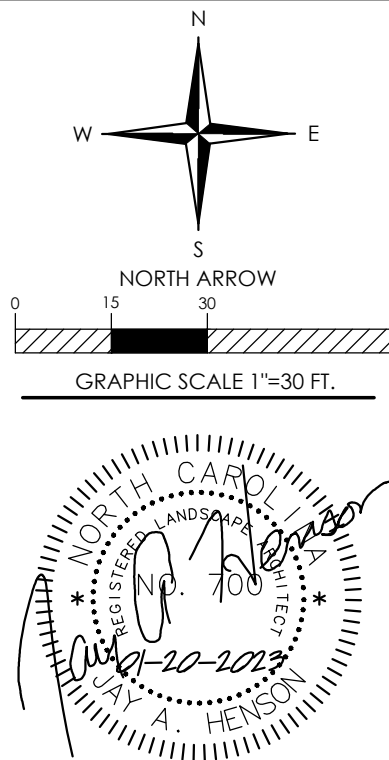


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**Know what's below.
Call before you dig.**

Z04-PRELIM GRADING.DWG	
PROJECT NUMBER:	221088
DATE: 09/15/2022	DRAWN BY: TSF
Z04 SHEET OF 5	



NORTHCROSS HOTEL

PARCEL ID: 00930115

16221 NORTHCROSS DR HUNTERSVILLE NC 28078

PRELIM GRADING PLAN

REVISIONS:

2022/12/07 - REZONING/SUP COMM.
2023/01/20 - REZONING/SUP COMM.

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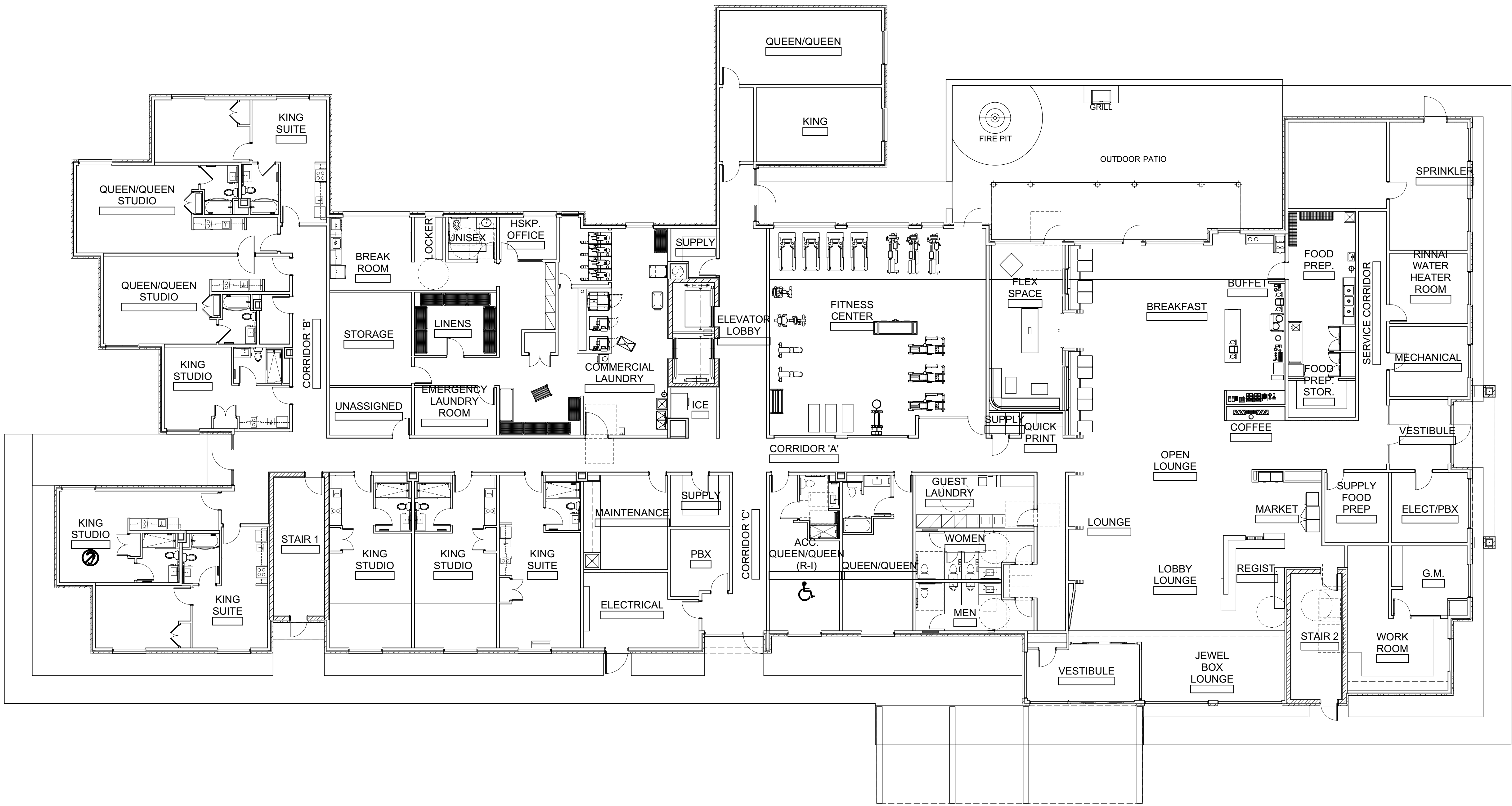
Z04-PRELIM GRADING.DWG

PROJECT NUMBER: 221088

DATE: 09/15/2022 DRAWN BY: TSP

704

5



1 1ST FLOOR PLAN
A101 SCALE: 3/32" = 1'-0"

GENERAL NOTES:
ALL GLASS TO BE CLEAR GLASS NOT TINTED.

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

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

OVERALL FIRST FLOOR PLAN

SHEET

A101

Huntersville

TownePlace Suites®
Fairfield
BY MARRIOTT

NOT RELEASED FOR CONSTRUCTION

isom ham
DESIGN GROUP PA
Architecture Planning
1305 Collegiate Drive, Willsboro, NC 28687
www.isomham.com

QUALITY FIRST

DRAWN BY VGW
PROJECT # 21019
APPROVED RWH
DATE 01/09/23

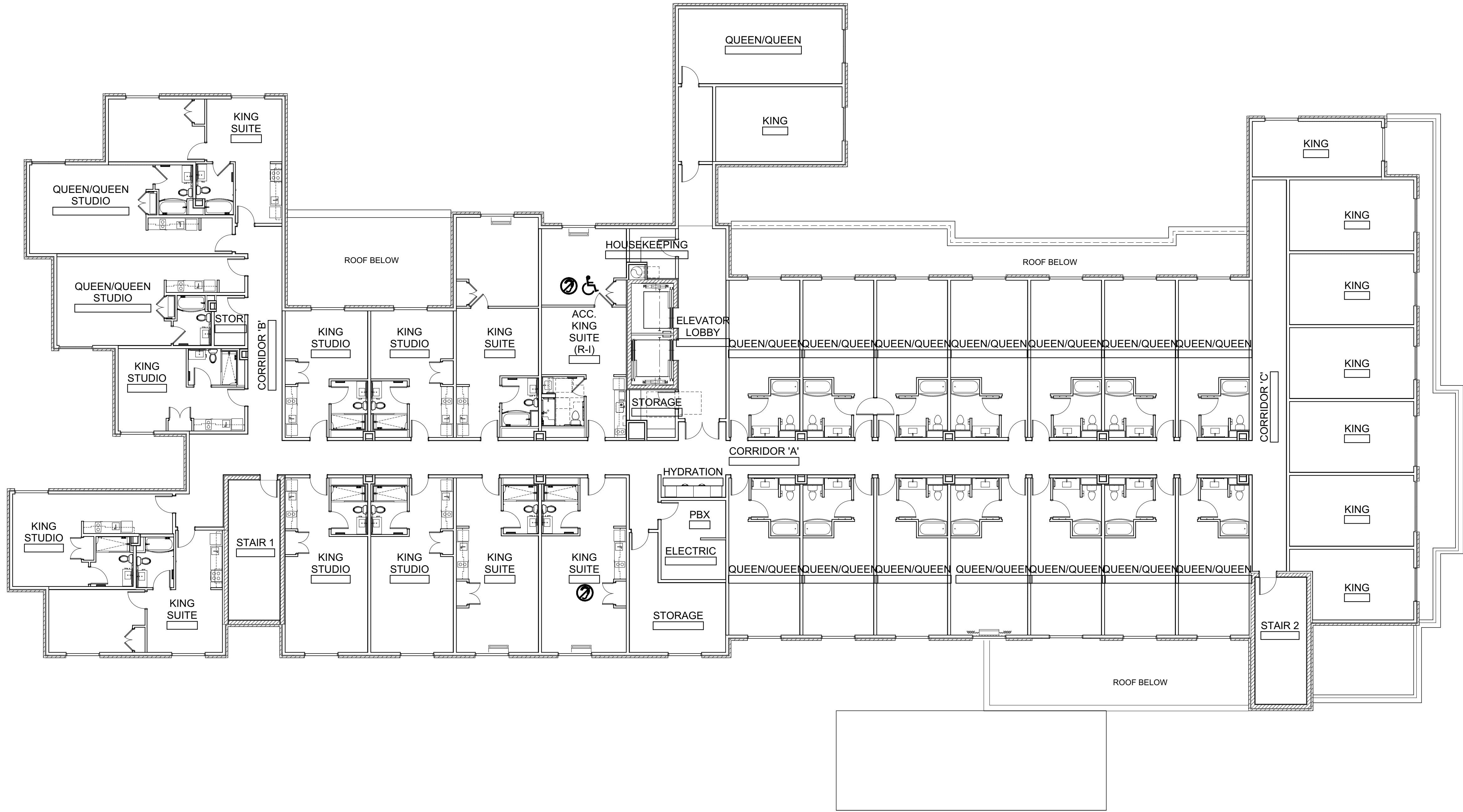
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1
A102 2ND FLOOR PLAN

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

GENERAL NOTES:
ALL GLASS TO BE CLEAR GLASS NOT TINTED.



