

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

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

PRE-MEETING

None

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

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

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

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

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

Commissioner Kovacs requested an update on the new town hall.

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

Commissioner Kovacs requested update on the NorthState Town Center project.

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Bales requested update on the Main Street project.

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

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

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

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

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

Town of Huntersville Proclamation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Bales said how much was the last bond package.

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Cheek said it is being proposed.

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

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

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

Ms. Cheek said I think on just the gym.

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

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

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

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

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

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

Ms. Cheek said it was pre-covid.

Commissioner Boone said do you know the year.

Ms. Cheek said I don't

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AGENDA CHANGES

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

CONSENT AGENDA

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

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

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

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

Resolution attached hereto as Exhibit No. 1.

PUBLIC HEARINGS

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

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

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

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

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

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

OTHER BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Boone made a motion to recuse Commissioner Phillips.

Commissioner Munger seconded motion.

Motion carried 5 to 0.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Matthew Levesque, ESP Associates, 20484 Chartwell Center Drive, Cornelius, said we are the planning and engineering firm working with Toll Brothers. *Refer to PowerPoint attached hereto as Exhibit No. 3.* Also, with Toll Brothers, Jaime Pou, is here this evening as well. Very good questions on the block length and thank you for bringing that up. That was a lot of working with staff on trying to figure out what's the right balance of this unique property with all the wetland features and natural features, as well as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Peete said I think it says trail connections.

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

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

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

Mr. Levesque said the neighborhood trails.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Bales said is that if needed.

Commissioner Munger said if needed.

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

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

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

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

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

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

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

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

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

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

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

Mayor Bales said please proceed.

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

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

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

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

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

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

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

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

Mr. Peete said that number is from the plan.

Commissioner Munger said and that is the correct number.

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

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

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

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

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

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

Commissioner Boone seconded motion.

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

Commissioner Boone seconded motion.

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

Mayor Bales swore in Susan Irvin.

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

Commissioner Munger said that matches the intent, yes.

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

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

Commissioner Boone said it's probably legally correct then.

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

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

Commissioner Boone seconded amended motion.

Mayor Bales called for the vote.

Motion carried 4 to 0.

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

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

Commissioner Kovacs seconded motion.

Motion carried 4 to 0.

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

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

Commissioner Munger made a motion to recuse Commissioner Phillips.

Commissioner Kovacs seconded motion.

Motion carried 5 to 0.

Nathan Farber, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

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

The Planning Board voted 7 to 2, to recommend.

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

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

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

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

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

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

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

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

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

Commissioner Partee seconded motion.

Motion carried 4 to 0.

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

Commissioner Boone seconded motion.

Motion carried 4 to 0.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Bales said I would be in favor of that.

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

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

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

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

Commissioner Munger seconded motion.

Motion carried 5 to 0.

Town of Huntersville State Legislative Goals attached hereto as Exhibit No. 5.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Munger

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

Commissioner Partee

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

Commissioner Kovacs

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

Commissioner Boone

- No Report.

Commissioner Phillips

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

Mayor Bales

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

There being no further business, the meeting was adjourned.

Approved this the 6th day of February, 2023.


Town Clerk



RESOLUTION OF THE TOWN OF HUNTERSVILLE TO AWARD THE BID FOR 2023 ROAD RESURFACING PROJECT AND ACCEPT AND APPROVE THE BID PROPOSAL AS THE CONTRACT

WHEREAS, the Town of Huntersville received formal, written, sealed bids for the resurfacing of +/- 6.4 miles of Town roads, including the repair of 22 wheelchair accessible ramps and the installation of 41 truncated domes (the "Project"); and

WHEREAS, N.C.G.S. 143-129(a) requires the procedures of letting public contracts through formal bid process for projects in an amount equal to or more than five hundred thousand dollars (\$500,000); and

WHEREAS, formal bid procedures were conducted in accordance with N.C.G.S. 143-129, the lowest responsible bidder being Blythe Construction.; and

WHEREAS, the Town now desires to enter into a construction services agreement with Blythe Construction, (the "Agreement"), the Agreement being attached hereto as Exhibit A; and;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Commissioners awards the Project to the Low Bidder, in accordance with the Bid Proposal submitted:

• Base Bid of:

1. Subtotal \$ 1,674,761.75

2. 5% Contingency \$ 83,738.09

Total Bid: \$ 1,758,499.84

Total Bid Amount : \$ 1,758,499.84

*It is understood and agreed that these figures are estimates and that actual amount paid to the Contractor for these items will depend upon actual quantities of roads that are resurfaced

2. The Bid Proposal, attached hereto as Exhibit 1, is hereby accepted and approved. As used herein, the Bid Proposal is deemed to include all Exhibits attached thereto, and all Contract Documents identified and incorporated therein by reference.
3. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to effect the provisions of this Resolution. Provided a budget amendment is not necessary, the Town Manager shall have the authority to approve change orders to the Project for time and price, however the total of all change orders approved by the Town Manager may not exceed five percent (5%) of the Total Bid Amount stated in paragraph 1, above.
4. This Resolution shall be effective as of the date its adoption.

Adopted this 17th day of October, 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney





CONTRACT PROPOSAL

PROJECT: 2023 RESURFACING Project No.5700-2023-001

LOCATION OF THE WORK: Milling and Resurfacing of approximately 6.4 miles of roadway, replacement of 22 wheelchair accessible curb ramps, and installation of 41 truncated domes on various streets within the Town of Huntersville, NC, as shown on Exhibit A & B to this Contract Proposal.

TYPE OF WORK: Asphalt Milling, Patching and Asphalt Paving, Curb Ramp Repair and Replacement

BIDS MUST BE RECEIVED BY: Wednesday September 21, 2022 by 2:00 p.m.

PHYSICAL ADDRESS FOR BID SUBMISSION: Huntersville Public Works
Huntersville Town Center
105 Gilead Road, Suite 300 (3rd Floor), Conference Room #302
Huntersville, NC 28078
Attn: Kevin Garton, P.E.

MAILING ADDRESS FOR BID SUBMISSION: Huntersville Public Works
PO BOX 664; Huntersville, NC 28078
Attn: Kevin Garton, P.E.

DATE OF AVAILABILITY & COMPLETION: October 10, 2022 to June 30, 2023

Notice: All bidders shall comply with all applicable laws regulating the practice of general contracting as contained in chapter 87 of the General Statutes of North Carolina which requires the bidder to be licensed by the NC Licensing Board for Contractors when bidding on any non-federal aid project where the bid is \$30,000 or more, except for certain specialty work as determined by the licensing board.

Blythe Construction Inc.

7639

NAME OF BIDDER

N.C. CONTRACTOR'S LICENSE NUMBER

PO Box 31635 Charlotte, NC 28231

ADDRESS OF BIDDER

SIGNATURE OF BIDDER

4 EXECUTION OF CONTRACT PROPOSAL

Incompliance with the foregoing request for proposals and subject to all Terms and Conditions thereof, the undersigned offers and agrees, if this proposal is accepted, to furnish the services for the prices quoted and completed in Exhibit C Itemized Proposal along with the completed cover page of the Contract Proposal, Performance Bond, and proof of Insurance requirements.

This Contract for Resurfacing, and all attachments, (collectively this "Contract") is by and between the Town of Huntersville, a municipal corporation of the State of North Carolina, (the "Town") and Blythe Construction Inc., (the "Contractor") with address PO Box 31635, Charlotte, NC 28231

Contractor's Federal Social Security ID No.: 56-6032862

Contractor's License No.:

7639

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at Huntersville, North Carolina, this day of _____, 20__

Contractor

Town of Huntersville

Name: Allen Hendricks

Name of Contractor (type or print)

Town Manager

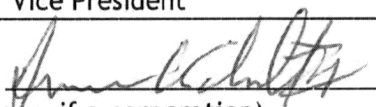
By: 

(Signature)

Attest:

Title: Vice President

Town Clerk

Attest: 

(Secretary, if a corporation)
Lawrence G. Schmidt II.

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Director



Engineering & Public Works

Post Office Box 664 • 105 Gilead Road, Suite 300 • Huntersville, NC 28070
phone 704.766.2220 • fax 704.992.5528 • www.huntersville.org

2023 Resurfacing- Overall Map



Map 1



Map 2



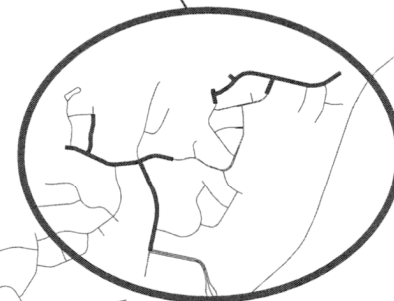
Map 3



Map 4



Map 5



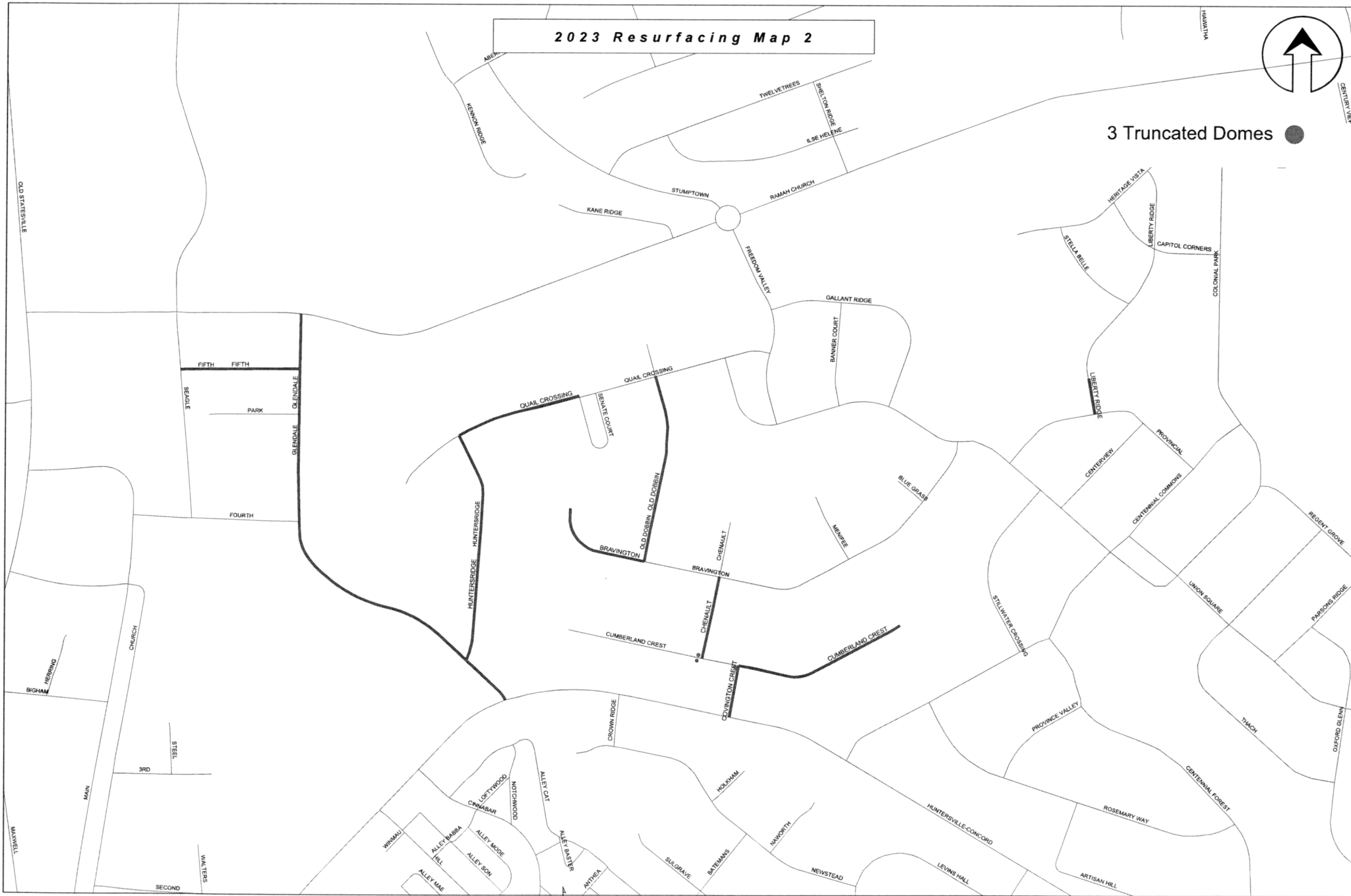
2023 Resurfacing Map 1



24 Truncated Domes ●
12 Remove and Replace ●



2023 Resurfacing Map 2





2023 Resurfacing Map 3





2023 Resurfacing Map 5

14 Truncated Domes ●

8 Remove and Replace ●



Exhibit C - Itemized Proposal

Base Bid					
Item No.		Description	Qty & Units	Unit Bid Price	Amount Bid
Line No.	Section No.			\$0.00	\$0.00
1	800	Mobilization	Lump Sum	66,000.00	66,000.00
2	SP	Incidental Stone Base	100 Tons	40.00	4,000.00
3	645	Asphalt Concrete Surface Course, Type S9.5C	10,120 Tons	59.00	597,080.00
4	620	Asphalt Binder for Plant Mix Grade PG 64-22	556 Tons	860.00	478,160.00
5	607	Mill Asphalt to 2" Depth	92,879 sq.yds	2.75	255,417.25
6	SP	Patching Existing Pavement	1,700 Tons	90.00	153,000.00
7	SP	Adjustment of Manholes	20 each	165.00	3,300.00
8	SP	Adjustment of Catch Basins	1 each	1,500.00	1,500.00
9	SP	Adjustment of Water Valves	10 each	85.00	850.00
10	848	Remove and replace wheelchair accessible curb ramp	22 each	3,500.00	77,000.00
11	848	Install Bolt On Truncated Dome on Existing Curb Ramp	41 each	850.00	34,850.00
12	1205	Thermoplastic 24" White Stop Bar	12 each	185.00	2,220.00
13	1205	Thermoplastic 4" White	710 LF	1.95	1,384.50
				Subtotal =	1,674,761.75
14	SP	5% Contingency	Lump Sum		83,738.09
		TOTAL BID AMOUNT FOR PROJECT =			1,758,499.84

Exhibit C - Itemized Proposal

Blythe Construction Inc.	09/12/2022
Company Name	Date

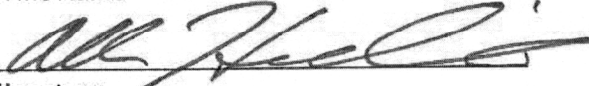
Allen Hendricks	Vice President
Print Name	Title
	
Signature	

Exhibit D - Bid Bond



BID BOND

Principal: Blythe Construction, Inc.
Name of Principal Contractor
Surety: Liberty Mutual Insurance Company
Name of Surety
Contract Number: 5700-2023-001 County: Mecklenburg
Date of Bid: September 21, 2022

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the Town of Huntersville in the full and just sum of five (5) percent of the total amount bid by the Principal for the project stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

NOW, THEREFORE, the condition of this obligation is: the Principal shall not withdraw its bid within sixty (60) days after the opening of the bids, or within such other time period as may be provided in the proposal, and if the Town of Huntersville shall award a contract to the Principal, the Principal shall, within ten (10) calendar days after written notice of award is received by him, provide bonds with good and sufficient surety, as required for the faithful performance of the contract and for the protection of all persons supplying labor, material, and equipment for the prosecution of the work. In the event the Principal requests permission to withdraw his bid due to mistake in accordance with the provisions of Article 103-3 of the *Standard Specifications for Roads and Structures*, the conditions and obligations of this Bid Bond shall remain in full force and effect until the Town of Huntersville makes a final determination to either allow the bid to be withdrawn or to proceed with award of the contract. In the event a determination is made to award the contract, the Principal shall have ten (10) calendar days to comply with the requirements set forth above. In the event the Principal withdraws its bid after bids are opened except as provided in Article 103-3, or after award of the contract has been made fails to execute such additional documents as may be required and to provide the required bonds within the time period specified above, then the amount of the bid bond shall be immediately paid to the Town of Huntersville as liquidated damages.

IN TESTIMONY WHEREOF, the Principal and Surety have caused these presents to be duly signed and sealed.

This the 9th day of September, 20 22

Liberty Mutual Insurance Company

Surety

By

Elizabeth K. Sterling
General Agent or Attorney-in-Fact Signature

Seal of Surety

Elizabeth K. Sterling, Attorney-in-Fact

Print or type Signer's Name

BID BOND
CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

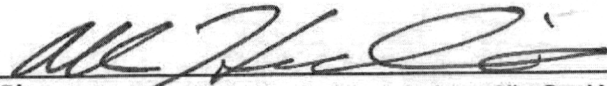
Blythe Construction, Inc.

Full name of Corporation

P.O. Box 31635 Charlotte, NC 28206

Address as prequalified

By



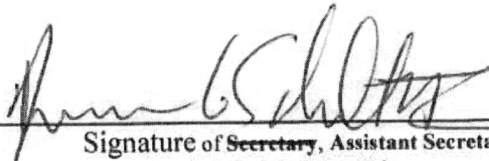
Signature of ~~President~~, Vice President, Assistant Vice President
Select appropriate title

Allen Hendricks, Vice President

Print or type Signer's name

Affix Corporate Seal

Attest



Signature of ~~Secretary~~, Assistant Secretary
Select appropriate title

Lawrence G. Schmidt, II, Asst. Sec.

Print or type Signer's name



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8207208-016072

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Benjamin A. Stahl, Elizabeth K. Sierling, Megan K. Douaire

all of the city of Atlanta state of GA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 31st day of January, 2022.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By:

David M. Carey

David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss:
County of MONTGOMERY

On this 31st day of January, 2022, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By:

Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12: Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 9 day of Sept., 2022.



By:

Renee C. Llewellyn

Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.



LIBERTY MUTUAL INSURANCE COMPANY
FINANCIAL STATEMENT — DECEMBER 31, 2021

Assets		Liabilities	
Cash and Bank Deposits.....	\$2,234,770,744	Unearned Premiums.....	\$9,106,965,847
*Bonds — U.S. Government.....	4,250,615,811	Reserve for Claims and Claims Expense.....	25,279,158,493
*Other Bonds.....	16,983,165,862	Funds Held Under Reinsurance Treaties.....	315,537,902
*Stocks.....	20,075,458,019	Reserve for Dividends to Policyholders.....	1,726,291
Real Estate.....	182,250,567	Additional Statutory Reserve.....	139,634,000
Agents' Balances of Uncollected Premiums.....	7,607,687,836	Reserve for Commissions, Taxes and	
Accrued Interest and Rents.....	120,173,987	Other Liabilities.....	8,638,106,801
Other Admitted Assets.....	14,076,622,575	Total	\$43,481,129,334
Total Admitted Assets	\$65,530,745,401	Special Surplus Funds.....	\$178,192,363
		Capital Stock.....	10,000,075
		Paid in Surplus.....	11,804,736,755
		Unassigned Surplus.....	10,056,686,874
		Surplus to Policyholders	22,049,616,067
		Total Liabilities and Surplus	\$65,530,745,401



* Bonds are stated at amortized or investment value; Stocks at Association Market Values.
The foregoing financial information is taken from Liberty Mutual Insurance Company's financial statement filed with the state of Massachusetts Department of Insurance.

I, TIM MIKOLAJEWSKI, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the foregoing is a true, and correct statement of the Assets and Liabilities of said Corporation, as of December 31, 2021, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Seattle, Washington, this 8th day of March, 2022.

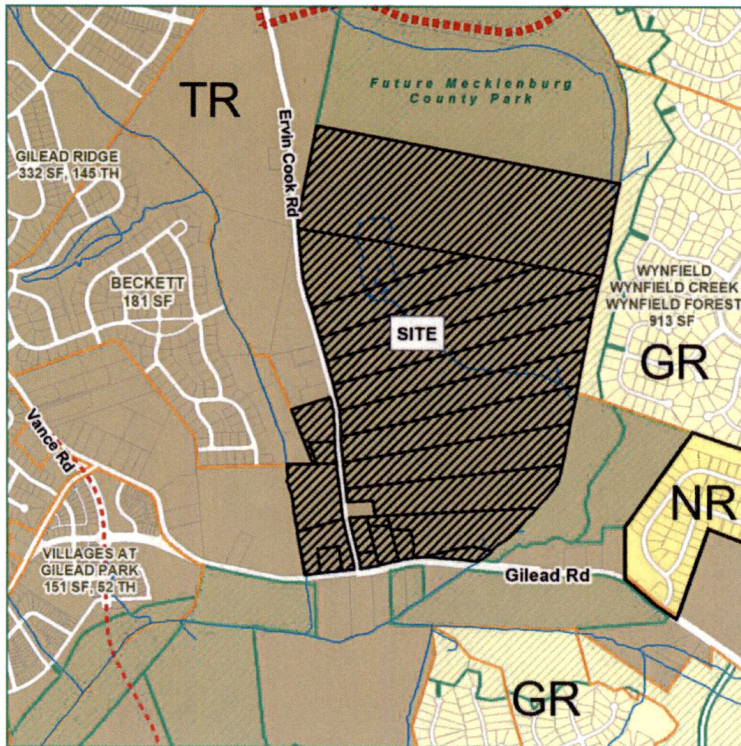
T. Mikolajewski

Assistant Secretary

Honeycutt-Brown Subdivision Sketch Plan

(NOTE: submitted March 11, 2022, and being considered under the quasi-judicial process)

PART 1: PROJECT SUMMARY



Applicant: Toll Southeast, Inc.

Property Owner(s): various (see Attachment A).

Property Address: 14412 Ervin Cook Road

Project Size: (+/-) 239.37-acres.

Parcel Number(s): 009-05-102, 009-04-105-109, 009-05-110-119, 009-03-201, 009-03-214, 009-03-233 & 234 & a portion of 009-03-208.

Current Zoning: Transitional Residential (TR).

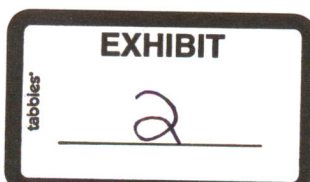
Current Land Use: farmland, vacant & a few single-family homes.

Proposed Land Use:
358 single-family homes.

Proposed Density: 1.5 dwelling units per acre.

PART 2: SITE PLAN DESCRIPTION AND ISSUES

1. Purpose: To subdivide 239.37-acres of land located northeast of Gilead Road and Ervin Cook Road intersection (shown as "site" above) into 358 single-family lots.
2. Adjoining Zoning and Land Uses:
 - North: Transient Residential (TR) – farmland & vacant (future regional County Park).
 - South: Transient Residential (TR) – a few single-family homes and vacant.
 - East: General Residential (GR) & Transient Residential (TR) – single-family homes (Wynfield Subdivision) & vacant (future County McDowell Creek Park).
 - West: Transient Residential (TR) – a few large-lot, single-family homes & vacant.
3. A neighborhood meeting was held on July 14, 2022 (see Attachment C). Residents' questions related to transportation improvements, number of proposed homes and anticipated price.
4. The proposed 358 single-family homes will be on lots averaging 7,806 sq. ft. in are (7,500 sq. ft. avg. required).
5. The proposed subdivision meets the requirement of at least 3 different lot widths with a differential of at least 10' (156 lots @ 52'-wide; 116 lots @ 62'-wide; 86 lots @ 72'-wide). The total average lot width required is 60' and the proposal is 60.04'.
6. In the Transitional Residential (TR) zoning district, 35% of total tree canopy is required to be saved and the proposal is to save 58% of the tree canopy (30.17-acres). Further, 35 percent of the specimen trees are required to be saved and the proposal is to save 71% of the specimen trees (333 trees). There are no known heritage trees on the site.



