

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

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

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:00 p.m. on February 6, 2023.

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

Mayor Bales called the Pre-meeting to order.

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

Commissioner Munger seconded motion.

Motion carried unanimously.

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

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on February 6, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Munger asked why reflective paint is not used on the roads for lanes.

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

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

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

Town of Huntersville Proclamation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AGENDA CHANGES

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

Commissioner Munger seconded motion.

Motion carried unanimously.

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

Commissioner Kovacs seconded motion.

Motion carried unanimously.

CONSENT AGENDA

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

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

Budget Amendment – Public Works Facility Expansion. Commissioner Phillips made a motion to approve budget amendment appropriating \$915,000 from Fund Balance in the General Fund to Public Works Facility Expansion for the purchase of land at 11835 Ramah Church Road. Commissioner Kovacs seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA22-16. Commissioner Phillips made a motion to call a public Hearing for February 20, 2023, at 6:00 p.m. on Petition #TA22-16, a request by the Huntersville Planning Department to amend Zoning Ordinance Articles 3.2 General Districts and 9 Conditions for Certain Uses to establish buffer standards for a multi-family home use in one building, on one lot. Commissioner Kovacs seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #R22-05. Mayor Bales called to order public hearing on Petition #R22-05, Oak Grove Hill Expansion, a request by Carver Bowman, LLC to rezone +/- 45.18-acres generally located north of Mt. Holly-Huntersville Road, east of Beatties Ford Road and south of Pembroke Road from existing Neighborhood Residential - Conditional District (existing Oak Grove Hill CD-Rezoning) and Rural to Neighborhood Residential - Conditional District (REVISED Oak Grove Hill CD-Rezoning) for a 156-lot subdivision; (Parcel #s 01526443, 01526504, 0152606, 01526460, 015254432, 01526456, 01526432, 01526450, 01526455, 01526428, 01526429 & 015264431).

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

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

Commissioner Phillips seconded motion.

Motion carried unanimously.

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

Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed the request. *Refer to the Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

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

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

OTHER BUSINESS

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

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

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

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

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

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

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

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

Commissioner Kovacs asked we could hold it open longer?

Mr. Richards said yes.

Mayor Bales said no.

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

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

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

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

Mr. Richards said correct.

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

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

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

Mr. Richards said correct.

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

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

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

Ms. Irvin said Mike Lant with North American Properties.

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

Mr. Richards said it does.

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

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

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

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

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

Mr. Richards said no.

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

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

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

Commissioner Kovacs asked does it include Walgreen?

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

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

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

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

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

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

Commissioner Kidwell asked what about the valet?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Lant said no.

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

Mr. Lant said sorry.

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

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

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

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

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

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

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

Mayor Bales said so construction is probably 2024, 2025.

Mr. Richards said yes ma'am.

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

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

Mr. Richards said correct.

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

Mr. Richards said depending on the level of substantial.

Commissioner Kovacs asked how do you guys define substantial?

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

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

Commissioner Phillips seconded motion.

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

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

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

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

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

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

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

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

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

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

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

Commissioner Boone said how did I vote then.

Mayor Bales said I thought you voted in the negative.

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

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

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

Commissioner Phillips seconded motion.

Mayor Bales said any additional discussion?

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

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

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

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

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 7.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Phillips

- No Report

Commissioner Boone

- No Report

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Kidwell

- No Report

Commissioner Partee

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

Commissioner Munger

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

Mayor Bales

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

There being no further business, the meeting was adjourned.

Approved this the 20th day of February 2023.


Janet Pierson, Town Clerk



Human Resources

February 6, 2023

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Presentation Outline

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

Exhibit No. 1

Employment

Current Employment By Department			
	Budgeted	Full Time	Part Time
Administration (Finance, Legal, IT, HR)	20	20	
EDC	3	2	
Engineering	9	9	
Parks & Recreation	27	28	30
Planning	15	13	
Police	127	105	3
Sworn	106	92	
Non-Sworn	21	14	
Public Works	25	20	
Total	226	198	33

Employment

Employment Turnover History									
	2023	2022	2021	2020	2019	2018	2017	2016	2015*
Budgeted FT Positions	226	212	194	187	184	170	164	160	153
Hires	27	46	41	31	30	36	18		
Separations	23	28	29	25	18	30	14	14	6
Retirements	2	1	5	5	2	2	1		
Turnover	10%	13%	15%	13%	10%	17%	9%	9%	4%

Inflation, Labor Shortages Rank as Top HR Concerns in 2023

Finding good job candidates and keeping employees will be key priorities for organizations in 2023, according to new SHRM research. But the clash between the desire to offer competitive pay and what organizations' budgets will bear will create challenges for those concerned about inflation.