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

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

OVERALL SECOND FLOOR PLAN

SHEET

A102

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TownePlace Suites®
by Marriott

Fairfield
by Marriott

NC

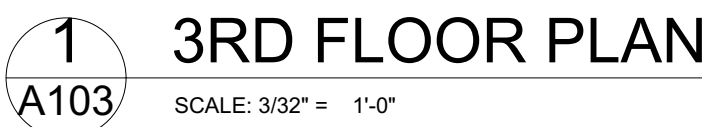
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Design Group PA
Architecture Planning
1305 Collegiate Drive Wileysboro, NC 28697
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QUALITY FIRST

DRAWN BY
VGW
PROJECT #
21019
APPROVED
RWH
DATE
01/09/23

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VERIFIED ON AN ELECTRONIC COPY.

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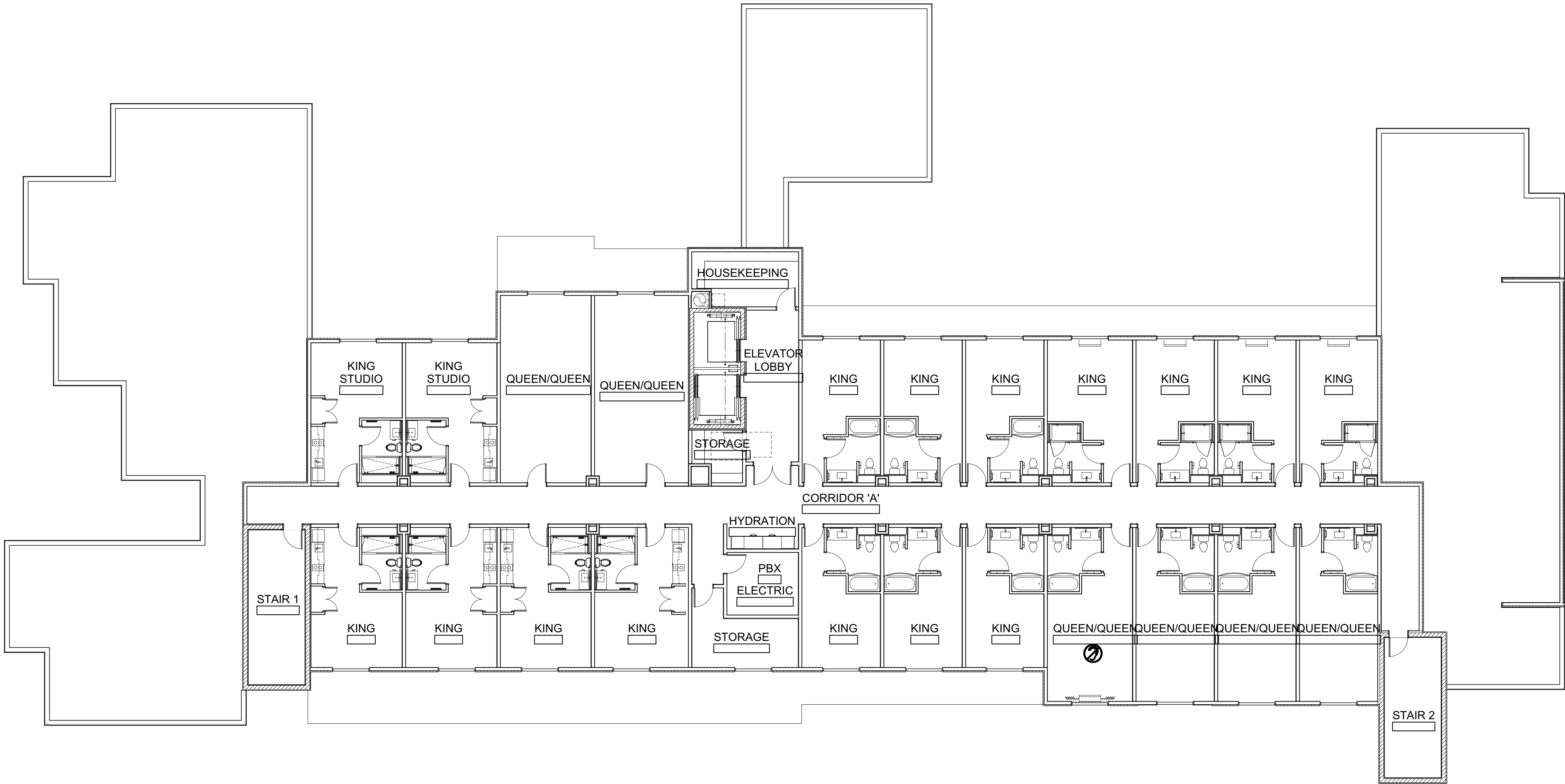
GUESTROOM MATRIX		
Home Story	STORY	Quantity
1ST FLOOR PLAN		
	ACC. QUEEN/QUEEN (R-I)	1
	KING	1
	KING STUDIO	4
	KING SUITE	3
	QUEEN/QUEEN	2
	QUEEN/QUEEN STUDIO	2
2ND FLOOR PLAN		
	ACC. KING SUITE (R-I)	1
	KING	8
	KING STUDIO	6
	KING SUITE	5
	QUEEN/QUEEN	15
	QUEEN/QUEEN STUDIO	2
3RD FLOOR PLAN		
	ACC.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

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

1
A104 4TH FLOOR PLAN

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

GENERAL NOTES:
ALL GLASS TO BE CLEAR GLASS NOT TINTED.



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

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

OVERALL FOURTH FLOOR PLAN

SHEET

A104

isomham

DESIGN GROUP PA
Architecture Planning
1309 Collegiate Drive Wilkesboro, NC 28687
www.isomham.com

Towneplace Suites®
by Marriott

Huntersville

NC

NOT RELEASED FOR CONSTRUCTION

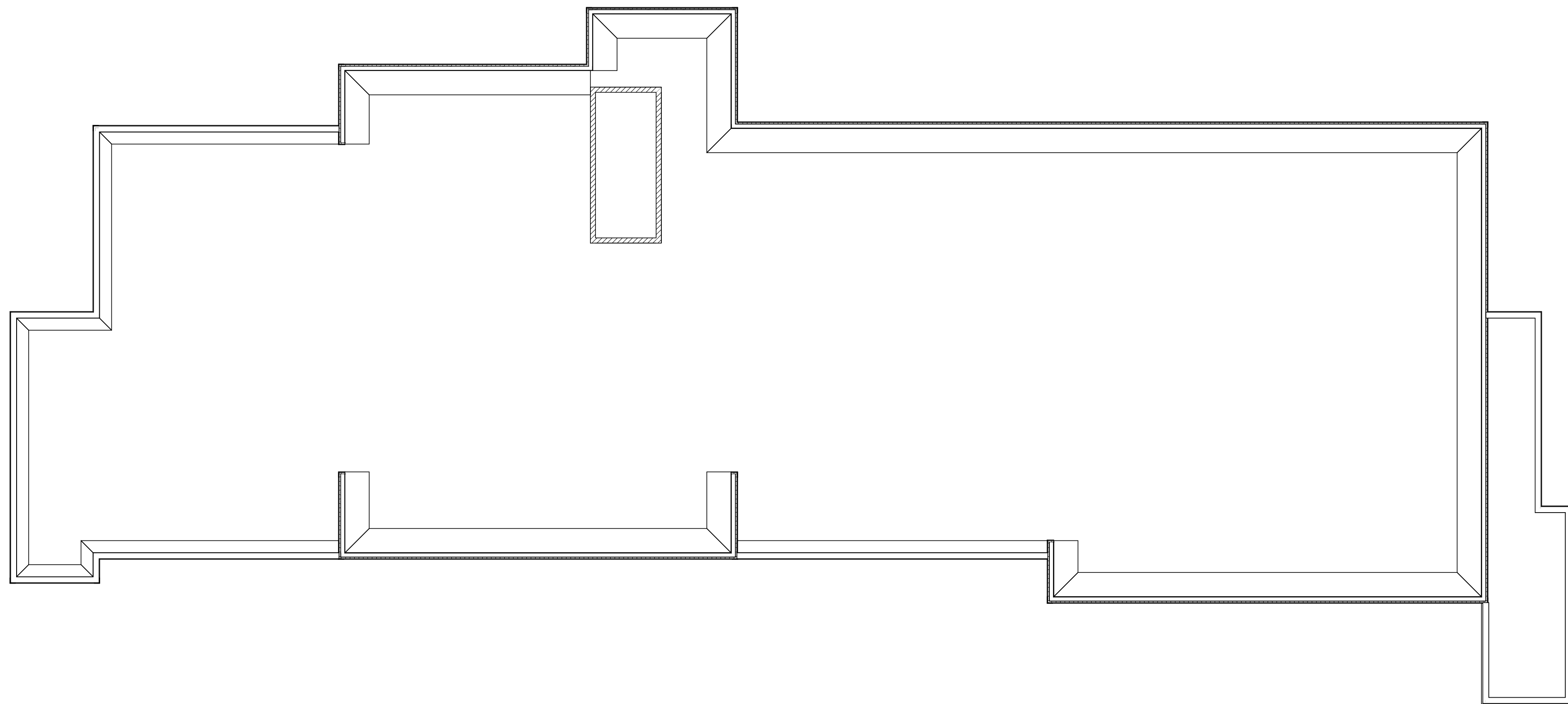
DRAWN BY	APPROVED
VGW	RWH
PROJECT #	DATE
21019	01/09/23