7. A phase plan has not been submitted. In the absence of a phase plan, all improvements will be required at initial build.
8. A water quality concept plan is being reviewed by the Town but has not been approved as of the date of this report.
9. A “Willingness to Serve” letter was provided by Charlotte Water on March 21, 2022.
10. Forty percent (40%) open space is required in the Transitional Residential (TR) zoning district to achieve 1.5 units an acre and 48% (approximately 115-acres) is proposed. The amount and type of Urban Open Space is still being discussed with Staff, as there are several lots that are not within ¼ mile of Urban Open Space.
11. Off-site street connection is provided via two (2) entrances from Ervin Cook Road and one proposed stub to the north. However, Mecklenburg County, who plan to build a park on the property to the north have asked to eliminate the connection to the north. There are no connections to the south, as it is either state road or floodplain and there are none to the east, as it is also floodplain, and the adjacent subdivision (Wynfield) is built-out and did not provide stub connections.

PART 3: TRANSPORTATION ISSUES/TRAFFIC IMPACT ANALYSIS (TIA)

A TIA Determination of Need was completed for the site. Based on the use and intensity, a TIA for the site was required. Identified and committed roadway improvements (per TIA and NCDOT):

Gilead Road and Ervin Cook Road:

- Provide an exclusive westbound right-turn lane (on Gilead Road) with at least 100 feet of storage and appropriate decel and taper;
- Provide an exclusive eastbound left-turn lane (on Gilead Road) with at least 100 feet of storage and appropriate decel and taper;
- Provide an exclusive southbound right-turn lane (on Ervin Cook Road) with at least 150 feet of storage and appropriate decel and taper.

Ervin Cook Road and Proposed Access Locations:

- Construct the westbound approach (Access A) with at least one ingress lane and one egress lane (striped as shared left/right)
- Construct the westbound approach (Access B) with at least one ingress lane and one egress lane (striped as shared left/right)

Additional comments include:

- Provide 6’ sidewalk on both sides of Ervin Cook Road along entire property frontage, provide 10’ side path on Gilead Road along entire property frontage (where feasible). 10-17-22 UPDATE: both 6’ sidewalks along Ervin Cook Rd. and 10’ side path along Gilead Rd. have been added to Sketch Plan.

PART 4: PLANNING STAFF ANALYSIS

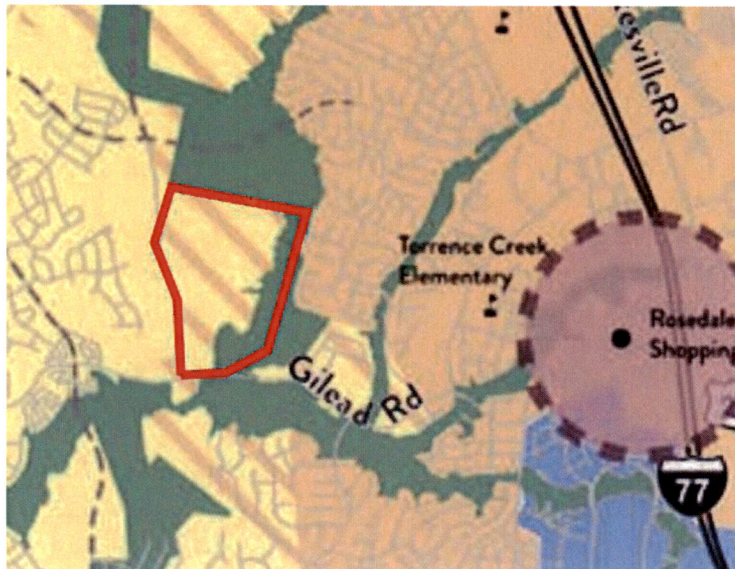
Section 6.200 of the Subdivision Ordinance outlines the “general requirements and policies to be used in the design, review, and approval” of subdivisions in the Town of Huntersville. The following staff findings are provided for the Board’s consideration of the Honeycutt-Brown Subdivision Sketch Plan.

1. Consistency with adopted public plans and policies.

The following sections of the 2040 Huntersville Community Plan apply to this request:

- The proposed Honeycutt-Brown Subdivision lies within the Moderate Density and Open Space Future Land Use Character Area of the 2040 Community Plan. The Moderate Density Character Area “is meant to accommodate a mix of conventional residential subdivisions with large lots and traditional neighborhood development with a mix of lot sizes, including smaller unit types and occasional attached

housing”. “Average gross density is generally 1 – 3 units per acre”. Comment: This proposed subdivision has a proposed density of 1.5 units per acre and offers a mix of three (3) lot sizes.



Moderate Density

This area is meant to accommodate a mix of conventional residential subdivisions with larger lots and traditional neighborhood development with a mix of lot sizes, including smaller unit types and occasional attached housing. Average gross density is generally 1-3 units per acre. It may have some smaller-scale commercial or nonresidential activity at key intersections. Exact density of future development should vary based on context and site constraints including potential conflicts with adjacent development, access, and the presence of natural and/or cultural resources.



Environmental / Open Space

These sensitive environmental areas consist primarily of development-impaired lands such as floodways and floodplains as well as parks and previously-protected areas.

- **Policy LU 12.3: Blend new development with existing neighborhoods, structures and landscapes through the use of transitions in building types and placement of open space, buffers and other site features.** Comment: As the proposed lot size and arrangement do not match the adjacent large-lot single-family homes and farmland, a 20 feet landscape buffer surrounding the development will create an appropriate transition. However, the parcels to the north and west do not have much development on them. To the east is the Wynfield Subdivision, but it is separated by a large creek floodplain.
- **Policy EOS 4.3: Plant more trees and continue to require street trees in new developments.** Comment: Street trees will be provided along all new streets.

- Policy EOS 8.2: Work toward the goal of 100% of residents within a 10-minute walking distance of a park, formalized or curated natural areas, publicly accessible passive open space area or greenway access point.**
Comment: The subdivision would abut both a future county park to the north and a future county greenway to the east, with multiple trails to both amenities.
- Policy EOS 8.3: Continue to require locational standards for open space in new developments.** Urban Open Space should be located within walking distance of homes in new subdivisions that are not located in rural areas. Open space should be located in undivided preserves where possible and should be accessible to the largest number of lots with the development.
Comment: Five (5) Urban Open Spaces are provided throughout the subdivision, however several lots along the northeast are not located within 1/4 -mile walk of these types of open space. Additional space will need to be provided.
- Policy EOS 10.1: Implement the Greenway, Trail and Bike Committee's "30 x 30" Plan.** Connect all parks, schools, neighborhoods and major shopping into the Town's Greenway System (The Vine) by 2030 incrementally over the next 10 years. Include greenways, sidewalks, multi-use paths, trails and dirtways.
Comment: The proposed subdivision will provide ~~two~~ **three (2) (3)** trails to the future county park to the north. A street stub to the future county park is also shown, however the County has asked to eliminate that stub. There are two (2) trails shown to the east to connect to the future McDowell Creek greenway. Lastly, along the western edge, the floodplain of another creek is to be set-aside. All of these greenways are shown on the Town's Greenway Master Plan (see below).



- Policy PS 8.1: Continue to require new development to provide extensions (of public services) and infrastructure to serve new development, particularly in activity centers.**
Comment: Water and sewer is to be extended to this property, which will provide access to adjacent properties, as well.
- Policy T 3.1: Continue to enhance street connectivity by requiring connections among different uses.** Continue to require street connectivity among residential, commercial, employment, recreational and institutional uses. Context-sensitive street design should be applied.
Comment: One stub to the north is proposed to the future county park, however, Mecklenburg County has asked that the connection be eliminated. Other than the two entrances onto Ervin Cook Road, there are no other connections proposed. While the lack of connectivity is inconsistent with the goals of the

2040 Plan, in general, for this development, there are not many opportunities to connect due to existing land development patterns and environmental features. The connection to the north is the only opportunity.

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

Comment: The proposed subdivision provides trail connections to the north (2 ~~2~~ 3 trails), the east (2 trails) and sets aside land for a future greenway along the western border. In addition, Ervin Cook Road will be upgraded to NCDOT standards and provide sidewalks on both sides of the project's frontage.

- **Policy T 5.3: Support NCDOT's Complete Streets Policy.** Complete streets policies require all streets to be planned and designed to consider the safety and accessibility of all users, no matter their age and ability. Complete streets prioritize sidewalks, bicycle facilities and safe crossings in accordance with the street's context and function.

Comment: All proposed streets utilize the Town's residential street cross-section and provide appropriate lane widths and sidewalks on both sides.

The following sections of the Beatties Ford Road Small Area Plan apply to this request:

- Section 7.2 Land Use and Zoning - Transportation and Land Use Master Plan identifies this property as a "Residential Area / Subdivision" (beige area highlighted in purple below):



- Section 6.5.3 Non-vehicular Transportation – Green Infrastructure Connectivity: "Planning for open spaces must be coordinated... to create a well-linked open space network throughout the entire study area".
- Other relevant Implementation goals include:
 - Ensure the implementation of a comprehensive interconnected collector street network.
 - Continue the low-density residential development pattern within the study area.

2. Conformity.

With the exception of Wynfield Subdivision to the east, there are no adjacent developments. Wynfield is separated from this property by a wide floodplain. The vacant parcels to the north are owned by Mecklenburg County and will be a future county park. Along the west side of the property are a few homes on very large lots and to the south is Gilead Road. The effect of the existing land use pattern has created an isolated area where this subdivision is proposed to be developed.

3. Access between Adjoining Properties.

The subdivision proposes one (1) street connection to the north to connect to the future regional county park. However, Mecklenburg County has requested not to connect to the park. There will be ~~two~~ **three** ~~(2)~~ **(3)** trail connections to the park. No other connections are proposed to adjoining properties, as there is not opportunity to do so, due to either pre-existing development lot-arrangements or natural features.

4. Relation to topography.

The majority of the 239.37-acres that make up the Honeycutt-Brown Subdivision are generally flat, as the property was a farm. The entire east side of the project lies within the floodplain of McDowell Creek. The proposed street network and lot-layout generally respects the topography of the site, with three (3) creek crossings shown.

5. Mature trees and natural vegetation.

The proposed project is required to save 35 percent of the tree canopy, 35 percent of the specimen trees and 100% of the heritage trees. This subdivision proposes to save 58% of tree canopy, 71% of specimen trees and there are no known heritage trees located on site.

6. Access to parks, schools, etc.

To the north, ~~two~~ **three** ~~(2)~~ **(3)** trails are provided to connect to the future regional county park. To the east, two (2) trails are provided to the future McDowell Creek Greenway – which will be constructed soon. Land (0.37-acres) is proposed to be set aside along the creek on the west side for another future greenway. There are no schools in the general area.

7. Discourage through traffic.

There are no off-site connections other than to Ervin Cook Road (see Part 2, #10), therefore through-traffic is not possible. There is not one “main” street, so traffic should be well-distributed. The internal streets are appropriately sized for residential traffic, have some on-street parking and are designed to include short blocks.

8. Relationship to railroad rights-of-way.

Not Applicable.

9. Half streets.

Not Applicable.

10. Parallel streets along thoroughfares.

Not Applicable.

11. Public School and Public Park Sites

The parcels associated with the Honeycutt-Brown Subdivision Sketch Plan have not been identified for a school or park site.

12. Public Facilities

The parcel associated with the Honeycutt-Brown Subdivision Sketch Plan have not been identified for a public facility.

13. Proposed street names

The street names for Honeycutt-Brown Subdivision Sketch Plan would be approved with Preliminary (Construction) Plan submission (if Sketch Plan is approved).

14. Easements.

Easements have been identified and the plans have been sent to the respective Engineering and Utility Departments.

15. Proposed water and sewerage system.

Water and sewer will need to be extended to the development. A “Willingness to Serve” letter from Charlotte Water, dated March 21, 2022, has been provided.

16. Restrictions on the subdivision of land subject to flooding.

There is a large jurisdictional wetland that runs from north to south along the entire east side of the subdivision and no development is proposed in that area.

17. Reserved.

18. Open Space

Proposed open space is ~~96.00~~ **115.00-acres** (~~40%~~) (**48%**). Transitional Residential (TR) zoning requires 40% open space, minimum, to achieve maximum permitted density of 1.5 units per acre.

19. Impact of Development on Public Facilities

There is no indication the proposed subdivision will adversely impact public facilities. While this section of the Ordinance does not call for the specific consideration of impact to public schools (CMS), staff contacts Charlotte-Mecklenburg Schools (CMS) for an enrollment evaluation for all major subdivision requests. According to CMS, the development could generate 183 new student who will attend local schools. All three of the impacted schools are currently facing overcrowding issues. A section of CMS’s report is provided below. See Attachment D: CMS Report.

This development may add 183 students to the schools in this area.

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

<u>Schools Affected</u>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/ Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
TORRENCE CREEK ELEMENTARY	41.32	35	685	580	118%	72	129%
FRANCIS BRADLEY MIDDLE	57	53	1075	1000	108%	45	111%
HOPEWELL HIGH	99.0	100	1809	1827	99%	66	102%

The total estimated capital cost of providing the additional school capacity for this new development is \$7,017,000; calculated as follows:

PART 5: STAFF RECOMMENDATION

COMPLETENESS OF APPLICATION

Town Staff has reviewed the proposed Subdivision Sketch Plan and finds the application complete.

COMPLIANCE WITH APPLICABLE REQUIREMENTS

Honeycutt-Brown Subdivision Sketch Plan complies with all applicable requirements and is supported by the findings of fact outlined in Parts 2 – 4 of this report, with the following conditions:

There are several site plan issues that **MUST BE ADDRESSED**:

- REQUESTED MODIFICATIONS: the following three (3) block-length modifications are requested:
 - Road H, from Road F – Road K (1,729.61 ft. as shown on plan);
 - Road H, from Road G – Road M (1,184.23 ft. as shown on plan);
 - Cul-de-sac Road O – from Road F – cul-de-sac end (1,370 ft. as shown on plan).
 - Staff can support all three block length modifications, as there are several natural features to negotiate on site.
- Urban Open Spaces B & E are not an acceptable type – Applicants will need to work with Staff on alternatives.
- A rough-grading plan for the parcels west of Ervin Cook Road must be provided. 10-17-22 UPDATE: rough-grading plan for this area has been provided – ITEM SATISFIED.
- Comments from NCDOT must be provided and addressed (as appropriate).
- BMP embankments and easements must be kept out of stream buffers. 10-17-22 UPDATE: embankments and easements have been pulled back from the stream buffers – ITEM SATISFIED.
- NEW ITEM - A note added to clearly state intention to dedicate or grant easement for greenway #1 (west side of subdivision) and eastside floodplain to Mecklenburg County.
- All outstanding Town Transportation comments to be addressed.
- All outstanding redline comments to be addressed.

APPROVAL

The Honeycutt-Brown Subdivision Sketch Plan could comply with all applicable requirements once the conditions listed above are addressed. Staff Recommends Approval of the proposed Subdivision Sketch Plan based on satisfaction of the above listed items.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board met on Tuesday, September 27, 2022, and voted to recommend approval (9-0) of the Honeycutt-Brown Subdivision sketch plan. The Planning Board found the application complete. The Planning Board found the Honeycutt-Brown Subdivision sketch plan consistent with adopted public plans and policy and complies with all applicable requirements of the Zoning Ordinance, the Huntersville 2040 Community Plan and the Beatties Ford Small Area Plan as stated within the findings of facts in parts 2-4 of the staff report. Specifically, the proposed Honeycutt-Brown Subdivision lies within the Huntersville 2040 Community Plan Moderate Density and open space future land use character area and is supported by policies LU12.3, EOS4.3, EOS8.2, EOS8.3, EOS10.1, PS8.1, T3.1, T3.2, T5.3. The Planning Board also recommends approval of the requested block length modifications for Road H from Road F to Road K, not to exceed 1,779.61 linear feet; for Road H from Road G to Road M, not to exceed 1900 linear feet; and Road O from Road F to cul-de-sac not to exceed 1,370 linear feet.

The recommendation is contingent upon approval of the water quality concept plan; working with staff to provide acceptable open space types for urban open spaces B & E; providing staff with a rough grading plan for the parcel west of Ervin Cook Road; addressing all outstanding Town transportation comments as outlined in part 3 of the staff report; providing and addressing all NCDOT comments that are applicable; BMP embankments being kept out of the stream buffers; and addressing all remaining redline comments with staff.

ADDITIONAL COMMENTS: F. Gammon requested that staff provide the graphic with the block length modification requests that indicates where the block modification is located, and the distance being requested so that the Board can more easily view the request. He recommended that staff include this in the presentation to Town Board as well.

PART 7: TOWN BOARD FINAL ACTION

The Town Board will review on Monday, October 17, 2022.

PART 8: ATTACHMENTS AND ENCLOSURES

- A – Subdivision Sketch Plan Application
- B – Proposed Honeycutt-Brown Subdivision Sketch Plan
- C – Neighborhood Meeting Report
- D – CMS Report

PART 9: DECISION STATEMENTS

Please refer to Part 5 of this report for recommendation.

In considering whether to approve an application for a subdivision sketch plan, the Planning and Town Board must complete the following (a full version can be found in Section 6.320.5 of the Subdivision Ordinance).

- Is the application complete (lacking any particular requirement)? *If no member of the Board moves that the application is incomplete, then this inaction is taken as an affirmative finding that the application is complete.*
- Does the application comply with all the applicable requirements? *A statement must be made that the application complies or does not comply that includes the support documentation of the particular motion.*
- Lastly, the Board must make a motion to approve or deny based on the previous statements.



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 3/11/2022

Name of Project Brown Property Phase # (if subdivision) _____

Project Address 14410 Ervin Cook Road

Parcel Identification Number(s) (PIN) 00904106, 00905102, 00905105, 00905106, 00905107, 00905108, 00905109, 00905110, 00905111, 00905112, 00905113, 00905114, 00905115, 00905117, 00905118, 00905119, 00903233, 00903201, 00903234, 00903214, 00903208

Current Zoning District TR Proposed District (for rezoning only) _____

Property Size (acres) 239.43 Street Frontage (feet) 132,243.04 ft

Current Land Use Agricultural

Proposed Land Use(s) Residential

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

Approval for Major Subdivision Sketch Plan

4. Site Plan Submittals

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

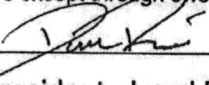
5. Outside Agency Information

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

6. Applicant

Printed Name Toll Southeast, Inc. Phone 704-430-9392
☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature  Printed Name: Dan Rossi

Title Vice President - Land Development Email drossi@tollbrothers.com

Address of Applicant 14529 Grand Palisades Parkway, Charlotte NC

7. Property Owner (if different than applicant)

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

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

Signature _____ Printed Name _____

Title _____ Email _____

Address of Property Owner _____

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

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

8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
ESP Associates	Lisa Roberts	704-990-9442	lroberts@espassociates.com
Design Firm	Name of Contact	Phone	Email

Contact Information

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



HONEYCUTT BROWN SITE

ESP 0436085

MAJOR SUBDIVISION SKETCH PLAN

TOWN OF HUNTERSVILLE / MECKLENBURG COUNTY,

NORTH CAROLINA

VICINITY MAP

NOT TO SCALE

Sheet List Table

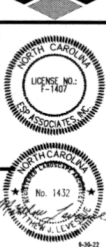
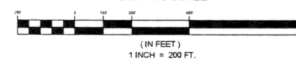
Sheet #	Sheet Title	ORIGINAL DATE	REVISED DATE	REVISED DATE
COVER	COVER	5/02/2022	7/07/2022	8/30/2022
INDEX	INDEX	5/02/2022	7/07/2022	8/30/2022
1.0	EXISTING FEATURES PLAN	5/02/2022	7/07/2022	8/30/2022
2.0	SLOPE & SOILS EXHIBIT	5/02/2022	7/07/2022	8/30/2022
3.0	4 STEP PROCESS (SHEET 1 OF 4)	5/02/2022	7/07/2022	8/30/2022
3.1	4 STEP PROCESS (SHEET 2 OF 4)	5/02/2022	7/07/2022	8/30/2022
3.2	4 STEP PROCESS (SHEET 3 OF 4)	5/02/2022	7/07/2022	8/30/2022
3.3	4 STEP PROCESS (SHEET 4 OF 4)	5/02/2022	7/07/2022	8/30/2022
4.0	PRELIM. TREE PRESERVATION PLAN INDEX	5/02/2022	7/07/2022	8/30/2022
4.1	PRELIM. TREE PRESERVATION PLAN (SHEET 1 OF 4)	5/02/2022	7/07/2022	8/30/2022
4.2	PRELIM. TREE PRESERVATION PLAN (SHEET 2 OF 4)	5/02/2022	7/07/2022	8/30/2022
4.3	PRELIM. TREE PRESERVATION PLAN (SHEET 3 OF 4)	5/02/2022	7/07/2022	8/30/2022
4.4	PRELIM. TREE PRESERVATION PLAN (SHEET 4 OF 4)	5/02/2022	7/07/2022	8/30/2022
4.5	PRELIM. TREE PRESERVATION TABLE (SHEET 1 OF 2)	5/02/2022	7/07/2022	8/30/2022
4.6	PRELIM. TREE PRESERVATION TABLE (SHEET 2 OF 2)	5/02/2022	7/07/2022	8/30/2022
5.0	SKETCH PLAN INDEX	5/02/2022	7/07/2022	8/30/2022
5.1	SKETCH PLAN (SHEET 1 OF 4)	5/02/2022	7/07/2022	8/30/2022
5.2	SKETCH PLAN (SHEET 2 OF 4)	5/02/2022	7/07/2022	8/30/2022
5.3	SKETCH PLAN (SHEET 3 OF 4)	5/02/2022	7/07/2022	8/30/2022
5.4	SKETCH PLAN (SHEET 4 OF 4)	5/02/2022	7/07/2022	8/30/2022
5.5	AVERAGE LOT SIZE	5/02/2022	7/07/2022	8/30/2022
5.6	SKETCH DETAILS	5/02/2022	7/07/2022	8/30/2022
5.7	CONCEPTUAL ARCHITECTURAL ELEVATIONS	5/02/2022	7/07/2022	8/30/2022
5.8	CONCEPTUAL ARCHITECTURAL FOOTPRINTS	5/02/2022	7/07/2022	8/30/2022
6.0	URBAN OPEN SPACE INDEX	5/02/2022	7/07/2022	8/30/2022
6.1	URBAN OPEN SPACE (SHEET 1 OF 2)	5/02/2022	7/07/2022	8/30/2022
6.2	URBAN OPEN SPACE (SHEET 2 OF 2)	5/02/2022	7/07/2022	8/30/2022
7.0	GRADING, STORM SEWER, & STORM WATER EXHIBIT	5/02/2022	7/07/2022	8/30/2022
7.1	GRADING, STORM SEWER, & STORM WATER EXHIBIT	5/02/2022	7/07/2022	8/30/2022
8.0	WATER & SEWER LAYOUT	5/02/2022	7/07/2022	8/30/2022
8.1	WATER & SEWER LAYOUT	5/02/2022	7/07/2022	8/30/2022
8.2	UTILITY EXTENSION PLAN	5/02/2022	7/07/2022	8/30/2022
9.0	FIRE APPARATUS EXHIBIT	5/02/2022	7/07/2022	8/30/2022
9.1	FIRE APPARATUS EXHIBIT	5/02/2022	7/07/2022	8/30/2022
9.2	FIRE APPARATUS EXHIBIT	5/02/2022	7/07/2022	8/30/2022
9.3	FIRE APPARATUS EXHIBIT	5/02/2022	7/07/2022	8/30/2022
9.4	FIRE APPARATUS EXHIBIT	5/02/2022	7/07/2022	8/30/2022
10.0	FRONTAGE IMPROVEMENT PLAN	5/02/2022	7/07/2022	8/30/2022
10.1	FRONTAGE IMPROVEMENT PLAN	5/02/2022	7/07/2022	8/30/2022
10.2	FRONTAGE IMPROVEMENT PLAN-TYPICAL SECTIONS	5/02/2022	7/07/2022	8/30/2022

1. ALL RETAINING WALLS REQUIRING SPECIAL INSPECTIONS MUST BE DESIGNED BY THE TOWN OF HUNTERSVILLE. SPECIAL INSPECTIONS SHALL BE REQUIRED FOR ALL RETAINING WALLS. THE TOWN OF HUNTERSVILLE WILL PROVIDE SPECIAL INSPECTIONS FOR ALL RETAINING WALLS. THE TOWN OF HUNTERSVILLE WILL PROVIDE SPECIAL INSPECTIONS FOR ALL RETAINING WALLS.
2. THE TOWN OF HUNTERSVILLE REQUIRES THAT ALL STREETS PROVIDED TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE BE REVIEWED, APPROVED, AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF NORTH CAROLINA FOR ADEQUATE CONSTRUCTION. REVIEW OF STREET CONSTRUCTION BY THE TOWN OF HUNTERSVILLE IS REQUIRED FOR ALL STREETS. THE TOWN OF HUNTERSVILLE WILL PROVIDE SPECIAL INSPECTIONS FOR ALL STREETS. THE TOWN OF HUNTERSVILLE WILL PROVIDE SPECIAL INSPECTIONS FOR ALL STREETS.
3. THE TOWN OF HUNTERSVILLE REQUIRES THAT ALL STREETS PROVIDED TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE BE REVIEWED, APPROVED, AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF NORTH CAROLINA FOR ADEQUATE CONSTRUCTION. REVIEW OF STREET CONSTRUCTION BY THE TOWN OF HUNTERSVILLE IS REQUIRED FOR ALL STREETS. THE TOWN OF HUNTERSVILLE WILL PROVIDE SPECIAL INSPECTIONS FOR ALL STREETS. THE TOWN OF HUNTERSVILLE WILL PROVIDE SPECIAL INSPECTIONS FOR ALL STREETS.
4. THE PURPOSE OF THE STORM DRAINAGE EASEMENT (SDE) IS TO PROVIDE STORMWATER CONVEYANCE. BUILDINGS ARE NOT PERMITTED IN THE EASEMENT AREA. THE EASEMENT AREA SHALL BE MAINTAINED IN A CONDITION THAT DOES NOT OBSTRUCT THE STORMWATER CONVEYANCE. THE EASEMENT AREA SHALL BE MAINTAINED IN A CONDITION THAT DOES NOT OBSTRUCT THE STORMWATER CONVEYANCE.