Job Openings Increase to 11 Million

Job openings shot up to 11 million in December 2022, according to the monthly JOLTS report released by the U.S. Bureau of Labor Statistics, up from 10.44 million in November. The largest increases in job openings were in hospitality, retail and construction. While the labor gap was slowly contracting over the second half of 2022, openings are historically high and outnumber unemployed workers by approximately 5.3 million.

Gallup Report: Employee Disengagement Reaches 9-Year High

Share and celebrate positive results

The percentage of workers disengaged with their work has steadily increased since the onset of the COVID-19 pandemic, according to a new survey by Gallup. The groups that reported the lowest levels of engagement and tips for how to increase worker engagement.

Labor Shortages Forecast to Persist for Years

Offer more flexible opportunities

Economists are predicting a slowdown in labor market activity in the U.S. in 2023 due to a likely recession, a continued battle with layoffs and higher unemployment. The far greater concern lies in something that is not as changeable: demographics.

Private-Sector Wages and Salaries Rose 5.2% Year Over Year in 3rd Quarter

Labor compensation costs in the U.S. for private sector workers—including pay and benefits—jumped 5.2 percent year over year through September 2022, up from a 4.1 percent increase a year earlier but down from the 5.5 percent year-over-year increase at the end of June, the U.S. Bureau of Labor Statistics (BLS) reported today in its quarterly Employment Cost Index summary.

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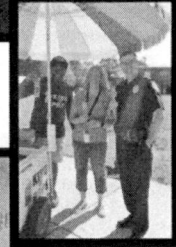
Compensation and Benefits

- Market Study
- Education and Career Development Incentive Options
- Benefit Package
 - Value adds for coverages
 - Benefit awareness
- Updated Vacation Accruals
- Additional Holiday

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Engagement

- Appreciation activities
 - Holiday luncheon in person
 - End of year Bar B Que
 - Pop up events: popcorn, popsicles
 - Department specific activities: lunches, teambuilding
- Wellness activities
 - Physical, health, financial, mental



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Inclement Weather Policy

Town History

- Pre-2015 – director discretion
- 2015-2019 – created policy to allow vacation accrual to address equity
- 2019 – removed policy

Comparables

- 17 municipalities
- 6 offer some type of leave or discretionary bonus
- 11 do not offer any incentive

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Continued Growth

Position History										
	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015
Budgeted FT Positions	248	226	212	194	187	184	170	164	160	153

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Continued Growth

- Risk Management/Safety Officer
 - Address new risk exposures
 - Consolidate some functions being conducted by multiple departments
 - Proactive outreach with departments on specific areas of concern

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TECHNICAL MEMORANDUM

TO: HUNTERSVILLE TOWN BOARD
NORTH AMERICAN PROPERTIES

FROM: KATHLEEN ROSE

SUBJECT: BIRKDALE VILLAGE APPLICATION

DATE: JANUARY 31, 2023

CC: SUSAN IRVIN, ESQ.

Property Location:

Sam Furr Rd, Highway 73, Huntersville, NC

Parcel ID# 00537157 and 00537197

In accordance with Article 11.4.10(e)(2) (HOTEL, WORKPLACE, AND MIXED USE), “the applicant has the burden of producing competent, material, and substantial evidence establishing that: ii) The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity;”



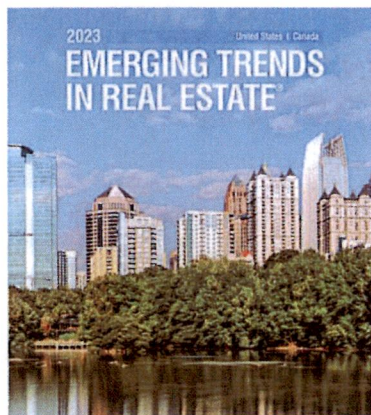
— Exhibit No. 2

Mixed-Use Development

Birkdale Village is a vertical mixed-use development on the west side of Interstate 77 @ Exit 25 that supports a variety of land uses, including retail (e.g. shops, restaurants and a theater), office, and multifamily apartments, in a walkable and pedestrian friendly environment. The Urban Land Institute¹ in its Mixed-Use Development Handbook characterizes mixed-use development as one that **1) provides three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation), 2) fosters integration, density, and compatibility of land uses, and 3) creates a walkable community with uninterrupted pedestrian connections.** Its annual “Emerging Trends In Real Estate” in 2023 described mixed-use development as the primary product type desired by developers and consumers. First developed in 2001, Birkdale Village brought a new retail, entertainment and living experience to Huntersville and became the Town’s social and economic hub. And it became the model for suburban mixed-use development around the state and region.