QUALITY FIRST

THIS DOCUMENT HAS BEEN ELECTRONICALLY SIGNED
A SIGNED PRINTED COPY OF THIS DOCUMENT MAY
NOT BE USED FOR CONSTRUCTION. SIGNATURE MUST BE
VERIFIED ON AN ELECTRONIC COPY.

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

1 ROOF PLAN
A105 SCALE: 3/32" = 1'-0"

[illegible]

[illegible]



September 21, 2022

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

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

After an analysis by Charlotte Water's Capacity Assurance Program (CAP) of the sanitary sewer system associated with the proposed **NORTHCROSS HOTEL** development, it was determined that there is currently sufficient capacity to accommodate the proposed sewer flow (**19,250 gallons per day**), at the connection point(s) indicated on the submitted exhibit plan for transmission to the **McDowell Creek Wastewater Treatment Plant**; (NPDES permit number **NC0036277**),

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

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

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

The applicant should understand that this letter is not an authorization to construct or extend private water or sewer systems, as the appropriate local or State permits are required prior to construction. The analysis performed determines available capacity within the existing public gravity sewer system. The development is responsible for any additional private or public sewer infrastructure required to convey flow from the proposed development to the existing public sewer.

If you have any questions, please do not hesitate to contact me at (704) 432-5801.

Sincerely,

Pedro Galarreta

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

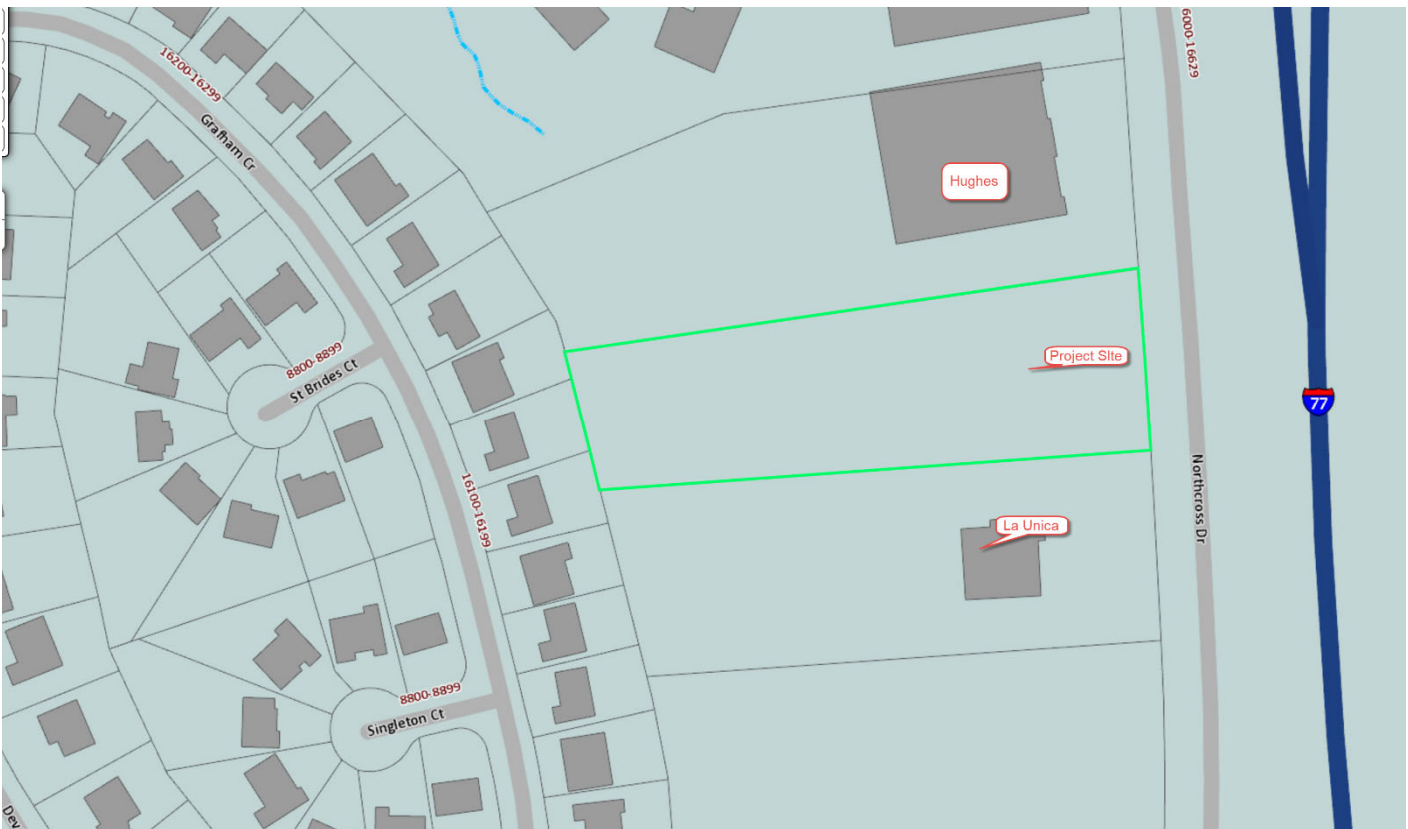


Community Meeting Notice

Project: Northcross Drive Hotel 16222 Northcross Drive Huntersville, NC
Parcel ID: 00930115
Exist. Zoning: CB (CD)
Proposed Zoning: CB (CD)
Proposed Use: Hotel

Meeting Location: Spring Hill Suites by Marriott
13610 REESE BV W HUNTERSVILLE NC 28078
The Park
Meeting Time: November 17, 2022 6pm

Brief Description: Petitioner is requesting a conditional rezoning from CB (CD) To CB (CD) which would allow for a new hotel.





IMPERVIOUS SUMMARY - SITE			
ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL PARCEL AREA	115,895 SF	2.66 AC.	N/A
TOTAL EXISTING IMPERVIOUS	0 SF	0.00 AC.	0.00 %
TOTAL PROPOSED IMPERVIOUS	75,298 SF	1.73 AC.	64.97 %
TOTAL PROPOSED PERVIOUS	40,597 SF	0.93 AC.	35.03 %
MAX ALLOWABLE BUA	81,126.5 SF	1.86 AC.	70.00 %

SITE DATA	
LOCATION: 16221 NORTHCROSS DRIVE HUNTERSVILLE, MECKLENBURG COUNTY 28078	
(PARCEL ID: 00930115)	
CURRENT ZONING: C8 (CD)	PROPOSED ZONING: C8 (CD)
CURRENT USE: VACANT	PROPOSED USE: HOTEL
CONTACT: HENSONFOLEY (JAY HENSON) 704-875-1615	
ITEM	PROVIDED
TOTAL PARCEL AREA	2.66 ACRES (115,895 SF)
PRINCIPAL USE(S)	HOTEL
LOT & BUILDING TYPE	SHOP FRONT BUILDING
MAX. BUILDING HEIGHT	49'
ZONING DISTRICT	C8 (CD)
OVERLAY DISTRICT	PA-2 MTN ISLAND LAKE WATERSHED
PERCENT IMPERVIOUS ALLOWED	HIGH DENSITY - 70%
BUILD TO LINE	0' - 15' SIDE & REAR - 0'
CORNER SETBACK	REPLICATE FRONTAGE CONDITIONS
WATERSHED	McDOWELL
FEMA MAP NUMBER	3710465100K
FEMA EFFECTIVE DATE	09/02/2015
SOIL TYPE	CeD2, CeB2

PARKING CALCULATIONS	
TOTAL REQUIRED PARKING SPACES - 1 SPACE PER ROOM PLUS ONE SPACE FOR EVERY 500 SF OF ANCILLARY USE	110 ROOMS + 0 SF ANCILLARY USE = 110 PARKING SPACES
TOTAL REQUIRED ADA PARKING SPACES	7 ADA SPACES : 1 VAN ACCESSIBLE SPACE
TOTAL PROVIDED PARKING SPACES	112 PARKING SPACES
TOTAL PROVIDED ADA PARKING SPACES	7 ADA SPACES : 1 VAN ACCESSIBLE SPACE

Building Placement/Parking/Vehicular Access

0' Min. p'

0' Min. 15' Max. Special Case >15'

0' Min.