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



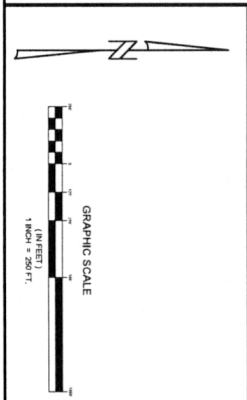
GRAPHIC SCALE



DATE	REVISION	BY	DATE	REVISION	BY
5/02/2022	1	ESP	7/07/2022	2	ESP
5/02/2022	2	ESP	7/07/2022	3	ESP
5/02/2022	3	ESP	7/07/2022	4	ESP

MAJ. SUB. SKETCH PLAN
INDEX SHEET
HONEYCUTT BROWN PROPERTY
TOWN OF HUNTERSVILLE, NC
TOLL BROTHERS, INC.

PROJECT INFORMATION
PROJECT MANAGER: L.M.
DESIGNED BY: L.M.
PROJECT NUMBER: HNT01-100
ORIGINAL DATE: 01/07/2022
SHEET: INDEX



LEGEND:

- WETLAND
- STREAM BUFFERS
- EXISTING STREAMS
- EXISTING BUILDINGS/STRUCTURES
- EXISTING TREES
- EXISTING TREE CANOPY

NOTES:

1. HONEYCUTT BROWN PROPERTY IS SHOWN IN RED. ALL OTHERS ARE SHOWN IN BLACK.
2. EXISTING BUILDINGS/STRUCTURES ARE SHOWN IN BLACK. ALL OTHERS ARE SHOWN IN BLACK.
3. EXISTING TREES ARE SHOWN IN BLACK. ALL OTHERS ARE SHOWN IN BLACK.
4. EXISTING TREE CANOPY IS SHOWN IN BLACK. ALL OTHERS ARE SHOWN IN BLACK.

MAJ. SUB. SKETCH PLAN EXISTING FEATURES PLAN HONEYCUTT BROWN PROPERTY TOLL BROTHERS HUNTERSVILLE, NC		NO. DATE REVISION 1 10/10/2013 REVISION PER TOWN COMMENTS 2 10/10/2013 REVISION PER TOWN COMMENTS	BY DATE SJA 10/10/2013 SJA 10/10/2013	ESP Associates, Inc. 2844 Chatham Center Dr. Charlotte, NC 28211 1-800-485-7317 NC License # 1-1687 www.espnc.com
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STEP 4 - LOT LINES

LOT LINES FOR INDIVIDUAL LOTS AND OPEN SPACES

LEGEND:

- POTENTIAL TREE PRESERVATION AREA
- EXISTING CONTOUR
- EXISTING STREAM / CHANNEL
- EXISTING ROAD R/W
- STREAM BUFFER / PCSO
- WETLAND
- PERIMETER/THOROUGHFARE BUFFER
- PROPOSED HOME SITE



GRAPHIC SCALE



(IN FEET)
1 INCH = 200 FT.



NO.	DATE	REVISION
1	1/1/2022	REVISED PER TOWN'S COMMENTS
2	1/1/2022	REVISED PER TOWN'S COMMENTS
3	1/1/2022	REVISED PER TOWN'S COMMENTS

MAJ. SUB. SKETCH PLAN
4 STEP PROCESS (SHEET 4 OF 4)
HONEYCUTT BROWN PROPERTY
TOLL BROTHERS, INC.
HUNTERSVILLE, NC

PROJECT INFORMATION
PROJECT MANAGER: ML
DESIGNED BY: LAM
DRAWN BY: LAM
PROJECT NUMBER: 10011100
ORIGINAL DATE: 07/07/2021
SHEET:

3.3

10/2022 Project: 20220111 - Honeycutt Brown Property - Tree Survey - 10/2022 Project: 20220111 - Honeycutt Brown Property - Tree Survey - 10/2022 Project: 20220111 - Honeycutt Brown Property - Tree Survey



EXISTING TREE SUMMARY - TR:

TOTAL SITE ACREAGE:	+/- 239.37 ACRES
TOTAL EXISTING SPECIMEN TREES:	+/- 471 TOTAL
SPECIMEN TREES REQUIRED TO SAVE:	+/- 165 TREES (35% OF SPECIMEN TREES)
SPECIMEN TREES TO BE REMOVED:	+/- 136 TREES (+/- 29%)
SPECIMEN TREES TO REMAIN:	+/- 333 TREES (+/- 71%)
CANOPY PERCENTAGE REQUIRED TO SAVE:	+/- 30.17 AC (35% OF EXISTING CANOPY (+/- 86.21 ACRES))
EXISTING CANOPY:	+/- 86.21 AC (+/- 36% OF TOTAL SITE ACREAGE)
TREE CANOPY TO REMAIN:	+/- 50.41 AC (+/- 58% OF EXISTING CANOPY)

NOTES:

1. TREE INFORMATION OBTAINED FROM SURVEY PREPARED BY ESP ASSOCIATES ENTITLED "TREE SURVEY OF TRACTS 5-18 TOTALING 233.75 ACRES" DATED MARCH 24, 2016.
2. BOUNDARY FOR SUBJECT SITE OBTAINED FROM SURVEY PREPARED BY ESP ASSOCIATES ENTITLED "ALTAIR/CLIM LAND TITLE SURVEY OF TRACTS 5-18 TOTALING 233.75 ACRES" DATED MARCH 17, 2016.
3. GRADING FOR STREETS TO BE CONSISTENT WITH THE CRITERIA IN THE TOWN'S ENGINEERING STANDARDS AND PROCEDURES MANUAL.

LEGEND:

	SPECIMEN TREE TO BE REMOVED		PROP. UNDISTURBED BUFFER
	SPECIMEN TREE TO REMAIN		
	CANOPY SAVE		

ESP ASSOCIATES, P.A.
P.O. Box 1024
Charlotte, NC 28201
Phone: 704.366.1000
Fax: 704.366.1001
www.ESPAssociates.com

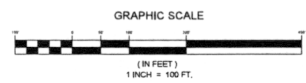


REV	DATE	DESCRIPTION
1	08/2022	REVISED PER TOWN COMMENTS
2	08/2022	REVISED PER TOWN COMMENTS
3	08/2022	REVISED PER TOWN COMMENTS

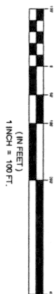
MAJ. SUB. SKETCH PLAN
TREE PRESERVATION PLAN (3 OF 4)
HONEYCUTT BROWN PROPERTY
HUNTERVILLE, NC

PROJECT INFORMATION
PROJECT MANAGER: ME
DESIGNED BY: L.M.
DRAWN BY: L.M.
PROJECT NUMBER: 20220111
ORIGINAL DATE: 07/2022

SHEET
4.3



[illegible]



GRAPHIC SCALE

MAJ. SUB. SKETCH PLAN
SKETCH PLAN (SHEET 4 OF 4)

HONEYCUTT BROWN PROPERTY

TOLL BROTHERS, INC.

HUNTERVILLE, NC

NO.	DATE	REVISION
1	4/18/2022	REVISED PER TOWN'S COMMENTS
2	6/13/2022	REVISED PER TOWN'S COMMENTS
3	6/13/2022	REVISED PER TOWN'S COMMENTS



LOT SIZE LEGEND

52' LOT

ESP Associates, P.A.
P.O. Box 7030
Charlotte, NC 28241
3475 Lakemont Blvd.
Fort Mill, SC 29708
704-683-6949 (NC)
803-802-2440 (SC)
www.espassociates.com

[illegible]

220	62	9185.57	240	52	6780.00
219	72	9544.42	239	52	6578.67
218	72	7314.81	238	52	6732.23
217	52	6780.00	237	62	8080.00
216	52	6780.00	236	62	8080.00
215	72	9520.00	235	52	6750.00
214	62	9609.91	234	52	6780.00
213	62	1321.60	233	52	6780.00
212	52	6750.00	232	62	8020.00
211	52	6780.00	231	52	6780.00
210	62	8839.95	230	52	6780.00
209	72	11034.92	229	52	6780.00
208	72	9380.00	228	62	8060.00
207	72	9380.00	227	62	8080.00
206	72	9380.00	226	52	6760.00
205	62	8060.00	225	72	9560.00
204	62	8062.98	224	52	6535.95
203	52	10916.16	223	52	6780.00
202	62	8444.23	222	72	9560.00
201	52	6780.00	221	72	9560.00
Lot #	Lot Width	Area	Lot #	Lot Width	Area
200	52	6780.00	220	72	9560.00
199	52	6780.00	219	52	6780.00
198	52	6780.00	218	52	6780.00
197	52	6780.00	217	52	6780.00
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180	52	6780.00	199	52	6780.00
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178	52	6780.00	197	52	6780.00
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174	52	6780.00	193	52	6780.00
173	52	6780.00	192	52	6780.00
172	52	6780.00	191	52	6780.00
171	52	6780.00	190	52	6780.00
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169	52	6780.00	188	52	6780.00
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167	52	6780.00	186	52	6780.00
166	52	6780.00	185	52	6780.00
165	52	6780.00	184	52	6780.00
164	52	6780.00	183	52	6780.00
163	52	6780.00	182	52	6780.00
162	52	6780.00	181	52	6780.00
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153	52	6780.00	172	52	6780.00
152	52	6780.00	171	52	6780.00
151	52	6780.00	170	52	

ALL PROPOSED LOTS ARE LESS THAN 15,000 SF. TO SATISFY ADDITIONAL IMPEVIOUS REQUIRED TO BE SET ASIDE, ALL LOTS ARE TO PRESERVE 150 SF IMPEVIOUS AREA TO ALLOW FOR FUTURE ADDITIONAL IMPEVIOUS AREAS BY HOMEOWNER/OCCUPANT.

39' WOODROW ELEVATION



49' WYNN ELEVATION



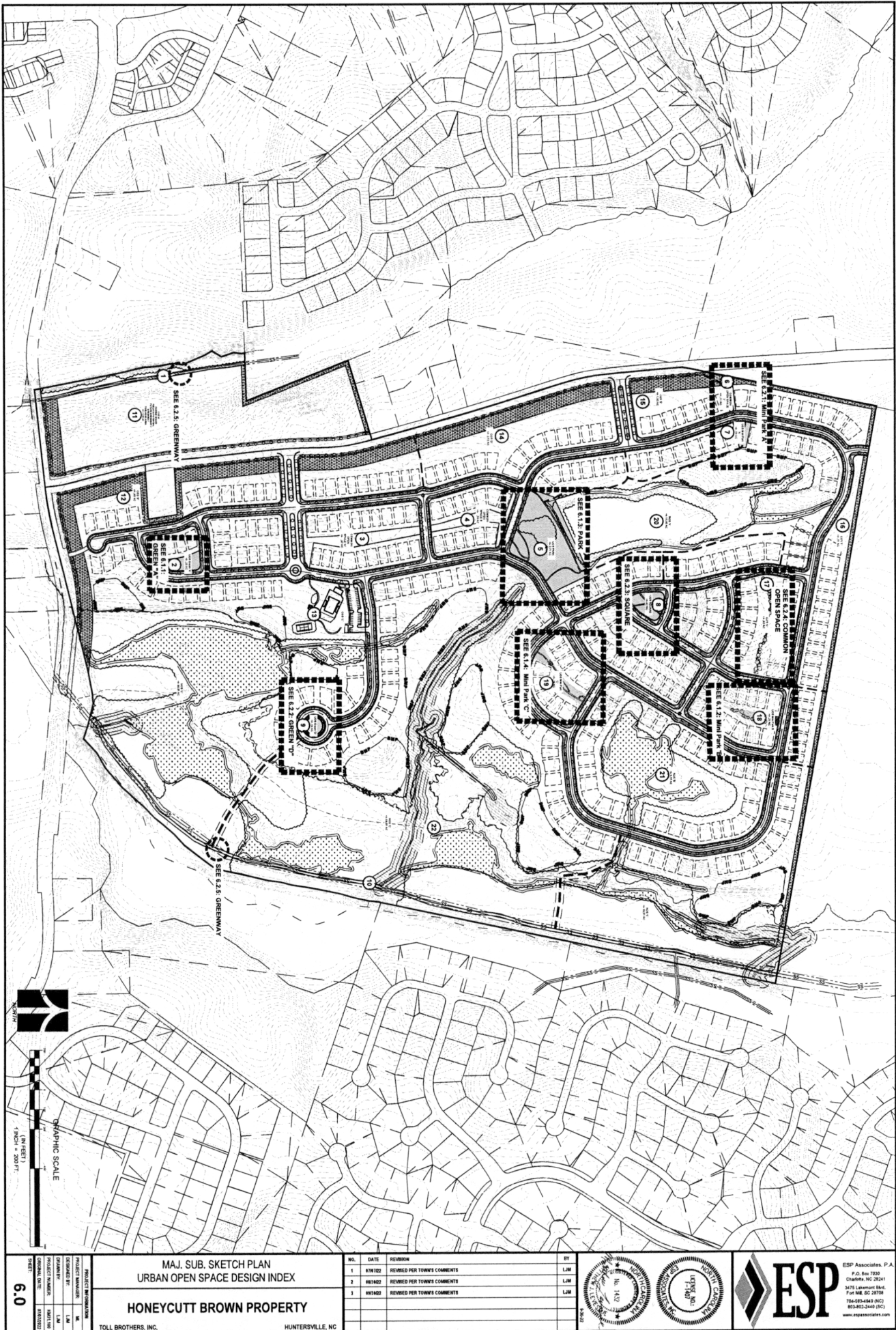
59' WINSON ELEVATION

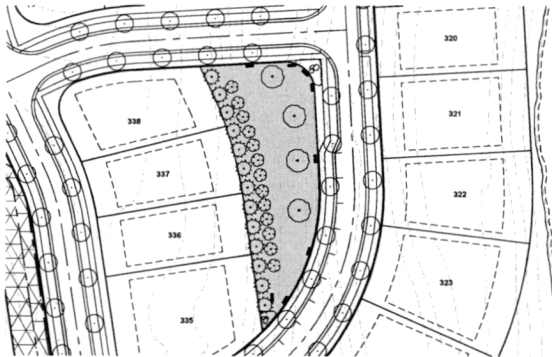


REV.	DATE	REVISION
1	1/1/2022	REVISED FOR TOWN & COMMENTS
2	1/1/2022	REVISED FOR TOWN & COMMENTS
3	1/1/2022	REVISED FOR TOWN & COMMENTS

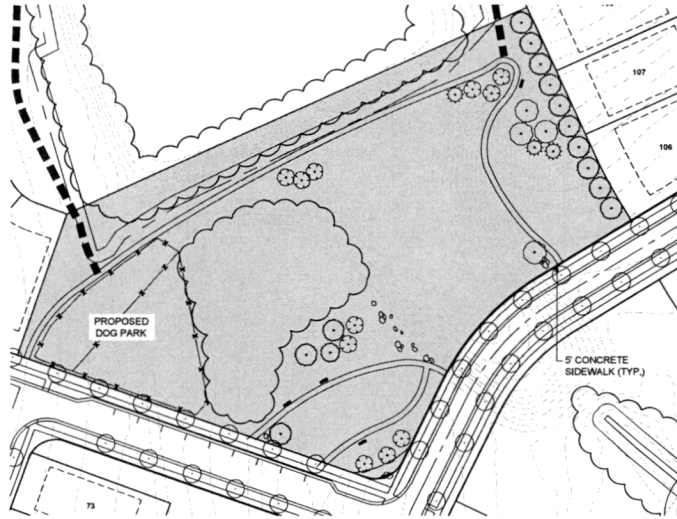
MAJ. SUB. SKETCH PLAN
CONCEPTUAL ARCHITECTURAL ELEVATIONS
HONEYCUTT BROWN PROPERTY
HUNTERVILLE, NC

PROJECT INFORMATION
PROJECT MANAGER: ME
DESIGNED BY: LAM
PROJECT NUMBER: 2021.106
ORIGINAL DATE: 03/01/2022
SHEET

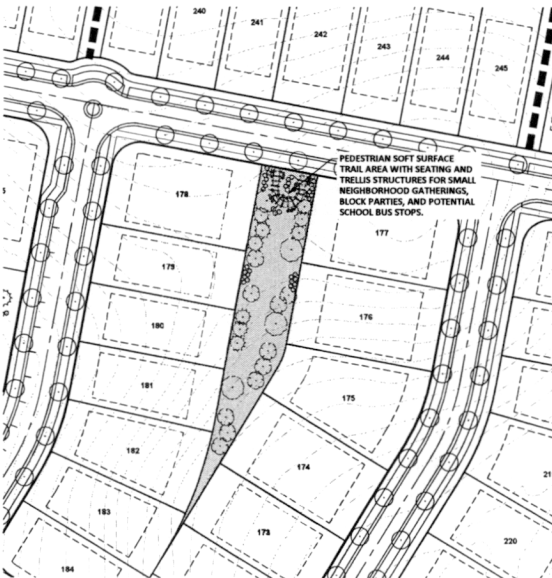




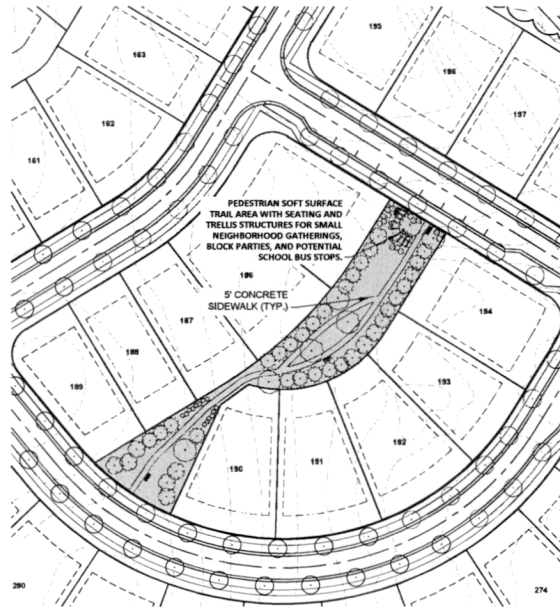
6.1.1: URBAN OPEN SPACE- GREEN "A" +/- .33 AC



6.1.3: URBAN OPEN SPACE- PARK +/- 2.71 AC



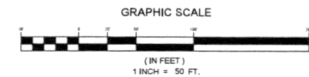
6.1.2: URBAN OPEN SPACE- Mini Park "B" +/- .26 AC



6.1.4: URBAN OPEN SPACE- Mini Park "C" +/- 1.83 AC

- LEGEND**
- DETENTIVUS STREET TREE (BUTCH AS RED MAPLE, YELLOW OAK, WHITE ASH)
 - DETENTIVUS CANOPY TREE (BUTCH AS HONEY LOCUST, TULIP, POPLAR, RED OAK)
 - SPECIES TREE (BUTCH AS LAUREL OAK, GRINDLE, SOUTHERN MAGNOLIA)
 - E-VERGREEN CANOPY TREE (BUTCH AS LEBLOUZY PINE, DEODAR CEDAR, CHANDLER HEMLOCK)
 - DETENTIVUS UNDERSTORY TREE (BUTCH AS HOUSSA DOGWOOD, REDBUD, YOSHINO CHERRY)
 - E-VERGREEN UNDERSTORY TREE (BUTCH AS BAKER SPRUCE, PAULOWNIA, CHERRY LAUREL)
 - EVERGREEN SHRUB (BUTCH AS JAPANESE CAMELLIA, LAUREL, CHINESE LORIST ALUM)
 - ORNAMENTAL GRASS AREA (BUTCH AS POUNTAIN GRASS, LOVELY GRASS, PEAKEE REED GRASS)
 - PARK BENCH: SHADLESS WOODEN SLATS
 - LANDSCAPE BOLLARDS

NOTE: ALL SPECIES TO BE CHOSEN FROM THE HUNTERVILLE APPROVED TREE AND SHRUB LIST



ESP ARCHITECTS, P.A.
P.O. Box 100
Chapel Hill, NC 27614
Phone: 919.966.1000
Fax: 919.966.1001
www.essentialdesign.com

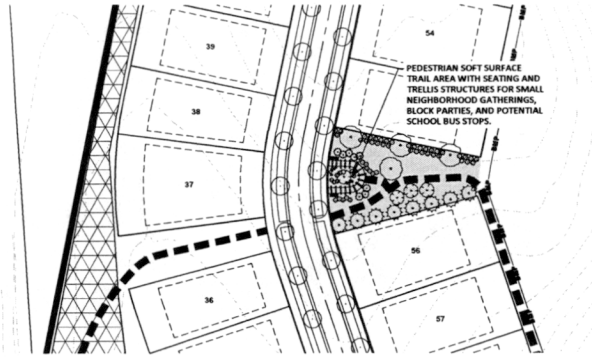
ESP

NORTH CAROLINA
LICENSE NO. 1-1407
ASSOCIATE M.
No. 1432
NEW JERSEY
9-20-22

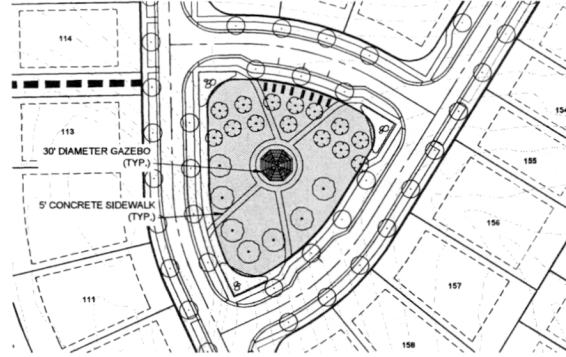
NO.	DATE	REVISION	REVISION BY	REVISION COMMENTS
1	1/18/22	REVISED	ESP	REVISED PER COMMENTS
2	1/18/22	REVISED	ESP	REVISED PER COMMENTS
3	1/18/22	REVISED	ESP	REVISED PER COMMENTS