Several planning, real estate and economic development sources cite the emerging trend of suburban mixed-use development. While not a new concept, the evolution has continued toward such developments based on market demand and consumer preferences that spans all generations. In fact, in CCIM’s Commercial Investment Summer 2022 article, “Mixed-Use Building Boom”², the Covid-19 pandemic only accelerated this trend as suburban areas began to see growth as people moved out of city urban environments such as Charlotte. Mixed-Use development must adapt to remain relevant in an evolving landscape to create new experiences.

What does it cost to live in a place where you can travel on foot to nearby shops, services, and amenities? According to a new report by the nonprofit Smart Growth America, homebuyers in America’s largest metro areas will pay 35% more for walkable real estate. Renters pay a 41 % premium. Similar studies by [Redfin](#) also suggest increased values in walkable, mixed-use environments, and Birkdale is no exception.



¹ Urban Land Institute: ULI Mixed-Use Development Handbook: www.uli.org

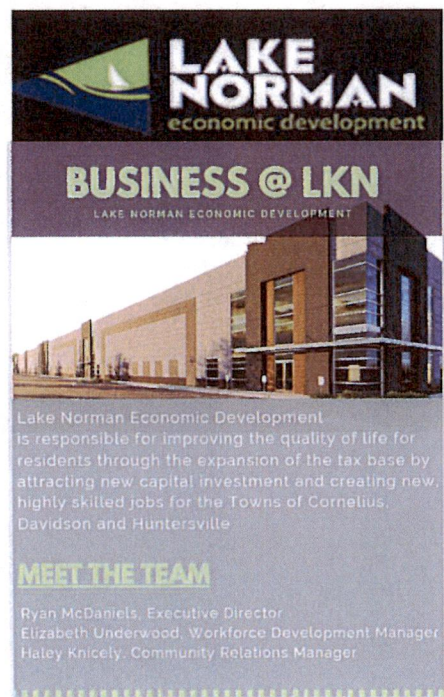
² [Mixed-Use Building Boom | CCIM Institute](#)

Economic Development

Birkdale Village was originally conceived as a retail, entertainment and resident living experience, with some limited office space. As a result of the pandemic, trends that magnify the live-work connection have resulted in a shift in office space from core urban environments to the suburbs, as workers attempt to shorten commutes. To recruit new companies, new product must replace old, outdated, and obsolete office buildings to continue to attract talent. New office space must now include healthy design elements such as open office concepts, improved lighting and air flow and connection to outdoor spaces. Sustainability and ESG concepts now underpin most corporate real estate location decisions, and there is a flight to quality, as companies downsize and upgrade their office spaces.

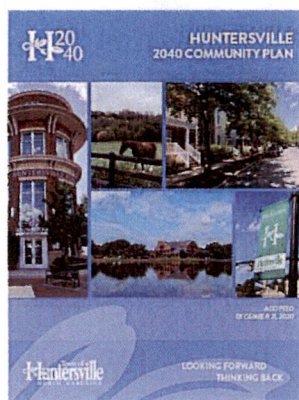
One of the threshold gateways for economic development includes visitors. Visiting employers, tourists, patients, and families provide an opportunity to showcase the community. To support new office environments, new hotels that also incorporate similar design elements are becoming key partners for corporate travel. Often these two uses complement each other with shared parking arrangements – as peak parking times may offset one another with daytime and nighttime use.

Office buildings and hotels are significant revenue-producing uses that provide additional job growth to support economic development and additional property, hotel and retail sales tax revenue to support a fiscally balanced revenue stream for the town. The [Lake Norman Economic Development Corporation](#) and [Visit Lake Norman](#) are key partners with the Town of Huntersville in this effort.



