

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**January 3, 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 5:30 p.m. on January 3, 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.

Closed Session. Commissioner Kidwell made a motion to go into closed session pursuant to N.C.G.S. §143-318.11(a)(5) to instruct staff or negotiating agents concerning the price and other material terms for the acquisition of real property.

Commissioner Boone seconded motion.

Motion carried 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 January 23, 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.

Mayor Bales recognized former elected officials present – John Aneralla, Charles Guignard and Sarah McAulay.

STAFF QUESTIONS

Commissioner Boone asked how the process of redacting the names and identifiable information on advisory board applications was working.

Anthony Roberts, Town Manager, explained that there is confusion with the process and suggested going back to including the names on the applications.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Kevin Fox, Director of Public Works and Steve Robbins, Public Works Operations Manager, recognized Lonnie Whitley who retired as of December 31, 2022, after 30 years of service to the Town.

Dawn Snow, 8132 Evanston Falls Road, said on the Birkdale Village Facebook page managed by NAP, there's a post from November 1 suggesting that Birkdale needs to be reimagined and asking for the public's help by signing a petition supporting the rezoning. In this post it is suggested that the redevelopment is needed to ensure Birkdale stay relevant. Ironically, with most of the comments being negative in response to that Facebook post, NAP found their attempt to get public support backfiring and had to shut down the comments in a matter of days. The petition has been up now for over two months and still only has 145 supporters, while another petition opposing the rezoning has 1,230 signatures as of this afternoon. I captured this post and the comments and emailed them to you in case it suddenly disappears. I also included both of the petitions and emailed them to you as well. Here are a few comments from the post asking for support. First comment – No, we don't love it, it was beautiful before. Room to walk. Room for kids to play. Plenty to do. Lots of charm. It's so crowded now with the stores and stage on the green. We definitely don't need a hotel or office space or chain stores and restaurants. Please keep Huntersville Huntersville. Charlotte is an easy drive for everything else that you are trying to add. We don't need it here and we definitely don't want it here. Second comment – If your idea of vision is throwing out beloved businesses that have grown and prospered, you don't have a vision. You have no sense of commitment to your community or your businesses. Obviously, what we have now is a unique gem that our community loves. It is to be treasured and protected, not torn apart and transformed into a cookie cutter replica of Avalon. It does not need to be reimagined and to call it relevant is arrogant and dismissive. With this stark difference in level of support between the two petitions, our community has made it clear that we do not want or need what NAP is selling. NAP has made it clear that they do not care about what we want. This is where you, our elected Town officials, come in. Please listen to your constituents. You have heard so many valid concerns regarding traffic, parking, safety, aesthetics, and maintaining character over the last few months. Carefully consider all the feedback you have received from the community. In closing, we have not yet seen a revised conditional rezoning since the text amendment and SUP have been removed, but if the new conditional rezoning is materially different by eliminating the more restrictive conditions that existed in the original proposal, then the rezoning request should technically be a new application with a new public hearing, but let's just move on and deny this unnecessary and irrelevant rezoning request. Ms. Snow presented the Board with the petitions. *Petitions attached hereto as Exhibit No. 1.*

Kerry Edelstein, 8810 Camberly Road, said I know I've gotten to talk individually with nearly all of you in the last couple of months. In fact, most of you in the last couple of weeks. I did want to share a few things that I heard about Birkdale Village. One of the things that I heard is that as the current rezoning

has been submitted, nobody's actually really in favor of it as it has been submitted. There are various reasons for that. Some people are in favor of the idea, but don't feel that we have an infrastructure plan for it. Some people didn't like the lack of harmonious design or plan for that. Some people didn't like the lack of transparency coming from NAP. We still don't know what they are planning to present on the 17th. Some had concerns about public safety and where we are today, let alone where we would be with growth. There seemed to be a feeling that what's being presented today is not something that everyone is excited about and I think it's important to reflect on that. The other thing is there was no consistency of understanding or clarity on what's going to be presented for you to vote on on the 17th. It sounds like all of you guys don't know and that's pretty important because this is a big deal and it's a crown jewel of the community and you should have time to reflect and think about it and I feel like you're not being given that time and I think there's this belief going around that this is all in negotiation, there's compromise, but in a good negotiation both sides come to the table. It's not one side is sort of blindsided and it feels like all of us, including all of you, are being a little bit blindsided by what's coming down the pipeline and you deserve better, and so do all of us. It doesn't seem like there was a cost benefit analysis of any of this, so there's benefit in tax revenue to all this, but there's also a cost – increase in law enforcement, fire safety, school expansion, road expansion, things like that. The potential convention center has a cost to you. I haven't seen, and it doesn't sound like you've seen, any cost benefit analysis of this proposal. The other common thread is that you all love Birkdale just as much as I do, just as much as my neighbors do, so why are we putting it at risk. If all of us love it and none of us really understand exactly the details that are at stake here, why would we put any of that at risk. I believe that in any kind of growth or future opportunity, that there's a time and a place. It feels to me like right now this is the wrong time and the wrong place for this rezoning.

Mike Murphy, 8514 Brentfield Road, said this is my third time speaking in opposition to the continued development in Birkdale. Last time I spoke about litany of negative news stories associated with Northlake Mall. I also spoke about a carjacking that occurred, something that hasn't received any news coverage and as far as I can tell no one from property management has informed any of the store owners and operators. A couple recent news stories I noticed was on December 19 the Charlotte Observer published a story about Mooresville. As of November 1 and the time of the publishing of that article, 113 drivers were cited for blocking busy intersections. I saw another article on December 26 from WBTV affiliate that a pilot program in Salisbury resulted in 30 parking spaces being available for lease monthly or annually and those available parking spaces sold out in 8 minutes. Those stories are a little bit ridiculous and unfortunate. I think that's the reality that we are heading towards and I am asking you all to use your power and influence to help us take a step back and have some caution. I can tell you that living on the golf course side what we typically see is just cut-through traffic. A lot of my neighbors are uncomfortable about the speeds. If we are going to go to the village, we've got to park at the golf course or have to park at Summit Coffee. I was in Birkdale last week with my family and traffic was backed up bumper to bumper from the movie theatre all the way to the main intersection at 73, so you've got people that are frustrated, confused, irritated. I think it's really a quality of life and public safety issue. I would argue that Birkdale for many reasons is still one of the greatest neighborhoods in the country, but it feels like it's changing and I'm asking you to just help us urge caution and patience, especially with the golf course development that is still expected to occur.

Brian Rice, 17232 Bridgeton Lane, said I'm here today not on behalf of just my family and me, but on behalf of the 1,230 people that have signed our petition to say no to the current proposal for Birkdale Village as written. Although I have already sent this to you in an email, I'll read the petition as written and signed by these 1,230 people.

Dear Huntersville Community,

If you are opposed to North American Properties' current proposals before the Huntersville Board of Commissioners, please sign this petition. We intend to use this petition as evidence to the Huntersville Town Board that while we encourage progress and growth, these two current proposals are not the right solutions.

The current property owners of Birkdale Village, North American Properties, want to increase development that exacerbates parking and traffic issues to the point that customer traffic will reduce, tenants will flee and the Village will be left empty. Now for the details.

There are two proposed changes currently sitting with the Town Board. Firstly, there is a proposal to increase the maximum height of the buildings from 48 feet to 145 feet (12 stories). Additionally, there is a proposal, if the first is accepted, that includes the construction of a 12-story building, additional but still insufficient parking and the potential to build more 12-story structures in the future.

To make matters worse, the developers have used deceptive tactics to try and conceal this project and in at least one case, have outright lied to Huntersville homeowners just to get this approved. If this passes, what else is in store?

Huntersville is a great place to live and we want progress. Plans that lead to lower property values and dealing with a company bent on deception to achieve their goals is not progress.

Now a note on the current new development. The new look is still not completed. Storefronts that were developed are not showing signs of construction and parking spaces that were eliminated only add to the traffic and parking issues. Neither the Good Wurst Company nor the beer garden construction are moving. As Nick O'Shaughnessy said at the last Town Board meeting, be careful because this company is all about showing the potential of the development and not actually developing the property. They have time and again said one thing, but not followed through just to get a yes to these proposals. Please don't let them destroy Birkdale Village. It was never meant nor is set up to be a town center, a mini Charlotte, or a mini Alpharetta. In my last comment, I know that many of you probably visited Birkdale Village during the holiday period and saw all that traffic and as residents of the Greens of Birkdale Village, we respect that and that happens every couple of months because it's the holiday season and we don't want to be grinchies. But if this passes, this will be the norm, not the exception and we will have parking issues and traffic issues like you pointed out that go all the way back to my house and I'm on the corner of Cranlyn and Bridgeton.

Suzanne Villar, 17130 Bridgeton Lane, said I'm a resident of the Greens at Birkdale Village. The Council has heard at several Town Council meetings in the past and again tonight the many serious concerns the residents of Birkdale Village have about traffic congestion, discordant architecture that's out of place with the ambiance of the existing structures in the Village that have charmed residents and guests for over 20 years. You've heard our concerns about insufficient parking, despite promised parking deck expansion. You've heard about the gridlock during November's Christmas events which promises to be repeated for every special event that North American Properties promotes during the year and our genuine worry about fire, police and medical assistance access in the future. And you've heard our concerns about the potential for catastrophic traffic issues if construction of the already permitted

development at the Birkdale driving range happens to coincide with either DOT's widening of Sam Furr and/or with the construction of the North American Properties desired expansion if this rezoning request is approved. Making matters worse, there's apparently no mechanism for coordinating construction activities between developers, themselves, or with DOT, so there is no way to prevent or minimize an impassable major east/west thoroughfare that would adversely affect all of the south Lake Norman area. Furthermore, even after all construction ends, 10-15 years from now, our concerns will simply morph into a permanent gridlock as new apartments, hotel rooms and a conference center draw thousands of additional vehicles into and out of the Village each week, with no hope of widening our Village roads. There are structures confining the width of the roads and they're simply not going to be able to be widened. When my husband and I were looking for property to purchase 12 years ago we looked all over the greater Charlotte area from Mountain Island Lake all the way up to Concord. Our realtor specifically warned us about buying anything in the vicinity of the racetrack due to the impossible traffic issues that develop on a few weekends each year when races are held. I guarantee you that affected our buying decision and advice like that from a realtor adversely affects property values. I fear that will be the future for property owners anywhere near Birkdale Village if the Town Council allows this rezoning request to be approved as it is now. North American Properties is requesting a zoning approval with no conditions or performance requirements either to the Council or to the residents of the area. North American Properties promises solutions that don't hold up to common sense evaluations, leaves many concerns completely unaddressed, leaving our safety, security and property values very much at risk. For the safety of all of those who live and work in Birkdale Village, as well as the safety of the entire Huntersville community who are impacted by the traffic on Sam Furr, I'm asking that the Town Council deny this rezoning request until after DOT has completed the widening of Sam Furr and until the already permitted development at the Birkdale driving range is completed.

Tammy Davis, 17114 Bridgeton Lane, said I have lived in Birkdale for 20 years. I was the first resident in that home. I don't have a prepared speech today, I just want to talk of three experiences that I have had as of late. This past weekend I was walking to my niece's townhouse and noticed that the cars were parked on both sides of Townley. It actually made me pause for a moment and just reflect on my situation, because I have a daughter who has a rare condition where her blood pressure drops and she can basically collapse at any moment. I have had the ambulance at my house three or four times in the past several years. What struck me was if something were to happen to my child, how was I going to get an ambulance to my child. How was a fire truck going to get through or what was going to be the outcome if something happened to my child on that day or any day. Secondly, there's a four-way intersection and every time I leave my neighborhood I have to go through the four-way intersection and have just been noticing the difference in traffic as everybody has talked about and the demeanor and how people are changing. It used to be everyone takes their turn and there was a car that wanted to go right after the car that went in front of them and didn't want to wait their turn. And it was my turn to go and I went to go, got a horn blown at me, got a finger stuck up at me, just different than I have ever dealt with before in living there for 20 years. And then the last experience that I had was last weekend my three children wanted to go to Starbucks and it was about 6 p.m., so we walked down to Starbucks and we were walking around and we walked past some teenagers and my 13 year old noticed that they were going up to all the apartments and just pressing on buttons and my son was like why are they doing that, Grandma lives there. Do you think they are going to do that to Grandma. That was the first thing that we had noticed and then they were pushing each other and cursing and just not an environment in the last 20 years that I have ever taken my children around and my 10 year old looked at me and said are we safe. At that moment I was like I have a 10 year old child with an underdeveloped brain knowing enough that he didn't feel safe.

Errol Genoio, 8537 Camberly Road, said I have lived there for 22 years. I want to speak to remind the Board members of their moral and economic responsibilities to protect their constituents of Birkdale Village from the psychological and economic abuses of overdevelopment, meaning the consumption is seemingly not making people happy but rather increasing the west ecological footprint. One little specific, when I moved to Birkdale the acceptable speed limit was 15 mph in the business area. As you have heard tonight, even with recent developments, the speed limit in front of Barnes and Noble and almost in front of the movie theatre is 25 mph. These are in two high traffic areas and this is before anything we've heard about will happen. We are already experiencing some safety issues there that I think are very critical.

Nick O'Shaughnessy said I'm not going to bore you with reiterations because everybody has said things that I have said before. My current issue right now is the situation that both you guys and us here find ourselves in, in that the original application has been modified. This SUP has been withdrawn, the text amendment has been withdrawn and according to Brian Richards today in an email to me, the plan has not changed. There will be text amendments which you will not see until Thursday the 12th of January and then they will be public knowledge the following day, so none of us know what the plans are. We know what the plans look like. It's 145', because that's what the original text amendment application was for 145'. Is it 75', is it 110', nobody knows and we won't know. You guys won't know and we won't know and that is totally unfair. That's par for the course with NAP because they are not transparent. They are trying to hoodwink you guys and us guys and I don't appreciate that. I have to live here. When I did rezonings here I would not represent scumbags like these guys because they are going to come here, screw up Birkdale Village and leave. That's all I have to say. I'm sorry I used a bad word. That's the way I feel about these guys. They are not honest. They are not transparent. I know you love them. They have wined and dined you guys. They haven't wined and dined me. They've patronized me and said we'll give you an architectural review committee and you can be on it. BS, I don't want to be on it. They don't have any reason to do that. They don't have any legal obligation to do that. They are just trying to tell you what you want to know. I'm sorry I used a bad word, but that's the way I feel about it. It's my community, my life, my home and these guys are not the right people to modify Birkdale Village. Please deny it. Make them come back. I'm not against development. They can modify it but their modifications are unreal, unattractive, out of scale and you know what I think about the conspiracy theory.

AGENDA CHANGES

Commissioner Kidwell made a motion to move Item 8.D under the Consent Agenda (Adopt resolution to acquire right-of-way and/or easements for the construction of Beatties Ford at Gilead Road Project) to Item 10.E under Other Business.

Commissioner Munger seconded motion.

Motion carried unanimously.

Commissioner Phillips made a motion to adopt the agenda, as amended. Commissioner Kidwell seconded motion. Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes – November 7, 2022. Commissioner Phillips made a motion to approve the minutes of the November 7, 2022 Regular Town Board Meeting. Commissioner Kidwell seconded motion. Motion carried unanimously.

Approval of Minutes – November 21, 2022. Commissioner Phillips made a motion to approve the minutes of the November 21, 2022 Regular Town Board Meeting. Commissioner Kidwell seconded motion. Motion carried unanimously.

Approval of Minutes – December 5, 2022. Commissioner Phillips made a motion to approve the minutes of the December 5, 2022 Regular Town Board Meeting. Commissioner Kidwell seconded motion. Motion carried unanimously.

Resolution – Reclassification of Road to Minor Collector. Commissioner Phillips made a motion to adopt Resolution to request approval from the Charlotte Regional Transportation Planning Organization for the functional reclassification of 0.4 miles of Stumptown Road to a Minor Collector.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 2.

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

Commissioner Kidwell seconded motion.

Motion carried unanimously.

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

Commissioner Kidwell seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Public Hearing – Petition #TA22-13. Mayor Bales called to order public hearing on Petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to

amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on Town utility poles.

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

Staff recommends approval of the proposed text amendment.

The Huntersville Ordinances Advisory Board recommended approval of the text amendment by a vote of 7-1 on December 1, 2022.

In response to a question from Commissioner Kidwell concerning skirting, Emily Sloop, Town Attorney, explained that G.S. 160D-910(g) was amended to state masonry skirting shall not be required. The Huntersville Ordinances Advisory Board suggested the Town require non-masonry skirting. If the home is owned by the person who owns the land that it sits upon, masonry skirting would still be required.

In response to a question from Commissioner Phillips, Ms. Mielenz explained that the ordinance does not allow people to bring in mobile homes, campers, etc. to live in while they build permanent residence on the property.

Commissioner Phillips suggested that staff reach out to the residents in Huntington Green concerning the proposed change to skirting requirements since it is one of the most impacted areas.

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

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

Jesse James, Principal Planner, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

Staff recommends approval as submitted. The Planning Board will hear the petition at their January 24, 2023 meeting.

Commissioner Phillips asked what could go on the property by-right.

Mr. James said currently it's everything in Corporate Business, excluding hotels. There were some outdated uses like blacksmiths on there.....laundry, dry cleaning, garment services, highway right-of-way uses. Under the current CB-CD zoning of this property, hotels were excluded as a permitted use.

Commissioner Munger asked if the applicant was able to accommodate the request to move hotel signage from the south side of the building to the east side of the building.

Mr. James said they were able to move the signage. Where it was proposed wouldn't have met the code anyway and would have been caught during the construction plans.

Commissioner Boone asked when the single-family homes to the west were built. Mr. James will provide that information at a later time.

Mayor Bales called on the citizens who signed up to speak.

Peter Bourke, 16136 Grafham Circle, said this proposal is full of accommodations and terminology that is something to the effect of generally compliant. It's written in such a way that it frames all of these exceptions that the property owner is making in some type of good faith to add merit basically to influence the decision of you to change this zoning to include a hotel. To have a hotel excluded I could tell you that it's probably for a good reason and I have many on here, mainly it's a 24/7 business. People are coming and going non-stop. What is behind there now is the Birkdale Business Center. I can go home 5:00 – 5:30 p.m. and there is no one back there. That will change completely. I have three little kids, ages 8, 6 and 4. If I went to go buy that house today and there's a 4-story hotel there, I would walk away. I'm concerned about the negative impacts of the property value. The building is too tall. They are asking for accommodation to go 3' more than they are actually allowed. They are changing the grade. They are bringing up the backend of the property to make it level and so what's going to happen is that 4-story building is going to turn into a 6-story building because of the topography of the land. There should not be a hotel abutting a residential community for every reason imaginable. People coming out of town, you go to a vacation destination you go to let loose. It's not something you want next to where you eat your breakfast every morning. The separation distance proposed is 339', with a minimum of three times the height, so that ends up being at a difference what they are giving us is 198', but at a minimum it says 100', so they are basically meeting this criteria by 98' which is 30 yards. I could go into this whole thing where they are saying they are saving 60 percent of the trees. There's 11 trees on the lot and they are cutting down 6. It's full of fluff. No matter what, it's a 4-story building against the street. You are robbing Peter to pay Paul by putting it against the street to get that 339' from the community.

Stella Troup, 16130 Grafham Circle, said I am the last designated residential lot on this particular map. Personally, I have the same concern as Peter. This is a 24/7/365 business. Right now we have only one-story businesses. One of them is a restaurant. Yes, they are open late at night, but they've been very good neighbors. When we've asked them to be quieter at night, they have accommodated that. Second, what the picture does not show you is that this grayed area is a ravine. Our back lots go down and then it crosses the creek and goes back up about 30' and then you begin this lot that's in question. It is a refuge for much wildlife. I enjoy it very much. I've done what I can to make the slope not so bad. I don't want to see a multi-story building up there and as we talked about at the Neighborhood Meeting, this thing of evergreen trees, unless they are going to pay thousands of dollars per tree, it will take 5 to 8 years for the evergreen trees to grow up enough to make that hotel invisible. Also, nobody has mentioned tonight that not a block from this site are three other hotels and as far as we can tell they don't have 100 percent occupation. Why do we need another hotel. We just don't. While staff said they are only asking for 2' exception, no the entire hotel is an exception. I'm speaking in objection to having the hotel. You look at it from the city's point of view, it puts a further strain, that's 109 rooms plus staffing areas. That's a greater strain on the sewage system. Our internet is already very spotty. It's 109 new houses with internet ability, not maybe individually but they've got to cover 109 rooms. And then there's the idea of light pollution. Again, being 24/7/365, those lights at night for security reasons probably by some other regulation will be on and to think of this business as being 339' from my backyard is not taking into account that the business encompasses the entire parking lot. People don't arrive on foot. They bring their cars and their trucks.

Mayor Bales asked staff if a lighting plan has been reviewed.

Mr. James explained that the lighting plan would be reviewed as part of the construction plans, but would not get an approval at staff level if it didn't meet the ordinance.

Mayor Bales called on the applicant.

Suzanne Todd (Zoning Attorney), 1065 E. Morehead Street, Charlotte, introduced Hitesh Patel and Rakesh Patel with Hotel Ventures, the applicant and Jay Henson with HensonFoley.

Ms. Todd presented PowerPoint reviewing the applicant's request. *PowerPoint attached hereto as Exhibit No. 5.*

Commissioner Partee asked how many hotels Hotel Ventures has in the Town of Huntersville.

Ms. Todd noted they have one within the Town, which is a SpringHill Suites by Marriott. The anticipated product on this property is Fairfield Inn by Marriott and TownePlace Suites by Marriott.

Commissioner Munger asked if there is a demand for hotels of this nature.

Hitesh Patel explained the Huntersville market is growing and there is a strong demand for corporate clientele. These are Marriott branded hotels, so it comes with a lot of stringent standards that we must adhere to.

Commissioner Kidwell asked about the height of the evergreen trees to be planted.

Jay Henson, 121 Gilead Road, noted the intent is large evergreen trees. We are looking for something that would be an install height of 8' that will have a mature height of 15-20'

Commissioner Kidwell asked how high the building would raise from the current slope.

Mr. Henson said at the front it's probably 3'. It's whatever the curb elevation would be. It doesn't drop off sharp there right at the front.

Commissioner Boone asked how long the average stay is at SpringHill Suites in the business park.

Mr. Patel noted the average stay is probably about three nights.