MAJ. SUB. SKETCH PLAN
URBAN OPEN SPACE DESIGN (1 OF 2)
HONEYCUTT BROWN PROPERTY
TOLL BROTHERS, INC.
HUNTERVILLE, NC

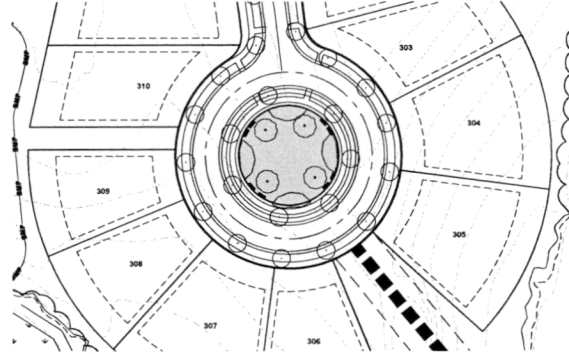
PROJECT INFORMATION	
PROJECT MANAGER:	ME
DESIGNED BY:	L.M.
DRAWN BY:	L.M.
PROJECT NUMBER:	10001.100
ORIGINAL DATE:	01/10/2022
SHEET:	6.1



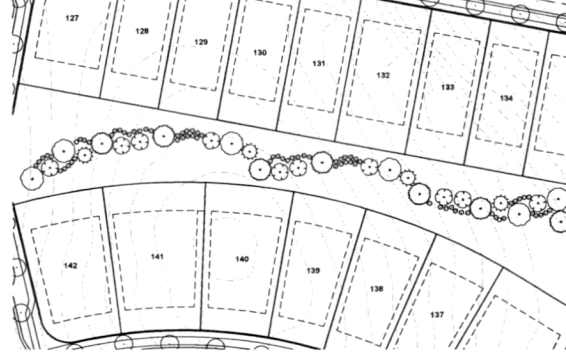
6.2.1: URBAN OPEN SPACE- Mini Park "A" +/- .19 AC



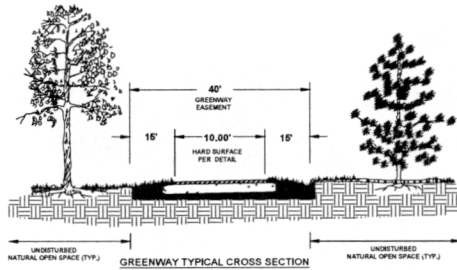
6.2.3: URBAN OPEN SPACE- SQUARE +/- .42 AC



6.2.2: URBAN OPEN SPACE- GREEN "D" +/- .14 AC



6.2.4: COMMON OPEN SPACE TYPICAL MASSING



6.2.5: 40' GREENWAY EASEMENT WITH 10' PATH (NTS)

- LEGEND**
- DECIDUOUS STREET TREE (SUCH AS RED OAK, WHITE OAK, WHITE ASH)
 - DECIDUOUS CANOPY TREE (SUCH AS HONEY LOCUST, TULIP, POPLAR, RED BAY)
 - SPECIES TREE (SUCH AS LAUREL, OAK, GRASS, SOUTHERN MAGNOLIA)
 - EVERGREEN CANOPY TREE (SUCH AS LORDBLY PINE, CEDAR, CEDAR, LAMARCA HEDERA)
 - DECIDUOUS UNDERSTORY TREE (SUCH AS NORTHERN DOGWOOD, REDBUD, YUCCA, CHERRY)
 - EVERGREEN UNDERSTORY TREE (SUCH AS BAYON SPURGE, YALPON HOLLY, CHERRY LAUREL)
 - EVERGREEN SHRUB (SUCH AS JAPANESE CAMELLIA, LAUREL, CHINESE LOPETALUM)
 - ORNAMENTAL GRASS AREA (SUCH AS FOUNTAIN GRASS, MOUNTAIN GRASS, FEATHER REED GRASS)
 - PAVE BENCH, BACKLASH, WOODEN SLATS
 - LANDSCAPE BOLLARD
- NOTE: ALL SPECIES TO BE CHOSEN FROM THE HUNTERVILLE APPROVED TREE AND SHRUB LIST

ESP ASSOCIATES, P.A.
10000 N. HUNTERVILLE AVENUE
HUNTERVILLE, NC 28041
704.844.1111
www.ESP Associates.com

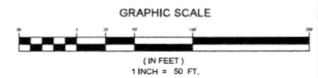
ESP

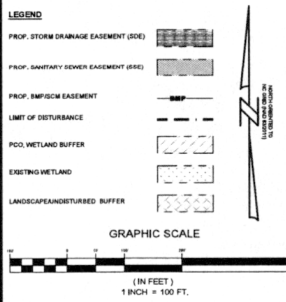
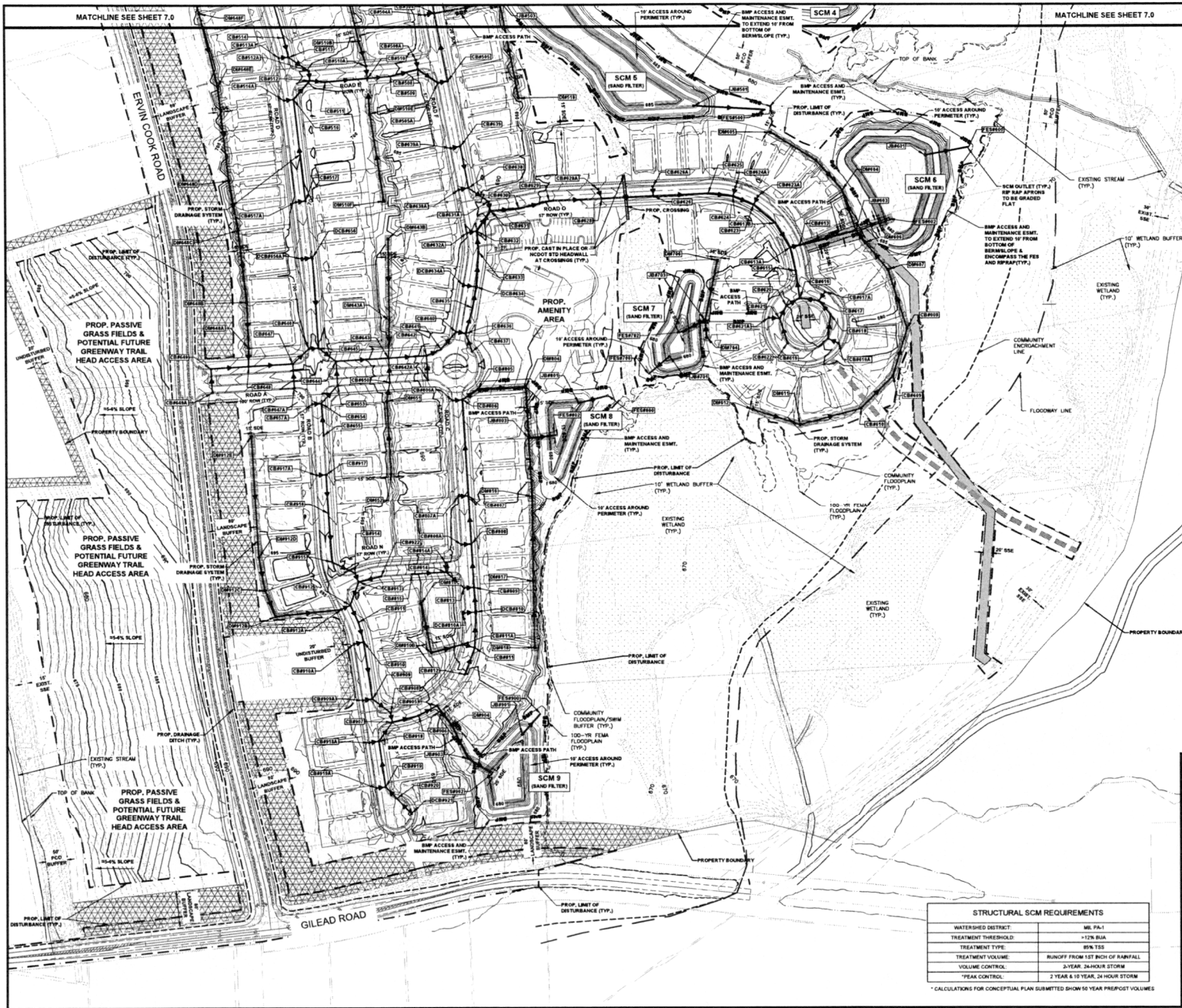
NORTH CAROLINA
LICENSE NO. 1437
9-10-07

DATE	REVISION	BY	DATE	REVISION	BY
1	REVISED PER TOWN COMMENTS	L.M.	1	REVISED PER TOWN COMMENTS	L.M.
2	REVISED PER TOWN COMMENTS	L.M.	2	REVISED PER TOWN COMMENTS	L.M.
3	REVISED PER TOWN COMMENTS	L.M.	3	REVISED PER TOWN COMMENTS	L.M.

MAJ. SUB. SKETCH PLAN
URBAN OPEN SPACE DESIGN (2 OF 2)
HONEYCUTT BROWN PROPERTY
TOLL BROTHERS, INC.
HUNTERVILLE, NC

PROJECT INFORMATION	
PROJECT MANAGER:	ML
DESIGNED BY:	L.M.
DRAWN BY:	L.M.
PROJECT NUMBER:	PM01108
ORIGINAL DATE:	07/07/08
SHEET:	6.2





STRUCTURAL SCM REQUIREMENTS	
WATERSHED DISTRICT	ML PA-1
TREATMENT THRESHOLD	+12% RUA
TREATMENT TYPE	RIN TSS
TREATMENT VOLUME	RUNOFF FROM 1ST INCH OF RAINFALL
VOLUME CONTROL	2-YEAR, 24-HOUR STORM
YEAR CONTROL	2 YEAR & 10 YEAR, 24 HOUR STORM

* CALCULATIONS FOR CONCEPTUAL PLAN SUBMITTED SHOW 50 YEAR PREPLOT VOLUMES

THIS SITE IS LOCATED WITHIN THE MCDONNELL CREEK WATERSHED AND THE MOUNTAIN (LAND LANE WATERSHED (PA-1) IS THEREFORE REQUIRED TO MEETING THE ENHANCED EROSION CONTROL MEASURES BEING ENHANCED EROSION CONTROL MEASURES. THESE MEASURES ARE REQUIRED TO BE INSTALLED IN THE AREAS IDENTIFIED IN ATTACHMENT 1 (MCDONNELL CREEK WATERSHED, CRITICAL & PROTECTED WATERSHED DISTRICTS AND LAND WITHIN 50' OF CLARK CREEK. SURFACE WATER DRAIN DOWN DEVICES (DESERS OR SUMMERS) SHALL BE INSTALLED IN ALL SEEDMENT BASINS. NOISE COFFER FOREBAYS SHALL BE USED IN CONNECTION WITH ALL SEEDMENT BASINS. THE BASIN SHALL ALSO HAVE A VOLUME TWENTY-FIVE (25) PERCENT GREATER THAN THE 1000 CUBIC FEET PER DRAINAGE ACRE, WHEN POSSIBLE. POLYCARBONATES (PAC) SHALL BE USED TO REDUCE TURBIDITY AND SUSPENDED SOLIDS WHENEVER A SEEDMENT TRAP, BASIN, PIT, HOLE, OR BUILDING FOUNDATION IS BEING PUMPED OUT TO REMOVE SEDIMENT. LADEN WATER. PAC IS NOT REQUIRED WHEN ANY OF THE ABOVE IS BEING PUMPED TO AN APPROVED SEDIMENT BASIN ON SITE. THIS ACTIVITY MUST BE INSPECTED AND APPROVED BY THE TOWN OF HUNTERVILLE. EROSION CONTROL INSPECTOR. POLYCARBONATES MAY BE REQUIRED ON SITE, AS DETERMINED BY THE TOWN EROSION CONTROL INSPECTOR. DOWNHILL ROW OF UNIMPAIRED DET FENCE WITH WIRE BACKING AND STONE SHALL BE USED ALONG WETLANDS, STREAMS, LAKES OR OTHER SURFACE WATER BODIES AS WELL AS NEARBY TO ALL 1/4 MI. OR OTHER WATER QUALITY BUFFERS. THREE ROW OF 3/4" DET FENCE WITH WIRE BACKING AND MAINTAINED STONE SHALL BE REQUIRED ON ALL OTHER AREAS, AS DETERMINED NECESSARY BY THE TOWN ENGINEER OF FIELD INSPECTOR. THE AMOUNT OF UNIMPAIRED AREA AT ANY ONE TIME SHALL BE LIMITED TO NO MORE THAN 20 ACRES, UNLESS APPROVED BY THE TOWN. A 50' UNIMPAIRED BUFFER SHALL BE PROVIDED AROUND THE OUTSIDE EDGE OF DRAINAGE FEATURES SUCH AS INTERMITTENT AND PERMANENT STREAMS, PONDS, AND WETLANDS. INCIDENTAL DRAINAGE IMPROVEMENTS OR IMPROVEMENTS SHALL BE PROVIDED WITHIN THE BUFFER AS APPROVED BY TOWN STAFF. THESE WOULD INCLUDE ANY ALLOWANCES STATED IN THE SWM BUFFER AND/OR POC ORDINANCES, IF APPLICABLE. A GROUND COVER SUFFICIENT TO RESTRAIN ACCELERATED EROSION MUST BE PROVIDED WITHIN 7 CALENDAR DAYS OF THE DATE OF LAST LAND-DISTURBING ACTIVITY ON ANY PORTION OF THE PROJECT. ALL DIVERSION DITCHES AND INTERIOR BASIN SLOPES MUST BE MAINTAINED. SUFFICIENT ACCESS FOR CONSTRUCTION AND MAINTENANCE MUST BE PROVIDED AT THE TOP OF ALL RETAINING WALLS THAT ARE 4' OR GREATER. THE MINIMUM ACCESS WIDTH SHOULD BE NO LESS THAN 10 FEET. ALL PLANTS WILL CARRY A "PERFORMANCE RESERVATION". ALL SELF-INSPECTION LOG BOOK ENTRIES WILL BE ELECTRONICALLY SENT TO THE AREA INSPECTOR, WITHIN 2 WORKING DAYS OF A QUALIFYING MAIN EVENT OR WEEKLY (WHICHEVER IS SHORTER). FOR EROSION CONTROL, BASINS WITH A DRAIN AREA GREATER THAN 10 ACRES, TURBIDITY MEASUREMENTS MAY BE REQUIRED AT THE DISCHARGE OF THE TOWN TO MEASURE CLARITY OF BASIN EFFLUENT AND ANY POTENTIAL IMPACT TO RECEIVING WATERS AT THE TIME OF RAINFALL-TRIGGERED INSPECTIONS. READING MUST BE COLLECTED AT THE BASIN OUTFALL ITS MEASURE CLARITY OF BASIN EFFLUENT, UPSTREAM OF THE DISCHARGE POINT (TO MEASURE BASELINE CONDITIONS) AND DOWNSTREAM OF THE DISCHARGE POINT (TO MEASURE STREAM IMPACTS OF THE BASIN EFFLUENT) WHEN POSSIBLE. THE RESULTS MUST BE LOGGED IN THE INSPECTION REPORTS.

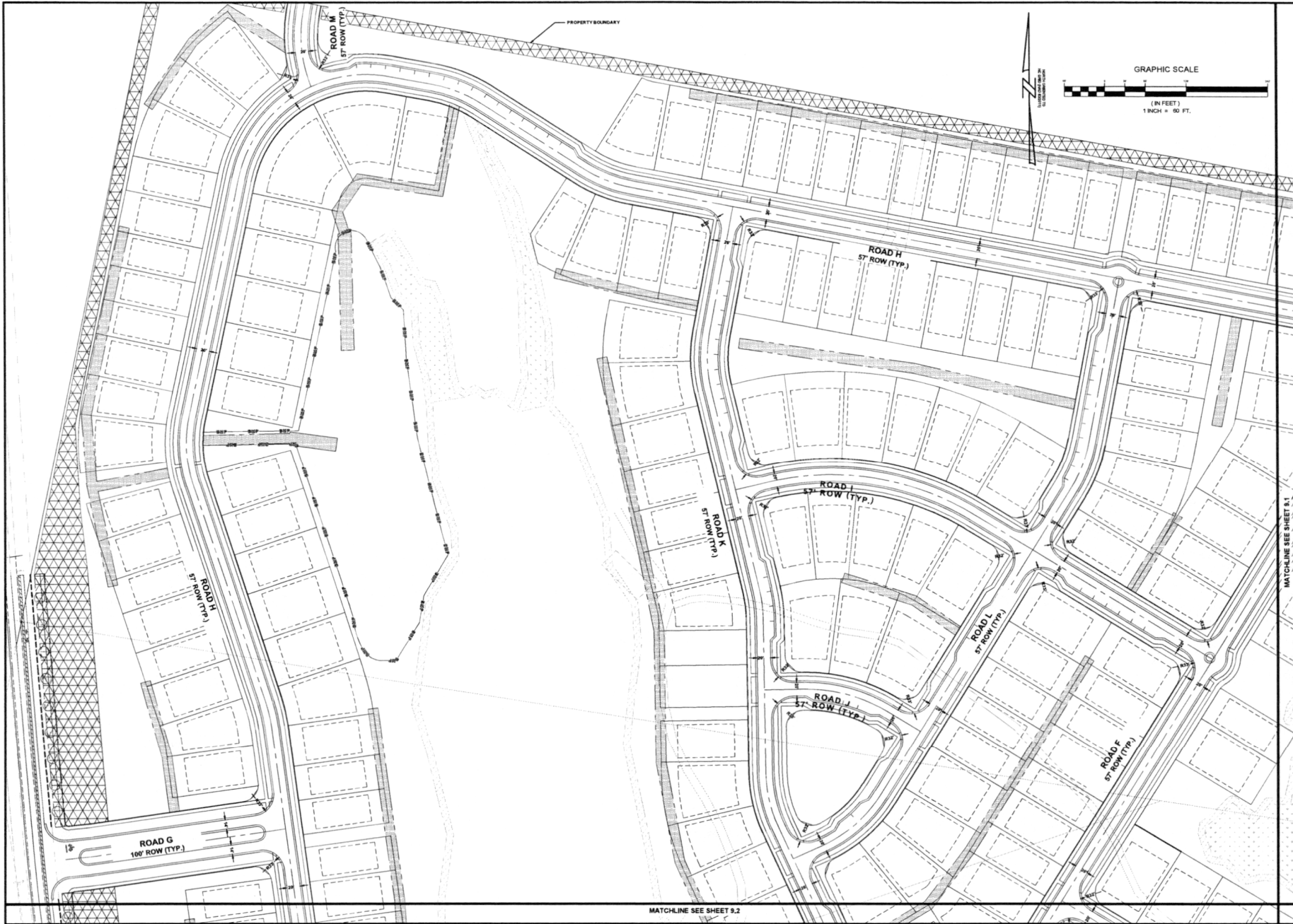
ESP Associates, Inc.
20044 Central Curve Dr.
Suite 100
Charlotte, NC 28211
704.544.7177
www.ESPAssociates.com

1/30/2022

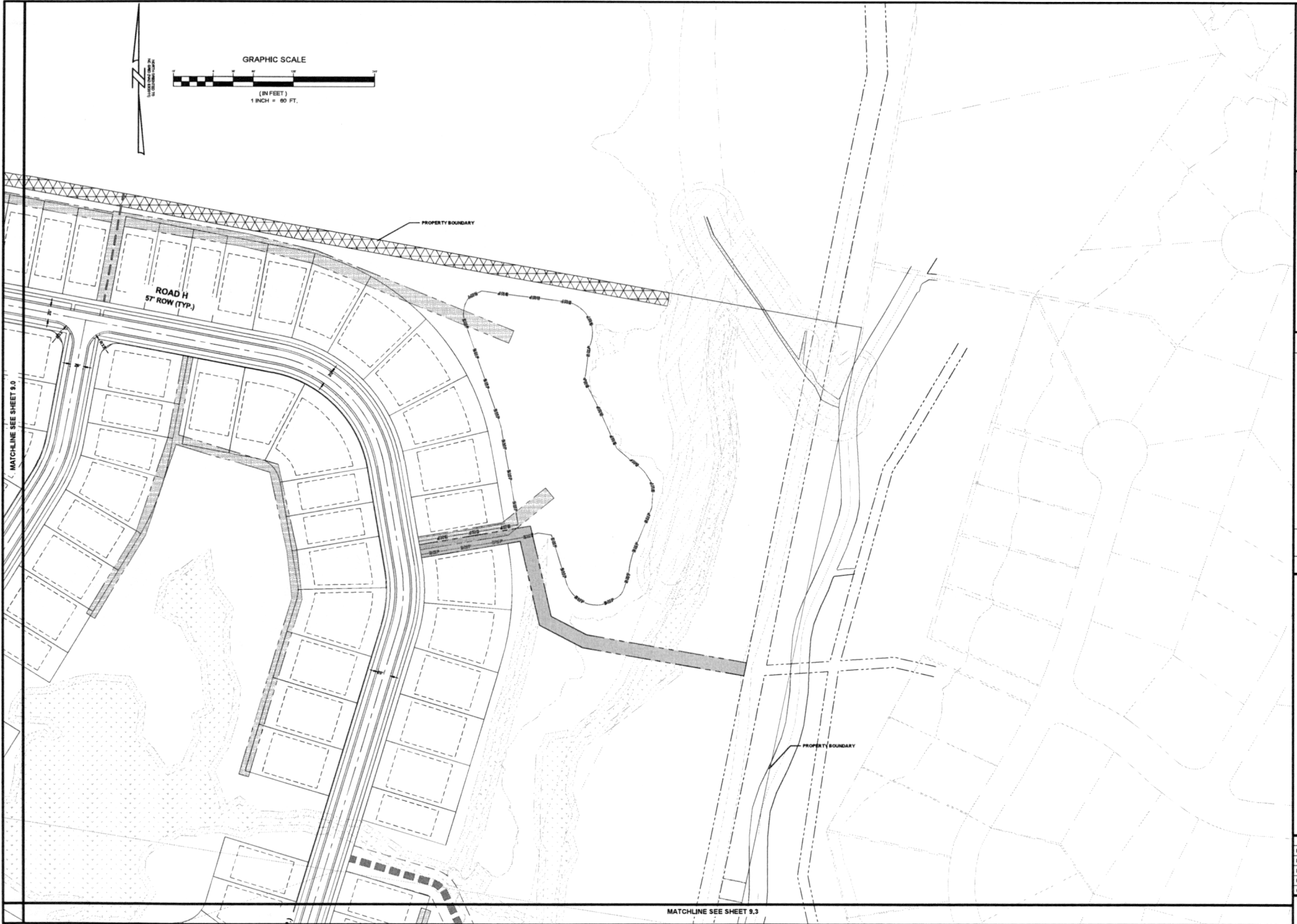
DATE	REVISION	BY	SLA
1/30/2022	1	SLA	SLA

MAJ. SUB. SKETCH PLAN
GRADING, STORM SEWER, & STORM WATER QUALITY EXHIBIT
HONEYCUTT BROWN PROPERTY
TOLL BROTHERS

PROJECT INFORMATION	
PROJECT MANAGER	ALL
DESIGNED BY	SLA
DRAWN BY	SLA
PROJECT NUMBER	10071-001
ORIGINAL DATE	10/20/2021
SHEET	7.1



ESP ASSOCIATES, INC. 10000 Central Express Dr. Suite 200 Charlotte, NC 28217 704.544.8271 www.ESPAssociates.com		
NORTH CAROLINA LICENSE NO. 1-1671 PROFESSIONAL ENGINEER 9/30/2022		
PROJECT INFORMATION PROJECT MANAGER: ALL DESIGNED BY: SIA DRAWN BY: SIA PROJECT NUMBER: H017489 ORIGINAL DATE: 04/20/2022 SHEET: 9.0		
MAJ. SUB. SKETCH PLAN FIRE APPARATUS EXHIBIT HONEYCUTT BROWN PROPERTY TOLL BROTHERS HINTERSVILLE, NC		
NO. 1	DATE 1/1/2022	REVISION 1 REVISIONS FOR TOWN COMMENTS
NO. 1	DATE 1/1/2022	REVISION 1 REVISIONS FOR TOWN COMMENTS