Parking

ROW

Sidewalk

Street

Encroachment/Pedestrian Access to Building

Parking

0' Max.

0' Min.

ROW

Sidewalk

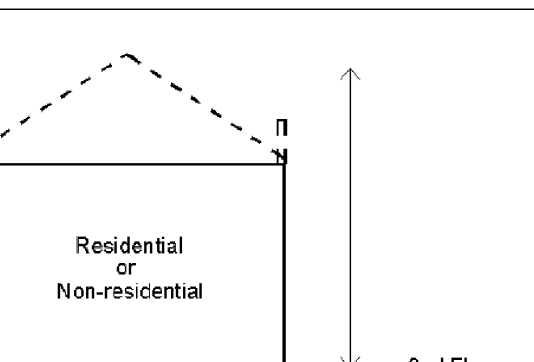
Street

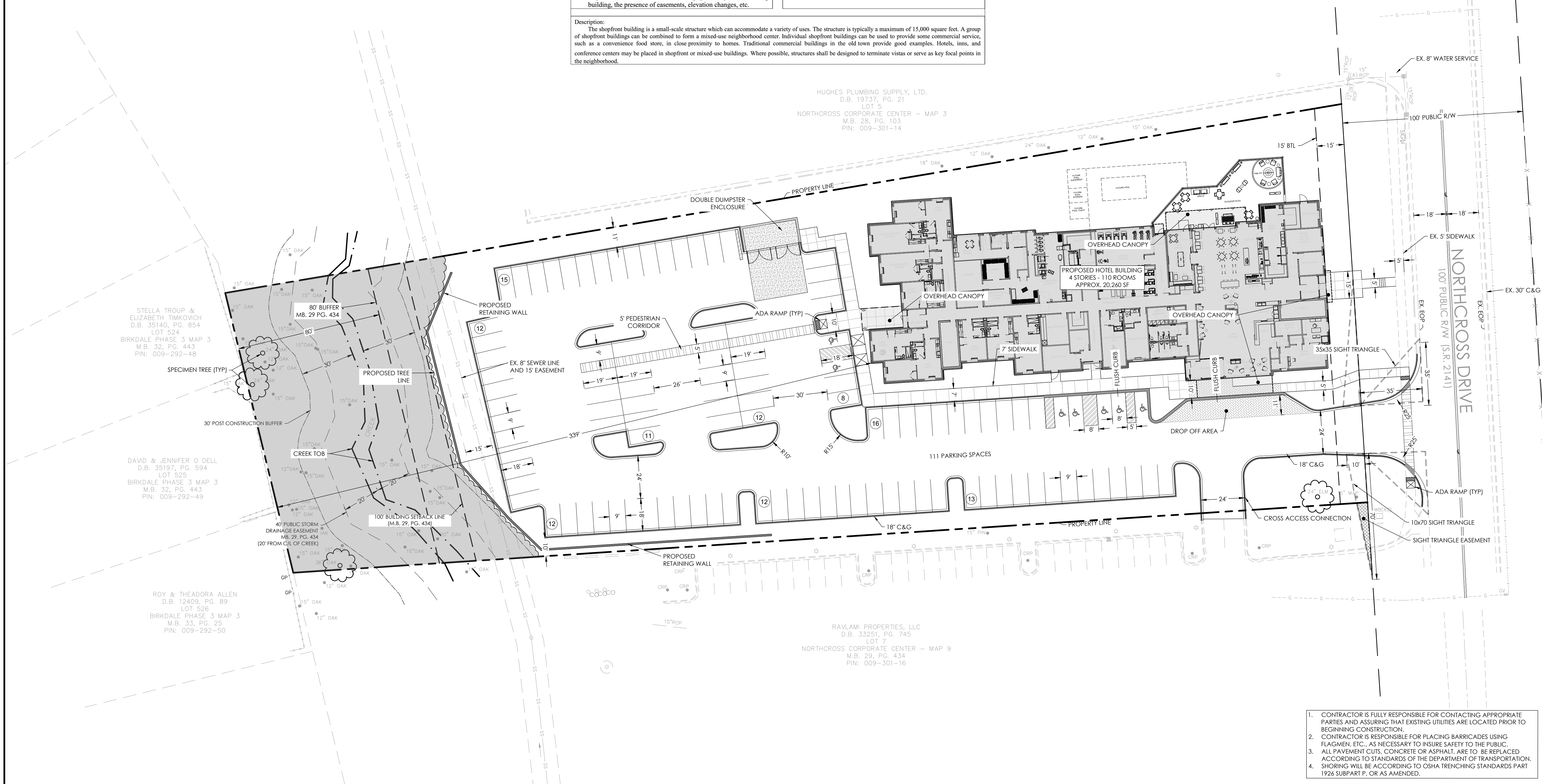
- Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind street ROW. Site specific conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
- Building facades shall be generally parallel to frontage property lines.
- Parking shall be located to the rear of the building; sideyard parking shall occupy no more than 25 percent of the primary frontage line and shall not be placed in an established sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified.
- Points of permitted access to the building indicated by arrows.
- Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) must be installed along any street frontage adjacent to parking areas.
- Parking areas on adjacent lots shall be connected wherever practicable.
- Trash containers shall be located in a rear parking area (see Parking Regulations).
- 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.

- Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height are permitted within the sidewalk as shown by the hatched areas. Encroaching areas should cover entire sidewalk.
- Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

Special Conditions:

- The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
- Drive-through customer services, if permitted in the district, must be located at the rear of the building or on a side which does not abut a street.
- Corners: Setbacks at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
- Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. Squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

Building Type / Shophront Building	Architectural Standards
Permitted Height and Uses  Building height must 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. The height of parapet walls may vary depending upon the need to screen mechanical equipment. Building height to the ridge may vary depending on the roof pitch. Permitted uses are indicated above, and are further controlled by district regulations. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential.	Architectural Standards Principles A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials. B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face. C. The front elevations facing the street, and the overall massing shall communicate emphasis on the human scale and the pedestrian environment. D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration. E. Trailers (mobile units) may not be used as permanent shophront 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 behind wood siding). B. Street level windows should be untinted. 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 roof/porch 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 TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



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

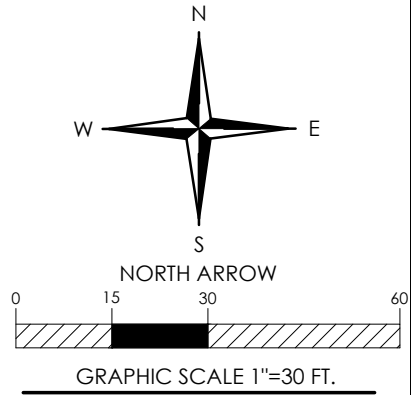
 **HensonFoley**

Landscape Architecture | Civil Engineering

121 Gilead, Huntersville NC 28078
p: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com

NC ENGINEERING BOARD LICENSE #: C-2781
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-399

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NORTHCROSS HOTEL
PARCEL ID: 00930115
16221 NORTHCROSS DR HUNTERSVILLE NC 28078
REZONING PLAN

REVISIONS:

Z03 - SITE PLAN.DWG	
PROJECT NUMBER:	221088
DATE: 09/15/2022	DRAWN BY: TSF
Z03 SHEET 5 OF	



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

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

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

Applicant: Hotel Ventures of Lake Norman, Inc.

Project Name: Northcross Hotel Rezoning

Project Address: 16221 Northcross Drive, Huntersville NC 28078

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

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

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

Applicant

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

☒ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership

☐ Other: _____

Signature H. Patel

Title Vice President

Email hpatel@hotelventuresinc.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 9/29/22

Daily Trips Anticipated 769

Peak Hour Trips Anticipated AM 48 PM 54

TIA Required (Yes/No) No

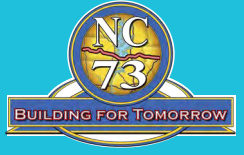
Date of Determination: 10/3/22

Comments: Determination based on a 110 room Hotel.



STIP Project No. I-5715

Interchange Improvements on I-77 at N.C. 73 (Sam Furr Road)



February 5, 2018

Project Description and Purpose

The N.C. Department of Transportation proposes to reconfigure the I-77 and N.C. 73 (Sam Furr Road) interchange. The purpose of this project is to improve mobility and connectivity for local traffic accessing properties adjacent to this interchange. A secondary purpose is to reduce delay and congestion on N.C. 73 through the I-77/N.C. 73 interchange.

The new interchange design is called a "split diamond." As part of this design, the existing ramps will remain in approximately their same locations, and two new bridges will be added across I-77. The northern crossing will connect with the I-77 ramps with roundabouts on both sides. On the east end, the roundabout will also connect to Caldwell Creek Drive. Two alternatives for the eastern roundabout, a four and a five leg roundabout, are under consideration.