Commissioner Boone asked out of the 109 rooms that you are proposing, how many will have kitchenettes.

Mr. Patel stated as of right now, the extended stay piece is about 48 rooms.

Mr. James responded to an earlier question from Commissioner Boone about when the houses to the west were developed. According to a timelapse map, the development to the west started around 1997 and it was up to mature building around 2002.

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

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

Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

This text amendment has been heard by the Huntersville Ordinances Advisory Board on three occasions. They have not made a recommendation. A majority of them requested the public hearing be held open to allow them to submit their final recommendation to the Town Board.

Commissioner Boone requested Commissioner Munger ask the Ordinances Advisory Board to look at the 100 percent first floor retail space that fronts a primary street.

Commissioner Munger said I think if we keep it at the 50 percent you're still achieving the intended goal of we want some form of commercial along main streets.

Commissioner Phillips asked if we require elevators in all apartments.

Mr. Simoneau explained it's the state building code that governs elevators.

Commissioner Phillips expressed concern that by having apartments that are walk-ups we are unintentionally going to create a situation where disabled and elderly people have less places to live.

Commissioner Kovacs noted they would still have the ability to have those walk-ups as long as it's not street-facing.

Commissioner Munger made a motion to keep the public hearing on Petition #TA22-12 open until the Town Board meeting on January 17, 2023, at 6:00 p.m.

Commissioner Partee seconded motion.

Motion carried unanimously.

Public Hearing – Petition #ANNEX22-01. Mayor Bales called to order public hearing on Petition #ANNEX22-01, a request by Earl House III and Terrix Deanna Williams, to annex 0.45 acres into the Town of Huntersville.

Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

Commissioner Munger asked if staff has made any efforts to contact residents in this area to suggest further annexations.

Mr. Simoneau said the answer to question is no. There may be a community meeting with the residents in this area about the future of the area and staff's suggestion would be to have someone at that meeting to talk about the option of annexation.

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

Mayor Bales called for a 5-minute recess.

The Board returned from the recess.

OTHER BUSINESS

Petition #ANNEX22-01. Petition #ANNEX22-01 is a request by Earl House III and Terrix Deanna Williams, to annex 0.45 contiguous acres into the Town of Huntersville.

Commissioner Munger made a motion to adopt an Ordinance approving Petition #ANNEX22-01, a request by Earl House III and Terrix Deanna Williams to annex 0.45 contiguous acres into the Town of Huntersville.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 8.

Greenway, Trail and Bikeway Commission Appointments. The Greenway, Trail and Bikeway Commission has three 3-year terms that need to be filled. All three terms end on December 31, 2025. The Town received nine applications. Christianna Beirne has reapplied for her expired term. Applicant 3 has applied for the Greenway, Trail and Bikeway Commission as well as the Public Art Commission. Applicant 6 has applied for the Greenway, Trail and Bikeway Commission as well as the Parks & Recreation Commission.

Commissioner Boone expressed concern about using numbers on the applications instead of names and suggested revisiting the Meet and Greet process.

Commissioner Kidwell suggested the process be discussed at the Town Board retreat.

Mayor Bales called for three nominations for three 3-year terms.

Commissioner Munger nominated Applicants 2, 5 and 9.
Commissioner Partee nominated Applicants 2, 5 and 8.
Commissioner Kidwell nominated Applicants 2, 6 and 9.
Commissioner Kovacs nominated Applicants 2, 4 and 9.
Commissioner Boone nominated Applicants 2, 6 and 8.
Commissioner Phillips nominated Applicants 2, 4 and 9.

Applicant 2 received six nominations.
Applicant 9 received four nominations.
Applicants 4, 5, 6 and 8 received two nominations each.

There was a tie between Applicants 4, 5, 6 and 8.

Mayor Bales called for nominations for one number of those four.

Commissioner Munger nominated Applicant 5.
Commissioner Partee nominated Applicant 5.
Commissioner Kidwell nominated Applicant 5.
Commissioner Kovacs nominated Applicant 4.
Commissioner Boone nominated Applicant 5.
Commissioner Phillips nominated Applicant 4.

Applicant 5 received four nominations.

Commissioner Kidwell made a motion to appoint Applicants 2, 5, and 9 to the Greenway, Trail and Bikeway Commission for 3-year terms.

Commissioner Munger seconded motion.

Motion carried unanimously.

Applicant 2 is Christianna Beirne.

Applicant 5 is Geoffrey Locke.

Applicant 9 is Elaine Kerns.

Parks & Recreation Commission Appointments. The Parks & Recreation Commissioner has three 3-year terms that need to be filled. The Town received ten applications. Alisia Bergsman (Applicant 7), Kathy Lewis (Applicant 2) and Mark Burns (Applicant 9) have all reapplied for their expired terms. Applicant 5 has applied for the Parks & Recreation Commission as well as the Greenway, Trail and Bikeway Commission.

Mayor Bales called for nominations for three 3-year terms.

Commissioner Phillips nominated Applicants 2, 7 and 9.
Commissioner Boone nominated Applicants 2, 5 and 4.
Commissioner Kovacs nominated Applicants 2, 7 and 9.
Commissioner Kidwell nominated Applicants 4, 6 and 7.
Commissioner Partee nominated Applicants 4, 6 and 2.
Commissioner Munger nominated Applicants 2, 7 and 9.

Applicant 2 had five nominations.

Applicant 7 had five nominations.

There was a tie between Applicants 4 and 9 with three nominations each.

Mayor Bales called for nominations for one number of those two.

Commissioner Phillips nominated Applicant 9.
Commissioner Boone nominated Applicant 4.
Commissioner Kovacs nominated Applicant 9.
Commissioner Kidwell nominated Applicant 4.
Commissioner Partee nominated Applicant 4.
Commissioner Munger nominated Applicant 9.

There was a tie between Applicants 4 and 9 with three nominations each.

Mayor Bales called for nominations for one number of those two.

Commissioner Munger nominated Applicant 9.
Commissioner Partee nominated Applicant 9.
Commissioner Kidwell nominated Applicant 9.
Commissioner Kovacs nominated Applicant 9.
Commissioner Boone nominated Applicant 4.
Commissioner Phillips nominated Applicant 9.

Commissioner Munger made a motion to appoint Applicants 2, 7 and 9 to 3-year terms to the Parks & Recreation Commission.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Applicant 2 is Kathy Lewis.
Applicant 7 is Alisia Bergsman.
Applicant 9 is Mark Burns.

Mayor Bales called for nominations for the 1-year term.

Commissioner Partee nominated Applicant 4.
Commissioner Kidwell nominated Applicant 4.
Commissioner Kovacs nominated Applicant 4.
Commissioner Boone nominated Applicant 4.
Commissioner Phillips nominated Applicant 4.
Commissioner Munger nominated Applicant 4.

Commissioner Phillips made a motion to appoint Applicant 4 to the Parks & Recreation Commission for a 1-year term.

Commissioner Partee seconded motion.

Motion carried unanimously.

Applicant 4 is Janelle Harris.

Public Art Commission Appointments. The Public Art Commission has two 3-year terms that need to be filled. The Town received three applicants. Applicant 2 has applied for the Public Art Commission as well as the Greenway, Trail and Bikeway Commission.

Commissioner Kidwell nominated Applicants 1 and 3
Commissioner Kovacs nominated Applicants 1 and 3
Commissioner Boone nominated Applicants 1 and 2.
Commissioner Phillips nominated Applicants 1 and 2.
Commissioner Munger nominated Applicants 1 and 3.

Commissioner Partee nominated Applicants 1 and 3.

Commissioner Phillips made a motion to appoint Applicants 1 and 3 to the Public Arts Commission for 3-year terms.

Commissioner Partee seconded motion.

Motion carried unanimously.

Applicant 1 is Ryan Flores

Applicant 3 is Tim Kendra-Dill.

Resolution – Beatties Ford at Gilead Road Project. Commissioner Munger made a motion to recuse Mayor Pro Tem Phillips.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Commissioner Munger made a motion to adopt Resolution to acquire right-of-way and/or easements for the construction of Beatties Ford at Gilead Road Project.

Commissioner Partee seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 9.

Commissioner Kidwell made a motion to bring Mayor Pro Tem Phillips back to the dais.

Commissioner Kovacs seconded motion.

Motion carried 5 to 0.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Brett Canipe, NCDOT, will be present at the February 20 meeting to give an update on the NC 73 project.
- Lake Norman Economic Development Corporation is working 34 projects, 21 of which are in Huntersville.
- Attended Cain Art Center Ribbon Cutting.

Commissioner Kidwell

- Next meeting of the Charlotte Regional Transportation Planning Organization is at the end of the month.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Boone

- Chief Jim Dotoli was elected Chief of the Huntersville Fire Department for the next two years. Assistant Fire Chief Ray Murphy received the Officer of the Year award.
- Provided update on traffic signal at Northdowns Lane and Highway 21.

Commissioner Phillips

- Provided update from Visit Lake Norman.

Commissioner Partee

- January is the month we recognize the legacy of Dr. Martin Luther King.
- Gave a shoutout to Betty Caldwell.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Munger

- Next meeting of the Huntersville Ordinances Advisory Board is January 5.
- Attended the Cain Art Center Ribbon Cutting.
- Provided update on the Public Art Commission's Peace Pole Project.
- Consider supporting local non-profits.

Mayor Bales noted the Cain Art Center discussed the soundproofing of the building during the ribbon cutting and suggested soundproofing be a component that's discussed when designing the new town hall.

Mayor Bales reminded everyone of the 150th kick-off celebration on January 7.

There being no further business, the meeting was adjourned.

Approved this the 17th day of January 2023.



Janet Pierson, Town Clerk

At 1,500 signatures, this petition is more likely to get picked up by local news!



Say "No" to proposed Birkdale Village code changes - don't let big money ruin our village!

1,230 have signed. Let's get to 1,500!

At 1,500 signatures, this petition is more likely to get picked up by local news!

Jack Quirk signed 22 hours ago

edward drinkwater signed 23 hours ago

 **Brian Rice** started this petition

Dear Huntersville community,

Attachment No. 1
Page 1 of 4
Date 1-3-2023

If you are opposed to North American Properties' current proposals before the Huntersville Board of

Commissioners, please sign this petition. We intend to use this petition as evidence to the Huntersville Town Board that while we encourage progress and growth, these two current proposals are not the right solutions.

The current property owners of Birkdale Village, North American Properties, want to increase development that exacerbates parking and traffic issues to the point that customer traffic will reduce, tenants will flee and the Village will be left empty. Now for the details....

There are two proposed changes currently sitting with the Town Board. Firstly, there is a proposal to increase the maximum height of the buildings from 48 feet to 145 feet (12 stories)! Additionally, there is a proposal, if the first is accepted, that includes the construction of a 12-story building, additional but still insufficient parking and the potential to build more 12-story structures in the future.

To make matters worse, the developers have used deceptive tactics to try and conceal this project and in at least one case, have outright lied to Huntersville homeowners just to get this approved. If this passes, what else is in store?

Lastly, if the Town Board approves such a move in Birkdale Village without considering traffic, safety, and property value depreciation, what might they do in other areas around Huntersville?

Huntersville is a great place to live and we want progress. Plans that lead to lower property values and dealing with a company bent on deception to achieve their goals is not progress.

 [Report a policy violation](#)

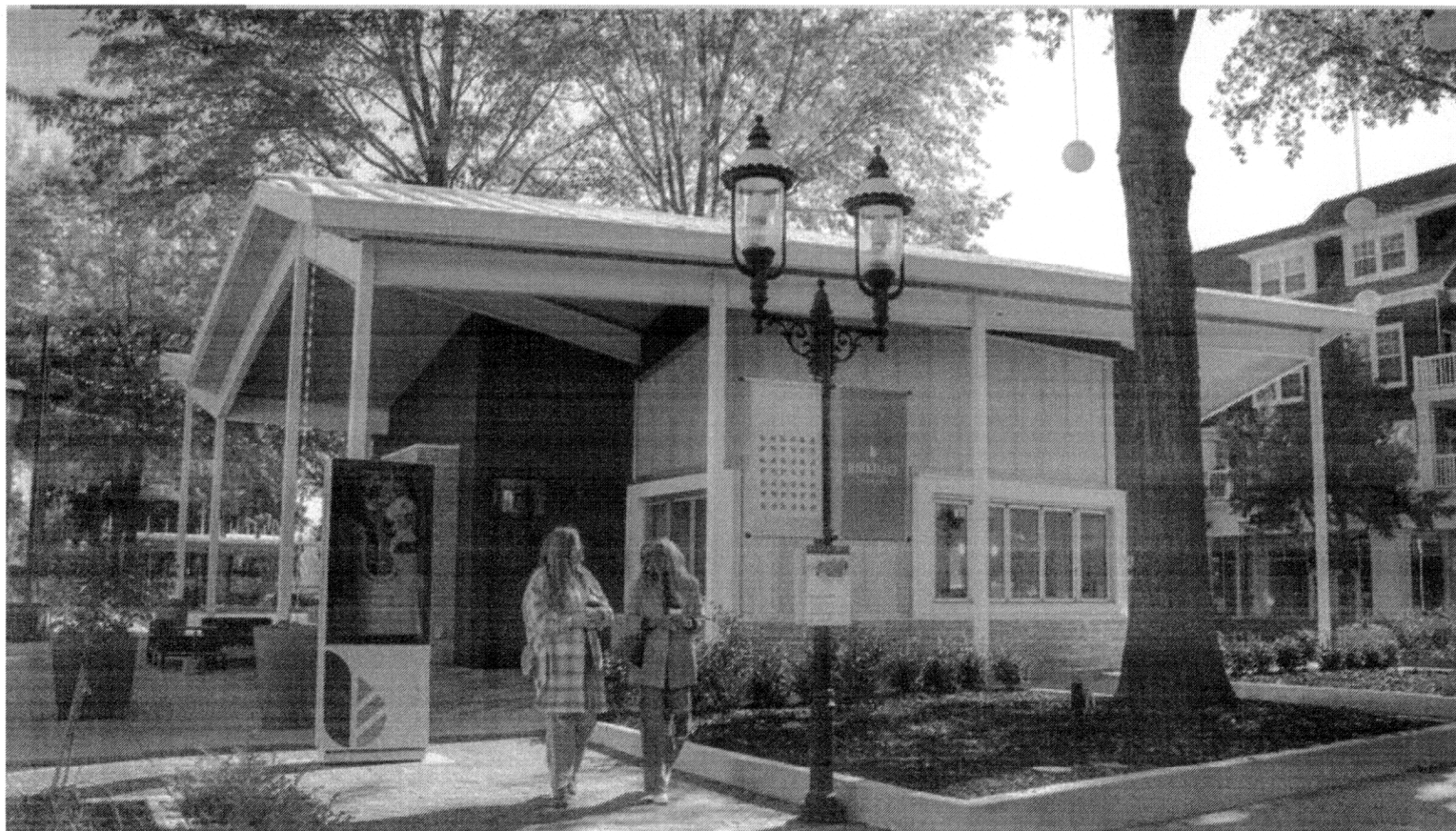


Start a petition of your own

This petition starter stood up and took action. Will you do the same?

Attachment No. 1
Page 2 of 4
Date 1-3-2023

At 200 signatures, this petition is more likely to be featured in recommendations!



The Future of Birkdale Village

145 have signed. Let's get to 200!

At 200 signatures, this petition is more likely to be featured in recommendations!



Birkdale Village started this petition

North American Properties (NAP) acquired Birkdale Village in November 2020 with a vision to transform the nearly 20-year-old lifestyle center into a true mixed-use development, ensuring the beloved destination stays relevant and successful by attracting guests from across the region for years to come. In January of this year, we broke ground on the first phase of Birkdale Reimagined and delivered a new public realm experience within nine months. Quickly, the community made themselves at home in Huntersville's Living Room, and our team has been absolutely blown away by the incredible support we've felt over the last few months.

Attachment No. 1
Page 3 of 4
Date 1-3-2023

Now, we need the help of Birkdale's biggest fans to bring even more to The Village.

On November 21, the Huntersville Town Board will vote on whether or not to approve a rezoning request we made in order to build Class A office-over-retail, a boutique hotel, luxury multifamily and two parking decks adding a total of 900 spaces to the center (at least half of which will be available to the public on nights and weekends). We're continuing to work closely with the Town to conceptualize the design, and although nothing will be finalized for many months, we believe our refined plan best represents the future of Birkdale.

We have received recommendations for approval from Town staff and the Planning Board, and would be grateful to have your support in the expansion of Birkdale Village, too. There are a few ways to voice your views:

1. Sign this petition
2. Send an email directly to the Huntersville Town Board with the reason(s) you believe they should VOTE YES at BoardMembers@huntersville.org

Have questions or constructive feedback? Drop us a note at social@birkdalevillage.com.

The undersigned support the proposed improvements to Birkdale Village and petition the Huntersville Town Board to approve NAP's rezoning request: R22-01.

 [Report a policy violation](#)



Start a petition of your own

This petition starter stood up and took action. Will you do the same?

Attachment No. 1
Page 4 of 4
Date 1-3-2023



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

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

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

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Adopted this __th day of January, 2023.

Attachment No. 2
Page 1 of 6
Date 1-3-2023

Resolution No. R-2023-02
Page 1 of 4

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney

Attachment No. 2
Page 2 of 6
Date 1-3-2023

Exhibit A
Request for Reclassification

Attachment No. 2
Page 3 of 6
Date 1-3-2023



November 1, 2022

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

Dear Mr. Burke:

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

To justify this request, we offer the following details:

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

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

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

Sincerely:

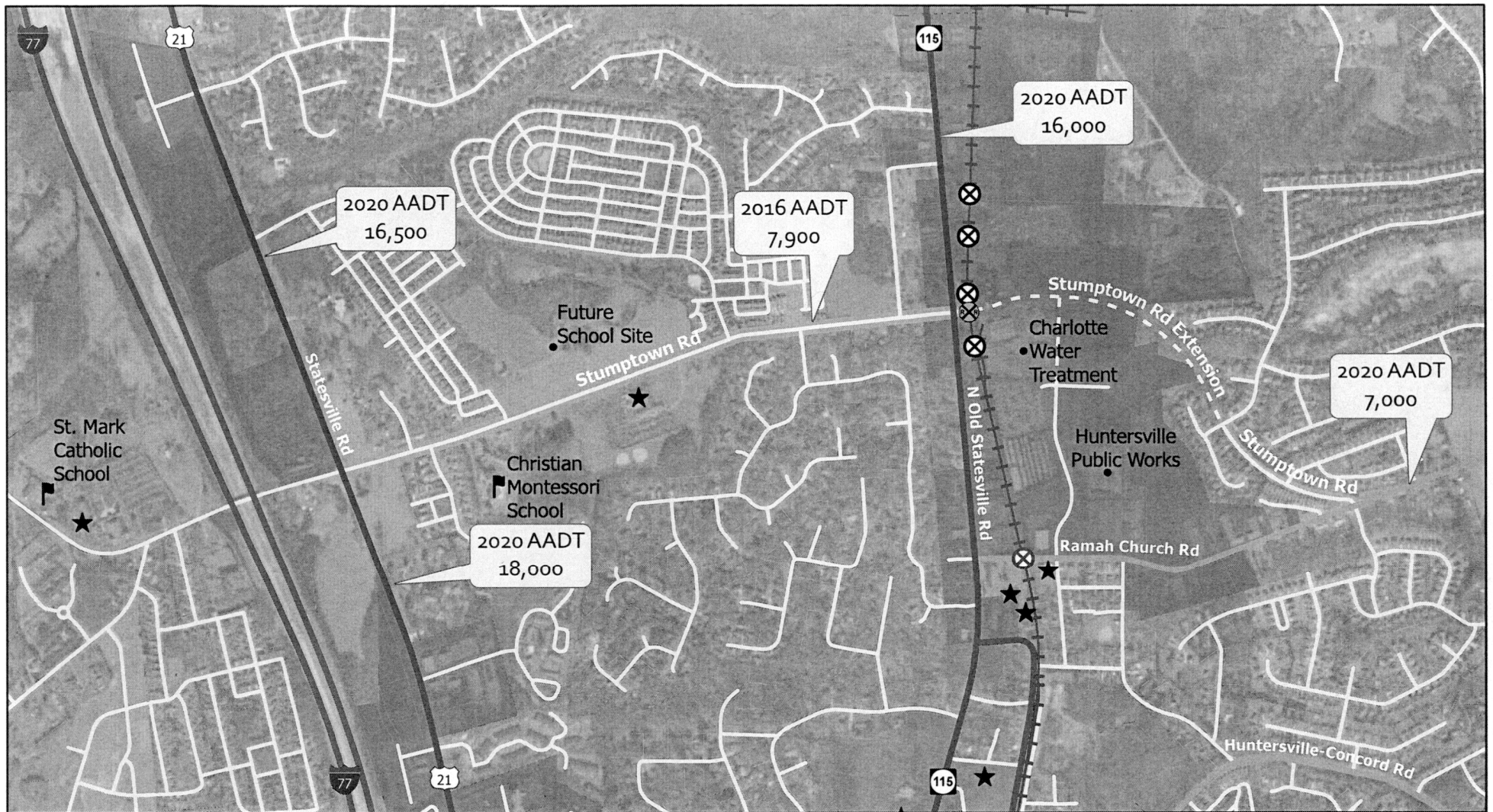
A handwritten signature in dark ink, appearing to read "Hmaloney".