MAJ. SUB. SKETCH PLAN
FIRE APPARATUS EXHIBIT
HONEYCUTT BROWN PROPERTY

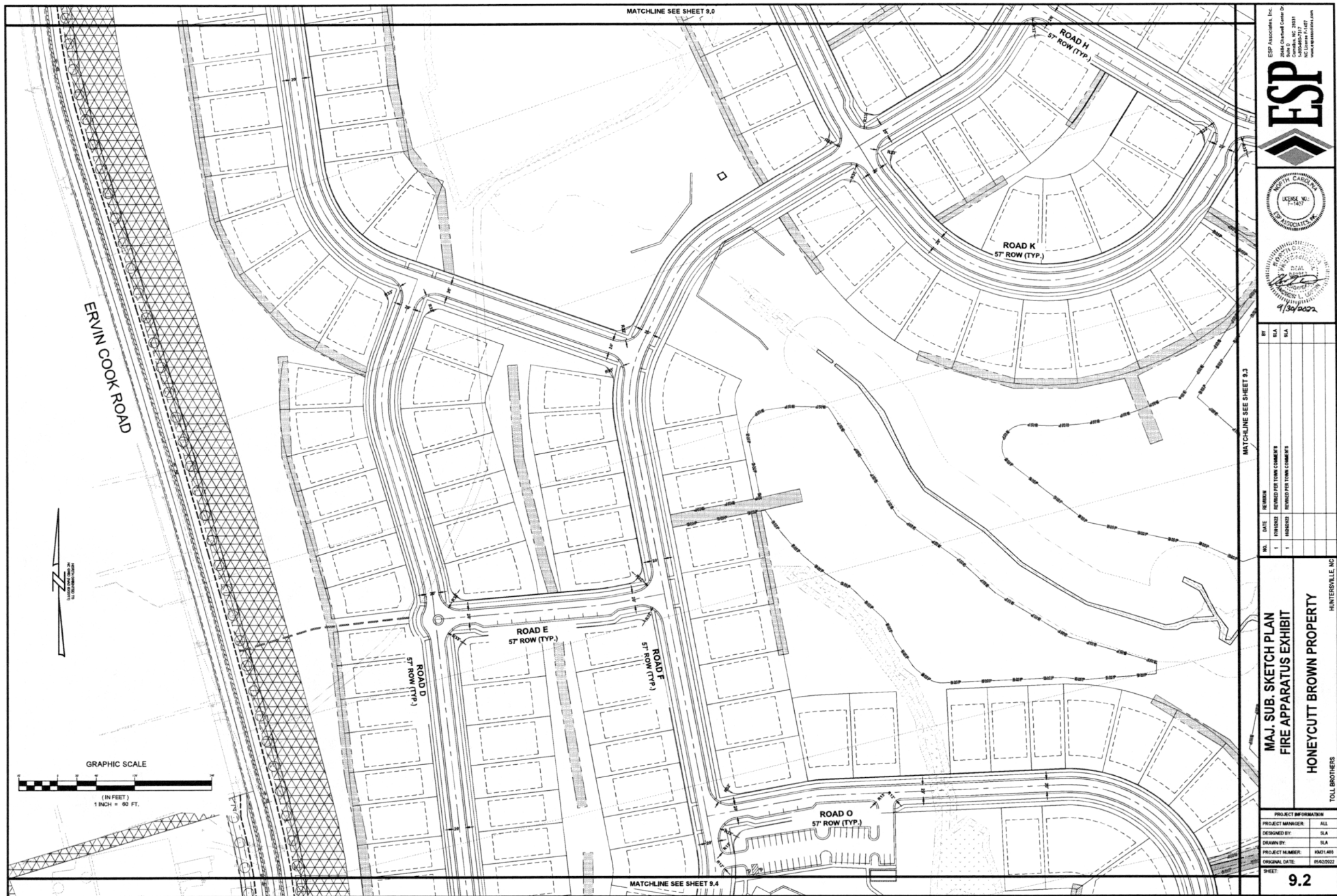
TOLL BROTHERS
HUNTERSVILLE, NC

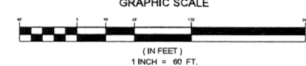
ESP
ESP Associates, Inc.
20400 Chatham Court Dr
Charlotte, NC 28211
Tel: 704.541.1100
Fax: 704.541.1101
www.esp-nc.com

9/3/2022

PROJECT INFORMATION	
PROJECT MANAGER:	ALL
DESIGNED BY:	SLA
DRAWN BY:	SLA
PROJECT NUMBER:	HS01469
ORIGINAL DATE:	05/02/2022
SHEET:	9.1

NO.	DATE	REVISION	BY
1	09/03/2022	ISSUED FOR TYPING COMMENTS	SLA
1	09/03/2022	REVISION FOR TYPING COMMENTS	SLA





**MAJ. SUB. SKETCH PLAN
FIRE APPARATUS EXHIBIT**

HONEYCUTT BROWN PROPERTY

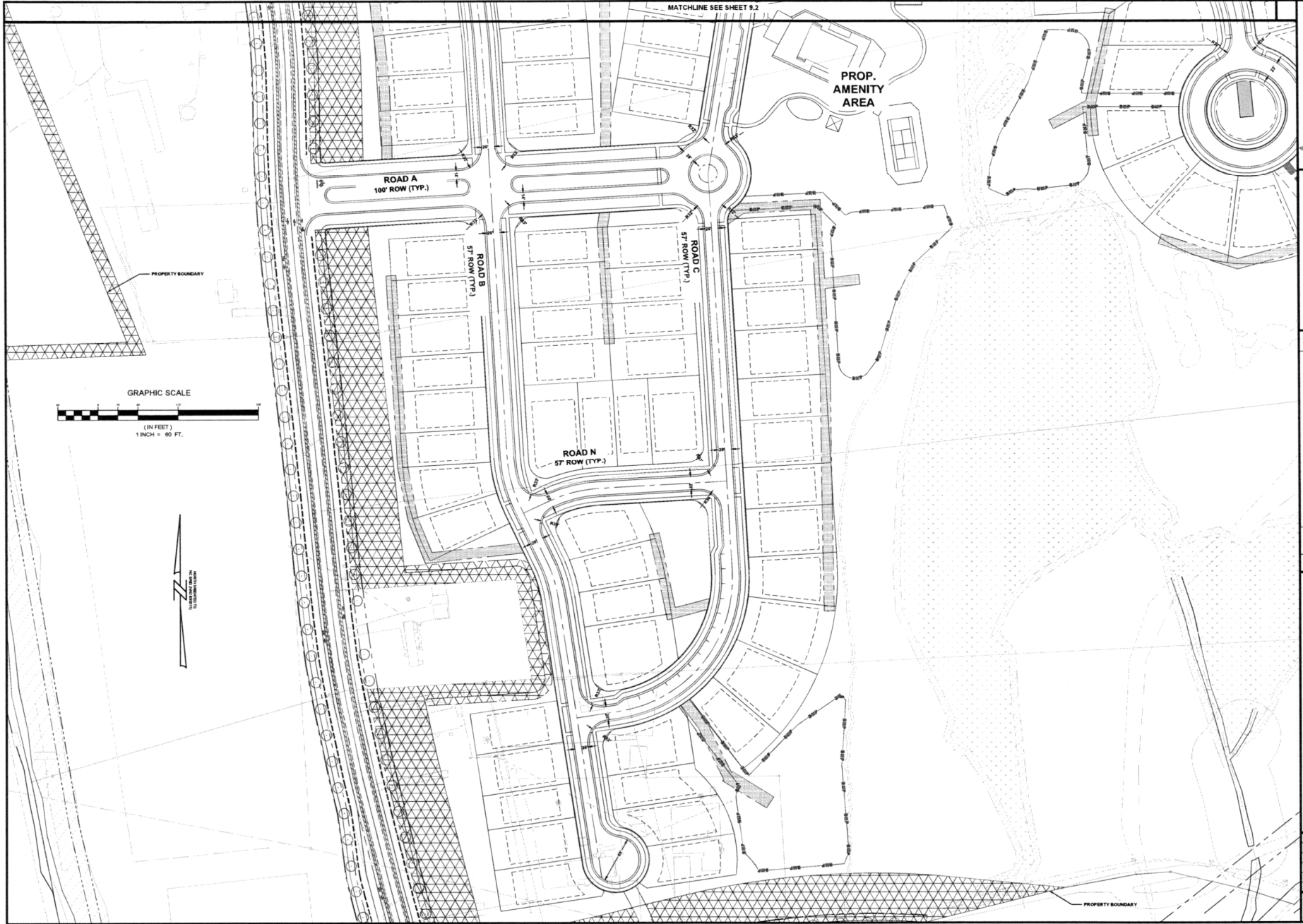
TOLL BROTHERS
HUNTERSVILLE, IN

ESP
ESP Associates, Inc.
2040 Orchard Court Dr
Suite 200
Indianapolis, IN 46219
317.596.2171
www.ESPAssociates.com

REGISTERED PROFESSIONAL ENGINEER
STATE OF INDIANA
EXPIRATION DATE: 12/31/2021
9/29/2022

REVISION		DATE	BY	CHKD
1	ISSUED FOR TYPING COMMENTS			
2	REVISION FOR TYPING COMMENTS			

PROJECT INFORMATION	
PROJECT MANAGER:	ALL
DESIGNED BY:	SLA
DRAWN BY:	SLA
PROJECT NUMBER:	H001489
ORIGINAL DATE:	05/02/2022
SHEET 9.3	



MAJ. SUB. SKETCH PLAN
FIRE APPARATUS EXHIBIT

HONEYCUTT BROWN PROPERTY

TOLL BROTHERS

HUNTERSVILLE, NC

ESP

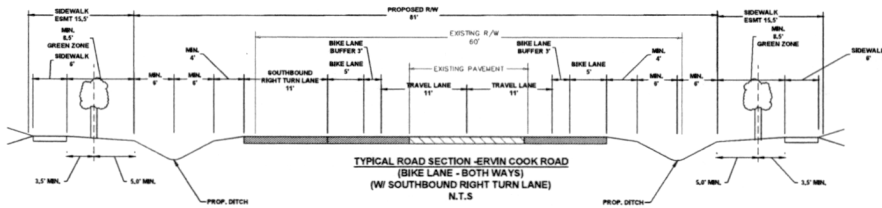
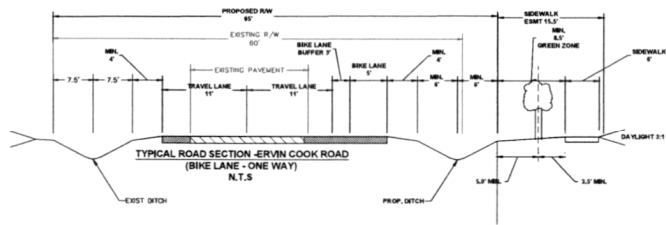
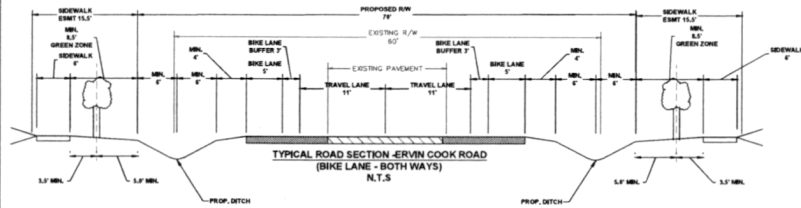
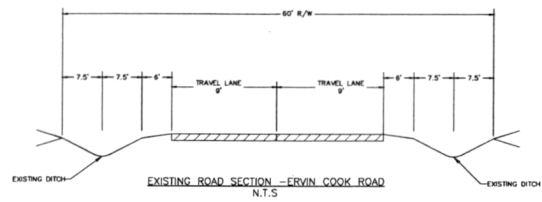
ESP ASSOCIATES, INC.
10000 Old Chapel Road
Suite 200
Charlotte, NC 28213
704.544.1234
www.esp-nc.com

REGISTERED PROFESSIONAL ENGINEER
NORTH CAROLINA
LICENSE NO. 1-107
EXPIRATION DATE 12/31/2024
9/30/2024

REVISION		DATE	
1	ISSUED FOR TYPING COMMENTS	1	10/21/2023
2	REVISED FOR TYPING COMMENTS	2	10/21/2023

PROJECT INFORMATION	
PROJECT MANAGER:	ALL
DESIGNED BY:	SLA
DRAWN BY:	SLA
PROJECT NUMBER:	10421-100
ORIGINAL DATE:	10/20/2023
SHEET:	9.4

ERVIN COOK ROAD



COMMITTED ROAD IMPROVEMENTS

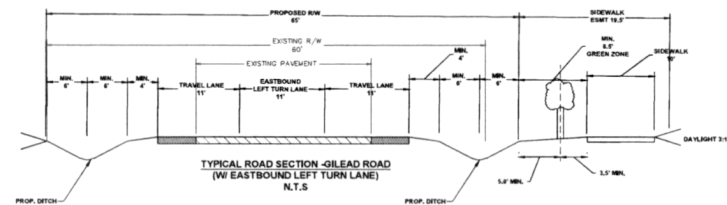
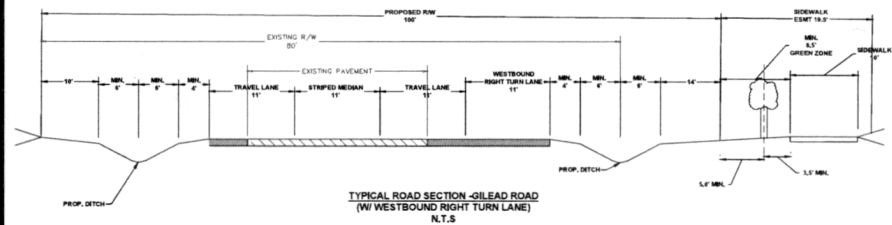
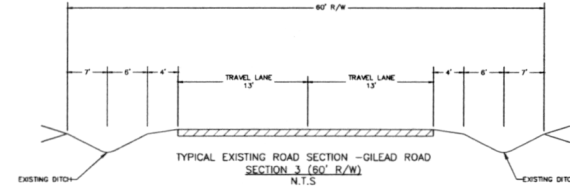
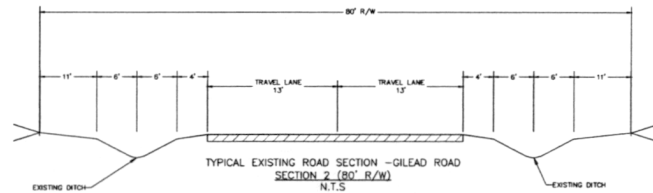
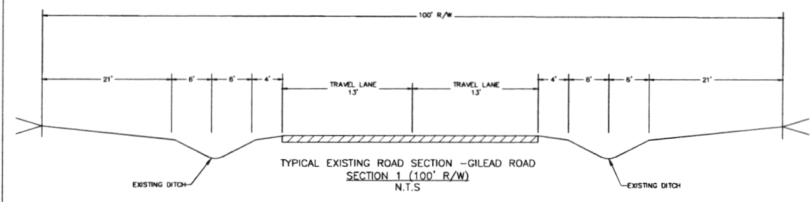
GILEAD ROAD AND ERVIN COOK ROAD:

- PROVIDE AN EXCLUSIVE WESTBOUND RIGHT-TURN LANE (ON GILEAD ROAD) WITH AT LEAST 100 FEET OF STORAGE AND APPROPRIATE DECEL AND TAPER.
- PROVIDE AN EXCLUSIVE EASTBOUND LEFT-TURN LANE (ON GILEAD ROAD) WITH AT LEAST 100 FEET OF STORAGE AND APPROPRIATE DECEL AND TAPER.
- PROVIDE AN EXCLUSIVE SOUTHBOUND RIGHT-TURN LANE (ON ERVIN COOK ROAD) WITH AT LEAST 150 FEET OF STORAGE AND APPROPRIATE DECEL AND TAPER.

ERVIN COOK ROAD AND PROPOSED ACCESS LOCATIONS:

- CONSTRUCT THE WESTBOUND APPROACH (ACCESS A) WITH AT LEAST ONE INGRESS LANE AND ONE EGRESS LANE (STRIPED AS SHARED LEFT/RIGHT)
- CONSTRUCT THE WESTBOUND APPROACH (ACCESS B) WITH AT LEAST ONE INGRESS LANE AND ONE EGRESS LANE (STRIPED AS SHARED LEFT/RIGHT)

GILEAD ROAD



REVISION	DATE	BY	CHK	APP
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

MAJ. SUB. SKETCH PLAN
FRONTAGE IMPROVEMENT PLAN - TYPICAL SECTIONS
HONEYCUTT BROWN PROPERTY
TOLLE BROTHERS
HARTSVILLE, NC

PROJECT INFORMATION	PROJECT NUMBER	ALL
DESIGNED BY	SLA	
DRAWN BY	SLA	
PROJECT NUMBER	18031483	
ORIGINAL DATE	06/02/2021	
SHEET		

Brown Property Subdivision Sketch Plan

Town of Huntersville

Neighborhood Meeting

7.14.22

Neighbors and the Applicant discussed the following comments and questions.

Comments

- Overall, most neighbors liked the layout of the property, primarily the amount of open space and green space throughout that acts as a buffer to the neighboring properties and limits direct impact to neighbors.
- Some neighbors were concerned about the capacity issues of Ervin Cook Road. They have difficulty getting onto or off of Gilead Road from their property.
- Most neighbors were concerned that the property only has one way in and out.
- Neighbors liked the connectivity to the future greenway through the site.
- There was discussion regarding the future park to the north of the site. According to David Peete (Town of Huntersville) there is no definitive schedule but the park plans to have some connection to this site and there are two areas shown on the site plan to the north that would allow this connection (a consultant from the County is reviewing the site). There would need to be more vegetative buffer on the park site to mitigate the lighting from the future park/baseball fields.

Questions

1. Will the Town of Huntersville widen Ervin Cook Road?
 - NCDOT says Ervin Cook Road needs to be brought up to minimum standards
 - According to David Peete this will be a minimal amount of work
 - Ervin Cook and Gilead are both NCDOT roads
2. Will this property include an extension of Ervin Cook Road to Highway 73?
 - This extension is not a part of this property
3. Is this plan allowed by right?
 - Yes, this is a subdivision sketch plan submission and is allowed by right under the Ordinance
4. What is the amenity area on the site?
 - There are a number of amenities on the site including pocket parks and green spaces as shown on the plan
5. What is the price point for the homes?
 - No definitive price point yet
6. What is the size of the proposed lots?
 - There will be multiple lot sizes and they will include a good mix of lot sizes throughout to provide variety to the project
7. How will this project impact traffic? What are the total trips?
 - The TIA recommended improvements that the Applicant will implement
 - The project adds 238 AM peak traffic trips and 320 PM peak traffic trips

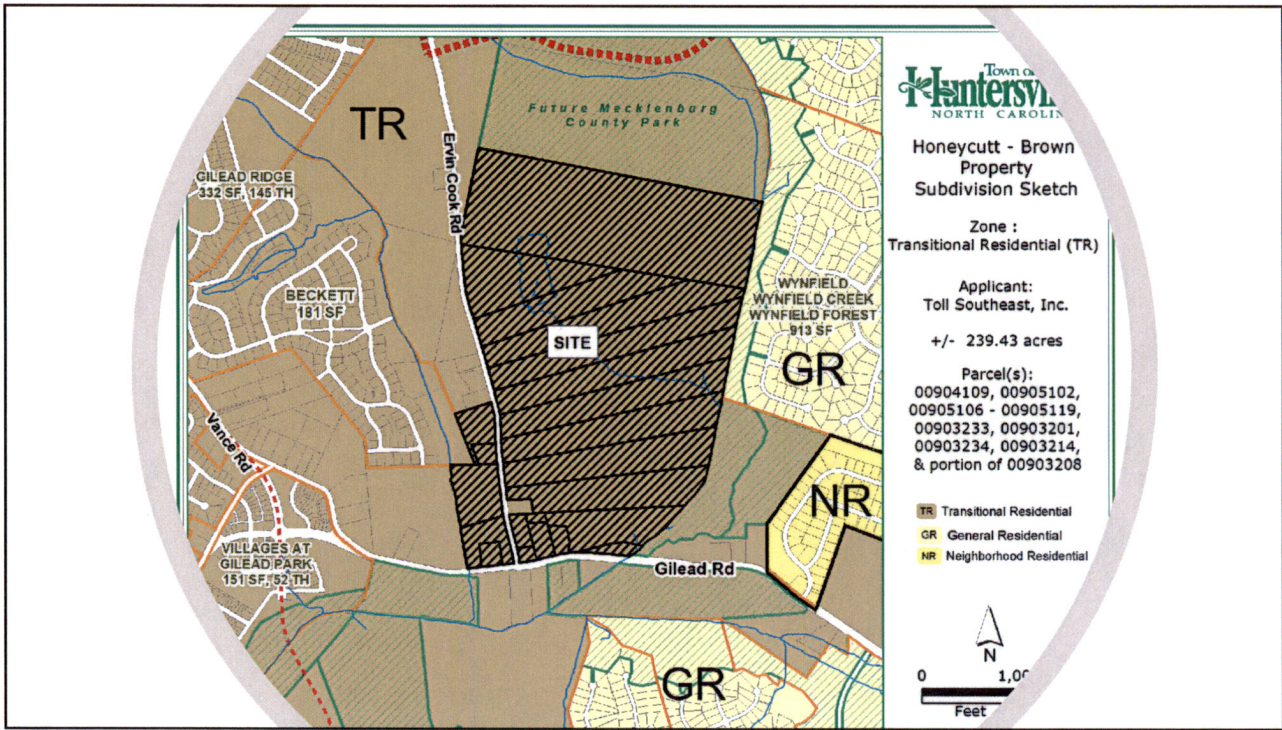
8. Where is the Town in the review process?
 - Initial approval is underway. Applicant responds to comments in the review process at this point.
 - The Town is reviewing the Applicant's most recent site plan submission. Tonight is the Neighborhood Meeting and the case will be presented to the Planning Board in August with a final decision coming in September.
9. Will there be any connections to the greenway?
 - The greenway will connect through the site
10. Are they clear cutting the whole property?
 - Anything that isn't touched by the designs shown on the site plan will remain, and the trees along the property lines will remain as shown on the plan.
11. When will construction begin? Will it be done in phases?
 - The market will dictate construction and any potential phasing.
12. How will this project impact property values?
 - Difficult to predict
13. What kind of plantings and shrubs are used in the buffer areas? Is there anything that can be done to make these plantings larger? Specifically in the bottom left corner of the site plan.
 - Applicant is following the standards required by the Ordinance and will work with Staff to explore options to increase the size of the buffer plantings where possible.