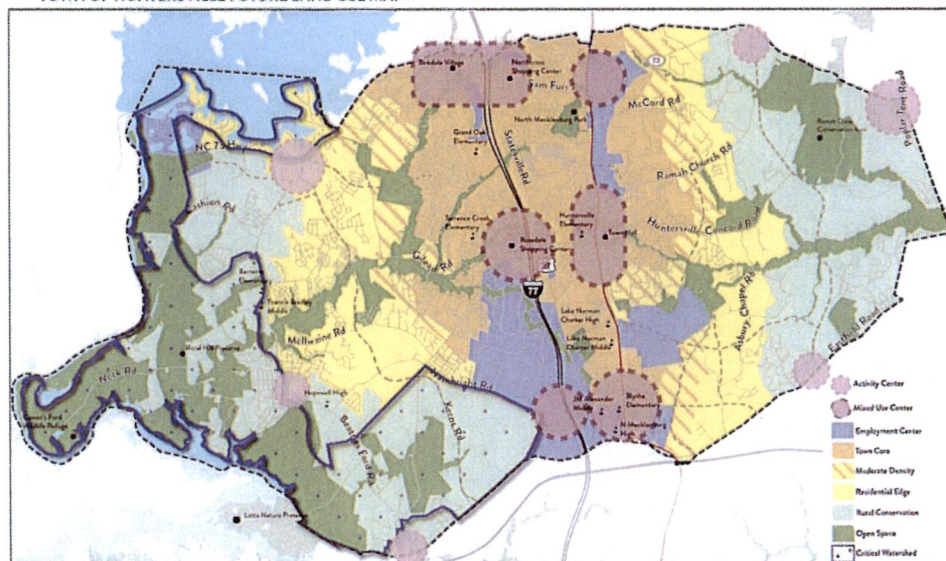
Density, Zoning, and the 2040 Community Plan

The pandemic combined with the burgeoning housing crisis led many communities to consider both the cost and desire of mixed-use development. The planning model transect from rural to more dense development suggests that in critical nodes where transportation and other infrastructure exists, the burden on government services and taxpayers can be consolidated in certain key areas. The implication is that increasing density through zoning (also known as up zoning) or special use permit often includes increasing building/structure heights to achieve such density in these areas. The Huntersville 2040 Community Plan Update³ adopted on December 21, 2020, highlights nine goals, which include: **Activated Mixed-Use and Activity Centers**, **Economic Development**, **Housing Choice**, and **Growth Management**, which focuses growth near the town's central core along the I-77 and Highway 21 corridors. In the Future Land Use section, the area surrounding Birkdale Village and exit 25 is identified as one such a center to accommodate higher intensity future growth.



FUTURE LAND USE

TOWN OF HUNTERSVILLE FUTURE LAND USE MAP



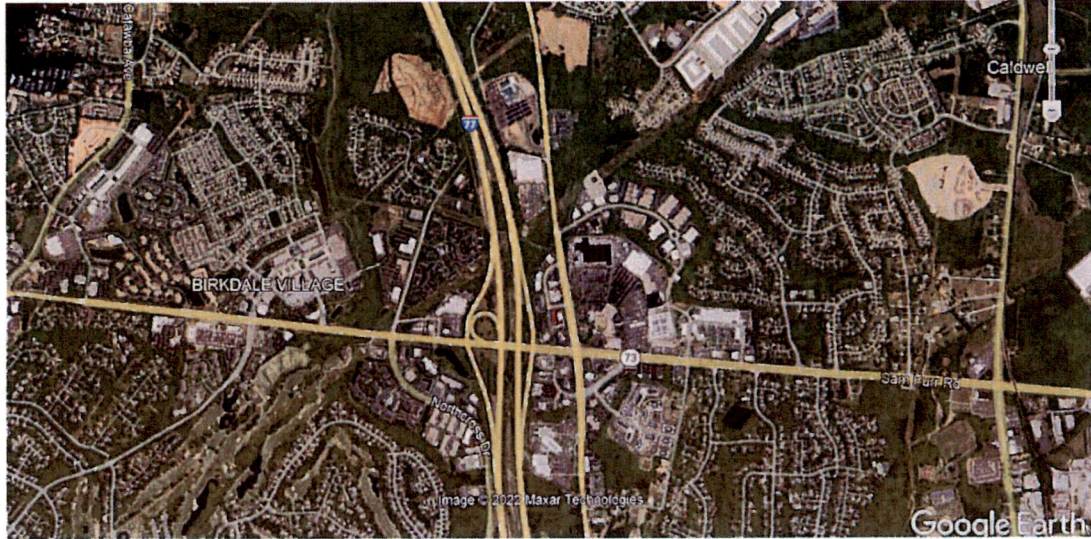
HUNTERSVILLE COMMUNITY PLAN 2040

LOOKING FORWARD, THINKING BACK | 51

³ [Final-Proofed-2040-Plan---Low-Res-02102021 \(huntersville.org\)](https://www.huntersville.org/DocumentCenter/View/102021/Final-Proofed-2040-Plan---Low-Res-02102021)

Adjacent Land Uses and Abutting Property

Adjacent land uses surrounding the subject site(s) include office, retail, general highway commercial, and recreation (golf course), and adjacent to the boundaries of the entire Birkdale Village project, single family and multifamily residential (moderate density) and the McDowell Creek greenway.