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

Attachment No. 2
Page 4 of 6
Date 1-3-2023

Planning

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



Attachment No. 2
 Page 6 of 6
 Date 1-3-2023

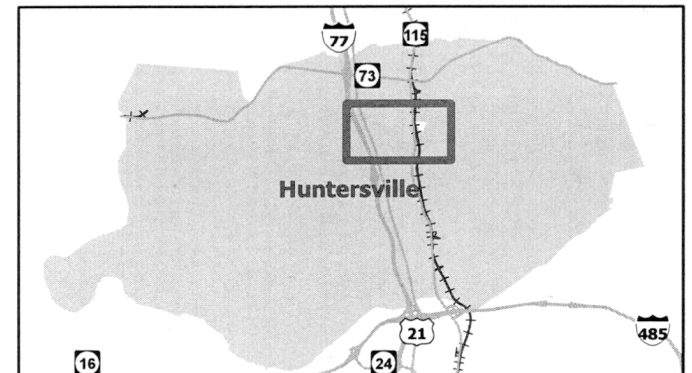
Federal Aid System Request
 Functional Classification
 Interstate
 Minor Arterial
 Major Collector
 Minor Collector
 Local
 Proposed Roadway (dash)

New At-Grade RR Crossing
 At-Grade RR Crossing Closures
 Private
 Public*

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

Destinations
 Schools
 Churches
 Other
 Zoning Districts
 Commercial Districts
 Mixed Use Districts

0 0.25 0.5 Miles



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

PART 1: DESCRIPTION

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

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

PART 2: BACKGROUND

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

1. Manufactured Home Skirting

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

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

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

2. Permit Application

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

3. Communication Tower

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

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

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

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

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

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

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

PART 6: PUBLIC HEARING

January 1, 2023

PART 7: PLANNING BOARD RECOMMENDATION

January 24, 2023

PART 8: TOWN BOARD RECOMMENDATION

February 20, 2023

PART 9: ATTACHMENTS

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

Attachment No. 3
Page 2 of 24
Date 1-3-2023

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

Attachment No. 3
Page 3 of 24
Date 1-3-2023



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): _____

See attached

Current Ordinance

See attached

Proposed Text

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.

Attachment No. 3
Page 4 of 24
Date 1-3-2023

Last Updated November 2020

Applicant

Printed Name Town of Huntersville Planning Department

☐ Corporation

☐ Limited Liability Company

☐ Trust

☐ Partnership

☒ Other:

Municipality

Signature

Kayla 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

Attachment No. 3
Page 5 of 24
Date 1-3-2023

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

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§ 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).)

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§ 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.)

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

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

...."

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

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

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

...."

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

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

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

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

STATE SURPLUS COMPUTERS FOR NONPROFITS

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

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

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

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§ 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).)

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§ 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.

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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.

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TA22-13 Manufactured Home Skirting, Permit Application, & Tower Co-location

TA22-13 addresses:

1. Compliance with G.S. Chapter 160D-910(g) by removing the masonry skirting requirement for manufactured homes located on land leased to the owner of the manufactured home
2. Amendment to article 11.6.1(a) Zoning Compliance to state property owner(s) must sign application
3. Compliance with G.S. Chapter 160D-937 on the conditions and fees for co-locating wireless facilities on town utility poles

PLANNING AND ZONING LAW BULLETIN

NO. 31 | MARCH 2022

2021 North Carolina Legislation Related to Planning and Development Regulation

Adam Lovelady and Jim Joyce

Checklist for Local Government Actions

Due to the number and variety of bills reviewed and passed in the 2021 Session, local governments may want to use the following checklist to ensure local codes stay up to date.

- Ensure the local government has a reasonably maintained comprehensive or land use plan by July 1, 2022.
- Amend the local ordinance to comply with decriminalization of local ordinances, including decriminalization of local land use ordinances.
- Ensure that remote meeting procedures adhere to new rules under S.L. 2021-35.
- Amend the local ordinance to strike any requirements for masonry curtain walls or masonry skirting for manufactured homes located on land leased to homeowners.
- Amend the local ordinance, review policies, or both to eliminate harmony requirements for permit approval for developments that include affordable housing units for families or individuals with incomes below 80 percent of area median income.
- Be aware of N.C. Department of Transportation (NCDOT) rules allowing relocation of billboards.
- Adjust policies and standards to confirm and preserve water and sewer capacity when requested by schools, including charter schools.
- For street right-of-way setbacks, update sight triangle calculations to ensure they measure from the edge of pavement or within the roadway.
- Adjust timelines for approval of broadband development requests.
- Confirm that fees for small cell wireless projects conform to new statutory restrictions in S.L. 2021-180, Section 38.10.
- Consider updating any local regulations regarding voluntary agricultural districts for consistency with farm bill changes.
- Revise limitations on redevelopment in water supply watershed areas.

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TA22-13 Manufactured Home Skirting

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

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

Uses permitted with conditions

- o all uses permitted with conditions in the underlying district, according to the standards and conditions associated with the underlying district.
- o 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.

§ 160D-910. Manufactured homes.

(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).)

Manufactured Home Scenarios:

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

Attachment No. 3
Page 22 of 24
Date 1-3-2023

TA22-13 Permit Application & Tower Co-location

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

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:

- .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.**

- Planning staff recommends approval of the text amendment.
- The Huntersville Ordinances Advisory Board recommended approval (7-1) of the text amendment on December 1, 2022.
- Planning Board: 01/24/23
- Town Board decision: 02/20/23

TA22-13 Manufactured Home Skirting

Masonry Skirting



No Skirting



Plywood Skirting



Faux Rock Skirting

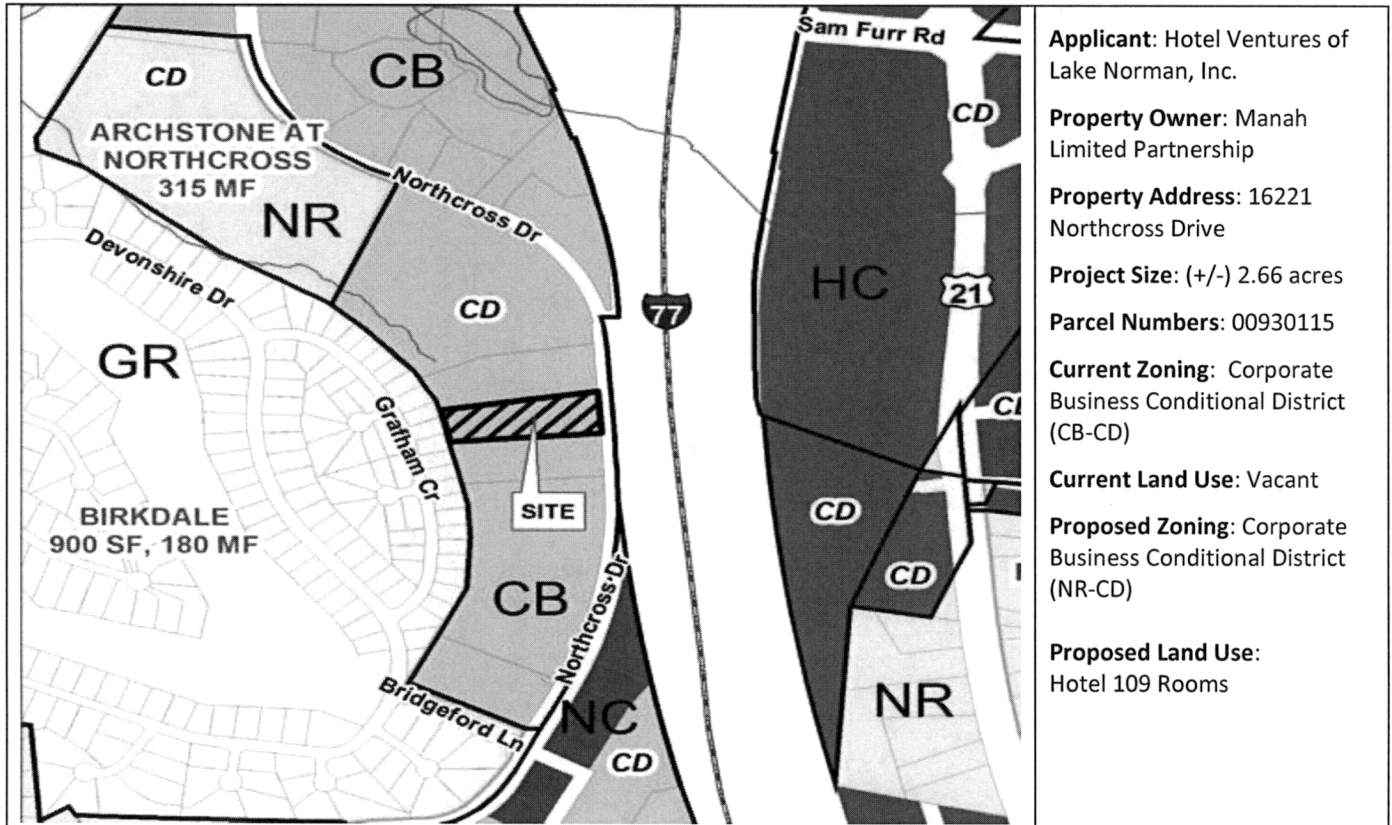


Metal Skirting



Petition R22-06 Northcross Hotel

PART 1: PROJECT SUMMARY



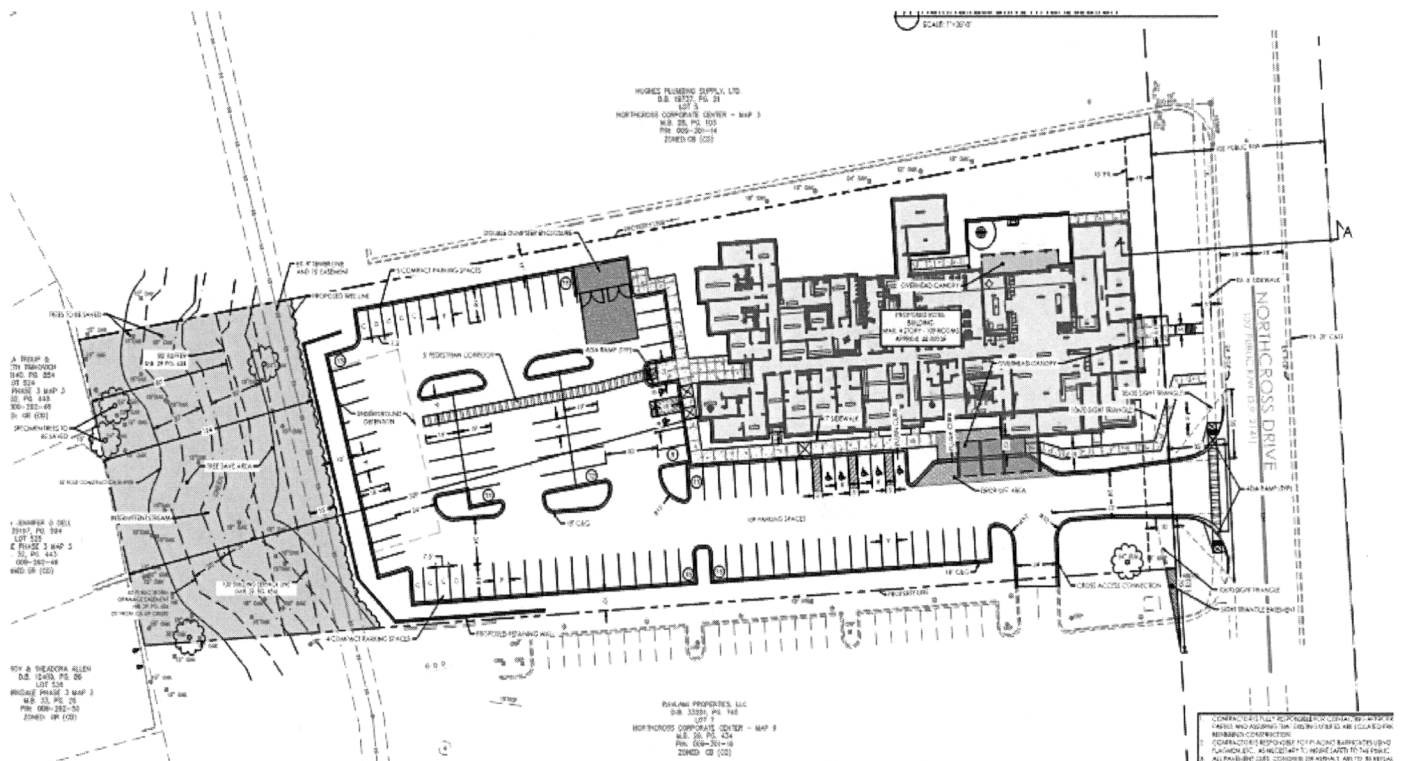
1. Purpose: Rezone 2.66-acres at 16221 Northcross Drive from Corporate Business Conditional District (CB-CD) to Corporate Business Conditional District (CB-CD) to accommodate for a proposed 4-story 109 room hotel. CB-CD is proposed due to the exclusion of hotels as a permitted use under the current CB-CD plan. This application also requires an approved Special Use Permit due to the proximity of an adjacent residential zoned district within 250 feet.
2. Hotels are not a permitted land use under the original Business Park Conditional District (BP-CD) Northcross Corporate Center plan (site plan attached, approved prior to Huntersville jurisdiction and later amended in 1994 by Town of Huntersville), however under the 1996 adoption of the current zoning ordinance, BP was replaced with the Corporate Business District zoning in which hotels are a permitted land use with conditions.
3. Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet. The proposal calls for a maximum height of 47 feet, this height times three equals 141 feet. The separation distance proposed under the condition above is at 339 feet, which can be seen in the provided site plans attached.
4. Adjoining Zoning and Land Uses.
North: Corporate Business Conditional District– Office/Service
South: Corporate Business Conditional District- Restaurant

Attachment No. 4
Page 1 of 36
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East: Northcross Drive and I-77
West: General Residential- Single Family Residential.

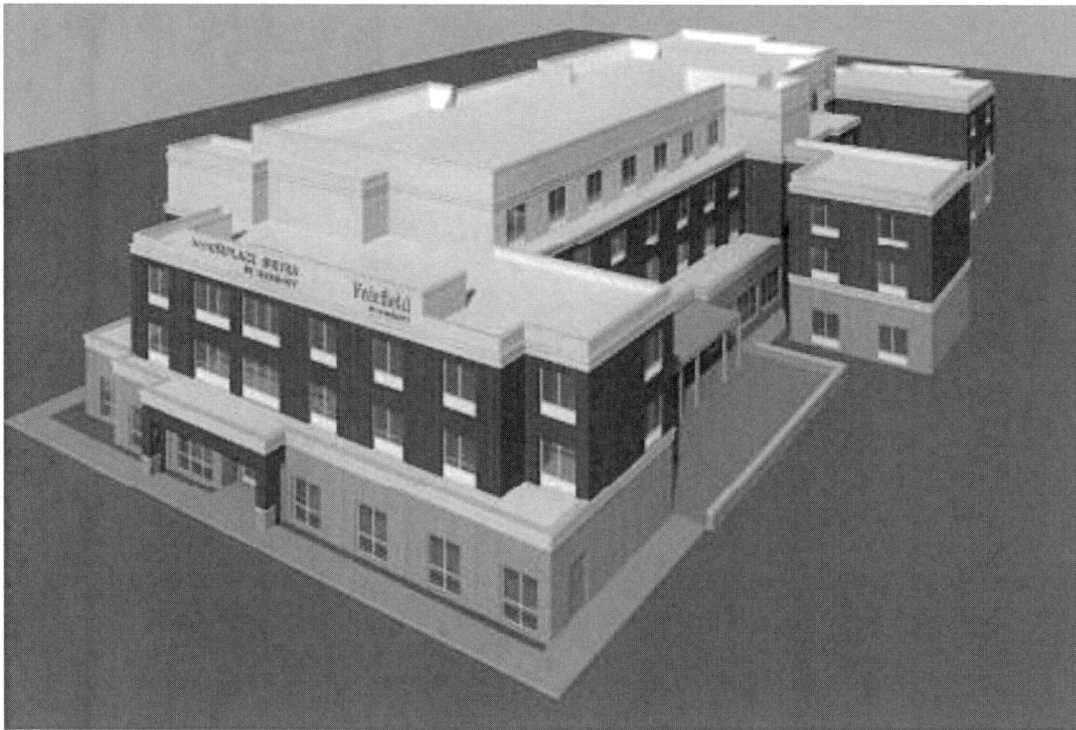
5. A neighborhood meeting was held on Thursday, November 17, 2022 and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment D).
6. Notice for this rezoning petition was sent via letter to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Northcross Drive.

PART 2: REZONING/SITE PLAN

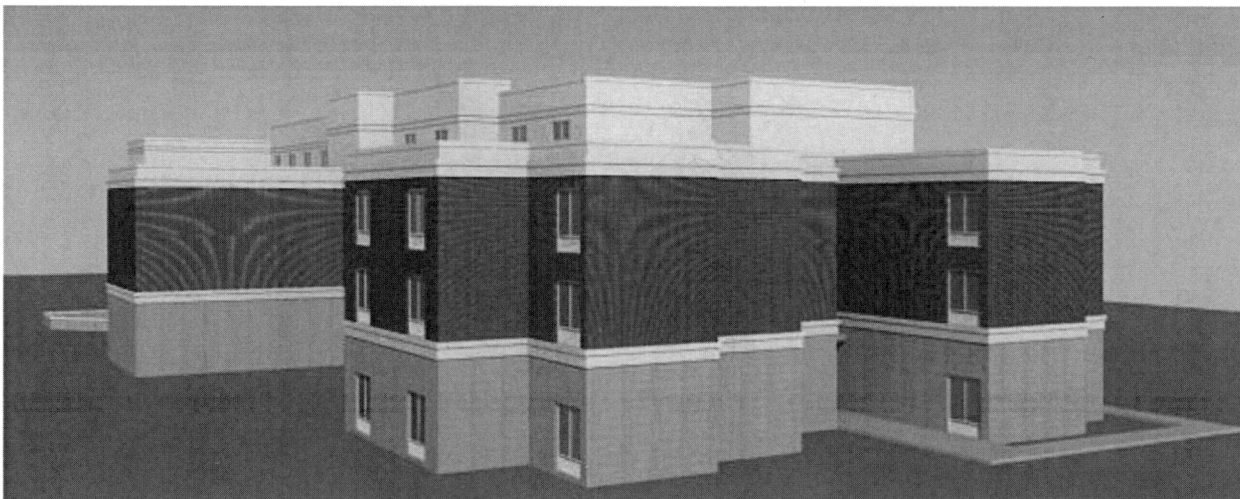


The proposed Conditional District Rezoning Plan is generally compliant with the Zoning Regulations. Significant elements include:

- The proposal is for a single building four story hotel with 109 rooms, fronting Northcross Drive.
- Article 3.2.4(d) states that "1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by **varying the massing of buildings to reduce perceived scale and volume.**" The applicant has proposed to break up the building massing with modulating building walls and scaling back of forth level floor area. This is seen most clearly by the proposed site plan above and the elevation provided below.

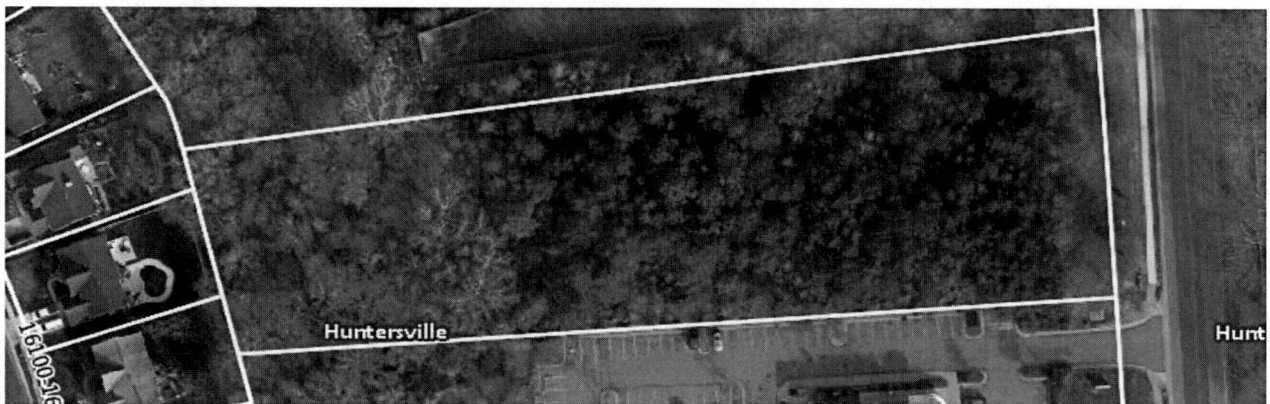
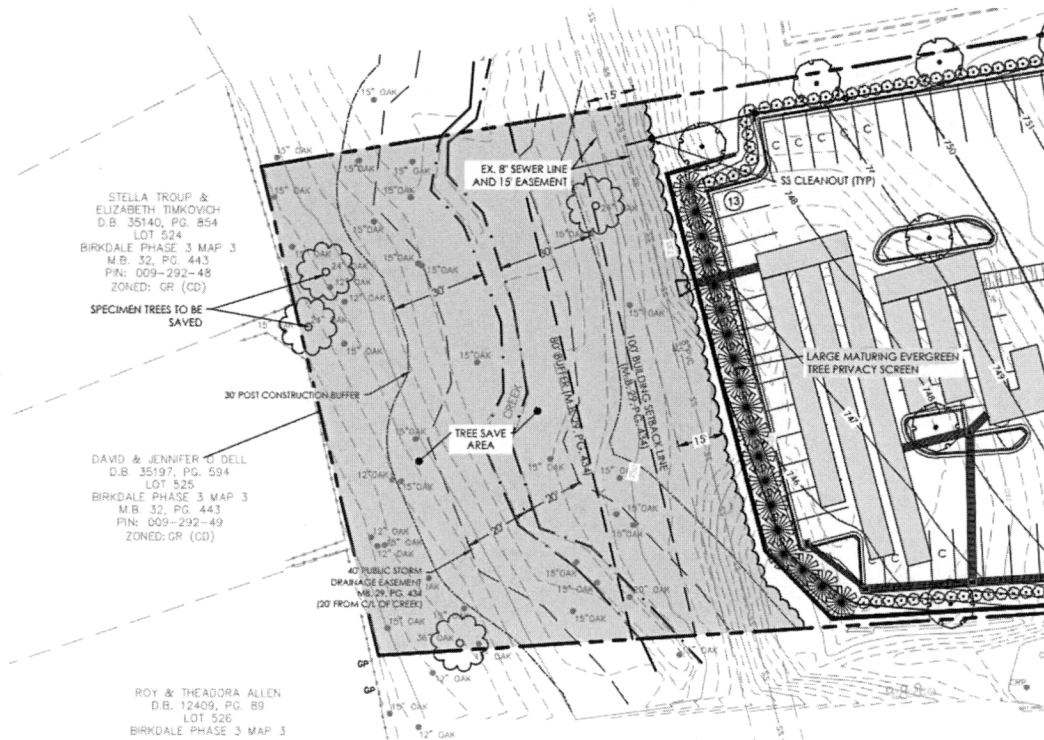


- The proposed rear elevation is also scaled back to give massing relief to the adjacent single family residential neighborhood. Rear windows have also been designed to overlook the commercial projects to the side property lines and not the residential zone. This can be seen below.