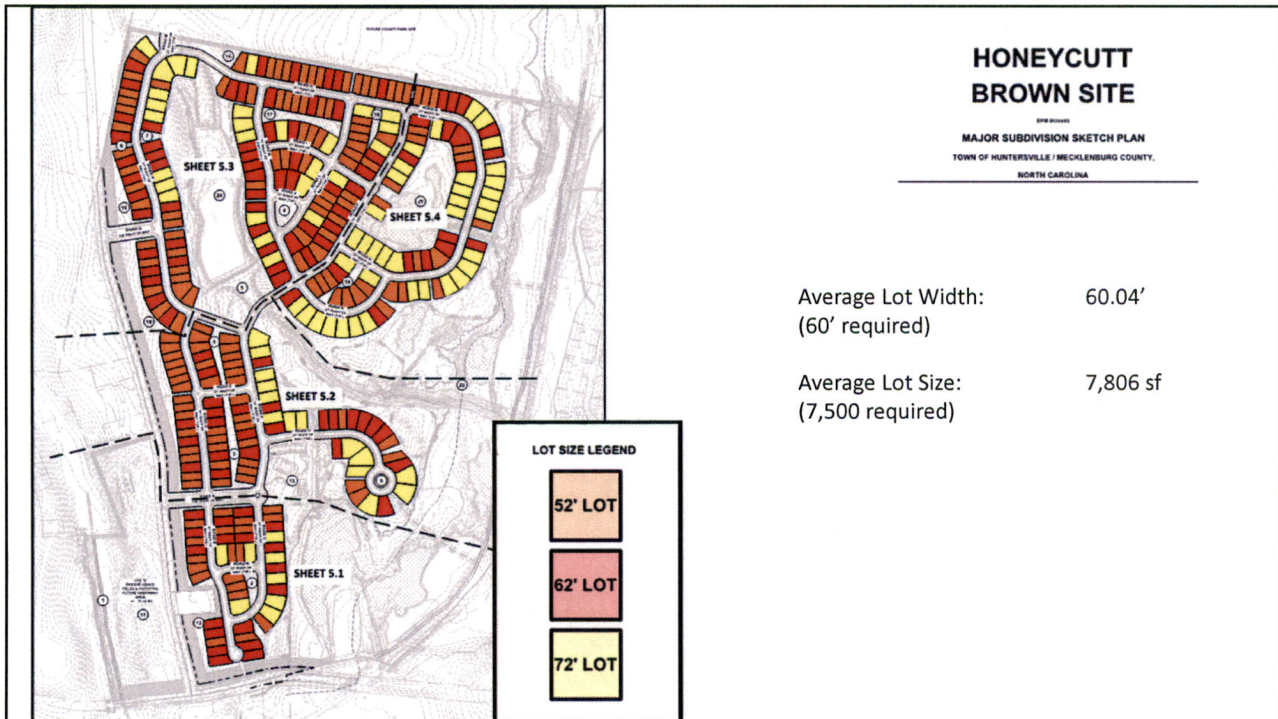
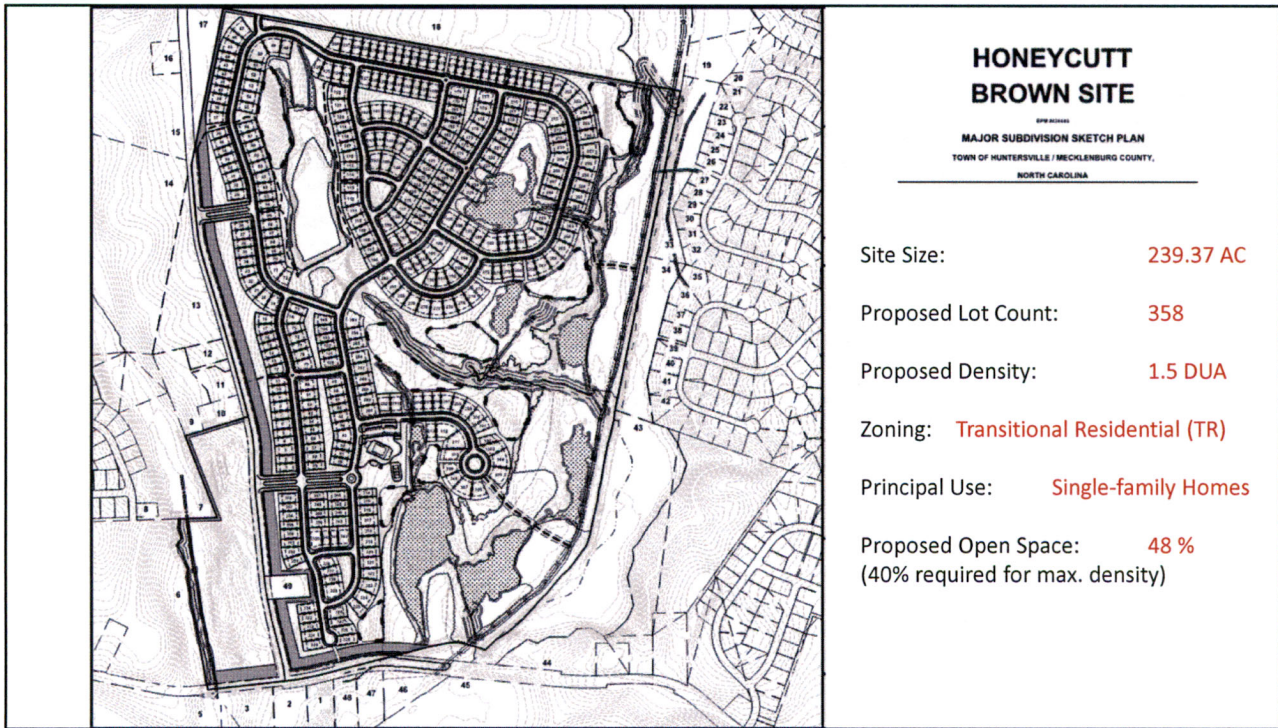
NEIGHBORHOOD MEETING
SIGN IN SHEET
July 14, 2012, 6:00pm to 7:00pm
Brown Property Subdivision Sketch Plan
Location: Town of Huntersville, Dellwood Center

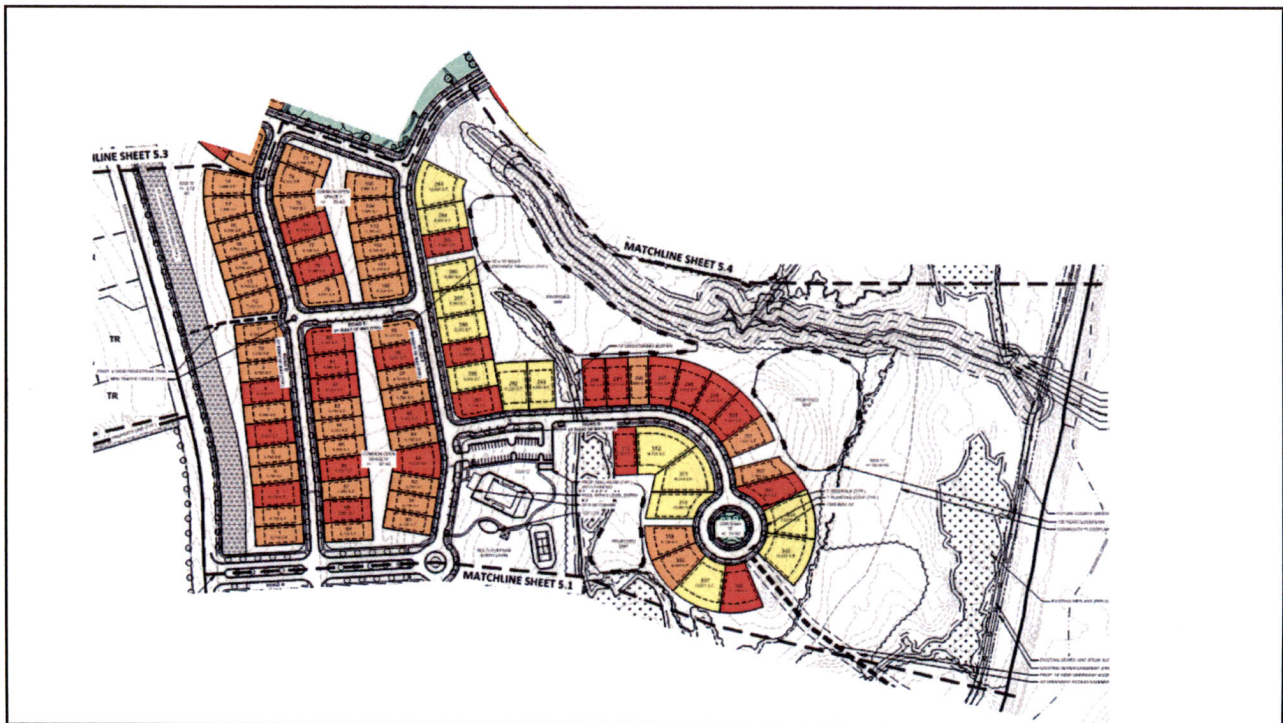
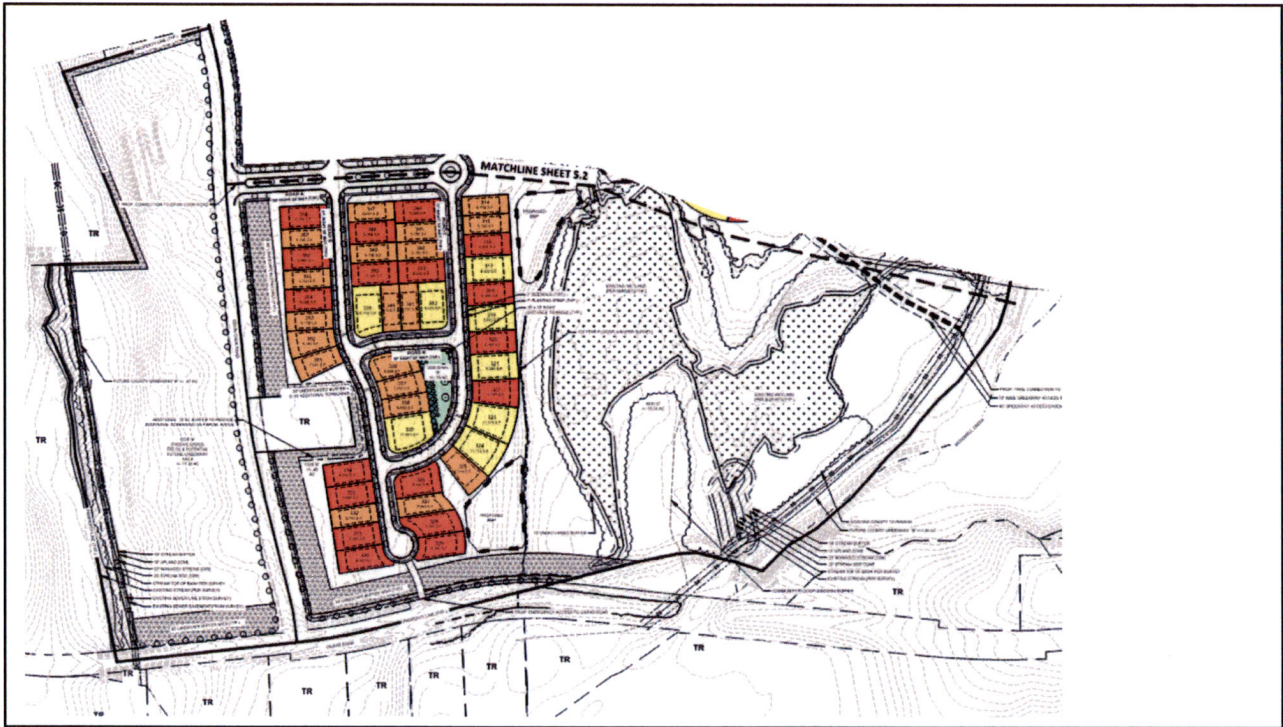
Name	Address	Phone Number	Email Address
Lonnie & Penny Brown	358 Camino Real Rd Mooresville	704-663-9463	
Richard D. Nash	9010 Park Grove ST	704-236-3678	
Michelle Blumenthal	8828 Oakham St.	704-608-1329	
Peter Fail	13345 Old Store Rd	704-453-3100	Pfail2482@gmail.com
Ann Fail	13345 Old Store Rd		
Kim Santa Cruz	8628 Taybrook Dr		KSantacruz99@gmail.com
Kerri Poe	8924 Nellie Lane Marvin, NC 28173		
Tom & Janice Roberts	7825 Gilead Rd. Huntersville, NC	704-766-2210	
David Peete	TOH		
Jeff Ruedisueli	8427 Bassinger Dr. Huntersville	248-797-3126	
Name	Address	Phone Number	Email Address
Robert Sherard	7900 G. Road Rd.	704-875-1014	bsherard@msn.com

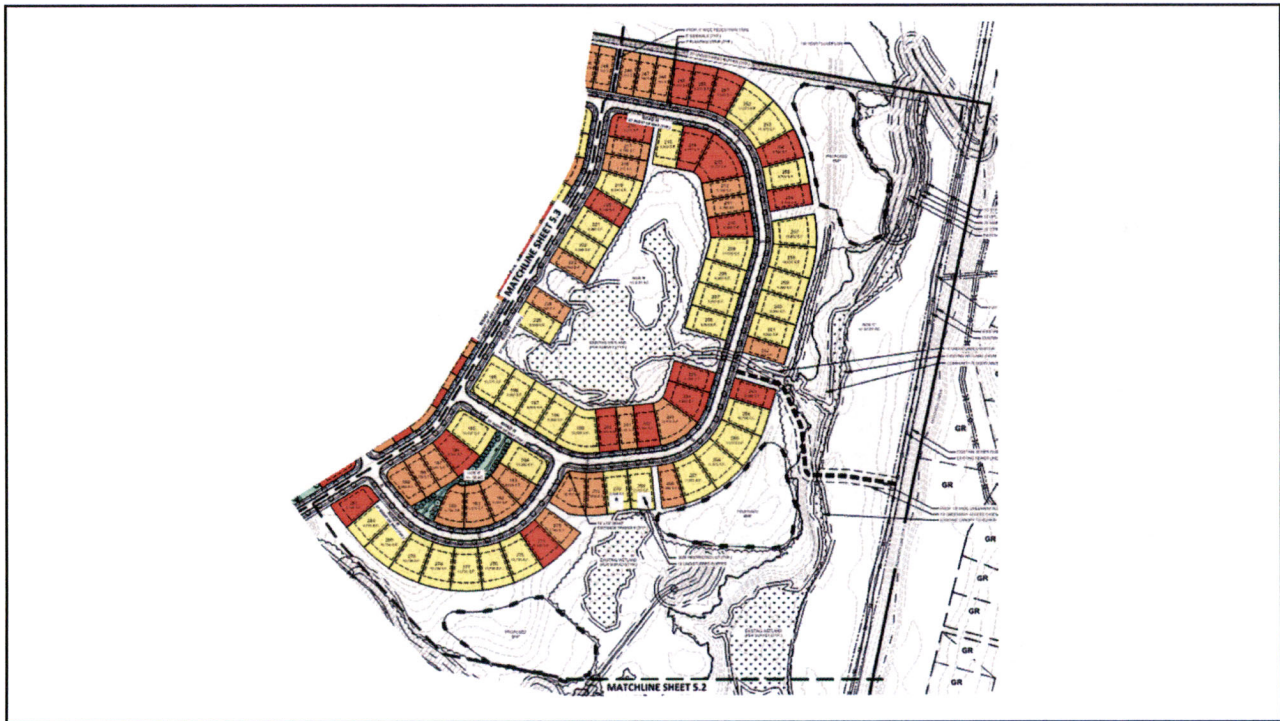
NEIGHBORHOOD MEETING
SIGN IN SHEET
July 14, 2012, 6:00pm to 7:00pm
Brown Property Subdivision Sketch Plan
Location: Town of Huntersville, Dellwood Center

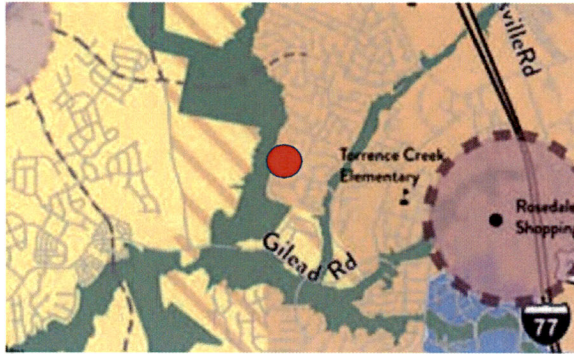
Name	Address	Phone Number	Email Address
Henry Cook	14425 Ervin Cook Rd	704-458-7396	henry1cook@me.com
Phillip & Angie Thomas	8001 Gilead Rd	704-960-0878	
Ashley Worley	7828 Gilead Rd	704-578-0380	ashleysworley@gmail.com
Todd & Amber Roberts	7619 Gilead Rd		
TIM SANBORN	8646 TAYBROOK DR.	704-813-2246	
E. H. Cook	15032 Ervin Cook Rd	704 458 7395	Farmer cook@att.net
Matt Jones	6926 Colonial Garden Dr	704-576-0686	matthew.jones@foramsap.com
Eddie Pender	7913 Gilead Rd	704 785 6421	
Michael McDorman	16500 Monocacy Blvd Hville	980 226 6062	
Name	Address	Phone Number	Email Address
Steve Fish	9003 Park Grove Street	704-560-8910	











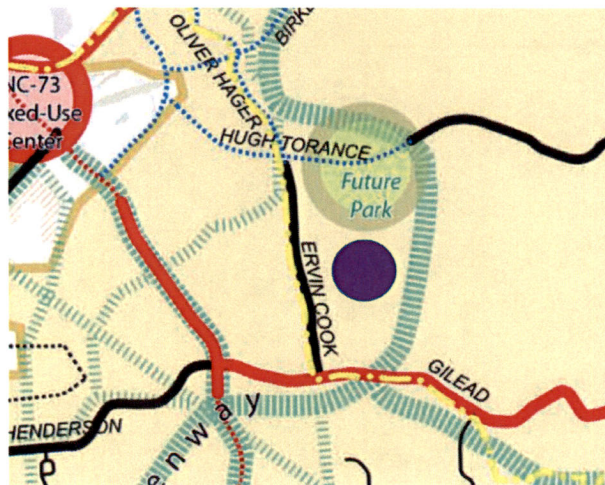
Honeycutt-Brown Subdivision Sketch Plan is consistent with 2040 Huntersville Community Plan goals:

- EOS 4.3 - Plant more trees...
- EOS 8.2 - ...greenway access point.
- EOS 8.3 - ...open space in new developments.
- EOS 10.1 - Implement Greenway "30 x 30" Plan.
- LU 12.3 - Blend new development...
- PS 8.1 - ...infrastructure to serve new development.
- T 3.1 - enhance street connectivity...
- T 3.2 - Improve multimodal connectivity...
- T 5.3 - Support NCDOT's Complete Streets Policy.

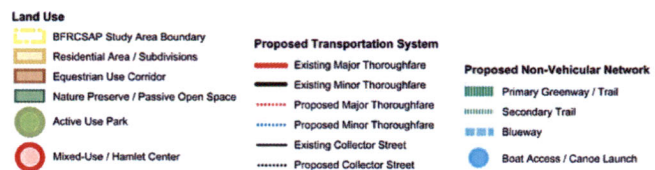


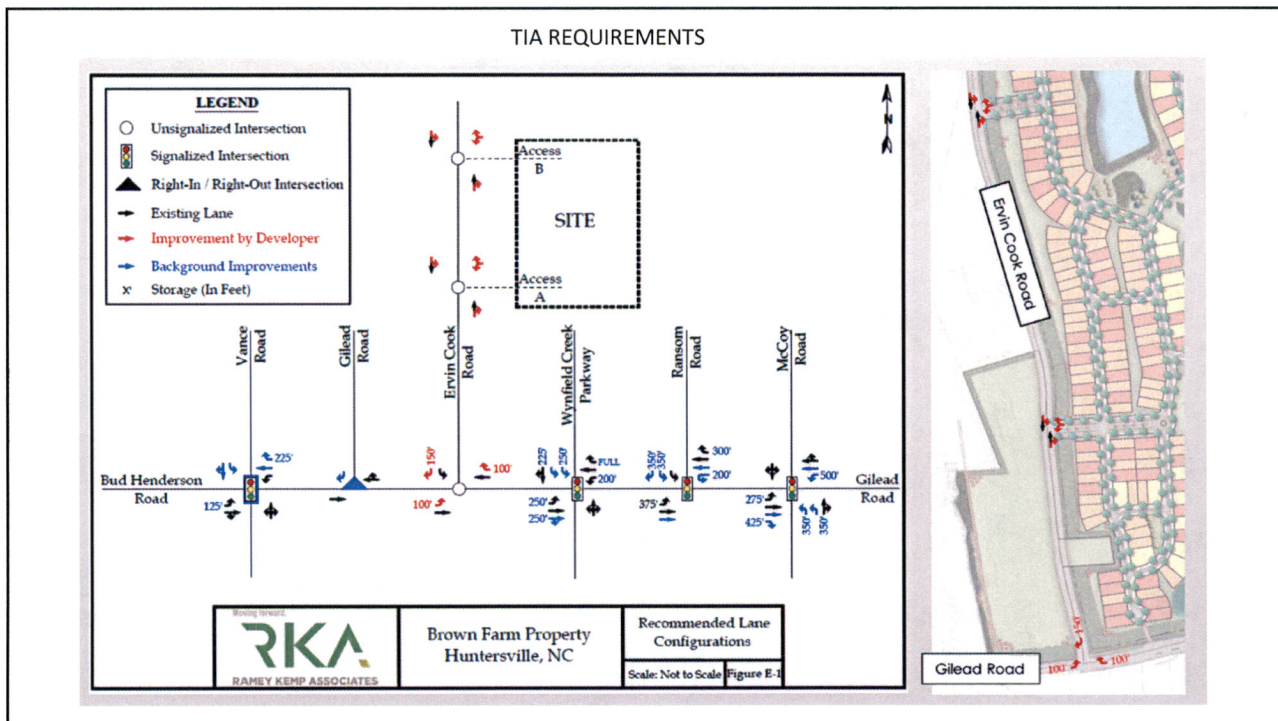
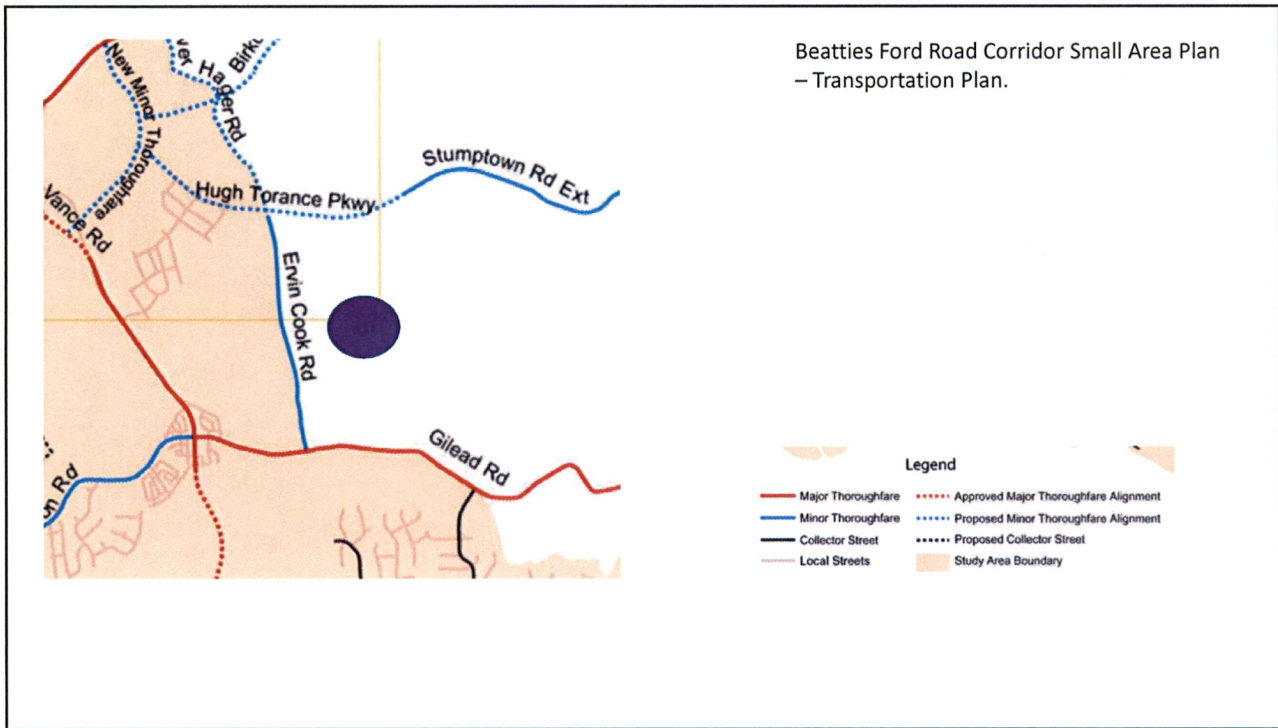
Moderate Density

This area is meant to accommodate a mix of conventional residential subdivisions with larger lots and traditional neighborhood development with a mix of lot sizes, including smaller unit types and occasional attached housing. Average gross density is generally 1-3 units per acre. It may have some smaller-scale commercial or nonresidential activity at key intersections. Exact density of future development should vary based on context and site constraints including potential conflicts with adjacent development, access, and the presence of natural and/or cultural resources.