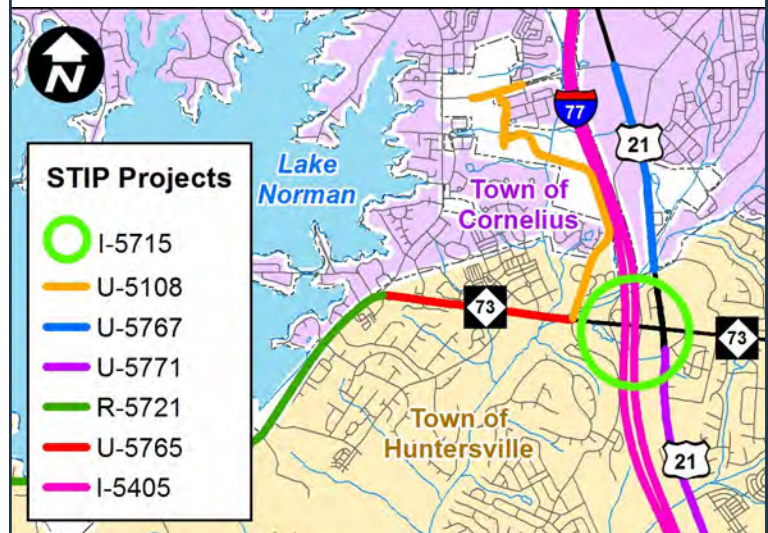
The southern crossing will connect Northcross Drive and U.S. 21 (Statesville Road), using a loop on the west side and a roundabout on the east side. Drivers using the I-77 northbound off-ramp will have the choice to access the new crossing or go directly to N.C. 73.

On N.C. 73 (Sam Furr Road), an additional eastbound through lane is proposed. With this additional lane, as well as needed turn lanes and potential multi-modal facilities, the bridge is proposed to be widened.

Pedestrian and bike accommodations are being considered as part of this project contingent on a cost-share agreement between NCDOT and the municipality.

Funded STIP Projects in the Vicinity

- **Extension of Northcross Drive on New Location: STIP Project U-5108**
Extend Northcross Drive on new location from its end near N.C. 73 to Westmoreland Road. ROW acquisition is scheduled in September 2018 and construction in March 2020.
- **N.C. 73 Widening: STIP Projects U-5765 and R-5721**
Widen N.C. 73 from Northcross Drive to N.C. 16. See project handout for ROW and construction dates.
- **U.S. 21 Widening: STIP Projects U-5767 and U-5771**
Widen U.S. 21 from Northcross Center Court to Westmoreland Road and from Gilead Road to Holly Point Drive. ROW acquisition is scheduled in December 2019 and construction in December 2021.
- **I-77 Managed Lanes: STIP Project I-5405**
Construction is underway to add managed lanes on I-77 from the Brookshire Freeway to Catawba Ave.



For More Information, Please Contact

Maps online: www.ncdot.gov/projects/publicmeetings/

Teresa Gresham, P.E.

Kimley-Horn Project Manager
421 Fayetteville Street, Suite 600
Raleigh, NC 27601
Phone: (919) 677-2194

Email: teresa.gresham@kimley-horn.com

Beverly G. Robinson, CPM

NCDOT Project Management Unit
1548 Mail Service Center
Raleigh, NC 27699-1548
Phone: (919) 707-6041

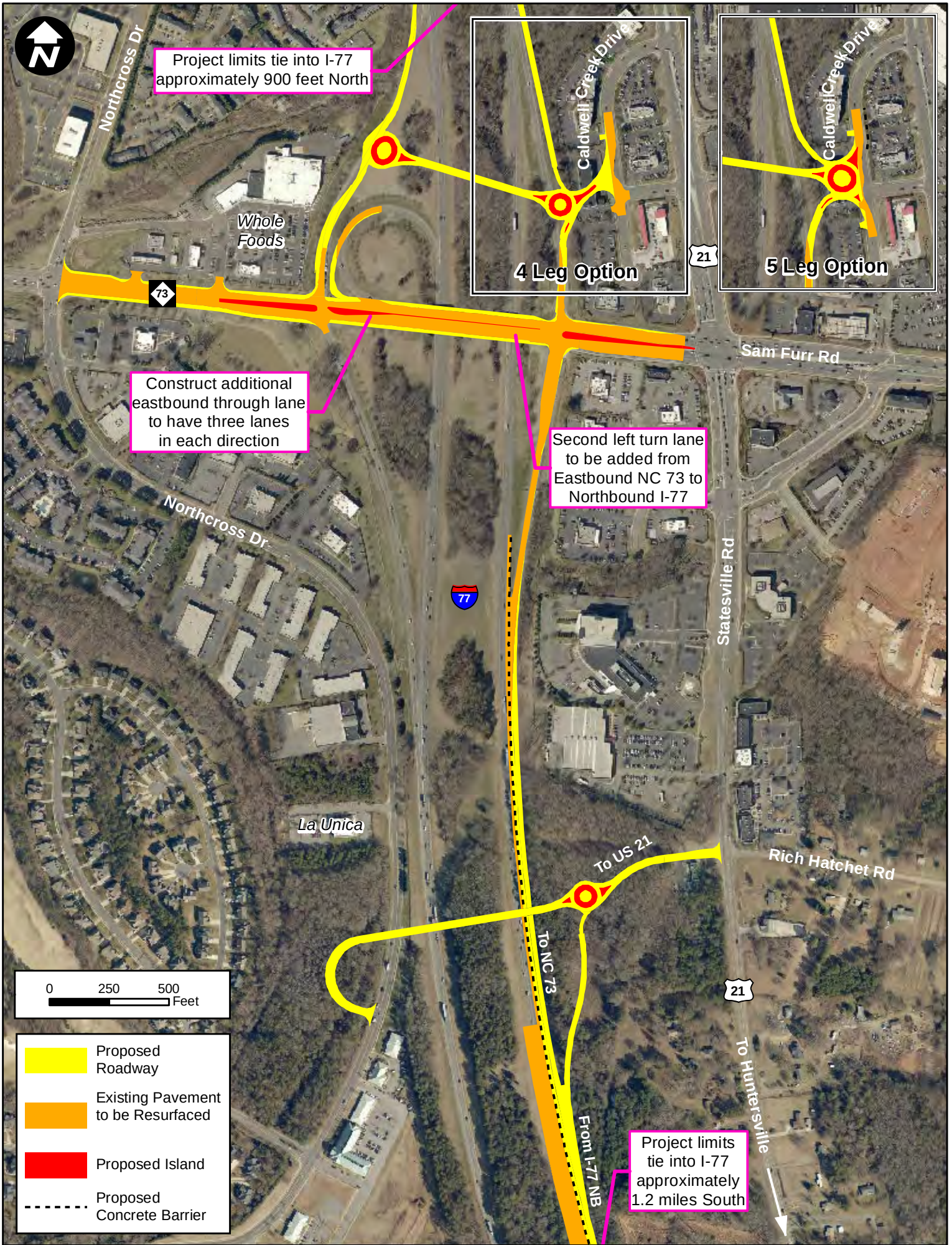
Email: brobinson@ncdot.gov

Next Steps

Right-of-way acquisition is scheduled to begin in Summer 2019 and construction in Summer 2020 at an estimated construction cost of \$16 million.

Please submit any comments you have on the project today with the attached form, or via mail or email to Teresa Gresham by **March 16, 2018**.

*Connecting people, products, and places safely and efficiently with customer focus,
accountability and environmental sensitivity to enhance the economy and vitality of North Carolina.*



COMMENT SHEET

I-5715 Interchange Improvements on I-77 at N.C. 73 (Sam Furr Road)
Public Meeting
February 5, 2018

COMMENT SHEET

I-5715 Interchange Improvements on I-77 at N.C. 73 (Sam Furr Road)
Public Meeting
February 5, 2018

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Beverly G. Robinson, CPM
NCDOT Project Management Unit
1548 Mail Service Center
Raleigh, NC 27699-1548
Phone: (919) 707-6041
Email: brobinson@ncdot.gov

Email: brobinson@ncdot.gov



**I-5715 Interchange Improvements
on I-77 at N.C. 73 (Sam Furr Road)**

**Beverly G. Robinson, CPM
NCDOT Project Management Unit
1548 Mail Service Center
Raleigh, NC 27699-1548**

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: Jack Simoneau, Planning Director

Date: February 20, 2023

Subject: Huntersville Ordinances Advisory Board Appointments

EXPLAIN REQUEST:

Consider appointments to the Huntersville Ordinances Advisory Board.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. OAB Appointment Memo 2023



To: Board of Commissioners
From: Jack Simoneau
CC: Mayor Bales, Town Manager Anthony Roberts
Date: 02/07/2023
Re: Ordinance Advisory Board Members

Comments: The following Ordinance Advisory Board members have completed their terms as of February 2023 and will not be seeking reappointment:

- Brandy Skelly
- Thomas Finlay
- Tim Taylor

Beginning the first week of January 2023 we announced that seats would be opening on the Ordinance Advisory Board and applications were being accepted through February 10, 2023. These announcements were made on the Town and Planning home pages under News Flash, twice on all Town social media channels, and two email blasts to all Huntersville 101 graduates and to the General Planning email list were sent out.