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

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



- Minimum Tree Preservation (canopy tree save) for Corporate Business is 0%. The applicant is proposing to save 124 feet of existing canopy buffering the western property line.
- Minimum Tree Preservation (specimen tree save) for Corporate Business is 30%. The Rezoning Plan saves roughly 40% of existing specimen trees.

- There are no identified Heritage Trees on site.
- Planning, Transportation, and Storm Water Engineering staff have minor site plan comments outstanding that need to be addressed prior to final plan approval.
- One minor modification is requested. The applicant is requesting that the overall height below the parapet wall be increased from the 45 foot maximum height permitted to 47 feet.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

The Application for Determination was submitted on 9/29/22 and is based on a 109 Room hotel. No TIA is required.

PART 4: REZONING CRITERIA

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



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

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

- All buildings shall front a public street or open space
- Parking lots, if required, should be predominately located behind buildings screened from view and larger lots should be broken by buildings and or landscape features.
- Improve connectivity, particularly for pedestrians and vehicles.

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

- EV 1.3: Inventory and protect strategic development sites.
 - Allow new commercial or multi-family land uses in Employment Centers only if they are complimentary and do not jeopardize large employment sites' viability.
- Comment- This site is approximately 2.66 acres and is adjacent to developed sites on all sides. This proposal would not jeopardize any large employment sites and it is complementary to the adjacent developed commercial sites by adding a mixture of uses in that general area.

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

PART 5: STAFF RECOMMENDATION

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

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing is scheduled for January 3, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board Meeting is scheduled for January 24, 2023.

PART 8: TOWN BOARD RECOMMENDATION

Town Board Meeting is scheduled for February 20, 2023.

PART 9: ATTACHMENTS

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

PART 10: CONSISTENCY STATEMENT – R22-06 Northcross Hotel

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning petition R22-06, Northcross Hotel, staff recommends approval as submitted as the proposal is consistent with the Huntersville 2040 Community Plan policies LU 5.1, 6.2, 7.1, and EV 1.3. The Proposed development is consistent with the surrounding development's character by varying the massing of buildings to reduce perceived scale and volume and further, provides additional buffering than required by code with the adjacent single family residential zoning to the West. <u>It is reasonable and in the public interest to approve the Rezoning Plan because the rezoning is consistent with the envisioned use and development pattern set forth in the 2040 Community Plan.</u>	APPROVAL: APPROVAL: In considering the proposed rezoning application R22-06, Northcross Hotel, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	APPROVAL: APPROVAL: In considering the proposed rezoning application R22-06, Northcross Hotel, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>

	DENIAL: In considering the proposed rezoning application R22-06, Northcross Hotel, the Planning Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	DENIAL: DENIAL: In considering the proposed rezoning application R22-06, Northcross Hotel, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
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General Application

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

1. Application Type

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

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

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

2. Project Data

Date of Application 09-26-2022

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

Project Address 16221 Northcross Drive, Huntersville NC 28078

Parcel Identification Number(s) (PIN) 00930115

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

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

Current Land Use Vacant

Proposed Land Use(s) Commercial

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

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

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

4. Site Plan Submittals

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

Last updated December 2020

Attachment No. 4 Page 1 of 2
Page 9 of 36
Date 1-3-2023

5. Outside Agency Information

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

6. Applicant

Printed Name Hotel Ventures of Lake Norman, Inc. Phone 404-368-9227
☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature [Signature] Printed Name: Hitesh Patel

Title Vice President Email hpatel@hotelventuresinc.com

Address of Applicant 3836 HONORS WAY, MARTINEZ GA 30907

7. Property Owner (if different than applicant)

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

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

Signature Nagiba A. Habashi Printed Name Nagiba A. Habashi
Nagiba A. Habashi (Sep 28, 2022 16:39 EDT)

Title _____ Email shabashi@nsmgpa.com

Address of Property Owner 16115 Weatherly Way, Huntersville NC 28078

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

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

8. Development/Design Firm Contact Information

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

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	RELIVING 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.



HensonFoley
121 Glades Huntersville, NC 28078
P: 704.875.1818 | F: 704.875.0959 | www.hensonfoley.com
NC Professional Engineer License # 34967
NC Professional Surveyor License # 10000



NORTHCROSS HOTEL

PARCEL ID: 00930115
16221 NORTHCROSS DR HUNTERSVILLE NC 28078

COVER

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE AGENCIES 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 PAYMENT CUES, CONCRETES OR ASPHALT ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION.
4. SHIELDING SHALL BE ACCORDING TO CIVIL REZONING STANDARDS PART 1925 SUBPART F, OR AS AMENDED.



Know what's below.
Call before you dig.

REVISIONS:	
002/23/2023	REVISION: CIVIL CORRECTIONS

Z01 - COVER.DWG	23/08/2023
PROJECT LEADER	23/08/2023
DATE	09/11/2023
DRAWN BY	TFP
SHEET	Z01
OF	5

Attachment No. 4
Page 11 of 36
Date 1-3-2023

PROTECTIVE BARRICADES SHALL BE PLACED AROUND ALL PROTECTED TREES DESIGNATED TO BE SAVED BY DEVELOPER AREA, 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 WHEELED AND TRACKED, AND GRADING SHALL NOT TAKE PLACE WITHIN THE DISTANCE OF THE EXISTING TREES TO BE PROTECTED. BARRICADES SHALL BE DIRECTED AT A MINIMUM DISTANCE FROM THE BACK OF PROTECTED TREES ACCORDING TO THE FOLLOWING STANDARDS:

- FOR TREES 10" OR LESS DBH, PROTECTIVE BARRICADES SHALL BE PLACED AT A MINIMUM DISTANCE OF 8' FROM THE BASE OF EACH PROTECTED TREE, OR OUTSIDE THE DISTANCE, WHICHEVER IS GREATER.
- FOR TREES GREATER THAN 10" DBH, PROTECTIVE BARRICADES SHALL BE PLACED AT A MINIMUM DISTANCE EQUAL TO THE DBH OF THE PROTECTED TREE PLUS AN ADDITIONAL 1' FOR EACH ADDITIONAL 1" DBH GREATER THAN 10" DBH, OR OUTSIDE THE DISTANCE, WHICHEVER IS GREATER.
- CONSTRUCTION ACCESS TO A SITE SHOULD OCCUR WHERE AN EXISTING OR PROPOSED BARRICADE IS LOCATED.
- EXCEPT FOR DRIVEWAY ACCESS, FENCES, BODILY HAZARD, CURB AND GUTTER, TWO (2) FEET, ANY CONCRETE OR OTHER IMPERMEABLE MATERIALS WITHIN A TREE DISTANCE SHALL BE ALLOWED.
- WHERE GRADING WITHIN A TREE DISTANCE CHANCE BE AVOIDED.
- SAFE CUT AND FILL TO BE TO THE AREA WITHIN THE DISTANCE.
- WHERE CUT AND FILL ARE NECESSARY, THE DISTANCE OF THE TREE SHALL BE MAINTAINED.
- WHERE GRADING LEAVES ROCKS EXPOSED, CUT ROCKS CLEAN.
- WHERE GRADING WITHIN THE DISTANCE OF A TREE, REDUCE SOIL MECHANISM TO ALLOW AIR AND WATER TO REACH THE ROOTS.

TREE SAVE CALCULATIONS

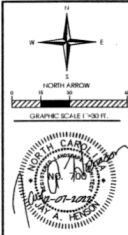
EXISTING CANOPY REQUIRED TO BE SAVED - 0%	
EXISTING SPECIMEN TREES REQUIRED TO BE SAVED - 30% (C/N)	
EXISTING SPECIMEN TREES ON SITE	12 SPECIMEN TREES
EXISTING SPECIMEN TREES REQUIRED TO BE SAVED	0.34 * 12 = 4.08 SPECIMEN TREES
SPECIMEN TREES TO BE SAVED	5 SPECIMEN TREES

SIZE (IN)	SPECIES	INVENTORY
24	OAK	KEEP
24	OAK	KEEP
30	OAK	KEEP
24	OAK	KEEP
24	OAK	REMOVE
24	OAK	REMOVE
24	POPULAR	REMOVE
24	PINE	REMOVE
24	PINE	REMOVE
24	PINE	REMOVE
24	PEAR	REMOVE
24	ELM	KEEP



Attachment No. 4
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Date 1-3-2023

HensonFoley
Landscape Architecture | Civil Engineering
121 Glendon, Huntersville, NC 28078
P: 704.875.1415 | F: 704.875.2959 | www.hensonfoley.com
NC LICENSED LANDSCAPE ARCHITECT # 10000
NC LICENSED CIVIL ENGINEER # 10000



NORTHCROSS HOTEL
PARCEL ID: 00930115
16221 NORTHCROSS DR HUNTERSVILLE NC 28078
TREE SAVE PLAN

REVISIONS:

2022/12/07	REVISION/APP CORRECTION

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE AGENCIES AND AGENCIES THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES WITHIN 10' OF EXISTING TREES TO BE SAVED.
3. ALL PLANTING CUTS, CORNERS OR APPROPRIATE TO BE REPLACED ACCORDING TO STANDARDS OF THE DEPARTMENT OF TRANSPORTATION.
4. EXISTING TREES TO BE SAVED SHALL BE MAINTAINED ACCORDING TO THE STANDARDS OF THE DEPARTMENT OF TRANSPORTATION.



2024 TREE SAVE PLAN (DRAFT)	
PROJECT / NUMBER	220000
DATE: 01/15/2023	DRAWN BY: TFP
SHEET	202A OF 5



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	1.60 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 %

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Date 1-3-2003

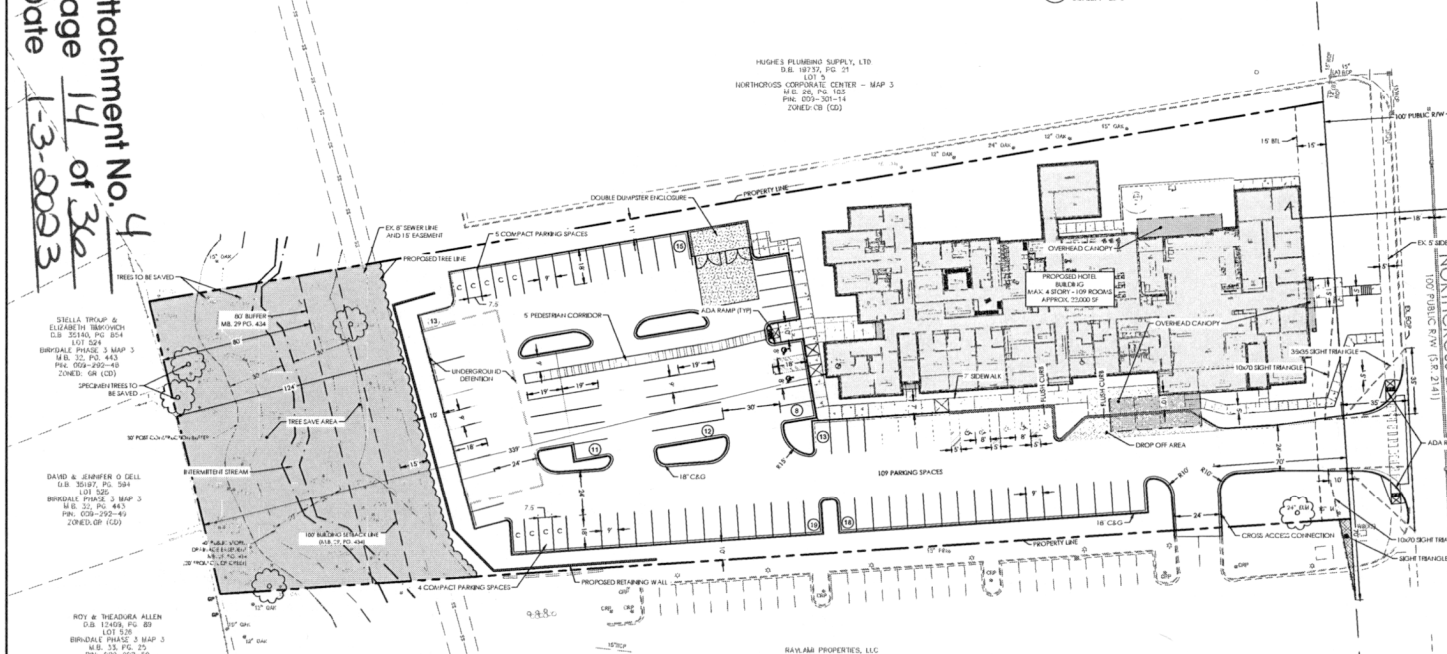
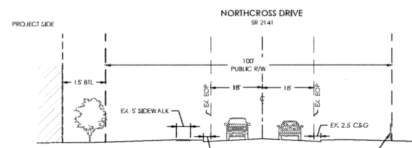
[illegible]

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

Key Findings:

1. **Interactions in all locations should reflect the principal purpose for the building and public space of the street.**
2. **Carriage footpath or street layout will generally replace the condition. Side setbacks on a minor street may be less than the distance.**
3. **Within the lotline described, front and side setbacks will vary dependent on the conditions. Footpaths should be used in a manner to encourage pedestrian activity. For example, squares or small-scale places within building setbacks areas (can act as focal points).**

- A. Windows should be set to the inside of the building.
- B. All rooftop equipment shall be enclosed in a box that matches the structure or is visually compatible with the structure.



D.B. 33231, PG. 749
 LOT 7
 NORTHCROSS CORPORATE CENTER - MAP 9
 N.E. 25, PG. 414
 P.D. 207-307-18
 ZONING: CB (CD)

[illegible]

- 7.1. GRADING
7.1.1. EXISTING SURFACE SHALL BE GRADUALLY BUILT UP TO A SMOOTH SURFACE, FREE OF BRUSHEL SURFACE CHANGES, CORRY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTION, BRIS, AND ELEVATION INDICATED.
- 7.2. PROVIDE A SMOOTH TRANSITION BETWEEN ADJACENT EXISTING GRADES AND NEW GRADES.
7.3. CUT OR SCARP SHOULDS, FILL LOW SPOTS, AND FIRM HIGH SPOTS TO COMPLY WITH RECOMMENDED SURFACE TOLERANCES.
7.4. BE SURE SLOPE GRADATIONS, SLOPE GRADATIONS TO DIRECT WATER AWAY FROM SUBGRADE AND TO PREVENT FLOODING. FINISH SUBGRADES TO CORRESPOND ELEVATIONS WHEN THE FOLLOWING TOLERANCES:
7.4.1. 1.2% MAXIMUM SLOPE GRADATIONS: 1.2% (25 MM)
7.4.2. 2.0% MAXIMUM SLOPE GRADATIONS: 2.0% (50 MM)
7.4.3. 3.0% MAXIMUM SLOPE GRADATIONS: 3.0% (75 MM)
7.4.4. 4.0% MAXIMUM SLOPE GRADATIONS: 4.0% (100 MM)
7.4.5. 5.0% MAXIMUM SLOPE GRADATIONS: 5.0% (125 MM)
7.4.6. 6.0% MAXIMUM SLOPE GRADATIONS: 6.0% (150 MM)
7.4.7. 7.0% MAXIMUM SLOPE GRADATIONS: 7.0% (175 MM)
7.4.8. 8.0% MAXIMUM SLOPE GRADATIONS: 8.0% (200 MM)
7.4.9. 9.0% MAXIMUM SLOPE GRADATIONS: 9.0% (225 MM)
7.4.10. 10.0% MAXIMUM SLOPE GRADATIONS: 10.0% (250 MM)
7.4.11. 11.0% MAXIMUM SLOPE GRADATIONS: 11.0% (275 MM)
7.4.12. 12.0% MAXIMUM SLOPE GRADATIONS: 12.0% (300 MM)
7.4.13. 13.0% MAXIMUM SLOPE GRADATIONS: 13.0% (325 MM)
7.4.14. 14.0% MAXIMUM SLOPE GRADATIONS: 14.0% (350 MM)
7.4.15. 15.0% MAXIMUM SLOPE GRADATIONS: 15.0% (375 MM)
7.4.16. 16.0% MAXIMUM SLOPE GRADATIONS: 16.0% (400 MM)
7.4.17. 17.0% MAXIMUM SLOPE GRADATIONS: 17.0% (425 MM)
7.4.18. 18.0% MAXIMUM SLOPE GRADATIONS: 18.0% (450 MM)
7.4.19. 19.0% MAXIMUM SLOPE GRADATIONS: 19.0% (475 MM)
7.4.20. 20.0% MAXIMUM SLOPE GRADATIONS: 20.0% (500 MM)
7.4.21. 21.0% MAXIMUM SLOPE GRADATIONS: 21.0% (525 MM)
7.4.22. 22.0% MAXIMUM SLOPE GRADATIONS: 22.0% (550 MM)
7.4.23. 23.0% MAXIMUM SLOPE GRADATIONS: 23.0% (575 MM)
7.4.24. 24.0% MAXIMUM SLOPE GRADATIONS: 24.0% (600 MM)
7.4.25. 25.0% MAXIMUM SLOPE GRADATIONS: 25.0% (625 MM)
7.4.26. 26.0% MAXIMUM SLOPE GRADATIONS: 26.0% (650 MM)
7.4.27. 27.0% MAXIMUM SLOPE GRADATIONS: 27.0% (675 MM)
7.4.28. 28.0% MAXIMUM SLOPE GRADATIONS: 28.0% (700 MM)
7.4.29. 29.0% MAXIMUM SLOPE GRADATIONS: 29.0% (725 MM)
7.4.30. 30.0% MAXIMUM SLOPE GRADATIONS: 30.0% (750 MM)
7.4.31. 31.0% MAXIMUM SLOPE GRADATIONS: 31.0% (775 MM)
7.4.32. 32.0% MAXIMUM SLOPE GRADATIONS: 32.0% (800 MM)
7.4.33. 33.0% MAXIMUM SLOPE GRADATIONS: 33.0% (825 MM)
7.4.34. 34.0% MAXIMUM SLOPE GRADATIONS: 34.0% (850 MM)
7.4.35. 35.0% MAXIMUM SLOPE GRADATIONS: 35.0% (875 MM)
7.4.36. 36.0% MAXIMUM SLOPE GRADATIONS: 36.0% (900 MM)
7.4.37. 37.0% MAXIMUM SLOPE GRADATIONS: 37.0% (925 MM)
7.4.38. 38.0% MAXIMUM SLOPE GRADATIONS: 38.0% (950 MM)
7.4.39. 39.0% MAXIMUM SLOPE GRADATIONS: 39.0% (975 MM)
7.4.40. 40.0% MAXIMUM SLOPE GRADATIONS: 40.0% (1000 MM)
7.4.41. 41.0% MAXIMUM SLOPE GRADATIONS: 41.0% (1025 MM)
7.4.42. 42.0% MAXIMUM SLOPE GRADATIONS: 42.0% (1050 MM)
7.4.43. 43.0% MAXIMUM SLOPE GRADATIONS: 43.0% (1075 MM)
7.4.44. 44.0% MAXIMUM SLOPE GRADATIONS: 44.0% (1100 MM)
7.4.45. 45.0% MAXIMUM SLOPE GRADATIONS: 45.0% (1125 MM)
7.4.46. 46.0% MAXIMUM SLOPE GRADATIONS: 46.0% (1150 MM)
7.4.47. 47.0% MAXIMUM SLOPE GRADATIONS: 47.0% (1175 MM)
7.4.48. 48.0% MAXIMUM SLOPE GRADATIONS: 48.0% (1200 MM)
7.4.49. 49.0% MAXIMUM SLOPE GRADATIONS: 49.0% (1225 MM)
7.4.50. 50.0% MAXIMUM SLOPE GRADATIONS: 50.0% (1250 MM)
7.4.51. 51.0% MAXIMUM SLOPE GRADATIONS: 51.0% (1275 MM)
7.4.52. 52.0% MAXIMUM SLOPE GRADATIONS: 52.0% (1300 MM)
7.4.53. 53.0% MAXIMUM SLOPE GRADATIONS: 53.0% (1325 MM)
7.4.54. 54.0% MAXIMUM SLOPE GRADATIONS: 54.0% (1350 MM)
7.4.55. 55.0% MAXIMUM SLOPE GRADATIONS: 55.0% (1375 MM)
7.4.56. 56.0% MAXIMUM SLOPE GRADATIONS: 56.0% (1400 MM)
7.4.57. 57.0% MAXIMUM SLOPE GRADATIONS: 57.0% (1425 MM)
7.4.58. 58.0% MAXIMUM SLOPE GRADATIONS: 58.0% (1450 MM)
7.4.59. 59.0% MAXIMUM SLOPE GRADATIONS: 59.0% (1475 MM)
7.4.60. 60.0% MAXIMUM SLOPE GRADATIONS: 60.0% (1500 MM)
7.4.61. 61.0% MAXIMUM SLOPE GRADATIONS: 61.0% (1525 MM)
7.4.62. 62.0% MAXIMUM SLOPE GRADATIONS: 62.0% (1550 MM)
7.4.63. 63.0% MAXIMUM SLOPE GRADATIONS: 63.0% (1575 MM)
7.4.64. 64.0% MAXIMUM SLOPE GRADATIONS: 64.0% (1600 MM)
7.4.65. 65.0% MAXIMUM SLOPE GRADATIONS: 65.0% (1625 MM)
7.4.66. 66.0% MAXIMUM SLOPE GRADATIONS: 66.0% (1650 MM)
7.4.67. 67.0% MAXIMUM SLOPE GRADATIONS: 67.0% (1675 MM)
7.4.68. 68.0% MAXIMUM SLOPE GRADATIONS: 68.0% (1700 MM)
7.4.69. 69.0% MAXIMUM SLOPE GRADATIONS: 69.0% (1725 MM)
7.4.70. 70.0% MAXIMUM SLOPE GRADATIONS: 70.0% (1750 MM)
7.4.71. 71.0% MAXIMUM SLOPE GRADATIONS: 71.0% (1775 MM)
7.4.72. 72.0% MAXIMUM SLOPE GRADATIONS: 72.0% (1800 MM)
7.4.73. 73.0% MAXIMUM SLOPE GRADATIONS: 73.0% (1825 MM)
7.4.74. 74.0% MAXIMUM SLOPE GRADATIONS: 74.0% (1850 MM)
7.4.75. 75.0% MAXIMUM SLOPE GRADATIONS: 75.0% (1875 MM)
7.4.76. 76.0% MAXIMUM SLOPE GRADATIONS: 76.0% (1900 MM)
7.4.77. 77.0% MAXIMUM SLOPE GRADATIONS: 77.0% (1925 MM)
7.4.78. 78.0% MAXIMUM SLOPE GRADATIONS: 78.0% (1950 MM)
7.4.79. 79.0% MAXIMUM SLOPE GRADATIONS: 79.0% (1975 MM)
7.4.80. 80.0% MAXIMUM SLOPE GRADATIONS: 80.0% (2000 MM)
7.4.81. 81.0% MAXIMUM SLOPE GRADATIONS: 81.0% (2025 MM)
7.4.82. 82.0% MAXIMUM SLOPE GRADATIONS: 82.0% (2050 MM)
7.4.83. 83.0% MAXIMUM SLOPE GRADATIONS: 83.0% (2075 MM)
7.4.84. 84.0% MAXIMUM SLOPE GRADATIONS: 84.0% (2100 MM)
7.4.85. 85.0% MAXIMUM SLOPE GRADATIONS: 85.0% (2125 MM)
7.4.86. 86.0% MAXIMUM SLOPE GRADATIONS: 86.0% (2150 MM)
7.4.87. 87.0% MAXIMUM SLOPE GRADATIONS: 87.0% (2175 MM)
7.4.88. 88.0% MAXIMUM SLOPE GRADATIONS: 88.0% (2200 MM)
7.4.89. 89.0% MAXIMUM SLOPE GRADATIONS: 89.0% (2225 MM)
7.4.90. 90.0% MAXIMUM SLOPE GRADATIONS: 90.0% (2250 MM)
7.4.91. 91.0% MAXIMUM SLOPE GRADATIONS: 91.0% (2275 MM)
7.4.92. 92.0% MAXIMUM SLOPE GRADATIONS: 92.0% (2300 MM)
7.4.93. 93.0% MAXIMUM SLOPE GRADATIONS: 93.0% (2325 MM)
7.4.94. 94.0% MAXIMUM SLOPE GRADATIONS: 94.0% (2350 MM)
7.4.95. 95.0% MAXIMUM SLOPE GRADATIONS: 95.0% (2375 MM)
7.4.96. 96.0% MAXIMUM SLOPE GRADATIONS: 96.0% (2400 MM)
7.4.97. 97.0% MAXIMUM SLOPE GRADATIONS: 97.0% (2425 MM)
7.4.98. 98.0% MAXIMUM SLOPE GRADATIONS: 98.0% (2450 MM)
7.4.99. 99.0% MAXIMUM SLOPE GRADATIONS: 99.0% (2475 MM)
7.5. 1.0% MAXIMUM SLOPE GRADATIONS: 1.0% (25 MM)
7.6. 2.0% MAXIMUM SLOPE GRADATIONS: 2.0% (50 MM)
7.7. 3.0% MAXIMUM SLOPE GRADATIONS: 3.0% (75 MM)
7.8. 4.0% MAXIMUM SLOPE GRADATIONS: 4.0% (100 MM)
7.9. 5.0% MAXIMUM SLOPE GRADATIONS: 5.0% (125 MM)
7.10. 6.0% MAXIMUM SLOPE GRADATIONS: 6.0% (150 MM)
7.11. 7.0% MAXIMUM SLOPE GRADATIONS: 7.0% (175 MM)
7.12. 8.0% MAXIMUM SLOPE GRADATIONS: 8.0% (200 MM)
7.13. 9.0% MAXIMUM SLOPE GRADATIONS: 9.0% (225 MM)
7.14. 10.0