Beatties Ford Road Corridor Small Area Plan.





TIA REQUIREMENTS

Gilead Road and Ervin Cook Road:

- Provide an exclusive westbound right-turn lane (on Gilead Road) with at least 100 feet of storage and appropriate decel and taper;
- Provide an exclusive eastbound left-turn lane (on Gilead Road) with at least 100 feet of storage and appropriate decel and taper;
- Provide an exclusive southbound right-turn lane (on Ervin Cook Road) with at least 150 feet of storage and appropriate decel and taper.

Ervin Cook Road and Proposed Access Locations:

- Construct the westbound approach (Access A) with at least one ingress lane and one egress lane (striped as shared left/right)
- Construct the westbound approach (Access B) with at least one ingress lane and one egress lane (striped as shared left/right)

Additional comments include:

- Provide 6' sidewalk on both sides of Ervin Cook Road along entire property frontage, provide 10' side path on Gilead Road along entire property frontage (where feasible).

**Town of Huntersville: 14410 Ervin Cook Rd
Honeycutt-Brown Property**

IMPACT OF THE PROPOSED DEVELOPMENT

Proposed Housing Units: 358 single family detached

CMS Planning Area: North

Average Student Yield per Unit: 0.5118

This development may add 183 students to the schools in this area.

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

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classroom/Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
TORRENCE CREEK ELEMENTARY	41.32	35	685	580	118%	72	129%
FRANCIS BRADLEY MIDDLE	57	53	1075	1000	108%	45	111%
HOPEWELL HIGH	99.0	100	1809	1827	99%	66	102%

The total estimated capital cost of providing the additional school capacity for this new development is \$7,017,000; calculated as follows:

Elementary School: 72x \$34,000 = \$2,448,000

Middle School: 45x \$37,000 = \$1,665,000

High School: 66x \$44,000 = \$2,904,000

RECOMMENDATION

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

PART 5: STAFF RECOMMENDATION**COMPLETENESS OF APPLICATION**

Town Staff has reviewed the proposed Subdivision Sketch Plan and finds the application complete.

COMPLIANCE WITH APPLICABLE REQUIREMENTS

Honeycutt-Brown Subdivision Sketch Plan complies with all applicable requirements and is supported by the findings of fact outlined in Parts 2 – 4 of this report, with the following conditions:

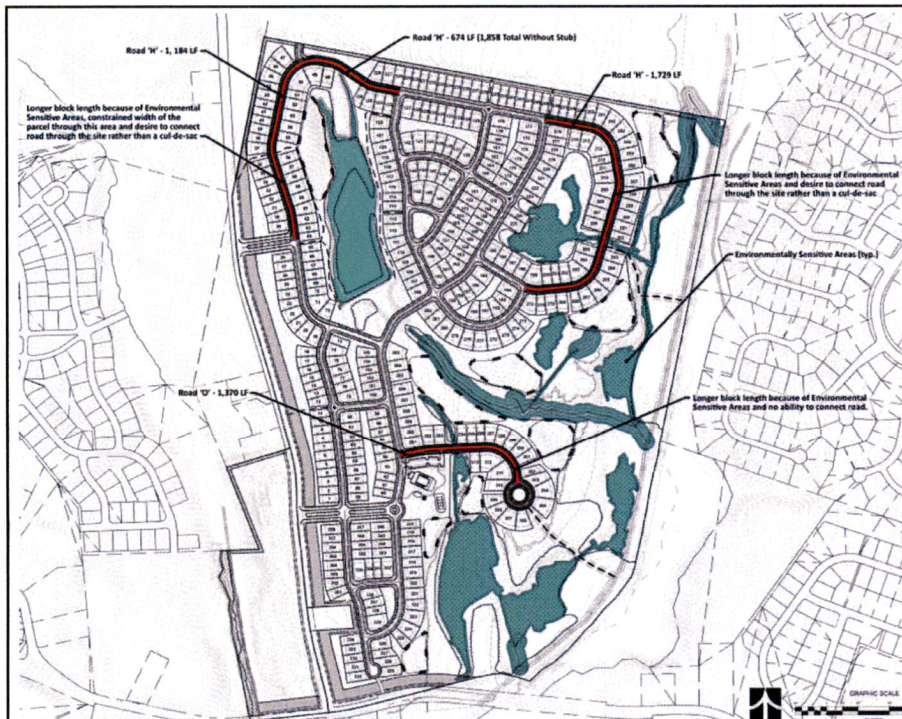
There are several site plan issues that **MUST BE ADDRESSED**:

- REQUESTED MODIFICATIONS: the following three (3) block-length modifications are requested:
 - Road H, from Road F – Road K (1,729.61 ft. as shown on plan);
 - Road H, from Road G – Road M (1,184.23 ft. as shown on plan);
 - Cul-de-sac Road O – from Road F – cul-de-sac end (1,370 ft. as shown on plan).
 - Staff can support all three block length modifications, as there are several natural features to negotiate on site.
- Urban Open Spaces B & E are not an acceptable type – Applicants will need to work with Staff on alternatives.
- A rough-grading plan for the parcels west of Ervin Cook Road must be provided. 10-17-22 UPDATE: rough-grading plan for this area has been provided – ITEM SATISFIED.
- Comments from NCDOT must be provided and addressed (as appropriate).
- BMP embankments and easements must be kept out of stream buffers. 10-17-22 UPDATE: embankments and easements have been pulled back from the stream buffers – ITEM SATISFIED.
- NEW ITEM - A note added to clearly state intention to dedicate or grant easement for greenway #1 (west side of subdivision) and eastside floodplain to Mecklenburg County.
- All outstanding Town Transportation comments to be addressed.
- All outstanding redline comments to be addressed.

APPROVAL

The Honeycutt-Brown Subdivision Sketch Plan could comply with all applicable requirements once the conditions listed above are addressed. Staff Recommends Approval of the proposed Subdivision Sketch Plan based on satisfaction of the above listed items.

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PLANNING BOARD RECOMMEDATION. HONEYCUTT-BROWN SUBDIVISION – SKETCH PLAN

COMPLETENESS OF APPLICATION:

The Planning Board found the application complete.

COMPLIANCE WITH APPLICABLE REQUIREMENTS:

Honeycutt-Brown Subdivision Sketch Plan complies with all applicable requirements and is supported by the findings of fact outlined in Parts 2 – 4 of this report, with the following conditions **ADDRESSED**:

The Planning Board found the Honeycutt-Brown Subdivision sketch plan consistent with adopted public plans and policy and complies with all applicable requirements of the Zoning Ordinance, the Huntersville 2040 Community Plan and the Beatties Ford Small Area Plan as stated within the findings of facts in parts 2-4 of the staff report. Specifically, the proposed Honeycutt-Brown Subdivision lies within the Huntersville 2040 Community Plan Moderate Density and open space future land use character area and is supported by policies LU12.3, EOS4.3, EOS8.2, EOS8.3, EOS10.1, PS8.1, T3.1, T3.2, T5.3. The Planning Board also recommends approval of the requested block length modifications for Road H from Road F to Road K, not to exceed 1,779.61 linear feet; for Road H from Road G to Road M, not to exceed 1900 linear feet; and Road O from Road F to cul-de-sac not to exceed 1,370 linear feet.

The recommendation is contingent upon approval of the water quality concept plan; working with staff to provide acceptable open space types for urban open spaces B & E; providing staff with a rough grading plan for the parcel west of Ervin Cook Road; addressing all outstanding Town transportation comments as outlined in part 3 of the staff report; providing and addressing all NCDOT comments that are applicable; BMP embankments being kept out of the stream buffers; and addressing all remaining redline comments with staff.

APPROVAL:

The Planning Board met on Tuesday, September 27, 2022, and **voted to recommend approval (9-0)** Honeycutt-Brown Subdivision Sketch Plan.

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PART 8: DECISION STATEMENTS

Please refer to Part 5 of this report for recommendation.

In considering whether to approve an application for a subdivision sketch plan, the Planning and Town Board must complete the following (a full version can be found in [Section 6.320.5](#) of the Subdivision Ordinance).

- Is the application complete (lacking any particular requirement)? *If no member of the Board moves that the application is incomplete, then this inaction is taken as an affirmative finding that the application is complete.*
- Does the application comply with all the applicable requirements? *A statement must be made that the application complies or does not comply that includes the support documentation of the particular motion.*
- Lastly, the Board must make a motion to approve or deny based on the previous statements.

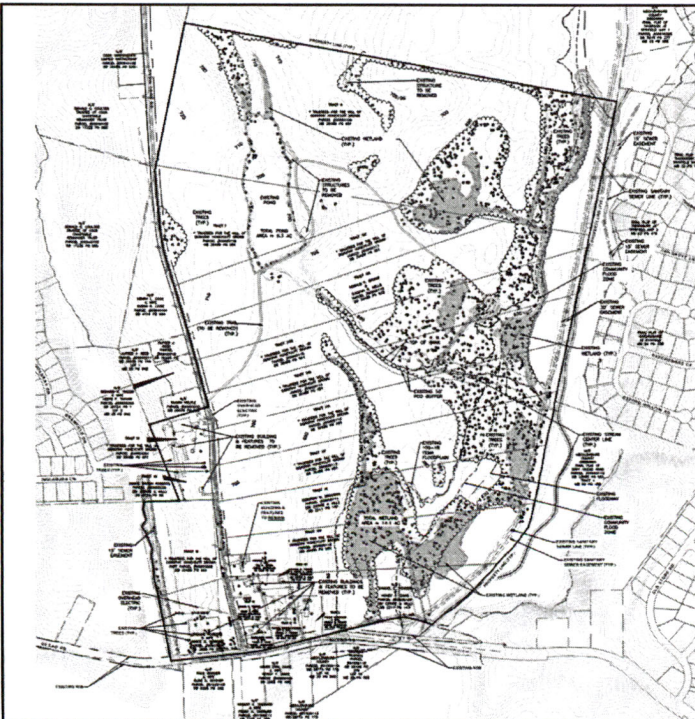
20



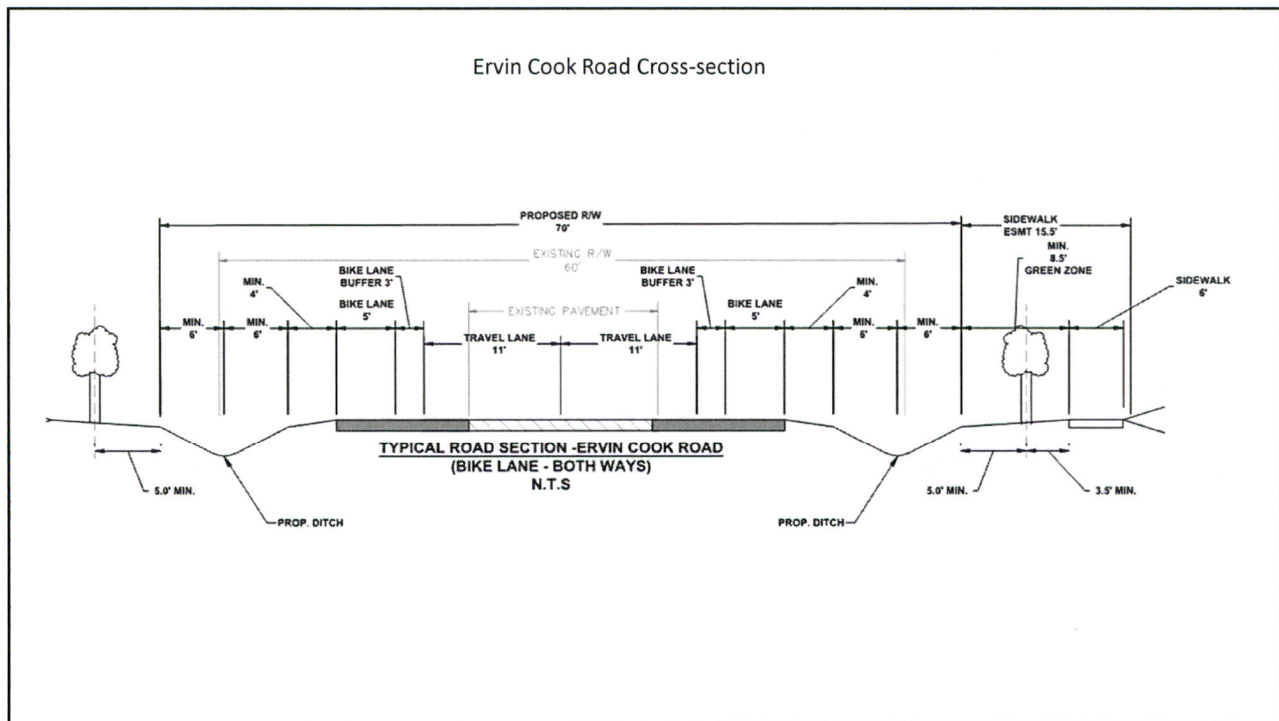
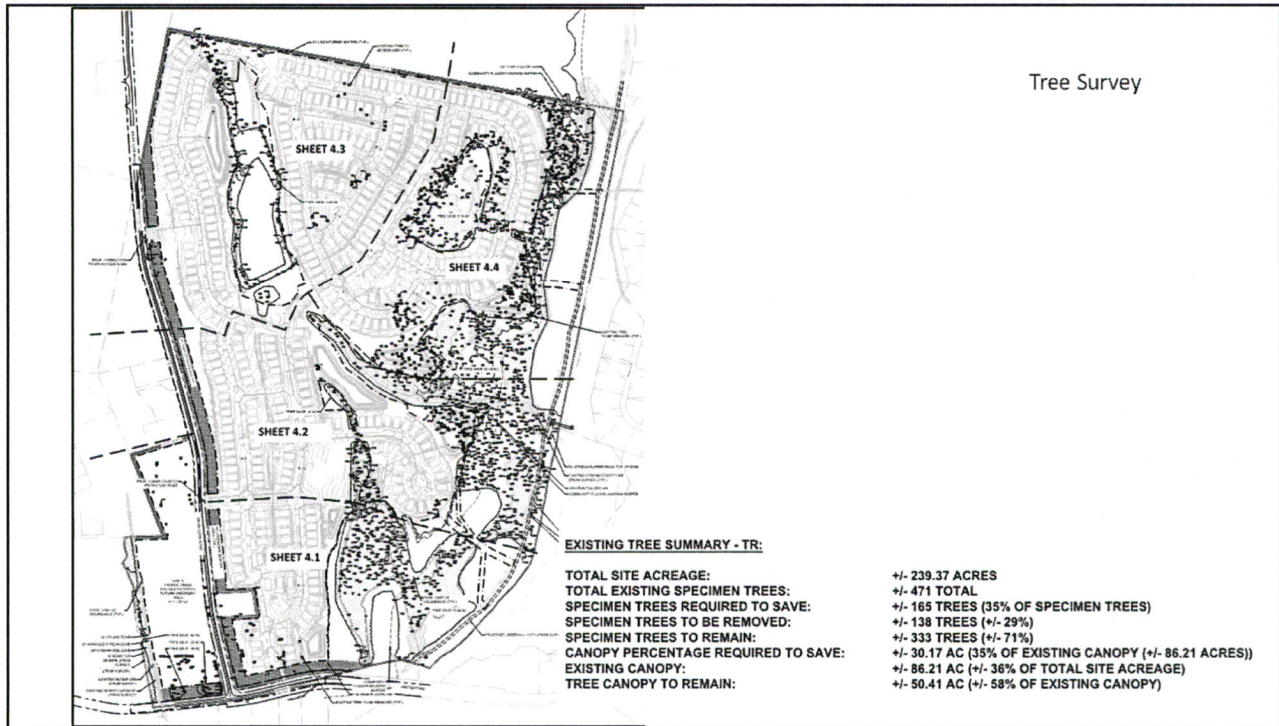
SITE PLAN DATA TABLE:

PARCEL NUMBERS:	009-04-106, 009-05-118, 009-05-117, 009-05-116, 009-05-115, 009-05-114, 009-05-113, 009-05-112, 009-05-111, 009-05-110, 009-03-201, 009-03-233, 009-05-107, 009-05-102, 009-05-105, 009-05-108, 009-05-119, 009-05-109, 009-03-234, 009-03-214, AND A PORTION OF 009-03-208
TOTAL SITE ACREAGE:	+/- 239.37 AC (PER SURVEY)
PRINCIPAL USES (TR):	SINGLE FAMILY
BUILDING TYPE (TR):	SINGLE FAMILY DETACHED HOMES
ZONING DISTRICT:	
EXISTING:	TR (MIL OVERLAY PROTECTED AREA)
PROPOSED:	TR
WATERSHED:	MCDOWELL, MOUNTAIN ISLAND LAKE PA-1
SETBACKS AND BUILD-TO-RANGE	
BUILD-TO RANGE:	10' To 20'
MINIMUM SIDE YARD:	6'
MINIMUM CORNER SIDE YARD:	10'
MINIMUM REAR YARD:	25'
IMPERVIOUS AREA:	
% OF IMPERVIOUS PERMITTED:	+/- 24% (LOW DENSITY)
% OF IMPERVIOUS SHOWN:	+/- 23% (55.88 AC)

LOT COUNT:	+/- 358 LOTS
57' X 130' LOTS:	+/- 156 LOTS (44%)
62' X 130' LOTS:	+/- 116 LOTS (32%)
72' X 130' LOTS:	+/- 86 LOTS (24%)
AVERAGE LOT WIDTH:	
REQUIRED:	AT LEAST 60'
PROPOSED:	60.04'
AVERAGE LOT SIZE:	
REQUIRED:	AT LEAST 7,500 SF
PROPOSED:	7,806 SF (SEE SHEET 5.5 FOR LOT SIZE TABLE)
6,760 SF	+/- 156 LOTS
8,060 SF	+/- 116 LOTS
9,360 SF	+/- 86 LOTS
PROPOSED DENSITY:	1.50 DU/AC (358 LOTS / +/- 239.37 AC)
TREE SAVE (TR):	
EX. CANOPY:	+/- 86.21 AC
REQUIRED:	
CANOPY TREES:	+/- 30.17 AC (35% OF EXISTING CANOPY)
HERITAGE TREES:	N/A (ZERO HERITAGE TREES ON SITE)
SPECIMEN TREES:	+/- 165 TREES (35% OF SPECIMEN TREES)
PROPOSED:	
CANOPY TREES:	+/- 50.41 AC (58% OF EXISTING CANOPY)
HERITAGE TREES:	N/A (ZERO HERITAGE TREES ON SITE)
SPECIMEN TREES:	+/- 333 TREES (71% OF SPECIMEN TREES)
OPEN SPACE (TR):	
REQUIRED:	+/- 95.79 AC (40%)
PROPOSED:	+/- 115.00 AC (48%)
(1) FUTURE COUNTY GREENWAY 'A'	+/- .37 AC
(2) URBAN OPEN SPACE - GREEN 'A'	+/- .33 AC
(3) COMMON OPEN SPACE 'H'	+/- .87 AC
(4) COMMON OPEN SPACE 'T'	+/- .56 AC
(5) URBAN OPEN SPACE - PARK	+/- 2.71 AC
(6) COMMON OPEN SPACE 'J'	+/- .11 AC
(7) URBAN OPEN SPACE - Mini Park 'A'	+/- .19 AC
(8) URBAN OPEN SPACE - SQUARE	+/- .42 AC
(9) URBAN OPEN SPACE - GREEN 'D'	+/- .14 AC
(10) FUTURE COUNTY GREENWAY 'B'	+/- 1.36 AC
(11) COMMON OPEN SPACE 'A'	+/- 11.32 AC
(12) COMMON OPEN SPACE 'B'	+/- .48 AC
(13) COMMON OPEN SPACE 'C'	+/- 2.94 AC
(14) COMMON OPEN SPACE 'D'	+/- 2.12 AC
(15) COMMON OPEN SPACE 'E'	+/- 1.03 AC
(16) COMMON OPEN SPACE 'F'	+/- .91 AC
(17) COMMON OPEN SPACE 'G'	+/- .83 AC
(18) URBAN OPEN SPACE - Mini Park 'B'	+/- .26 AC
(19) URBAN OPEN SPACE - Mini Park 'C'	+/- .36 AC
(20) NATURAL OPEN SPACE 'A'	+/- 15.85 AC
(21) NATURAL OPEN SPACE 'B'	+/- 5.55 AC
(22) NATURAL OPEN SPACE 'C'	+/- 69.01 AC



Existing Conditions





39' WOODROW ELEVATION



49' WYNN ELEVATION



59' WINSON ELEVATION



Honeycutt Brown Property

PRESENTATION

September 27th, 2022



Introduction

- **Toll Brothers** (Developer)
 - Jaime Pou | Division President
 - Chad Martin | Assistant Land Development Manager
- **ESP Associates** (Land Planning / Rezoning / Civil Engineering)
 - Dan Brewer | Civil Engineering Division Manager
 - Matthew Levesque | Planning / Landscape Architecture Division Manager
 - Larry Mazzella | Planning Team Leader
- **Ramey Kemp Associates** (Traffic Engineering)
 - Chase Smith | Traffic Engineering Project Manager

EXHIBIT

3

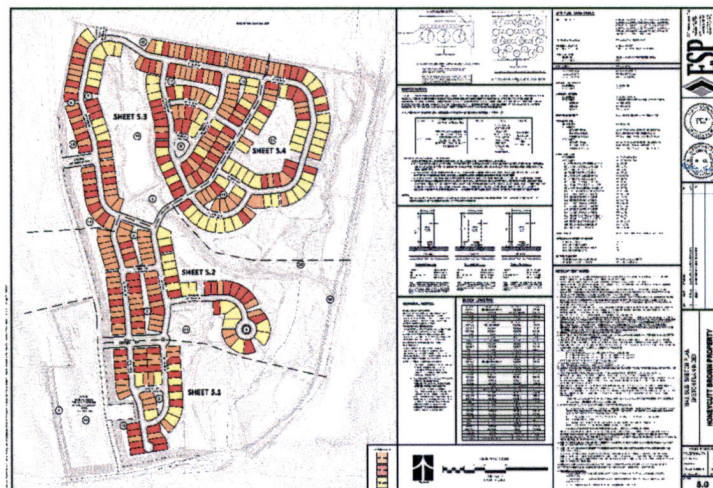
Illustrative Plan



Summary

- Total Acres: 239.37 Acres
- Proposed Zoning: TR (By-Right)
- +/- 358 Lots
 - 52' x 130 Lots - +/- 156 Lots (44%)
 - 62' x 130 Lots - +/- 116 Lots (32%)
 - 72' x 130 Lots - +/- 86 Lots (24%)
- 1.5 DU/AC
- Required Open Space: +/- 95.79 Acres (40%)
- Proposed Open Space: +/- 115 Acres (48%)
- Required Tree Save: +/- 30.17 Acres (35% of tree canopy)
- Proposed Tree Save: +/- 50.41 Acres (58% of tree canopy)

Sketch Plan



Traffic Improvements

Recommended Improvements by Developer

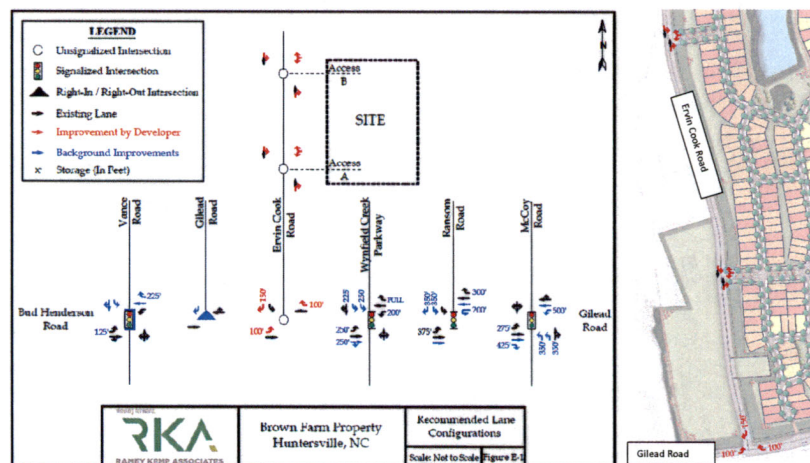
Gilead Road and Ervin Cook Road

- Provide an exclusive westbound right-turn lane (on Gilead Road) with at least 100 feet of storage and appropriate decel and taper.
- Provide an exclusive eastbound left-turn (on Gilead Road) with at least 100 feet of storage and appropriate decel and taper.
- Provide an exclusive southbound right-turn lane (on Ervin Cook Road) with at least 150 feet of storage and appropriate decel and taper.