The following applicants have confirmed their interest in being considered for appointment:

- Harrington, Scott
- Johnson, David
- Montague, Edward
- Palillo, Jacob
- Pollard, Michael
- Wood, Darryl

Background Information

Name

Scott Harrington

Home Phone

19174455137

Home Address

13314 Union Square Dr

Cell Phone

Do You Reside in the Town Limits or ETJ?

Huntersville

Present Occupation

Commercial Real Estate

Work Phone

9174455137

Place of Employment

C. Crawford & Associates, Inc

Email Address

scottharrington1808@gmail.com

Approximate Hours Available Per Month for Serving on Advisory Board

As needed

Name of Any Town or County Boards / Committees / Commissions You Are Presently Servng on:

Parks and Recreation Commission / '23

Include Expiration Date

Education

Bachelor of Arts-History and Master of Business Administration

Business and Civic Experience

Institutional Asset Management and Commercial Real Estate

Areas of Expertise and Interests / Skills

Investing, Capital Allocation, Financial Analysis, Commercial Real Estate

I, the undersigned, understand this application and attached questionnaire will be kept on the active file for a two (2) year period only.

Signature of Applicant**Date**

Scott M. Harrington

1/18/2022

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Land Development Ordinances Advisory Board ("Advisory Board"), please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

The Advisory Board consists of eight (8) voting members appointed by the Board of Commissioners. The Regular membership shall consist of six (6) members who reside within the corporate limits, or extraterritorial zoning jurisdiction ("ETJ").

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

My relevant local experience/service: Served a full term on the Huntersville 2040 Plan Steering Committee. Currently I am in my third year of service on the Parks and Recreation Commission. I also serve on the Bellington Community HOA Board.

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

I am an advocate of managed, strategic growth. I have seen the demographics. Our population has grown 100+% over the past two decades and sustained growth is in our future. Managed correctly, growth can be transformed into greater quality of life, opportunity, and affluence for the average Huntersville citizen.

3. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and / or anything you find particularly appropriate to Huntersville.

In the future we may well be judged, not by how much Huntersville grew, but by how well the least fortunate among us fared along the way. In turn, we as stakeholders would be wise to address, with equal vigor, the housing insecurity that many in our community face.

Other Comments:**Nominations**

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE

ATTN: Tracy Barron

P.O. BOX 664

HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Background Information

Name

David Johnson

Home Phone

704-895-1821

Home Address

15746 Agincourt Drive

Cell Phone

704-458-1309

Do You Reside in the Town Limits or ETJ?

Yes

Present Occupation

Retired Engineer

Work Phone

Place of Employment

Email Address

Approximate Hours Available Per Month for Serving on Advisory Board

20 hours

Name of Any Town or County Boards / Committees / Commissions You Are Presently Servng on:

None

Include Expiration Date

Education

BS Civil Engineering

Business and Civic Experience

Variety of professional and civic experiences including as a City Engineer

Areas of Expertise and Interests / Skills

Knowledge of and continued interest in ordinances structured to ensure practical and sustainable community growth

I, the undersigned, understand this application and attached questionnaire will be kept on the active file for a two (2) year period only.

Signature of Applicant**Date**

David Johnson

1/24/2023

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Land Development Ordinances Advisory Board ("Advisory Board"), please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

The Advisory Board consists of eight (8) voting members appointed by the Board of Commissioners. The Regular membership shall consist of six (6) members who reside within the corporate limits, or extraterritorial zoning jurisdiction ("ETJ").

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

Shade Tree Commission, Ocean County NJ HOA Boards (President) - two different communities Elkridge Md and Miramar FL
President and Board member of Tom's River Little League Church Committees - various locations

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

Huntersville will continue to grow along main corridors and ultimately fill in surrounding land. Controlling growth through land use best associated with the land form. Factors include transportation, sustainable growth, public utilities, jobs, and recreation.

3. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and / or anything you find particularly appropriate to Huntersville.

Traffic and public utility stress directly related to growth which should be borne by the building community especially in view of the slow reaction of the NCDOT Maintain vertical and horizontal scale of proposed projects Maintain a sense of community identity

Other Comments:

My professional and civic perspective has been shaped by working in the building industry in different states and as the City Engineer and Utility Director of the City of Mount Holly (retired June 2022)

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE

ATTN: Tracy Barron

P.O. BOX 664

HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Print

Huntersville Ordinances Advisory Board Application - Submission #9976

Date Submitted: 12/16/2021

Notification for Service for the Town of Huntersville Ordinances Advisory Board

Background Information

Name

Edward T Montague

Home Phone

7047562978

Home Address

9033 McDiarmid Ln

Cell Phone

7047562978

**Do You Reside in the Town Limits
or ETJ?**

Huntersville

Present Occupation

retired

Work Phone

Place of Employment

Email Address

etmtrader@hotmail.com

Approximate Hours Available Per Month for Serving on Advisory Board

2-5

Name of Any Town or County Boards / Committees / Commissions You Are Presently Servng on:

Include Expiration Date

Education

B.A. Economics Southern Methodist University

Business and Civic Experience

Real Estate Broker '87-94
Futures/Commodities AP '88-'13

Areas of Expertise and Interests / Skills

I, the undersigned, understand this application and attached questionnaire will be kept on the active file for a two (2) year period only.

Signature of Applicant

Date

Thorne Montague

12/15/2021

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Land Development Ordinances Advisory Board ("Advisory Board"), please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

The Advisory Board consists of eight (8) voting members appointed by the Board of Commissioners. The Regular membership shall consist of six (6) members who reside within the corporate limits, or extraterritorial zoning jurisdiction ("ETJ").

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

Huntersville 101, Hands On Charlotte, Boys/Girls Club (tutoring), Tarheel Trailblazers, Access Fund

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

I'd like to see controlled growth, with long term impacts incorporated in all real estate projects. Let's be sure our infrastructure, especially major thoroughfares, can accommodate future growth.

3. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and / or anything you find particularly appropriate to Huntersville.

As I mentioned above, infrastructure of critical to Huntersville's future well-being. Future real estate projects should require a long term impact study, with costs factored in. If new property taxes won't cover those costs, then upfront develop fees should be applied. We should promote smart retail developments to provide desirable goods and services to our current and future residents.

Other Comments:

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE

ATTN: Tracy Barron

P.O. BOX 664

HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Print

Huntersville Ordinances Advisory Board Application - Submission #9975

Date Submitted: 12/16/2021

Notification for Service for the Town of Huntersville Ordinances Advisory Board

Background Information

Name

Jacob Palillo

Home Phone

7043637902

Home Address

17532 Sail View Dr

Cell Phone

7043637902

**Do You Reside in the Town Limits
or ETJ?**

Property owner

Present Occupation

Construction/ development

Work Phone

7043637902

Place of Employment

SouthCreek

Email Address

jpallilo@aol.com

Approximate Hours Available Per Month for Serving on Advisory Board

as needed

Name of Any Town or County Boards / Committees / Commissions You Are Presently Servng on:

Include Expiration Date

Education

10th grade completed

Business and Civic Experience

Areas of Expertise and Interests / Skills

40 years of development and construction

I, the undersigned, understand this application and attached questionnaire will be kept on the active file for a two (2) year period only.

Signature of Applicant

Date

Jake Palillo

12/16/2021

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Land Development Ordinances Advisory Board ("Advisory Board"), please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

The Advisory Board consists of eight (8) voting members appointed by the Board of Commissioners. The Regular membership shall consist of six (6) members who reside within the corporate limits, or extraterritorial zoning jurisdiction ("ETJ").

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

Huntersville is an amazing Town with rapid growth. The focus needs to be quality of life, meeting the needs of people today but with the vision for meeting the needs of the generations behind us. The way people live, work, shop, dine and entertain changes and Huntersville needs to understand that and plan for it.

3. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and / or anything you find particularly appropriate to Huntersville.

Number one is beauty. The Town needs to be a beautiful place and that starts with developing a street scape requirement. Moving buildings back off the road, moving sidewalks off the edge of curbs with a 15 to 20 ft grass area so people feel safe walking. making walks 8 to 10 ft wide moving street trees behind the walk so the canopy hangs over the walk and not the street.
Make strong landscape requirements with large trees and landscape lighting so buildings are attractive. Beautiful architecture needs beautiful landscaping to make a beautiful community. Understanding peoples needs and habits and creating a master plan with a vision, not a plan from people that moved here and don't want anything around them. traffic is a way of life and should not stop great developments that add quality of life to residents. Working with the town for years there are a lot of areas to improve and we need people on Board with experience and vision.

Other Comments:

It would be an Honor to serve the Community

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE

ATTN: Tracy Barron

P.O. BOX 664

HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Print

Huntersville Ordinances Advisory Board Application - Submission #13429

Date Submitted: 2/2/2023

Notification for Service for the Town of Huntersville Ordinances Advisory Board

Background Information

Name	Home Phone
Michael Pollard	7049929891

Home Address	Cell Phone
13024 Hindcross Drive	

Do You Reside in the Town Limits or ETJ?