1. ALL STONE, WATER, CATCH BASINS, MANHOLES, ETC. SHALL PERMANENTLY BE LABELED AS "NO DRINKING, DRINKING TO RIVER" AND INCLUDE SYMBOL.
2. SOIL FILL (GEOTECH REPORT SHALL TAKE PRECEDENCE OVER THE SPECIFICATIONS) SHALL BE:

 - A. PLOW, SCARIFY, BENCH, OR BREAK UP SLOPED SURFACES STEEPER THAN 1:1 TO A HORIZONTAL SOIL FILL MATERIAL WILL BOND WITH EXISTING MATERIAL.
 - B. PLACE AND COMPACT FILL MATERIAL IN LAYERS TO REQUIRED ELEVATION, FOLLOWING:
 1. UPPER GRADE AND PLAINED AREA, USE SATISFACTORY SOIL MATERIAL.
 2. UPPER WALLS AND PARAPETS, USE SATISFACTORY SOIL MATERIAL.
 3. UPPER STEPS AND RAMPS, USE ENGINEERED FILL.
 4. UPPER BUILDING SLAB, USE ENGINEERED FILL.
 5. LOWER FOOTINGS AND FOUNDATIONS, USE ENGINEERED FILL.
 6. PLACE SOIL FILL ON SUBGRADE FREE OF FUEL, ROPS, SHOW, OR CURE.

3. SOIL MOISTURE CONTROL
4. ALL FILL SHALL BE PLACED IN THE AREA ACCORDING TO GEOTECH REPORT.

[illegible]

747.5
745.5
744.0
740
736.5

2" COVER

108" CAP

PIPE STORAGE ONLY 1/36 LF

2.5' OF SAND

1' OF GRAVEL

UNDERDRAIN

PRELIMINARY SANDFILTER/SEDIMENTATION CHAMBER LAYOUT

N.T.S.

7. APPROVAL OF THE PLATE/JOINT OR AN AUTHORIZATION TO GRABE ADJACENT PROPERTIES, WHEN FIELD CONDITIONS WARRANT OR WHEN REQUIRED, FENCED/POSTED MUST BE OBTAINED FROM THE AFFECTED OWNER.
8. THE DEVELOPER SHALL MAINTAIN EACH EXISTING, CRITER, OR MAJOR CHAIN CARRY IN AN UNDISTURBED STATE AND SHALL MAINTAIN THE CHAIN CARRY IN AN UNDISTURBED STATE, WITH OPEN LOGS, TRIMMER, AND/OR OTHER APPROPRIATE MEANS.
9. CONSTRUCTION OF THE CHAIN CARRY MUST BE COMPLETED AND MAINTAINED TO MEET USUAL FLOODING CONDITIONS.
10. ANY CONSTRUCTION OR USE WITHIN THE AREAS DESIGNATED AS FLOOD HAZARD SHALL BE SUBJECT TO THE FOLLOWING:
 - a. THE CHAIN CARRY SHALL BE MAINTAINED IN AN UNDISTURBED CHAIN CARRY BOUNDARY LINE IS SUBJECT TO THE REQUIREMENTS OF THE CHAIN CARRY MAINTENANCE ACT OF THE TOWN OF HAVENHURST AND MISCELLANEOUS COUNTY.
 - b. THE MISCELLANEOUS COUNTY ENGINEERING DEPARTMENT OF THE TOWN OF HAVENHURST HAS NOT REVIEWED THE STRUCTURAL DESIGN OF ANY WALLS OR THE SITE AND DOES NOT ASSUME RESPONSIBILITY FOR THEM.
 - c. HONGKAI GAO BEAMS, BE. PAVES, BINGSHI TONG, ETC. (B) 11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-9

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NES

REVISIONS: <u>2022/12/07 - RETCHING@GUSP.COM</u> 	

PROJECT NUMBER: 271095
DATE: 09/15/2022 DRAWN BY: 1
Z04 5
SHEET OF

GENERAL PLANTING NOTES:

1. METASTASIS OF A TUMOR OCCURS BY A PROCESS CALLED METASTASIS. IT IS THE SPREAD OF TUMOR CELLS FROM THE PRIMARY TUMOR TO OTHER PARTS OF THE BODY. METASTASIS CAN OCCUR IN TWO MAIN WAYS: LOCAL METASTASIS AND DISTANT METASTASIS.
2. LOCAL METASTASIS IS THE SPREAD OF TUMOR CELLS TO THE IMMEDIATE SURROUNDINGS OF THE PRIMARY TUMOR. IT CAN OCCUR THROUGH DIRECT INVASION OF ADJACENT TISSUES OR THROUGH LYMPHATIC DRAINAGE.
3. DISTANT METASTASIS IS THE SPREAD OF TUMOR CELLS TO OTHER PARTS OF THE BODY, SUCH AS THE LUNGS, LIVER, BONE, AND BRAIN. IT CAN OCCUR THROUGH BLOOD CIRCULATION OR LYMPHATIC DRAINAGE.
4. TUMOR CELLS CAN BE RELEASED FROM THE PRIMARY TUMOR IN TWO MAIN WAYS: DIRECT INVASION AND DETACHMENT. DIRECT INVASION OCCURS WHEN TUMOR CELLS GROW AND SPREAD INTO ADJACENT TISSUES. DETACHMENT OCCURS WHEN TUMOR CELLS BREAK AWAY FROM THE PRIMARY TUMOR AND ENTER THE BLOOD OR LYMPHATIC SYSTEM.
5. TUMOR CELLS CAN SURVIVE IN THE BLOOD OR LYMPHATIC SYSTEM FOR A PERIOD OF TIME BEFORE THEY ARE CAPTURED BY THE IMMUNE SYSTEM OR OTHER CELLS.
6. TUMOR CELLS CAN FORM SECONDARY TUMORS IN OTHER PARTS OF THE BODY. THESE SECONDARY TUMORS CAN BE IDENTIFIED BY A PHYSICIAN THROUGH A PHYSICAL EXAMINATION, IMAGING STUDIES, OR BIOPSY.
7. METASTASIS OF A TUMOR IS A SERIOUS COMPLICATION OF THE DISEASE. IT CAN LEAD TO DEATH IF NOT TREATED. THE TREATMENT OF METASTASIS DEPENDS ON THE TYPE AND STAGE OF THE TUMOR, AS WELL AS THE LOCATION OF THE METASTASIS.
8. TUMOR CELLS CAN BE RELEASED FROM THE PRIMARY TUMOR IN TWO MAIN WAYS: DIRECT INVASION AND DETACHMENT. DIRECT INVASION OCCURS WHEN TUMOR CELLS GROW AND SPREAD INTO ADJACENT TISSUES. DETACHMENT OCCURS WHEN TUMOR CELLS BREAK AWAY FROM THE PRIMARY TUMOR AND ENTER THE BLOOD OR LYMPHATIC SYSTEM.
9. TUMOR CELLS CAN SURVIVE IN THE BLOOD OR LYMPHATIC SYSTEM FOR A PERIOD OF TIME BEFORE THEY ARE CAPTURED BY THE IMMUNE SYSTEM OR OTHER CELLS.
10. TUMOR CELLS CAN FORM SECONDARY TUMORS IN OTHER PARTS OF THE BODY. THESE SECONDARY TUMORS CAN BE IDENTIFIED BY A PHYSICIAN THROUGH A PHYSICAL EXAMINATION, IMAGING STUDIES, OR BIOPSY.

SEED/SOIL/MULCH

- [illegible]

CHANGE DURING CONSTRUCTION PLAN PHASE
TO SATISFY THE TOWN'S ENGINEERING

STANDARDS AND PROCEDURES MANUAL.

1.1. PLANNING JOCK REPS

- TOCLOVER (TOCLOVER) 2000
1. WOOD OF LOCAL CONIFERS FOR 1000 SQ. FT.
 2. WOOD OF LOCAL CONIFERS FOR 1000 SQ. FT. BY VOLUME: 1.4
 3. HARD OR LOCAL WOOD DRYING TO 10% MOISTURE
 4. WOOD OF BIRCH, MAPLE, OR 1000 SQ. FT.
 5. WOOD OF CUMULATIVE WOODS FOR 1000 SQ. FT.
 6. WOOD OF LOCAL WOODS FOR 1000 SQ. FT.
 7. WOOD OF LOCAL WOODS FOR 1000 SQ. FT.
- THIS LIST PROVIDED BY CONSTRUCTION REQUIREMENTS FOR LOCAL WOOD

1. A QUAL CERTIFICATE OF OCCUPANCY MAY BE REQUESTED FOR THE HOME.

- [illegible]

INTERDISCIPLINARY VOICES

- [illegible]

ADDITIONAL LOCATIONS MAY BE
AVAILABLE

- | |
|------------------------------|
| Page No. _____
Date _____ |
|------------------------------|

1. All people living in the household are

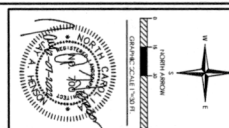
- [illegible]

-

NORTHCROSS HOTEL

PARCEL ID: 00930115
16221 NORTHCROSS DR HUNTERVILLE NC 28078

LANDSCAPE-UTILITY PLAN



REVISIONS

3022/12/07 - RE-KOMMUNIKATION COACHING

Z05 LAMINOSAMPLABILITY DATA	
PROJECT NUMBER:	Z21006
DATE: 09/15/2022	CREATED BY: TS
Z05	
OF	
SHEET	

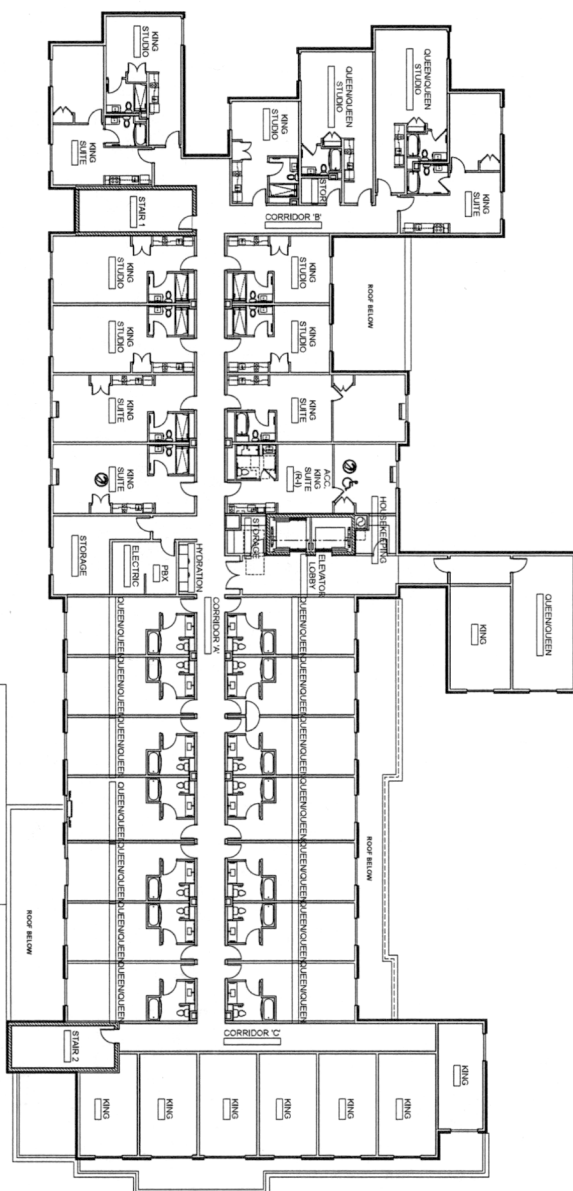
811. Know what's below.
Call before you dig.

[illegible]

1
A102

2ND FLOOR PLAN

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



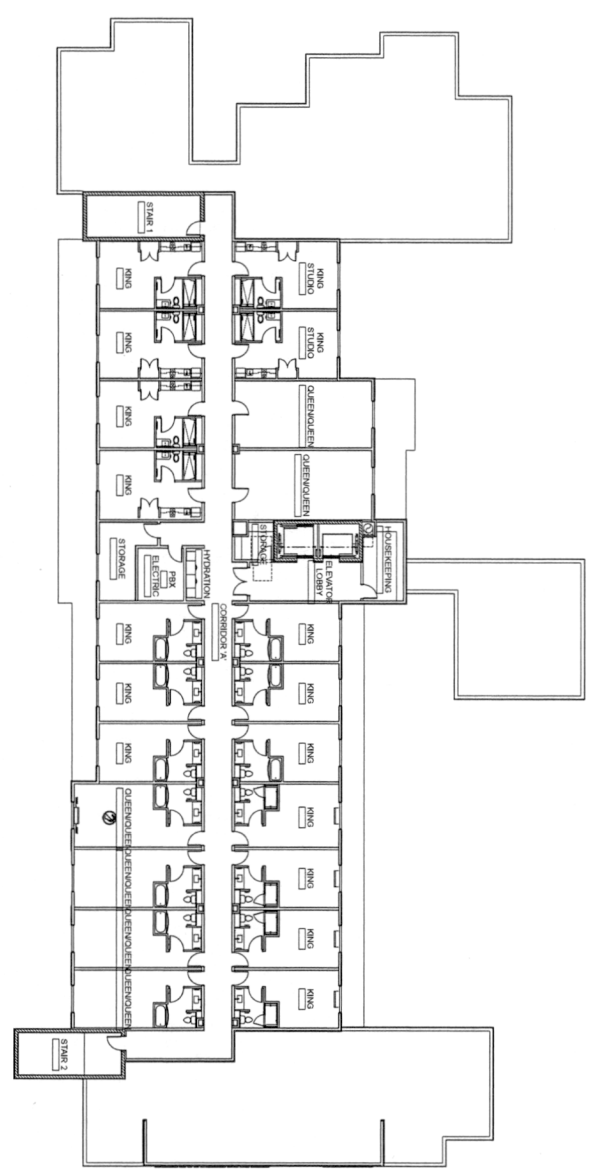
House Survey		Quantity
QUESTIONS MATRIX		
	Q/NO	
1ST FLOOR PLAN	ACC. OVERLOOKER (NO)	1
	NING ST/NO	4
	NING DATE	1
	OVERLOOKER ST/NO	2
	ACC. NING DATE (NO)	1
2ND FLOOR PLAN	NING ST/NO	8
	NING DATE	8
	OVERLOOKER	15
	ACC. OVERLOOKER	1
	ACC. OVERLOOKER (NO)	1
3RD FLOOR PLAN	ACC. NING DATE (NO)	1
	NING	8
	NING DATE	8
	OVERLOOKER	14
	OVERLOOKER ST/NO	1
4TH FLOOR PLAN	NING	14
	NING DATE	14
	OVERLOOKER	8
	OVERLOOKER	199

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 W

10/10/2023 9:00 AM
10/10/2023 9:00 AM

Attachment No. 4
Page 20 of 30
Date 1-3-2023

4TH FLOOR PLAN

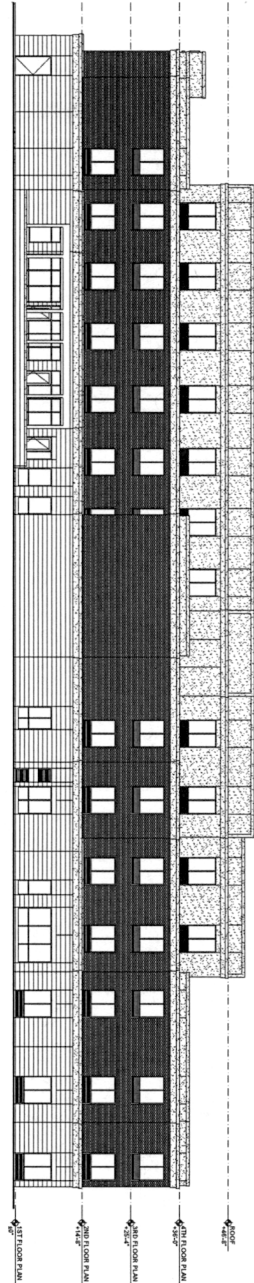


Room Name	STORY	Quantity
1ST FLOOR PLAN		
ACC. QUEEN/QUEEN (R)	1	1
NINO	1	1
NINO SUITE	3	3
QUEEN/QUEEN	2	2
QUEEN/QUEEN (STAND)	2	2
2ND FLOOR PLAN		
ACC. NINO SUITE (R)	1	1
NINO	6	6
NINO SUITE	5	5
QUEEN/QUEEN	15	15
QUEEN/QUEEN (STAND)	2	2
3RD FLOOR PLAN		
ACC. NINO SUITE (TUB)	1	1
ACC. QUEEN/QUEEN (TUB)	1	1
NINO SUITE	6	6
NINO SUITE	5	5
QUEEN/QUEEN	14	14
4TH FLOOR PLAN		
NINO	14	14
QUEEN/QUEEN	6	6
QUEEN/QUEEN	109	109

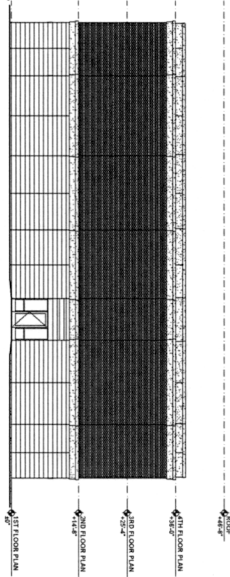
Room Name	STORY	Quantity
BLIND SQUARE SQUARE		
1ST FLOOR PLAN	1	1
2ND FLOOR PLAN	2	2
3RD FLOOR PLAN	3	3
4TH FLOOR PLAN	4	4
5TH FLOOR PLAN	5	5
6TH FLOOR PLAN	6	6
7TH FLOOR PLAN	7	7
8TH FLOOR PLAN	8	8
9TH FLOOR PLAN	9	9
10TH FLOOR PLAN	10	10
11TH FLOOR PLAN	11	11
12TH FLOOR PLAN	12	12
13TH FLOOR PLAN	13	13
14TH FLOOR PLAN	14	14
15TH FLOOR PLAN	15	15
16TH FLOOR PLAN	16	16
17TH FLOOR PLAN	17	17
18TH FLOOR PLAN	18	18
19TH FLOOR PLAN	19	19
20TH FLOOR PLAN	20	20
21TH FLOOR PLAN	21	21
22TH FLOOR PLAN	22	22
23TH FLOOR PLAN	23	23
24TH FLOOR PLAN	24	24
25TH FLOOR PLAN	25	25
26TH FLOOR PLAN	26	26
27TH FLOOR PLAN	27	27
28TH FLOOR PLAN	28	28
29TH FLOOR PLAN	29	29
30TH FLOOR PLAN	30	30

A line drawing of a complex, multi-layered geometric shape, possibly a stylized letter 'E' or a decorative element. The shape is composed of several rectangular blocks of varying sizes, some of which are offset from the main body, creating a sense of depth and complexity. The overall form is elongated and has a series of protrusions and indentations along its edges.