Ervin Cook Road and Proposed Access Locations

- Construct the westbound approach [Access A] with at least one ingress lane and one egress lane [stripped as shared left/right].
- Construct the westbound approach [Access B] with at least one ingress lane and one egress lane [stripped as shared left/right].

Traffic Improvements - Exhibit



Conceptual Elevations



52' Lot - **Woodrow Floorplan**



Conceptual Elevations



62' Lot - **Wynn Floorplan**



Conceptual Elevations



72' Lot - **Winson Floorplan**



Honeycutt Brown Property



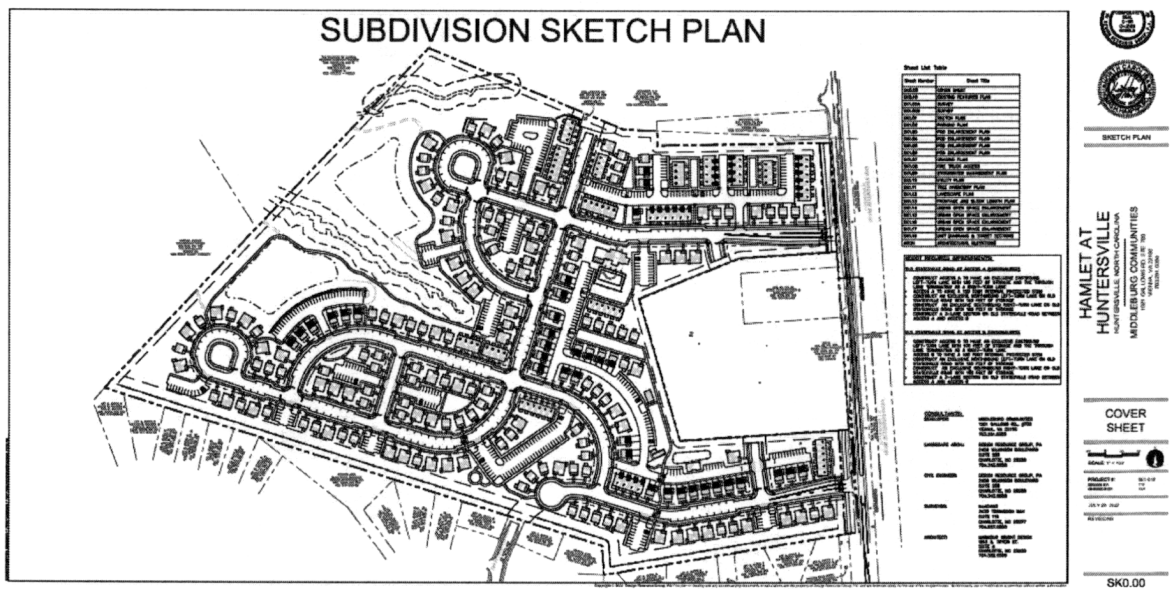
TA 22-10 – Uses Permitted on a Multi-Building Lot

PART 1: DESCRIPTION

TA 22-10 is a request by the Huntersville Planning Department to amend the Huntersville Zoning Ordinance Article 8.2 “One Principle Building on a Lot; Exceptions” to state that multi-building sites do not include single-family and duplex homes excluding retirement community or congregate care facility.

PART 2: BACKGROUND

On July 18th, 2022 The Hamlet at Huntersville subdivision sketch plan was approved for a 265 dwelling unit for rent subdivision (187 single family homes-detached house type and 78 townhomes-apartment house type). The subdivision is the first of its type allowing single-family homes to not be on individual lots excluding retirement communities discussed below. The proposed amendment would not prohibit a single-family rental community such as the Hamlet. It would however require the homes be placed on individual lots meeting the same setback, lot dimensions and access as required for all other residential subdivisions based on zoning districts. This is consistent with the Huntersville 2040 Community Plan Policy LU-11 discussed in Part 3 of the staff report.



During the hearing on The Hamlet, a question was asked if the development failed financially, would the developer be able to sell the homes individually. The response was that it would not be feasible to subdivide the property after the fact. If this amendment is approved, each home could be sold separately or all together in the future.

This amendment would also be consistent with the zoning ordinance definition of “Dwelling Unit; Single-Family Home” which is defined as “An attached or detached dwelling unit located on an individual lot designed for and occupied exclusively by one family”.

There are three retirement communities with single-family/duplex homes and no lot lines (Courtyards at Huntersville and Kinnamon Park; Glens at Birkdale Commons) and one congregate care facility with single-family homes and no lot lines (Hope House). The proposed amendment would continue to allow single-family & duplex homes at retirement communities and congregate care facilities to exist as a multi-building site.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

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

Policy LU-11: Protect Existing Housing Stock

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

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

STAFF COMMENTS: This amendment would result in all residential subdivisions meeting the same development standards within the zoning district they are located.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of TA22-10 (see part 9).

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

On September 1, 2022, the Huntersville Ordinances Advisory Board voted 7-1 to recommend approval.

PART 6: PUBLIC HEARING

Public Hearing Occurred on September 6, 2022

PART 7: PLANNING BOARD RECOMMENDATION

On September 27, 202, the Planning Board voted 7-2 to recommend approval.

PART 8: TOWN BOARD HEARING

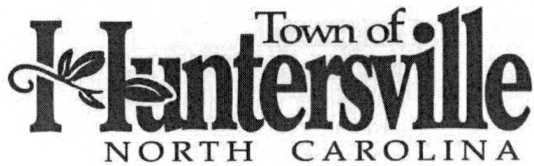
October 17, 2022

PART 8: ATTACHMENTS

1. Text Amendment Application
2. Ordinance Language

PART 9: STATEMENT OF CONSISTENCY – TA22-10

<i>Planning Department</i>	<i>Planning Board</i>	<i>Board of Commissioners</i>
APPROVAL: In considering the proposed amendment TA22-10, Planning staff recommends approval based on the amendment being consistent Policy LU-11 of the 2040 Huntersville Community Plan. <i>It is reasonable and in the public interest to amend the Zoning Ordinance because it will protect the unique character of the existing housing stock, is consistent with the definition of single-family home, and provide options for future transactions.</i>	APPROVAL: The Planning Board recommends approval of TA22-10, Uses permitted on a multi-building lot text amendment, as it is consistent with policies LU11, LU11.1, LU11.2 in the 2040 Huntersville Community Plan. <i>It is reasonable and in the public interest to amend the zoning ordinance because it will protect the unique character of the existing housing stock, it is consistent with the definition of a single-family home, and provide options for future transactions.</i>	APPROVAL: In considering the proposed amendment TA22-10, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> <i>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</i>
DENIAL: N/A	Denial: N/A	DENIAL: In considering the proposed amendment TA22-10, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. <i>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</i>



Text Amendment Application

Date of Application July 1

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): 8.2 Section(s): _____

Current Ordinance See attached

Proposed Text See attached

Reason for Proposed Change To prevent single-family/duplex homes from multi-building sites on one lot, except for age restricted developments.

Attach additional pages if needed.

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

Applicant

Printed Name Jack Simoneau

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

Signature _____ Date July 1, 2020

Title Planning Director Email jsimoneau@huntersville.org

Address of Applicant 105 Gilead Road

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: July 1, 2022

Staff Initials: JS

**AN ORDINANCE AMENDING ARTICLE 8.2 OF THE ZONING ORDINANCE AMENDING THE USES
PERMITTED ON A MULTI-BUILDING LOT**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 8.2 “One Principle Building on a Lot; Exceptions” of the Zoning Ordinance be amended as follows:

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings which, taken together, compose a single principal use may be erected on a single lot as permitted by the district regulations and described by building and lot type. Requirements of Subdivision Ordinance Section 6.800 apply. **The multiple building exception shall not apply to single-family homes and duplex house types that are not a part of a retirement community or congregate care facility.**

Section 2. That these amendments shall become effective upon approval by the Town Board of Commissioners.

Huntersville Ordinance Advisory Board: August 4, 2022 & September 1, 2022

Public Hearing Date: September 6, 2022

Planning Board Meeting: September 27, 2022

Town Board Meeting: October 17, 2022

Amend Article 8.2

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings which, taken together, compose a single principal use may be erected on a single lot as permitted by the district regulations and described by building and lot type. Requirements of Subdivision Ordinance Section 6.800 apply. **The multiple building exception shall not apply to single family homes and duplex house types that are not a part of a retirement community or congregate care facility.**

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA22-10, Planning staff recommends approval based on the amendment being consistent with Policy LU-11 of the 2040 Huntersville Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will protect the unique character of the existing housing stock, is consistent with the definition of single-family home, and provide options for future transactions.	APPROVAL: The Planning Board recommends approval of TA22-10, Uses permitted on a multi-building lot text amendment, as it is consistent with policies LU11, LU11.1, LU11.2 in the 2040 Huntersville Community Plan. It is reasonable and in the public interest to amend the zoning ordinance because it will protect the unique character of the existing housing stock, it is consistent with the definition of a single-family home, and provide options for future transactions.	APPROVAL: In considering the proposed amendment TA22-10, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
DENIAL: N/A	Denial: N/A	DENIAL: In considering the proposed amendment TA22-10, 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)

Amend Article 8.2

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings which, taken together, compose a single principal use may be erected on a single lot as permitted by the district regulations and described by building and lot type. Requirements of Subdivision Ordinance Section 6.800 apply. **The multiple building exception shall not apply to single family homes and duplex house types that are not a part of a retirement community or congregate care facility.**

Planning Department Recommends Approval

APPROVAL: *In considering the proposed amendment TA22-10, Planning staff recommends approval based on the amendment being consistent Policy LU-11 of the 2040 Huntersville Community Plan.*

It is reasonable and in the public interest to amend the Zoning Ordinance because it will protect the unique character of the existing housing stock, is consistent with the definition of single-family home, and provide options for future transactions.

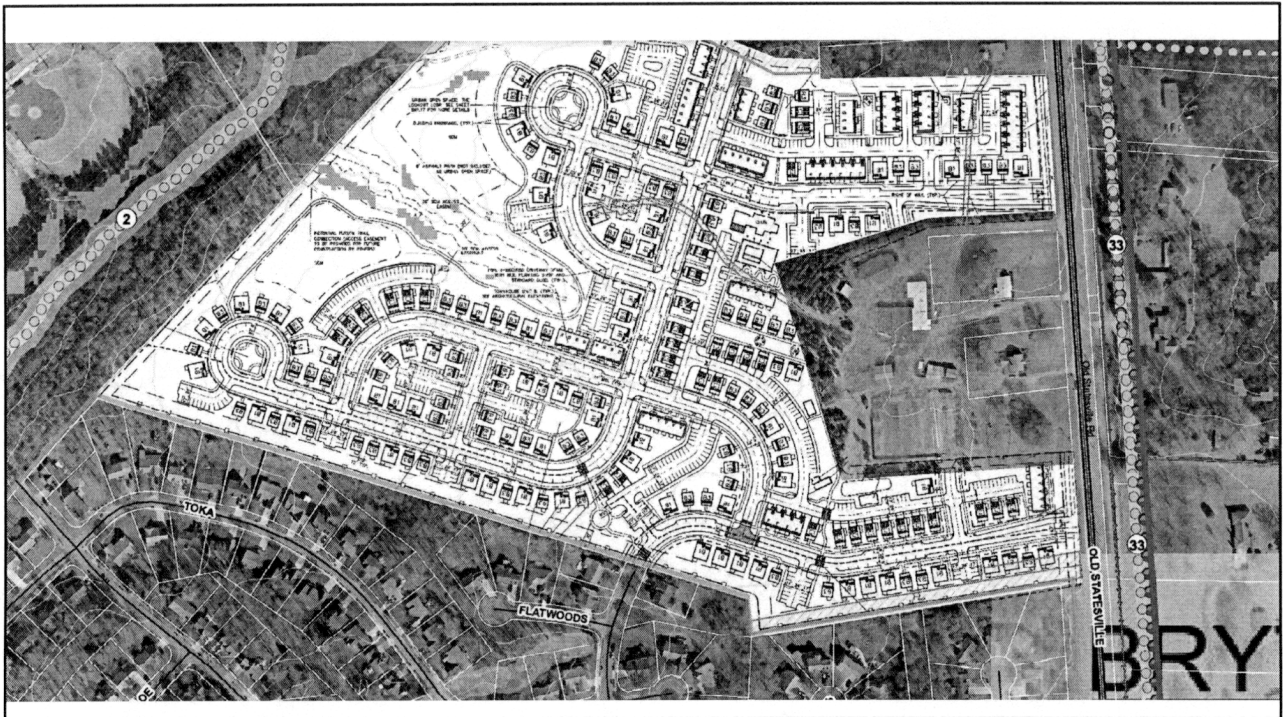
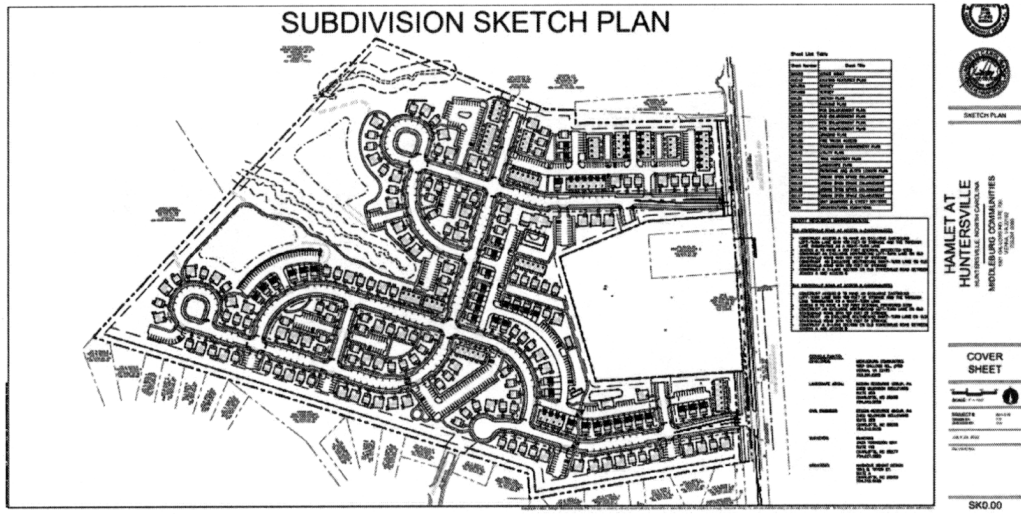
- Planning Staff recommends approval
- On September 1, 2022, the Huntersville Ordinances Advisory Board voted 7-1 to recommend approval
- On September 27, 2022, the Planning Board voted 7-2 to recommend approval

Planning staff recommends approval based on the amendment being consistent Policy LU-11 of the 2040 Huntersville Community Plan. (Protect Existing Housing Stock).

It is reasonable and in the public interest to amend the Zoning Ordinance because

- It will protect the unique character of the existing housing stock (residential subdivisions meet same development standards),
- Is consistent with the definition of single-family home,
- Provide options for future transactions,
- Similar to surrounding communities.

Hamlet at Huntersville



Retirement Community & Congregate Care Facility



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

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

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Single-family home. An attached or detached dwelling unit located on an individual lot designed for and occupied exclusively by one family.

Town of Mathews UDO

- 155.601.14 More than One Principal Building per Lot More than one (1) principal nonresidential building may be located on a lot if a paved access driveway at least ten feet (10') wide is maintained from a public street to each building for use by service and emergency vehicles. Unless a lesser standard is allowed elsewhere in this Title and by applicable building codes, a minimum separation of four feet (4') is required between separate buildings. No more than one (1) principal residential building may be located on a lot, except under the provisions for accessory apartments, cottage cluster developments, multi-family developments, manufactured home parks, overnight camping trailer parks, and institutionalized residential facilities. In the case of attached single-family development where the side or rear lot lines match the center of common shared walls, the approved preliminary subdivision plat indicating the proposed lot lines shall be used for building permit approval, although temporary or final Certificates of Occupancy shall not be issued until a final plat is approved and recorded. ('72 Code, § 1619) (Ord. 477, passed 2-8-88; Am. Ord. 871, passed 9-12-94) (Ord. 1127, passed 7-10-00) [formerly known as § 153.088]

Charlotte Zoning Ordinance

Section 12.107. - More than one principal building per lot.

(1) More than one principal building devoted to nonresidential uses may be located on a lot provided that:

(a) An unobstructed accessway at least fifteen (15) feet wide is maintained from a public street to each building for use by service and emergency vehicles; and

(b) Each building on the lot is separated by at least four (4) feet from any other building on the lot, unless a lesser standard is established in these regulations.

(2) No more than one principal building devoted to residential uses shall be located on a lot, except as part of a planned multifamily development and other planned projects, such as manufactured home parks, nursing homes, etc. approved in accordance with these regulations.

Mint Hill UDO

- 6.9.4

- *One Principal Building.* No more than one single-family dwelling unit (consisting of a principal structure and any allowable accessory structures, such as a garage or mother-in-law suite meeting the accessory structure requirements of Section 6.9.7) shall be permitted on a lot or parcel of land in the single-family dwelling districts. No more than one principal building shall be permitted on a lot or parcel of land in the office-apartment district, unless otherwise stated in this Ordinance.

Pineville Zoning Ordinance

- ONE PRINCIPAL BUILDING
- 7.7.1
- No more than one principal structure devoted to a residential use shall be permitted on a lot, except as (i) part of a multi-family development or (ii) as a private secondary dwelling unit, or (iii) as a temporary manufactured home as provided in Section 7.8.4 of this Ordinance.

Cornelius Zoning Ordinance

SECTION 5.5: GENERAL LOT PROVISIONS

5.5.1: All Districts

The following provisions shall apply throughout the zoning jurisdiction of the Town of Cornelius regardless of the underlying regulating district.

- A. Nothing in this Ordinance shall require any change in the plans, construction, or designed use of any building or structure for which a building permit was secured prior to the adoption of this Ordinance, providing the building permit remains valid.
- B. All lots shall front upon a street built in accordance with the Mecklenburg County Land Development Standards Manual. All non-residential structures on a lot shall have access available from a public street for use by service or emergency vehicles.
- C. All commercial, office, industrial, mixed-use, school, civic, and multi-family residential buildings shall comply with the provisions of Chapter 4.
- D. Corner lots shall have two front yards and utilize the minimum front setbacks for each unless otherwise determined by the Planning Director.
- E. Only one principal building and its customary accessory building(s) shall be located on any lot, except in appropriate districts that permit a lot to contain both residential and non-residential uses in one or more principal structures or within the same structure.
- F. Schools, churches and other civic buildings shall be exempt from the front yard setback requirements.
- G. Satellite dishes may not exceed two feet (2') in diameter.
- H. Hedges shall be planted at least three feet (3') from the property line.
- I. Mailboxes, newspaper boxes, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- J. Mailboxes in new major subdivisions shall be centrally located, as approved by the Town and the United States Postal Service.



TOWN OF CORNELIUS LAND DEVELOPMENT CODE

5 - 12

6/21/2021

Davidson Ordinance

- Does not allow more than one residential single-family building on a single lot unless you go through the Master Plan process

• § 160D-701. Purposes. Zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to promote the health, safety, morals, or general welfare of the community. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the local government's planning and development regulation jurisdiction. The regulations may not include, as a basis for denying a zoning or rezoning request from a school, the level of service of a road facility or facilities abutting the school or proximately located to the school. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

• § 160D-702. Grant of power.

• (a) A local government may adopt zoning regulations. Except as provided in subsections (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land. A local government may regulate development, including floating homes, over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12. A zoning regulation shall provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. Where appropriate, a zoning regulation may include requirements that street and utility rights-of-way be dedicated to the public, that provision be made of recreational space and facilities, and that performance guarantees be provided, all to the same extent and with the same limitations as provided for in G.S. 160D-804 and G.S. 160D-804.1. (b) Any regulation relating to building design elements adopted under this Chapter may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:

- (1) The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of this Chapter.
- (2) The structures are located in an area designated as a historic district on the National Register of Historic Places.
- (3) The structures are individually designated as local, State, or national historic landmarks.
- (4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.
- (5) Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-908 and federal law.
- (6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program. Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604 or G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.
- For the purposes of this subsection, the phrase "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot; (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors; or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

Town of Huntersville State Legislative Goals FY22-23

Infrastructure – Transportation and Transit

<u>Town-Specific</u>	<u>Support Statewide</u>
• Support and Advocacy – we join our neighbors Cornelius and Davidson in seeking assistance with the North Carolina Railroad and Norfolk Southern in order to allow future public transit along the existing O-Line corridor.	• Accelerate NCDOT Roadway Projects Delayed due to Funding Issues to put projects back on track to limit the impact further delays have on increasing costs to deliver projects and avoid expiration of any required federal environmental documentation that could further delay the start of projects. • Support firmer timelines/deadlines for utility relocation and other related work needed to expedite and support infrastructure projects – Supports resiliency of infrastructure, adaptive municipal operations

Government Responsiveness to Needs of Citizens

<u>Town-Specific</u>	<u>Support Statewide</u>
	• Consider updating the framework of Chapter 50B of the N.C. General Statutes to authorize magistrates to issue ex parte orders that are valid for the same length of time as ex parte orders issued by district court judges.

Revenues - Tax and Finance

<u>Town-Specific</u>	<u>Support Statewide</u>
• Request all funds associated with the amount of fines against Colonial Pipeline assessed by the State that are sent to NC Department of Education be earmarked specifically to benefit schools specifically in Town of Huntersville.	• Maintain existing statewide Sales Tax distribution, where Sales Tax is returned to specific county where the sales originated from and not redistributed across the state. • Allow for the assessment of Impact Fees to protect existing taxpayers from bearing costs of public infrastructure needs and other services resulting from new development. • Revenue Options for all Municipalities (Without Creating Winners/Losers) – Supports flexibility for cities/towns – Support healthy finances and vibrant, resilient, adaptive municipal operation • Consider legalizing marijuana for medical use.



Preserve Municipal Authority

<u>Town-Specific</u>	<u>Support Statewide</u>
	• Reject legislation that reduces or removes local government planning and zoning authority, as this will reduce the quality of life that exists for citizens in many of our communities statewide.

Affordable Housing

<u>Town-Specific</u>	<u>Support Statewide</u>
• Affordable Housing Study – Support provision of funds to the Town of Huntersville to allow it to create its first Affordable Housing Plan.	• Clarify harmony requirement in S105 / SL 2021-180 – further information and definitions of what was meant in appropriations bill.

Environmental Concerns

<u>Town-Specific</u>	<u>Support Statewide</u>
	• Support and Expand Existing Cancer Registry and Research – Recognizing increase of clusters (labeled or perceived) in occurrences of certain cancers in Lake Norman region and other parts of state, support continued funding and support to the NC Collaboratory and their work invest in more robust infrastructure to strengthen coordination and implementation of cancer cluster investigations across the state, enhance cancer data resources and analytical capabilities for cancer surveillance, improve communication efforts, including development of a NC Environmental Public Health Tracking Web-Portal and convene a cancer cluster advisory committee. • Maintain and Keep Funding as Necessary for Revenue Options for all Municipalities (Without Creating Winners/Losers) – <i>Supports flexibility for cities/towns – Support healthy finances and vibrant, resilient, adaptive municipal operation</i> • the NC Department of Environmental Quality to support continued monitoring and regulatory oversight of the Colonial Pipeline spill in Huntersville's ETJ at Mecklenburg County's Oehler Nature Preserve. At over 2 million gallons of gasoline leaked into our environment, it is now the largest spill in US history.