ETJ

Present Occupation	Work Phone
Retired	

Place of Employment	Email Address
	mppollard1@gmail.com

Approximate Hours Available Per Month for Serving on Advisory Board

20+

Name of Any Town or County Boards / Committees / Commissions You Are Presently Servng on:

None

Include Expiration Date

Education

New York Theological Seminary - Masters of Divinity Tennessee State University - BS Accounting

Business and Civic Experience

I am a former public official and served as the Mayors Chief of Staff for eight years. Former chairman of the Stamford Board of Finance and served on the cites redistricting commission. Was appointed by the Govenor to serve on the CT Board or Regents for Higher Education, appointed by state senate to serve on the states Criminal Justice Information System Commission. I also have an unwavering commitment to community service, having served as a board member on 10+ volunteer boards supporting, parks, art, the disabled, economically disadvantaged families, and faith based organizations.

Areas of Expertise and Interests / Skills

With experience in government, consulting, business operations, corporate training and management areas of expertise also includes: i,§ Strategic Planning and Leadership Accountability i,§ Intergovernmental & Legislative affairs, Community Relations i,§ Economic Development ,Diversity (DEI) Management i,§ Operations Management and Oversight i,§ Business Process and Systems Transformation i,§ Problem Resolution, Crisis management

I, the undersigned, understand this application and attached questionnaire will be kept on the active file for a two (2) year period only.

Signature of Applicant

Date

Michael Pollard

2/2/2023

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Land Development Ordinances Advisory Board ("Advisory Board"), please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

The Advisory Board consists of eight (8) voting members appointed by the Board of Commissioners. The Regular membership shall consist of six (6) members who reside within the corporate limits, or extraterritorial zoning jurisdiction ("ETJ").

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

Senior executive and official representative of Stamford, Connecticut City Government. As an agent of the mayor, managed operations in all city departments. Made dramatic improvements in fiscal health and service quality by delivering systems improvement and structural redesign of organizations. â€¢ Provided exceptional leadership and effective management in executive staffing and personnel, administration, project management, information technology, and department operations. â€¢ Was executive sponsor of the city's most critical transformation projects, including Enterprise Resource Planning (ERP) implementation and the creation of a performance measurement toolset and modernized project management system, Results achieved; timelier service delivery, greater financial transparency, and 12% budget savings. â€¢ Orchestrated all critical executive meetings and events with the community and commercial sector leaders. â€¢ Led administrationsâ€™ strategic planning, department effectiveness assessments, and crisis management initiatives. â€¢ Directed leadership team, led cabinet meetings, and managed sensitive and strategic projects and programs across all city functions. Served as intergovernmental affairs executive and the city's senior advisor for municipal, state, and federal policies.

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

I see Huntersville as becoming a role model for other towns. It will be a successful community that feels "down-home" but economically punches above its weight and provides a broad range of opportunities and services for those who live here. It will continue to function well by being efficient and productive with staff. Huntersville is the town that has its hands on the pulse of the residents and is proactive to needs while protecting its valued history and past. Quality of life for residents will continue to improve with more of the services wanted and needed while quickly addressing community issues. When someone speaks of Huntersville our neighbors and visitors will say, â€œHuntersville does it right."

3. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and / or anything you find particularly appropriate to Huntersville.

After recently attending the Huntersville 101 Class, I am confident Huntersville is definitely on the right track and the town is being managed very well, kudos to all. That said, our town is made up of many people from across the fruited plains of America, one key challenge is ensure our town continues to grow its sense of â€œone-ness.â€ Also, as population increases, new rules and regulations and procedures must keep up. If they get of sync it will challenge the harmony of our beautiful town.

Other Comments:

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Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE

ATTN: Tracy Barron

P.O. BOX 664

HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

Background Information

Name

Darryl Wood

Home Phone

Home Address

12720 Willingdon Rd, Huntersville, NC 28078

Cell Phone

980-215-2850

Do You Reside in the Town Limits or
ETJ?

Town Limits

Present Occupation

VP of Preconstruction

Work Phone

980-215-2850

Place of Employment

Adams Electric Company

Email Address

darrylwood21@gmail.com

Approximate Hours Available Per Month for Serving on Advisory Board

10

Name of Any Town or County Boards / Committees / Commissions You Are Presently Serving on:

None

Include Expiration Date

Education

Bachelor of Electrical Engineering - Georgia Institute of Technology

Business and Civic Experience

I've been in the commercial construction industry for 35 years, working as a general contractor and an electrical contractor.

Areas of Expertise and Interests / Skills

Electrical design, budgeting, estimating, schedule, and planning.

I, the undersigned, understand this application and attached questionnaire will be kept on the active file for a two (2) year period only.

Signature of Applicant**Date**

Darryl Wood

1/27/2023

Please type your name to agree to the terms and conditions of this form.

To assist the Board of Commissioners in making appointments to the Land Development Ordinances Advisory Board ("Advisory Board"), please respond briefly to the following questions. There is no right or wrong answer. Your responses will provide a framework for discussion with the Mayor and Commissioners.

Overview

The Advisory Board consists of eight (8) voting members appointed by the Board of Commissioners. The Regular membership shall consist of six (6) members who reside within the corporate limits, or extraterritorial zoning jurisdiction ("ETJ").

1. Please describe the areas of community service in which you have participated, in Huntersville or elsewhere.

My community service in the past has been very minimal. This is one reason that I'm applying. I'm an empty nester now and have more time on my hands and thought giving back to the community would be a good idea.

2. Briefly describe your vision for Huntersville in the next 10 to 15 years. What factors during that time will shape the growth of our community?

My biggest vision is revitalization of the downtown area. Compared to our neighbors Davidson and Cornelius, I think we have a long way to go to make downtown a thriving area for dining, shopping, and entertainment. Even though we continue to grow, I want it to still be seen as a small town and not become just an extension of Charlotte. I also want to see more parks, greenways, and other areas to enjoy the outdoors.

3. With rapid development occurring in Huntersville and the surrounding area, the character and growth patterns of our community are changing rapidly. Please discuss briefly any problems that you perceive, anything that you would like to change, and / or anything you find particularly appropriate to Huntersville.

Another reason for my desire to be involved is the potential development of the Crystal Lagoons project that has been in the news. This is one development that I do not want to see in Huntersville, since it's mostly a theme park and it will bring people in from all over, which will only add to our traffic and change Huntersville as we know it.

Other Comments:

I'm looking forward to joining this board to help make good changes to Huntersville and meet some good people in the process. I'm also in the process of getting my real estate license, so I should be well versed in real estate matters too.

Nominations

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees and urges the public to nominate qualified persons for membership. Nominations may be sent to:

TOWN OF HUNTERSVILLE
ATTN: Tracy Barron
P.O. BOX 664
HUNTERSVILLE, NC 28070

Contact

For more information on the responsibilities of various advisory bodies, applicants may contact the Planning Department at 704-875-7000.

Thank you for completing the application and questionnaire.

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: Heather Maloney, Senior Planner

Date: February 20, 2023

Subject: CIP Funding As Local Match For Federal RAISE Grant Application

EXPLAIN REQUEST:

The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program, to which the Town of Huntersville is applying for funding to complete multi-use paths along Church Street and Holbrooks Road, and a sidewalk on Dellwood Drive, requires a minimum of 20% local funding match. This resolution is requesting approval for designating \$2,430,000 in CIP funds that are already committed to the Church Street Extension project, from Holbrooks Rd to Dellwood Dr, as our local match for the RAISE Grant project.

ACTION RECOMMENDED:

Recommendation for Approval

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. Commitment Letter
2. Resolution



Date: February 17, 2023

To: The Office of the Secretary of Transportation

From: Anthony Roberts
Town Manager – Town of Huntersville

SUBJECT: Local Match Commitment
2023 Rebuilding American Infrastructure with Sustainability and Equity
(RAISE) Grant Program

In submitting this application package for the Church Street, Holbrooks Road, and Dellwood Drive project, the Town of Huntersville would like to formally document its commitment of \$2,530,000.00 toward delivery of the proposed project which equates to 20% of the \$12,536,225.00 total cost.

The Huntersville Town Board action took place on February 20, 2023 committing the \$2,530,000.00 of local funds with a specific action item identifying this matching amount. It is anticipated that the source of local matching funds will be from the General Fund Balance.

As evident by our financial investment in securing the services of Alta Planning + Design, Inc. to prepare the grant application included in this submittal package, the Town of Huntersville considers the Church Street, Holbrooks Road, and Dellwood Drive projects a priority to improve and enhance both motorized and non-motorized travel in this area.

Thank you for the opportunity to submit this package for consideration and, should additional information be needed, please let us know.