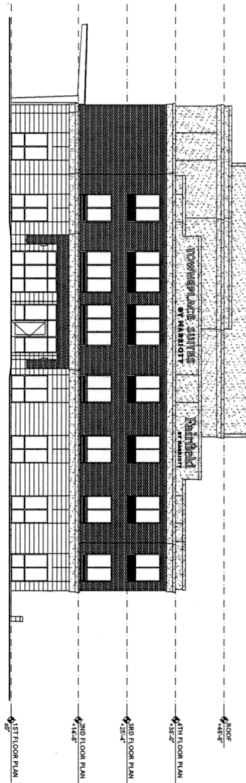
NOT RELEASED FOR CONSTRUCTION



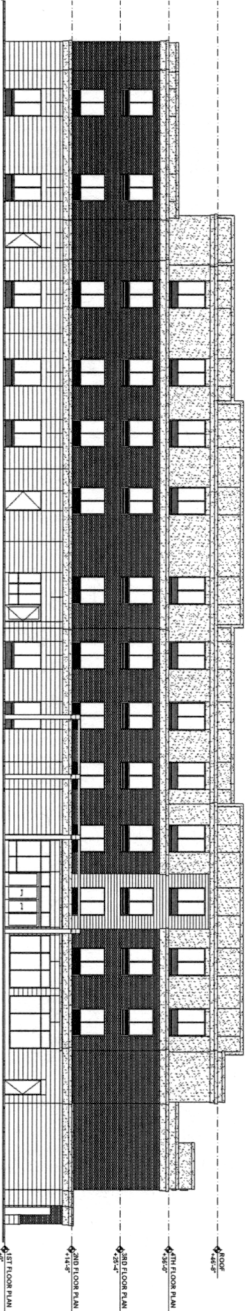
4 REAR ELEVATION
 A201 SCALE: 3/8" = 1'-0"



3 LEFT SIDE ELEVATION
 A201 SCALE: 3/8" = 1'-0"



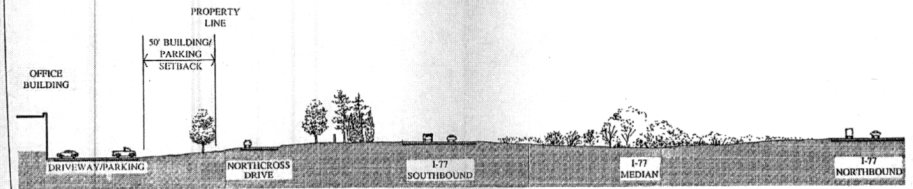
2 RIGHT SIDE ELEVATION
 A201 SCALE: 3/8" = 1'-0"



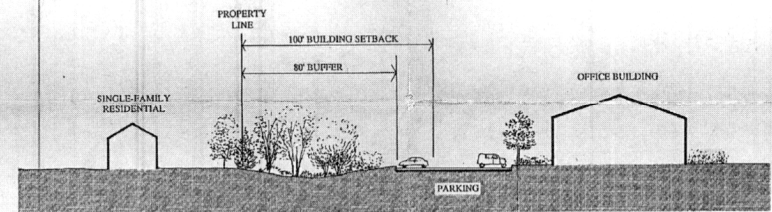
1 FRONT ELEVATION
 A201 SCALE: 3/8" = 1'-0"

NORTHCROSS CORPORATE CENTER

The Crosland Group



SECTION AA
1" = 40'



SECTION BB
1" = 30'

SITE DATA:

TOTAL AREA: 327.0 AC
EXISTING ZONING: R-3
PROPOSED ZONING: BP(CD)
• 370,000 SF OFFICE SPACE
• 131.31 AC ROAD R/W

LEGEND

- PROPOSED ACCESS POINTS
- ZONING BOUNDARY BUFFER
- YARDS & SETBACKS

SCALE: 1" = 100'

TECHNICAL DATA SHEET

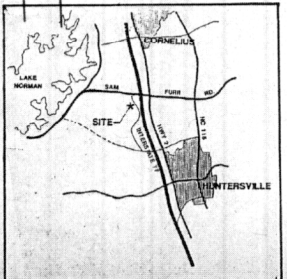
DATE: DECEMBER 6, 1994
PROJECT NO.: 14238
REVISIONS:
JANUARY 5, 1995
JANUARY 12, 1995
FEBRUARY 6, 1995
MARCH 21, 1995
JANUARY 24, 1997

This Revision Approved as minor Administrative changes being across Northcross Drive (L-77 to Canyon Avenue) via Hammond Hwy 192197 Town of Hendersonville

Land Design Inc.
Landscape Architecture Land Planning Urban Design

SHEET NO. 1 OF 2

Date 1-3-2003
Page 24 of 36
Attachment No. 4



VICINITY MAP

4
R-3

1
BP

9
R-3

3
R-3

parcel 1
BP (CD)
• ± 27.0 AC
• 370,000 SF
(30 FAR)

NOTE: WITHIN
TO SIX DRIVEWAY
CONTROLS

BUSINESS CAMPUS



September 21, 2022

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

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

After an analysis by Charlotte Water's Capacity Assurance Program (CAP) of the sanitary sewer system associated with the proposed **NORTHCROSS HOTEL** development, it was determined that there is currently sufficient capacity to accommodate the proposed sewer flow (**19,250 gallons per day**), at the connection point(s) indicated on the submitted exhibit plan for transmission to the **McDowell Creek Wastewater Treatment Plant**; (NPDES permit number **NC0036277**),

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

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

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

The applicant should understand that this letter is not an authorization to construct or extend private water or sewer systems, as the appropriate local or State permits are required prior to construction. The analysis performed determines available capacity within the existing public gravity sewer system. The development is responsible for any additional private or public sewer infrastructure required to convey flow from the proposed development to the existing public sewer.

If you have any questions, please do not hesitate to contact me at (704) 432-5801.

Sincerely,

Pedro Galarreta

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

Northcross Hotel Rezoning Neighborhood Meeting

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

Meeting called by: Hotel Ventures of Lake Norman, Inc.
Type of meeting: Neighborhood Meeting for Northcross Hotel Rezoning R22-06 and SUP22-02

INVITEES

Please see list of invitees attached below.

ATTENDEES

Hitesh Patel – Hotel Ventures of Lake Norman, Inc.
Rakesh Patel – Hotel Ventures of Lake Norman, Inc.
Jay Henson – HensonFoley
Tess Fallova – HensonFoley
Jesse James – Town of Huntersville Planning Staff
Richard Johnson – Grafham Circle Resident
Debbie Moody – Grafham Circle Resident
Stella Troud – Grafham Circle Resident
Michel Allgood – Grafham Circle Resident
Monica Meda – Grafham Circle Resident
Peter Bourke – Grafham Circle Resident
Emerson Bourke – Grafham Circle Resident

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Date 1-3-2023

MAIN TOPICS AND CONCERNS

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

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

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

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

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

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

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

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

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

Response: See changes number 2 and 3 below.

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

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

CHANGES MADE AS RESULT OF THE NEIGHBORHOOD MEETING

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

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

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

HOA Notifications

Birkdale HOA

MacAulay HOA

8915 Devonshire Drive

16023 Hallaton Drive

Huntersville

Huntersville

NC

NC

28078

28078

Planning Board Members

Town Board Members

Planning Staff (Jesse James and Brian Richards)



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

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

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

Applicant: Hotel Ventures of Lake Norman, Inc.

Project Name: Northcross Hotel Rezoning

Project Address: 16221 Northcross Drive, Huntersville NC 28078

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

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

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

Applicant

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

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

Signature [Signature]

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

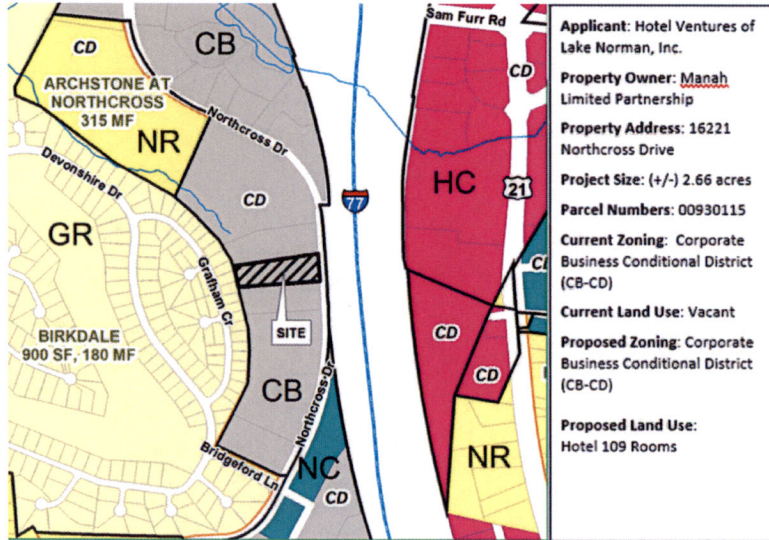
Peak Hour Trips Anticipated AM 48 PM 54

TIA Required (Yes/No) No

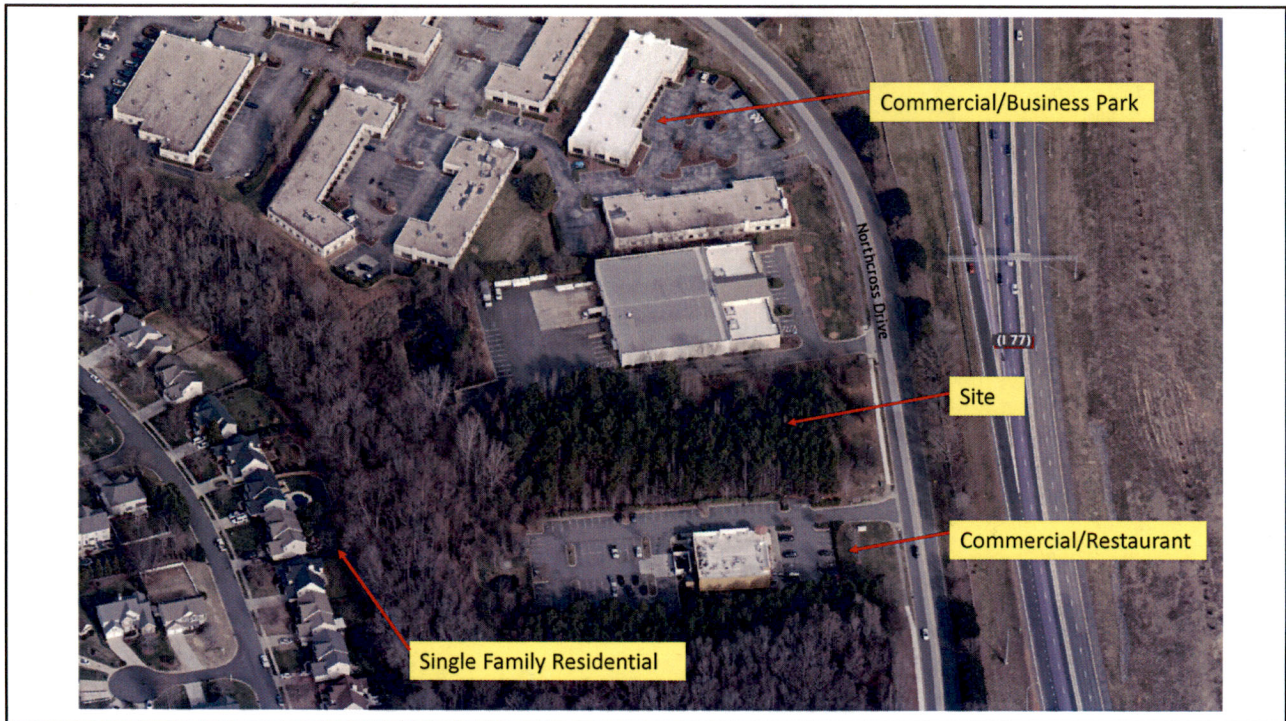
Date of Determination: 10/3/22

Comments: Determination based on a 110 room Hotel.

Rezoning Request:



21

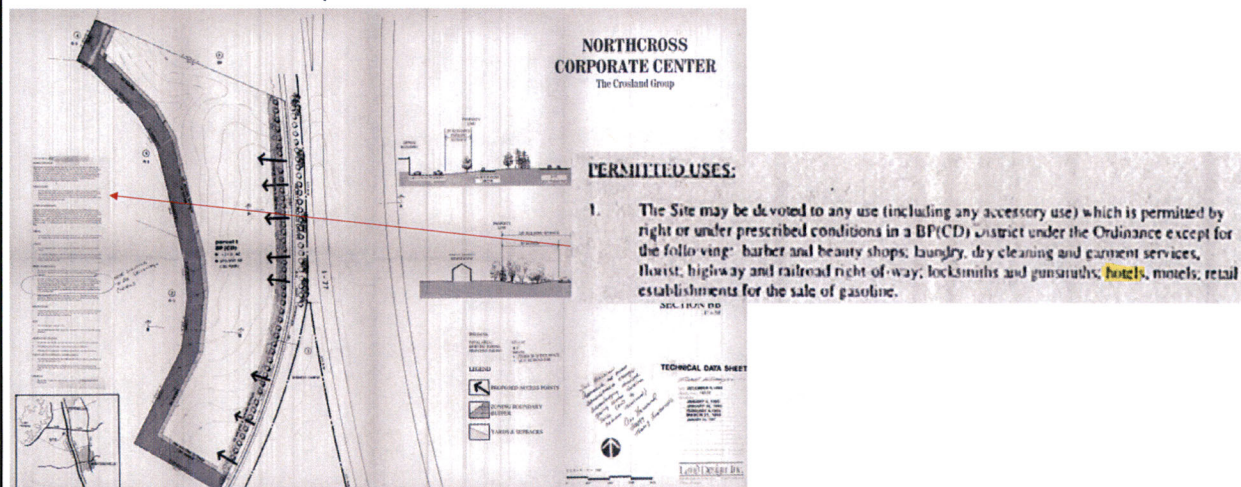


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Current Zoning

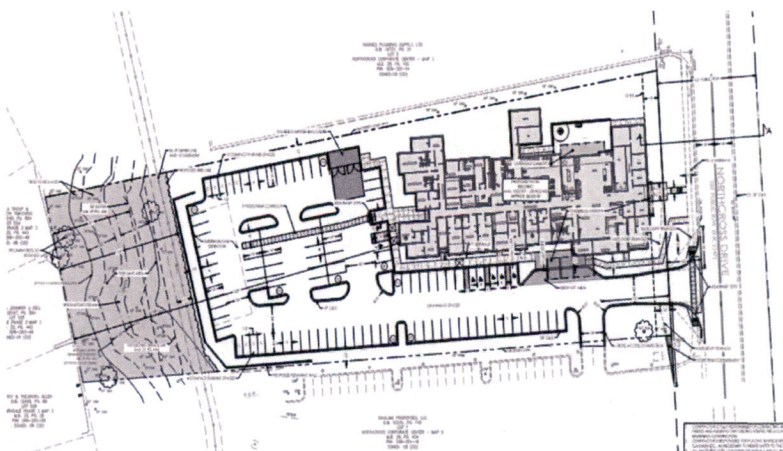
- Original Zoning-Business Park Conditional District (1994)-
Converted to Corporate Business Conditional District
- Hotels excluded as permitted use under the conditional rezoning plan



23

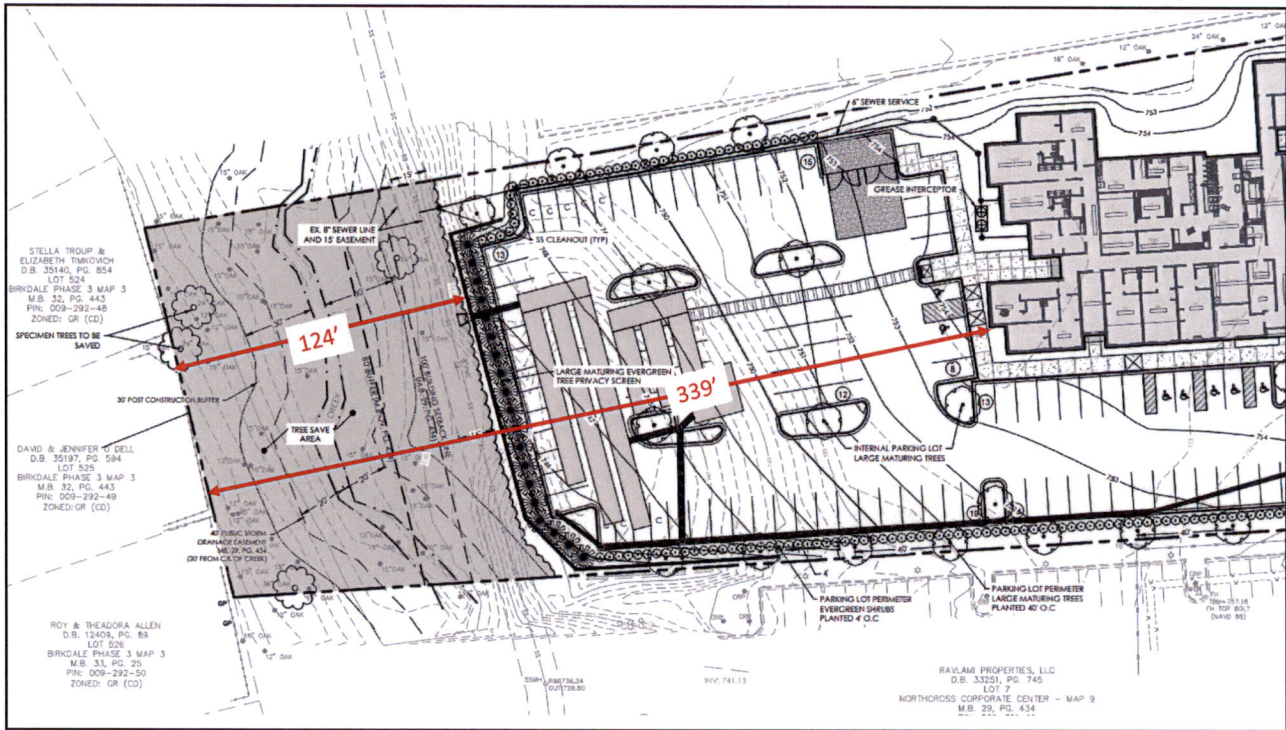
Rezoning Request *One minor modification*

- Hotel- 109 Room
- 4 Story Building
- *47 Foot Height* (45 Permitted)
- Building separation from residential zoning line requirement 141 feet(x3 proposed height adjacent residential use) Proposed- 339 feet.
- Special Use Permit Required(Hotel lots within 250 feet of a residential zone)
- Meets 30% Specimen Tree Save(=40%)
- 80 Foot vegetated buffer required adjacent residential- 124 foot proposed
- Additional row of evergreen trees provided along back parking.
- Proposed connection to adjacent restaurant use.
- Meets Zoning Requirements outside of 2-foot modification.

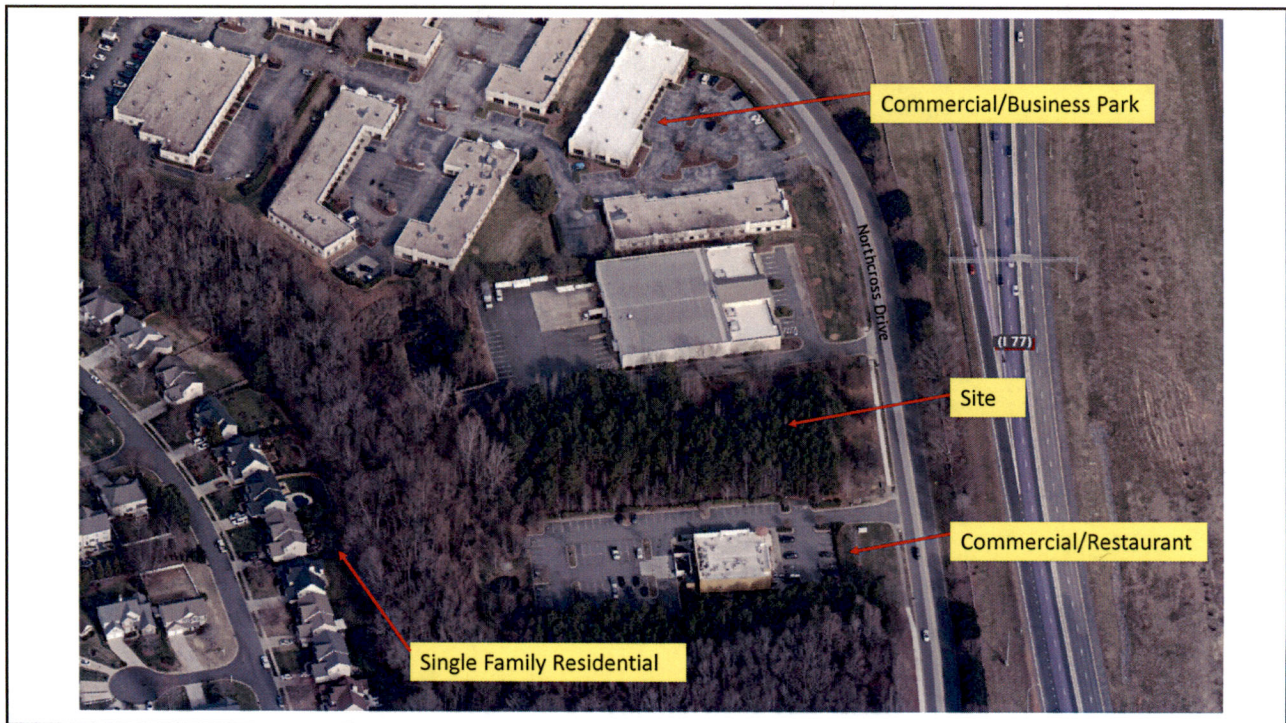


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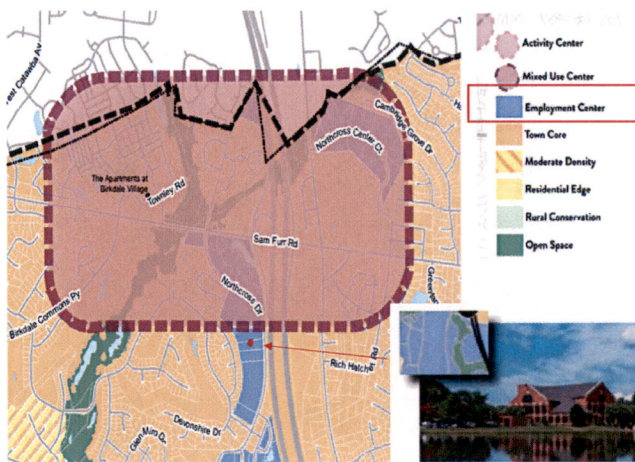
Elevations

- Previous Elevations submitted did not meet massing requirements. There were also concerns about windows facing the single-family residences to the west. These comments were addressed by the applicant as seen below.



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2040 Huntersville Community Plan



Employment Center

Employment centers contain a mix of uses including office, industrial, and institutional. Modern employment campuses and cutting-edge employers are now incorporating some retail and residential to create a live, work, and play environment. These areas offer workspace where innovation can grow while meeting employee lifestyle needs.

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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.

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Ordinance Clarification

12.9 CORPORATE BUSINESS (CB)

Intent: The Corporate Business district is established to provide for large business or light industrial uses which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into uses such as schools and religious institutions may be appropriate if they are sited properly and properties, nonetheless, buildings in the corporate business district that front a town street shall not be street and scaled for compatibility with the surrounding environment are also permitted in the High TND Districts. Such workplaces should not be reclassified to the Corporate Business District. The co loading facilities such as warehouse/distribution operations.

(a) Permitted Uses

Uses Permitted by Right

- office
- distributive businesses
- inns
- laboratories and research facilities
- manufacturing and assembly, excluding heavy manufacturing
- government buildings
- warehouses, except mini-warehouse storage
- wholesale sales
- vocational and technical schools

Uses Permitted With Conditions

- automotive country club, (9.57)
- day care center, (9.11)
- commercial communication tower, (9.9)
- essential services 1 and 2, (9.14)
- hotels and motels spaced 250' or more from residential or mixed use zones, (9.45)
- parks, (9.29)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

Uses Permitted with Special Use Permit

- hotels and motels spaced less than 250' from residential or mixed use zones (9.45)
- schools (9.35)
- solar energy facility, minor residential, as follows: located on the façade elevation facing public street or common access (9.54)

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.
2. a. Any structure in which a hotel or motel is the principal or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.
 - b. That all other site design requirements stated in this code are met. 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.
 - c. That vehicular access to the use will be provided only by way of a major or minor thoroughfare, or a Retail/Mixed Use Local or Collector Street within a commercial or mixed-use project.
3. Any structure in which a hotel or motel is the principal or accessory use may exceed the permitted building height of the zoning district, not to exceed six (6) stories, subject to a Special Use Permit, and the requirements of Article 9.45.2.

Requires Special Use Permit

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Northcross Hotel

Rezoning Petition : R22-06



JOHNSTON
ALLISON HORD



32

Hotel Ventures of Lake Norman, Inc

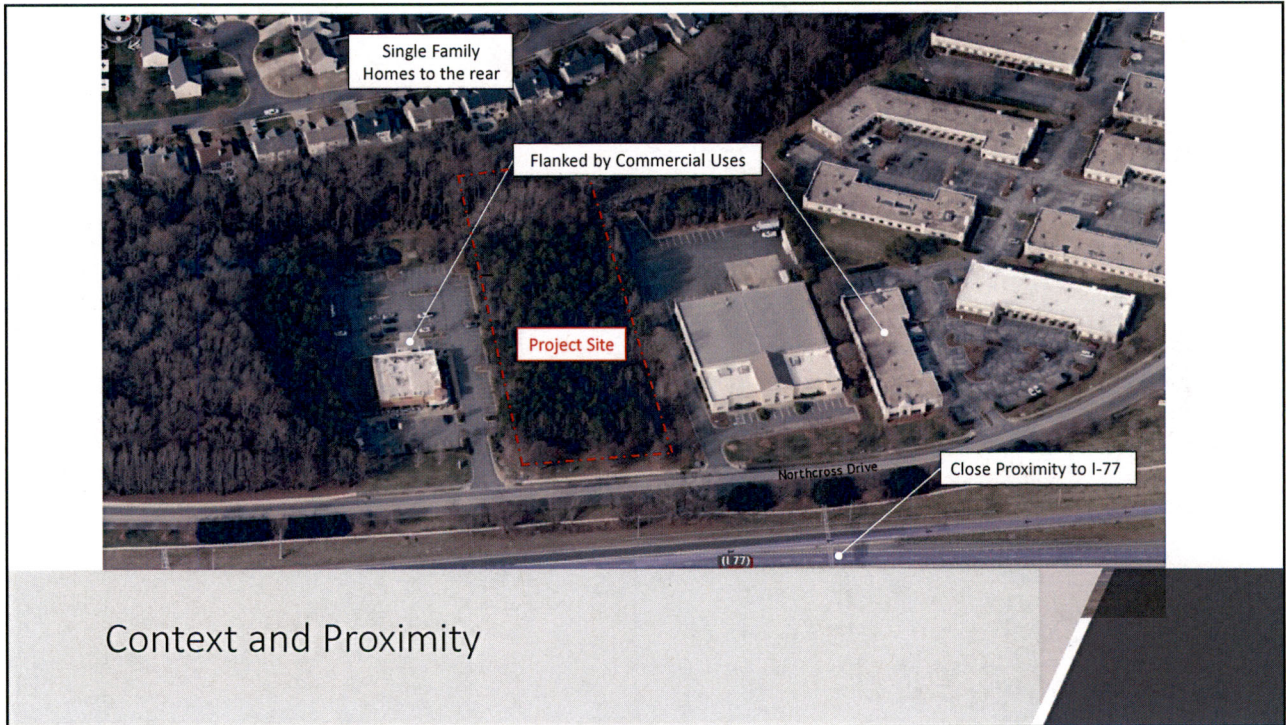


- Hotel Ventures is a family-owned business that humbly started in 1984 with the development of its first hotel in Augusta, Ga.
- In the years following, the company successfully developed and acquired over 20 hotels in North Carolina, South Carolina, Georgia, Texas and Oklahoma.
- Today, the company primarily focuses its growth in North and South Carolina, franchised with partners like Marriott and Hilton.
- Most recently, the company developed and opened the Springhill Suites by Marriott in The Park Huntersville off of Reese Blvd.
- At Hotel Ventures, our strength lies in our core values, team members, and dedication to service excellence. We've come a long way since the early 80's, and are excited for the future of our family operated hotel ownership and management company.

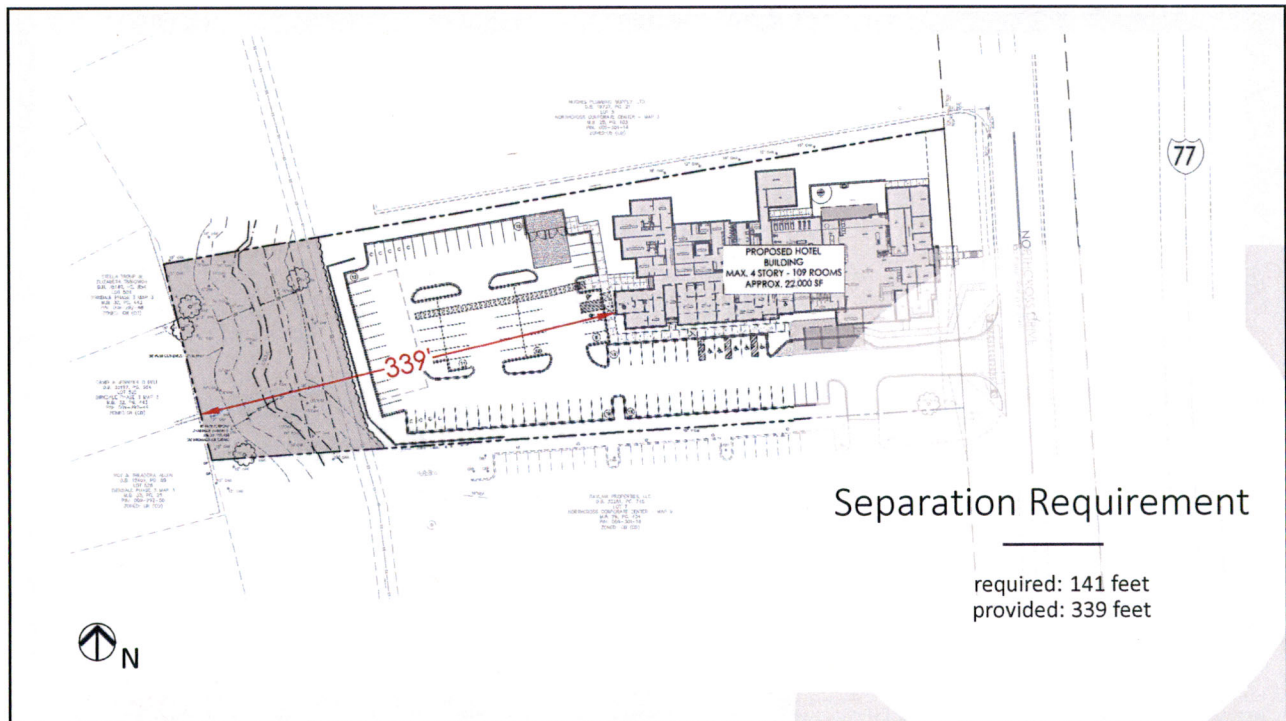


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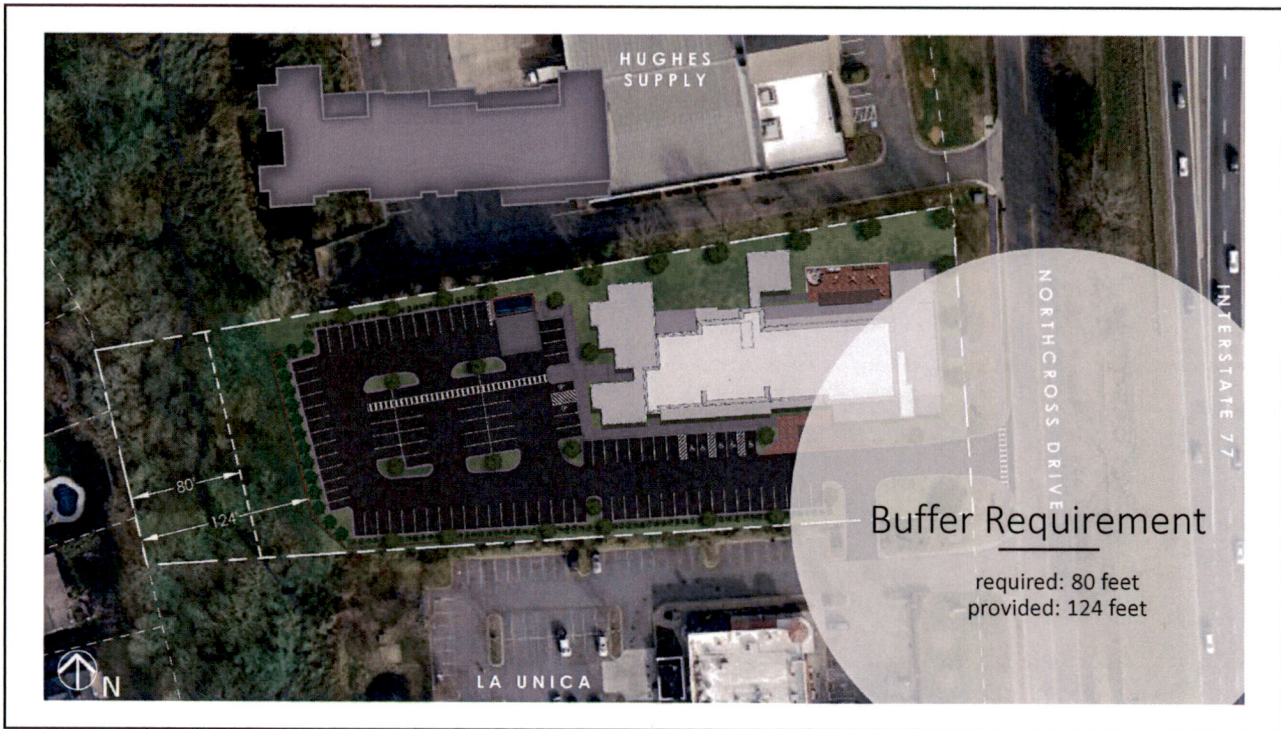
Attachment No. 5
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Massing Requirement

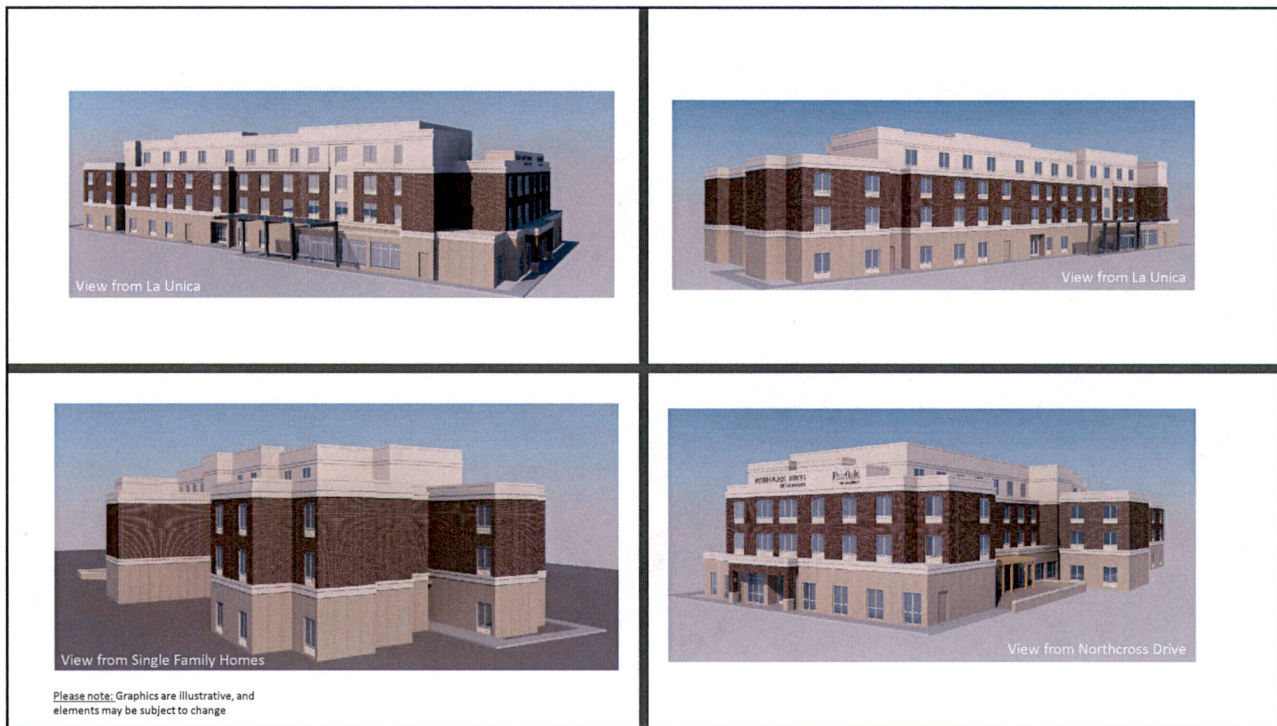
The original elevations were full four stories over the entire building. This was changed in the final elevations submitted to remove portions of the fourth floor at each end of the building to give the appearance of a three-story building with the center portion of the building remaining 4 stories. An additional three-story wing was added to the rear of the building to make up for the guestrooms removed on the fourth floor at each end.



Please note: Graphics are illustrative, and elements may be subject to change

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Neighborhood Meeting 11/17

We appreciate the neighbors that took the time to attend our neighborhood meeting and received some good feedback.

Concerns :

1. Signage along the south side of building facing La Unica
2. Windows on the west side of the hotel facing residential properties
3. Increased noise from I-77
4. Unwanted views of the hotel parking lot from backyards

Actions Taken :

1. Signage has been moved to the East side of the building facing Northcross Drive.
2. All windows along the west side of the hotel facing the residential have been removed and relocated.
3. The hotel building itself will also be a solid noise barrier. Additionally, a row of broadleaf, evergreen trees have been added to the back of the parking lot along with all the required large maturing canopy trees that will serve as a noise barrier for the residential homes from I-77.
4. The row of evergreen trees will provide a visual barrier for the residential homes from the proposed hotel and parking lot.

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Thank you to the neighbors and staff for making
this a better project.

We are happy to take any questions from the Board
at this time.

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

PART 1: DESCRIPTION

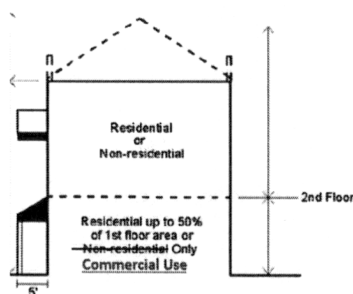
TA 22-12 is a request by the Huntersville Town Board to amend Article 4 of the Zoning Ordinance clarifying first floor residential and commercial area requirements for Shopfront and Workplace mixed-use buildings.

PART 2: BACKGROUND

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

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

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



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above and are further controlled by district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential
6. **First floor commercial area shall include floor area used exclusively for commercial use and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.**

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

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

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

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

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

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

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

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

EV 1.4: Review development standards to support business growth.

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

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

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

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

EV 2.2: Leverage Downtown as a unique destination.

EV 2.3: Attract businesses to Downtown.

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

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

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

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

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

PART 4: STAFF RECOMMENDATIONS

Approval. See Part 9 below.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

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

PART 6: PUBLIC HEARING

January 3, 2023

PART 7: PLANNING BOARD RECOMMENDATION

To be held January 24, 2023

PART 8: ATTACHMENTS

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

PART 9: STATEMENT OF CONSISTENCY

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



Text Amendment Application

Date of Application October 4, 2022

Fee

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

Type of Change

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

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

Description of Change

Proposed text amendment will affect the following:

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

Current Ordinance See attached

Proposed Text See attached

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

Attach additional pages if needed.

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

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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

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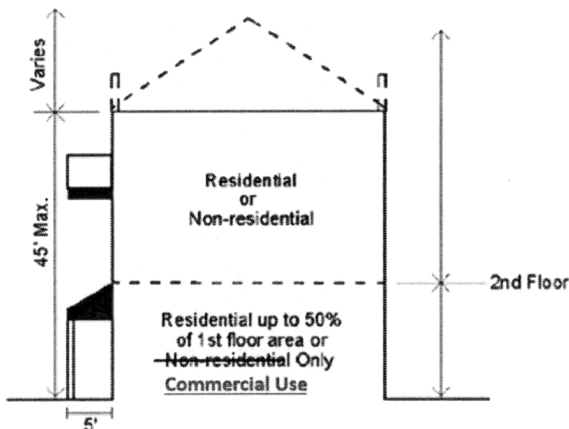
AN ORDINANCE TO AMEND ARTICLE 4, URBAN WORKPLACE AND SHOPFRONT BUILDINGS OF THE ZONING ORDINANCE TO CLARIFY THE RESIDENTIAL AND COMMERCIAL FLOOR AREA REQUIREMENTS

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

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

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

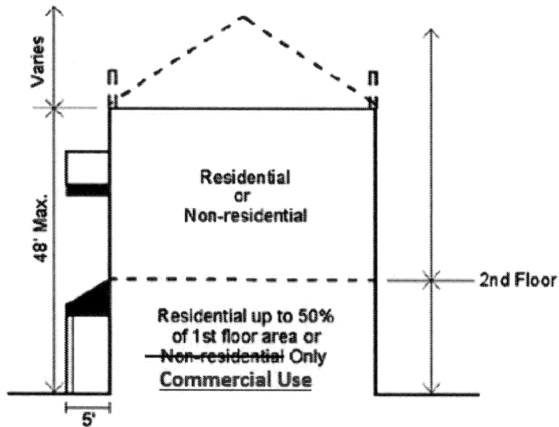
Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4, Workplace Building, of the Zoning Ordinance is hereby amended as follows:



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above and are further controlled by zoning district standards.
5. Hotels in the Highway Commercial (HC) zoning district may exceed the maximum building height (shown above), not to exceed six (6) stories, subject to the provisions of Article 9.45.
6. **First floor commercial floor area shall include floor area used exclusively for commercial use and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.**

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

TA 22-12: Residential and Commercial Floor Area



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above and are further controlled by district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential
6. First floor commercial area shall include floor area used exclusively for commercial use and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.

Section 4. This ordinance shall become effective upon adoption.

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

PUBLIC HEARING DATE: January 3, 2023

PLANNING BOARD MEETING: January 24, 2023

TOWN BOARD DECISION: February 20, 2023

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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.

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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.

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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.

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

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

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

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

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

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

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

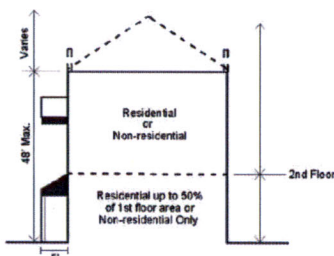
Vote: The motion passed (5-3) with T. Finlay, F. Gammon, B. Skelly opposed

	Definition of Mixed-Use?	1st Floor Use Restriction for Mixed-Use Buildings in the Downtown?
Huntersville	Mixed-Use Building: The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.	Yes, mixed-use buildings allowed up to 50% of the 1st floor area as residential
Charlotte	Mixed-Use Development: Development of a project with a residential component listed in the Residential Uses category and a nonresidential component listed in the Commercial Uses category or the Industrial Uses category of the Use Matrix in Article 15.	No
Cornelius	Mixed-Use Building: Buildings with the ground floor occupied by commercial/retail/service uses and residential units above	Yes, the ground floor of any mixed-use building shall exclusively contain retail, service, or office uses.
Davidson	None	Yes, the 1st floor facing the primary streets of a mixed-use building (storefront building type) shall be designed to accommodate retail uses
Matthews	Mixed Use Development: A development which includes at least two of the following uses: office, institutional, civic, residential, and/or service/retail in 1 or more buildings or a combination of single and mixed use buildings in a pedestrian-oriented environment.	Yes, 1st floor of a mixed-use building in the Historic Urban Core zoning district must devote 50% of the gross floor area to "retail activities". 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.