Anthony Roberts
Town Manager

Pattie McGinnis
Finance Director

Planning

Post Office Box 664 • 105 Gilead Road, Suite 300 • Huntersville, NC 28070
phone 704.875.7000 • fax 704.992.5528 • www.huntersville.org



RESOLUTION OF THE TOWN OF HUNTERSVILLE TO DESIGNATE CAPITAL IMPROVEMENT PROGRAM (CIP) FUNDING AS MATCH FOR AN APPLICATION TO THE 2023 REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) DISCRETIONARY GRANT PROGRAM

WHEREAS, the Town of Huntersville has identified and selected a project for which it is seeking federal funding through the 2023 RAISE Discretionary Grant Program; and

WHEREAS, the Town of Huntersville retained services from Alta Planning + Design, Inc., to prepare the RAISE Grant application; and

WHEREAS, the selected project includes a multi-use path along Church Street, from Dellwood Drive to Huntersville-Concord Road, a multi-use path along Holbrooks Road, and sidewalk along Dellwood Drive; and

WHEREAS, the cost for these projects is \$10,106,225.00; and

WHEREAS, the Town of Huntersville has already committed \$3,400,000 of its CIP to the Church Street extension project – from Holbrooks Road to Dellwood Drive, and \$2,530,000 has not yet been spent; and

WHEREAS, the RAISE Grant requires a minimum 20% local match, and the \$2,530,000 represents 20% of a combined project total cost of \$12,536,225 for the completion of the Church Street extension project and the multi-use paths along Church Street and Holbrooks Road, and sidewalk on Dellwood Drive, as outlined in the attached Exhibit A; and

WHEREAS, the Town of Huntersville has prepared the commitment letter for the RAISE Grant application, formally documenting the local match, attached as Exhibit B.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Commissioners affirms the Church Street, Holbrooks Road, and Dellwood Drive Multi-Use Paths and Sidewalks Project for submittal for RAISE Grant funding.
2. The amount and percentage for local dollars matching, per Exhibit A, is approved.
3. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to affect the provisions of this Resolution; and
4. This Resolution shall be effective as of the date its adoption.

Adopted this 20th day of February 2023.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

Exhibit A

RAISE Grant Project Cost Estimates		Cost Share	
Project	Preliminary Cost Estimate (35% Contingency)	RAISE	Local Match
A. Church St Sidepath - Dellwood Dr to Huntersville-Concord Rd	\$ 3,011,000	\$ 2,911,000	\$ 100,000
B. Dellwood Dr Sidewalk - Central Ave to Vermillion	\$ 1,883,000	\$ 1,883,000	
C. Holbrooks Rd Sidepath - Church St to Waymer Park	\$ 5,201,000	\$ 5,201,000	
D. Church St Extension - Holbrooks Rd to Dellwood Dr	\$ 2,430,000		\$ 2,430,000
E. Wayfinding Signage & Bike/Ped Counter	\$ 11,225		\$ 11,225
Subtotals		\$ 9,995,000	\$ 2,541,225
Grand Total	\$ 12,536,225	79.3%	20.3%

Exhibit B

**Town of Huntersville
Town Board
February 20, 2023**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: February 20, 2023

Subject: Audit Contract

EXPLAIN REQUEST:

The Town released a RFP for audit services on December 14, 2022 and posted an invitation to bid on the Town's website. After reviewing a list of audit firms from the LGC website, we emailed an invitation to bid to five firms providing governmental audit services in our area. Only one firm responded and the firm was Martin Starnes. Staff recommends to approve the attached contract with Martin Starnes.

ACTION RECOMMENDED:

Approve audit contract.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Final Audit Contract - Martin Starnes

The of and	Governing Board
	Board of Commissioners
	Primary Government Unit
	Town of Huntersville, NC
	Discretely Presented Component Unit (DPCU) (if applicable)
	N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name
	Martin Starnes & Associates, CPAs, P.A.
	Auditor Address
	730 13th Avenue Drive SE, Hickory, NC 28602

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Date Audit Will Be Submitted to LGC
	06/30/23	10/31/23

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F (Uniform Guidance)* or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.

9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.
15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.
16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.
18. Special provisions should be limited. Please list any special provisions in an attachment.
19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.
20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.
21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☒ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	Title and Unit / Company:	Email Address:
Pattie McGinnis	Finance Director, Town of Huntersville	pmcginnis@huntersville.org

OR Not Applicable ☐ (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

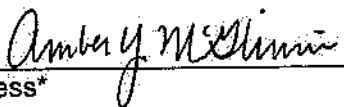
Primary Government Unit	Town of Huntersville, NC
Audit Fee	\$ 38,725
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ 3,500 (up to 2 major programs); \$3,750 per major program in excess of 2
Writing Financial Statements	\$ 9,000
All Other Non-Attest Services	\$

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Martin Starnes & Associates, CPAs, P.A.	
Authorized Firm Representative (typed or printed)* Amber Y. McGhinnis	Signature* 
Date* 02/07/23	Email Address* amcghinnis@msa.cpa

GOVERNMENTAL UNIT

Governmental Unit*	
Town of Huntersville, NC	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)* Melinda Bales, Mayor	Signature*
Date	Email Address mbales@huntersville.org

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Pattie McGinnis, Finance Director	Signature*
Date of Pre-Audit Certificate*	Email Address* pmcginnis@huntersville.org

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
N/A	
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
N/A	
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all
required signatures prior to submission.

PRINT



Koonce, Wooten & Haywood, LLP
CERTIFIED PUBLIC ACCOUNTANTS

Report on the Firm's System of Quality Control

To the Shareholders of Martin Starnes & Associates, CPAs, P.A. and the
Peer Review Committee, Coastal Peer Review, Inc.

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. (the firm) in effect for the year ended December 31, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and an audit of an employee benefit plan.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. in effect for the year ended December 31, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates, CPAs, P.A. has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

May 4, 2021

Raleigh
4060 Barrett Drive
Post Office Box 17806
Raleigh, North Carolina 27619

919.782.9265
919.783.8937 FAX

Durham
3500 Westgate Drive
Suite 203
Durham, North Carolina 27707

919.354.2584
919.489.8183 FAX

Pittsboro
579 West Street
Post Office Box 1399
Pittsboro, North Carolina 27312

919.542.6000
919.542.5764 FAX

Smithfield
212 East Church Street
Post Office Box 2348
Smithfield, North Carolina 27577

919.934.1121
919.934.1217 FAX



TOWN OF HUNTERSVILLE EXTERNAL CONTRACT ADDENDUM

1. **Applicable Laws and Courts.** This contract shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina. The Contractor represents and warrants that it shall comply with all applicable federal, state, and local laws, regulations, and orders, including, not limited to, licensure requirements.
2. **Jury Trial.** Nothing contained in this Contract shall constitute a waiver of the Town's right to a jury trial.
3. **Ethics in Public Contracting.** If applicable, by submitting their prices and acceptance of this Contract, all Contractors certify that their bids are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other supplier, manufacturer, or subcontractor in connection with their offer, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
4. **Indemnification.** To the greatest extent allowed by North Carolina law the Contractor shall indemnify and hold harmless the Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees ("Claims"). In the event that any portion of the Service performed under the Contract shall be defective in any respect whatsoever, the Firm shall indemnify and save harmless the Town, its officers, agents, employees, and assigns from all loss or the payment of all sums of money, but only to the extent allowed by law. Nothing contained in this Contract shall waive the Constitutional limitation on the Town indemnifying obligations of other parties.
5. **Confidentiality.** The Contractor acknowledges the Town is subject public records law and no term shall be inconsistent with N.C.G.S. §132 et al.
6. **Default.** The Town may terminate the Contract, in whole or in part, immediately and without prior notice upon breach of the Contract by the Contractor. In addition to any other remedies available to the Town in law or equity, the Town may procure upon such terms as the Town shall deem appropriate, Services substantially similar to those so terminated, in which case the Contractor shall be liable to the Town for any excess costs for such similar supplies or services and any expenses incurred in connection therewith.
7. **Termination for Convenience.** The Town shall have the right, without assigning any reason therefore, to terminate any work under the Contract, in whole or in part, at any time

at its complete discretion by providing 10 days' notice in writing from the Town to Contractor. If the Contract is terminated by the Town in accordance with this paragraph, the Contractor will be paid in an amount which bears the same ratio to the total compensation as does the Services actually delivered or performed to the total originally contemplated in the Contract. The Town will not be liable to the Contractor for any costs for materials acquired or contracted for if such costs were incurred prior to the date of this Contract.

8. **Anti-Discrimination and Equal Employment.** During the performance of the Contract, Contractor shall comply with all federal and state requirements concerning fair and equal employment and shall not discriminate against or deny the Contract's benefits or services to any person on the basis of race, religion, color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.
9. **Verification of Work Authorization.** Contractor shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify, for all contractors and subcontractors.
10. **Iran Divestment List.** With the execution hereof, Contractor, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.
11. **Availability of Funds.** Any and all payments to the Contractor are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.
12. **Severability.** If any provision of this Contract is found to be invalid or unlawful, then remainder of this Contract shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
13. **Companies that Boycott Israel.** With the execution hereof, Contractor, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.
14. **Governmental Immunity.** Nothing contained in this Contract shall constitute a waiver of the Town's governmental immunity or of any limitation on liability or damages created by law.
15. **Priority of Terms.** The terms of this addendum shall supersede and take priority over any conflicting terms in the contract documents.