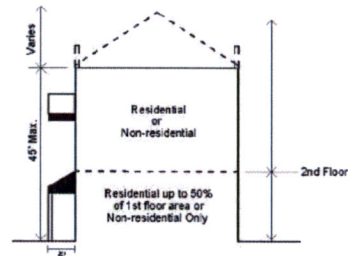
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TA22-12

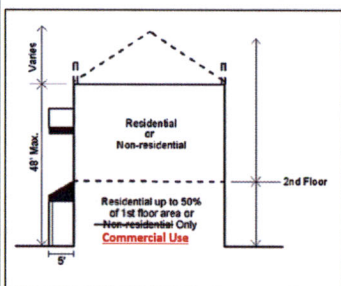
Shopfront Building Existing



Workplace Building Existing

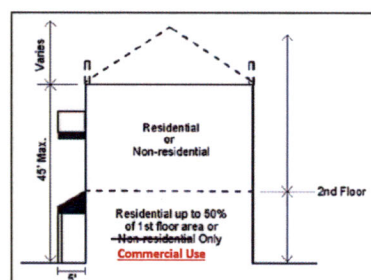


Shopfront Building Proposed



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

Workplace Building Proposed



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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.

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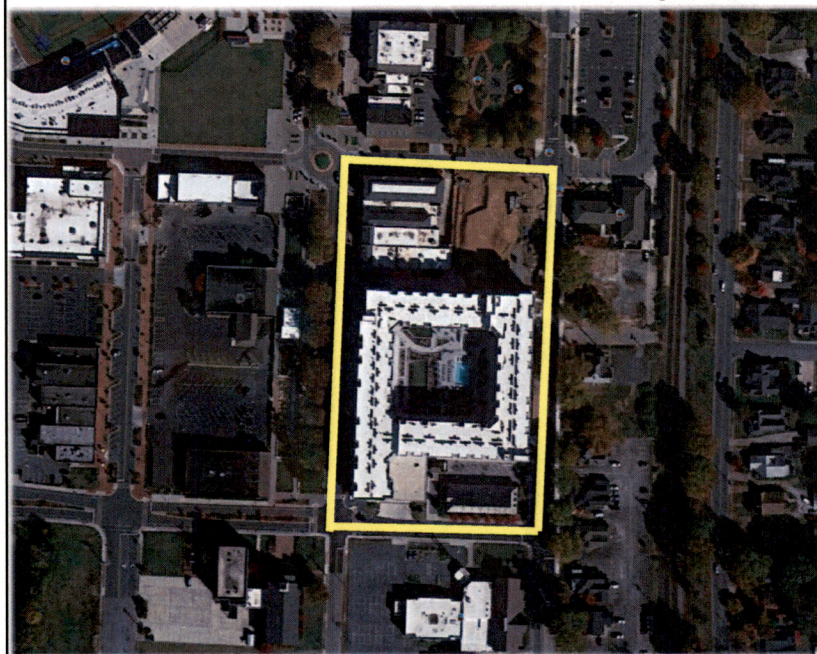
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Date 1-3-2023

Comparison of Mixed-Use Standards in Downtown

	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 activities". The term "retail" includes the sales of merchandise and personal services, but not drive-through financial services.
Mooreville	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.

44

Vida -Kannapolis



45

Attachment No. 6
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Date 1-3-2023

Shopfront Building Proposed

TA22-12

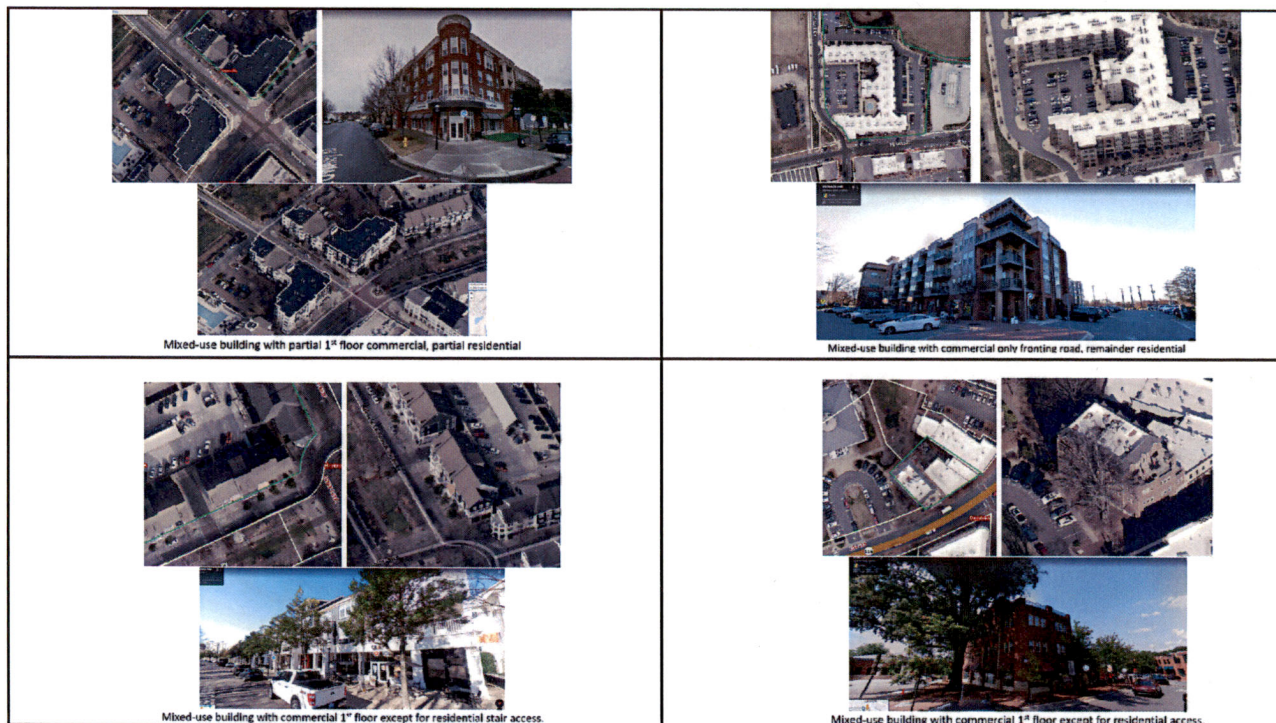
First floor commercial floor area shall include floor area used exclusively for commercial uses and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall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

Workplace Building Proposed

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.

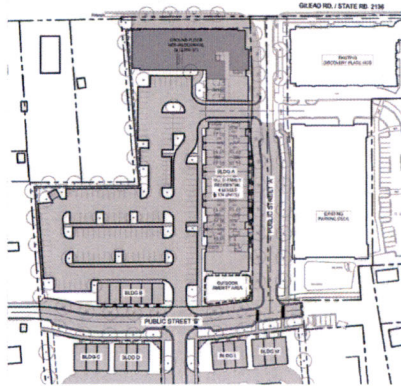
46



47

Huntersville Town Center with non-residential (dark grey) facing Gilead Road representing 34% first floor area. Through a conditional rezoning, Town Board approved a reduction of minimum 50% first floor non-residential use to 34%.

Under the proposed text amendment, the word non-residential will be replaced with commercial. Additionally, spaces shared between the commercial and residential uses (i.e., mechanical & maintenance areas) that were approved as non-residential for this project will be counted as residential under the proposed text amendment.

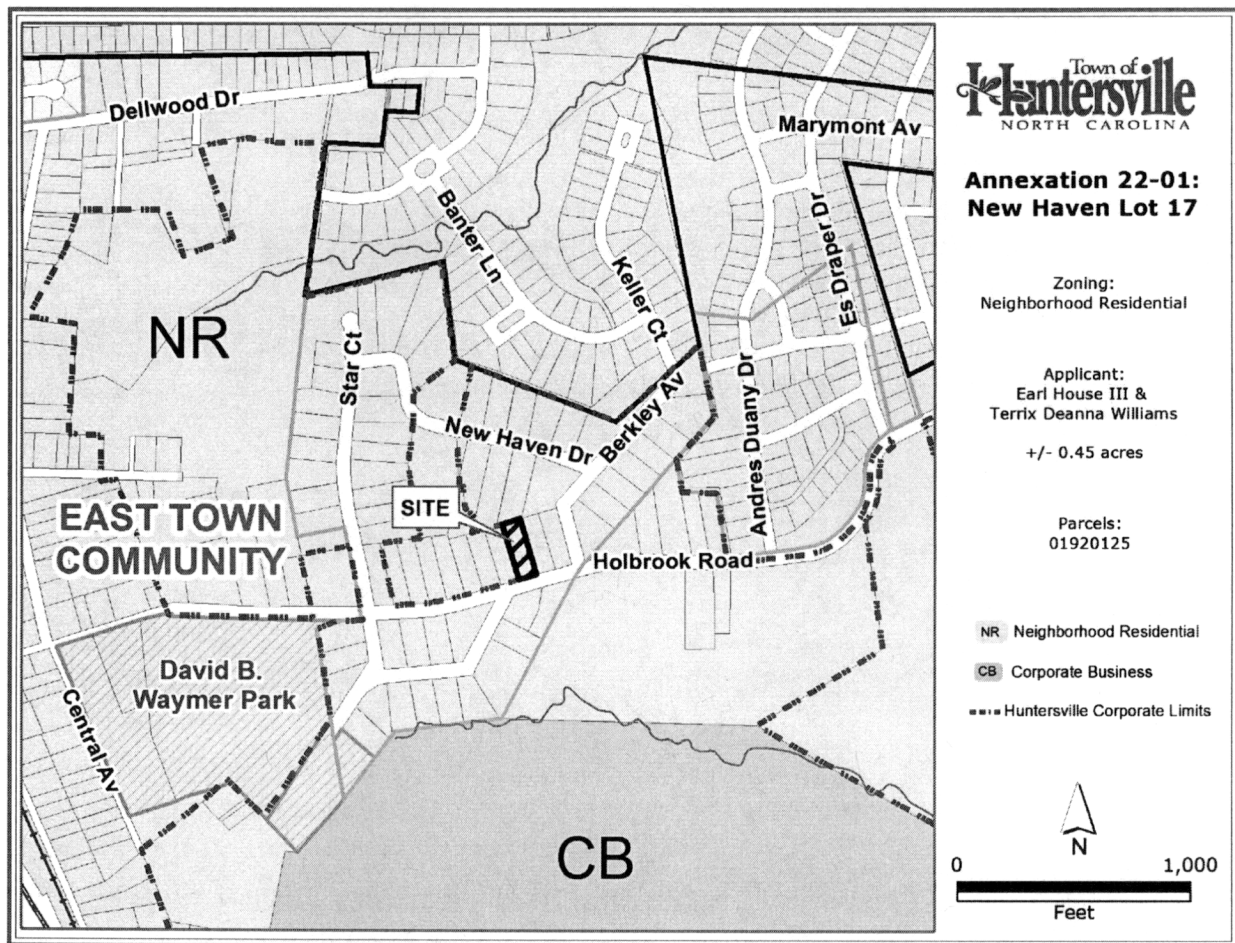


**Annexation Petition # 22-01 (Contiguous)
New Haven Lot 17**

EXPLANATION OF THE REQUEST

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

LOCATION



BACKGROUND

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

All statutory requirements for annexation have been met:

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

STAFF RECOMMENDATION

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

ATTACHMENTS

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



PETITION REQUESTING ANNEXATION

To the Board of Commissioners of the Town of Huntersville:

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

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

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

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

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

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

Parcel: 01920125 - Lot 17 - New Haven/Vermillion

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Date 1-3-2023

Annexation Petition (2013 version)

Earl House III & Terrix Deanna Williams

Property Owner(s)

14509 Holbrooks Rd. Huntersville, NC 28078

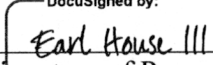
Address of Property Owner(s)

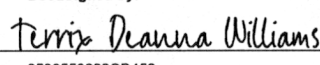
757-768-6745 - Earl 910-658-7892 - Deanna

Telephone Number

earl.house3@gmail.com

E-mail address

DocuSigned by:

Signature of Property Owner

DocuSigned by:

8586559222CD452...

10/28/2022

10/28/2022

Date

Attachment No. 7
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Date 1-3-2023



CERTIFICATE OF SUFFICIENCY

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

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

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

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

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




Janet Pierson, Town Clerk

Attachment No. 7
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RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO N.C.G.S. 160A-31

(New Haven Lot 17 Property)

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

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

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

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

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

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

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

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

Mayor

Town of Huntersville, North Carolina

ATTEST:

Town Clerk

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

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

Legal Description: PARCEL ID: 01920125

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

Containing 0.45 acres.

THANK YOU for your legal submission!

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

ORDER DETAILS**Order Number:**

IPL0101395

Order Status:

Submitted

Classification:

Legals & Public Notices

Package:

CLT - Legal Ads

Final Cost:

51.00

Payment Type:

Account Billed

User ID:

IPL0021908

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

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

Legal Description: PARCEL ID: 01920125

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

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

W00000000

Publication Dates

ACCOUNT INFORMATION

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

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

TRANSACTION REPORT**Date**

December 8, 2022 11:24:56 AM EST

Amount:

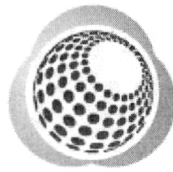
51.00

SCHEDULE FOR AD NUMBER IPL01013950

December 19, 2022

The Charlotte Observer

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BCSC
BATEMAN CIVIL SURVEY COMPANY

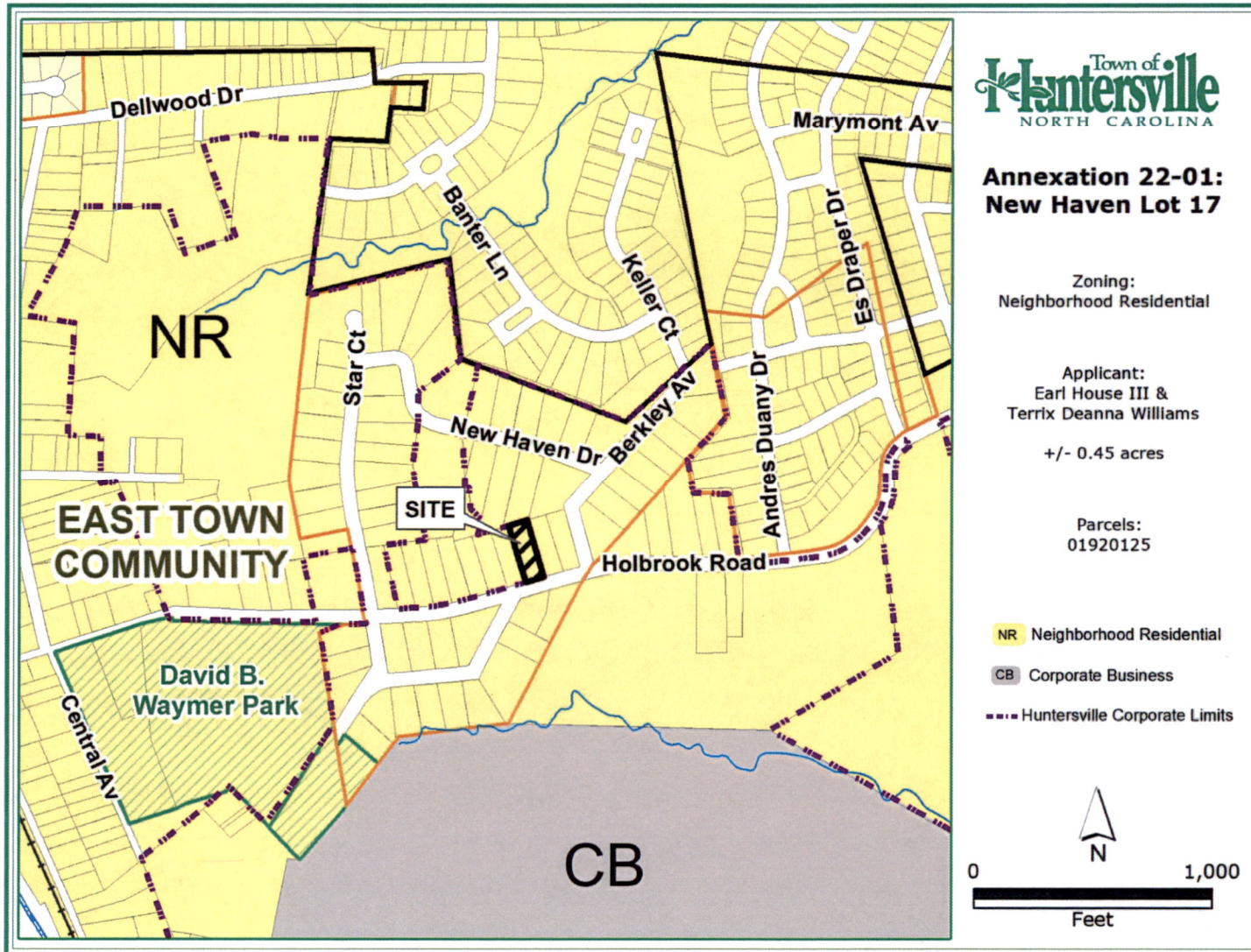
Bateman Civil Survey Company, PC
2524 Reliance Avenue
Apex, NC 27539

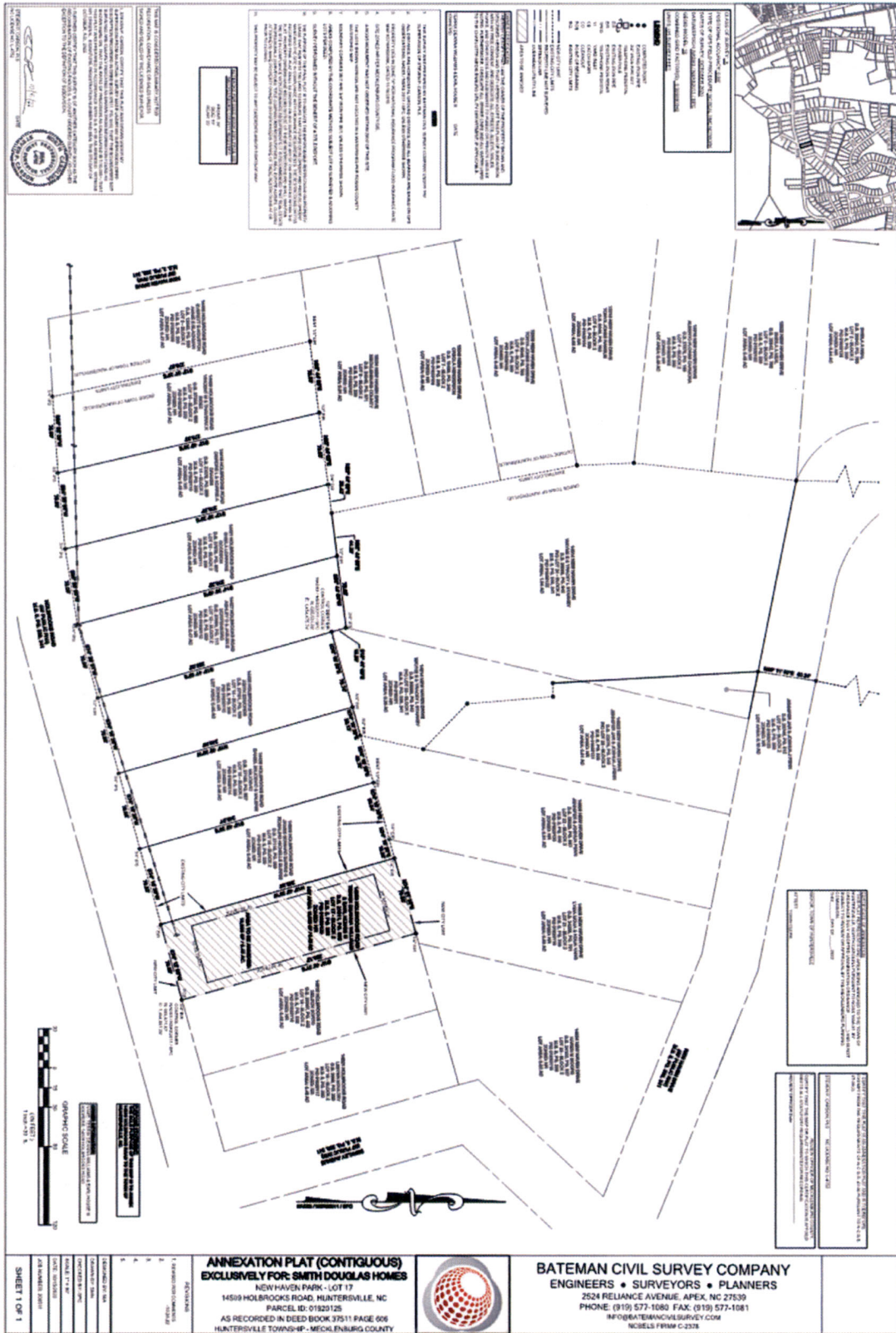
Phone: (919) 577-1080
Fax: (919) 577-1081
info@batemancivilsurvey.com

Legal Description: PARCEL ID: 01920125

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this 3rd day of January 2023.

Mayor:

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

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Date 1-3-2023

Exhibit A: New Haven Lot 17 - Property Description

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

Legal Description: PARCEL ID: 01920125

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

Attachment No. 8
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Date 1-3-2023



**RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS TO ACQUIRE
RIGHT OF WAY AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE ADOPTED
AND FUNDED BEATTIES FORD AT GILEAD RD PROJECT**

WHEREAS, the Town of Huntersville (the "Town") has determined that the acquisition of fee title right of way, and easements is necessary to the delivery of the Beatties Ford at Gilead Rd Project; and

WHEREAS, the Town finds that such title, rights-of-way, and easements, including existing public rights-of-way and easements, are for a public use and necessary for the construction of the Beatties Ford at Gilead Rd Project; and

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

WHEREAS, to meet said defined project delivery schedule, property acquisition process should begin no later than January 2023; and

WHEREAS, the Town's proposed property acquisition process for the Beatties Ford at Gilead Rd Project will comply with applicable Federal, State, and Local regulations; and

WHEREAS, the Town has certified that the parcels ("the Property"), represented on Exhibit A, are needed for the Beatties Ford at Gilead Rd Project.

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

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

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Page 1 of 3

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

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

Adopted this 3rd day of January, 2023.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney

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Date 1-3-2023

Resolution No. R-2023-01
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EXHIBIT A - PARCEL INDEX
BEATTIES FORD AT GILEAD RD

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

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