Valuation comes in two forms: 1. **Appraised value** which represents the fair market value of property, or what a buyer might expect to pay if placed on the open market for sale (subject to location, character, condition, etc.); and 2. **Assessed value** which is based on broad review of market comparables to determine ad valorem tax. Ad Valorem, “according to value”, is a property tax based on the assessed value of the property, which may or may not be equivalent to its market value. North Carolina law requires that all real property be assessed at fair market value as of January 1st of a revaluation year, which occurs at least every eight years.

Abutting property appraisals were not provided. For the purposes of our review, we reviewed the assessed value of abutting property from 2003 as noted on the Mecklenburg County tax records, to determine the impact of valuation of both the subject property and abutting property over the life of this mixed-use development. A sampling of the residential homes was included along Bridgeton Lane, as each home varies based on type and square footage. The Northcross office building valuations were successfully appealed in 2011 and 2019, hence reducing the annual tax burden. These valuations are noted below:

Tax Valuations - County Wide Revaluations						
Parcel #	Distance	Land Use	2003		2011	2019 NOTES:
537197	subject	Commercial (Retail)	\$	5,666,000	\$	23,278,500
537157	subject	Commercial (Retail)	\$	6,788,400	\$	31,496,600
537122	1029'	Office (Class B Office)		built > 2003	\$	8,210,000 North Cross Office Buildings
537121	813'	Office (Class B Office)		built > 2003	\$	16,320,000 North Cross Office Buildings
537617	762'	Residential (Single-Family)	\$	204,300	\$	353,100 Bridgeton Lane
537602	753'	Residential (Single-Family)	\$	172,900	\$	315,000 Bridgeton Lane
537730	967'	Residential (Townhome)	\$	116,500	\$	204,400 The Greens (Bridgerton & Townley)
914137	712'	Office (Office Condominium)		built > 2003	\$	1,431,000 Sam Furr Rd - part of redevelopment

Due to rising property prices, the Mecklenburg County revaluation is pending release in 2023, following the collection of sales data for 2022, through December⁴. The residential sampling of values adjacent to Birkdale Village saw an increase in valuation of 30-46% from 2011-2019, consistent with the averages cited in the studies above. Additionally, we reviewed two other areas as noted on the 2040 Community Plan that had designations as “mixed-use” or “activity centers”: Discovery Place adjacent to Town Hall (mixed-use activity center) in the downtown and the ABB Tower (employment center) at the southern edge of town. This was chosen given its 450’ height and its adjacency to residential areas.



Discovery Place - Mixed-use

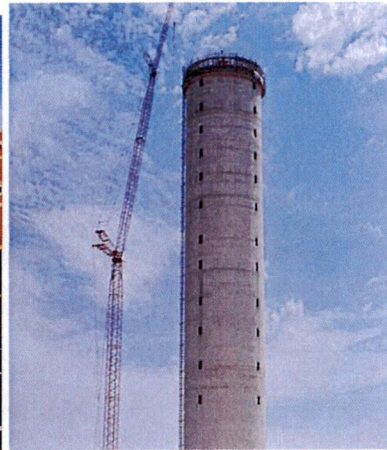


ABB Tower – 430’

Tax Valuations - County Wide Revaluations @ ABB Tower area (adjacent neighborhoods)						
Parcel #	Distance	Land Use	2003	2011	2019 NOTES:	
1920113	2539'	Residential (Single-Family)	\$ -	\$ -	-	Built 2021 - sold 2/25/22 \$478,000
1737303	2538'	Residential (Single-Family)	\$ 164,100	\$ 193,400	\$ 256,900	Sold 6/21/21 \$357,000
1707372	2940'	Residential (Single-Family)	\$ -	\$ 215,900	\$ 317,500	Built 2011 - sold 6/10/21 \$450,000

Tax Valuations - County Wide Revaluations @ Discover Place (Gilead Rd and Highway 115)						
Parcel #	Distance	Land Use	2003	2011	2019 NOTES:	
1711620	321'	Residential (Single-Family)	\$ 117,800	\$ 206,500	\$ 416,100	Board of Equalization - \$340,500
1904222	255'	Commercial (Retail/Office)	\$ 51,200	\$ 270,000	\$ 535,800	

⁴ [Mecklenburg County tax office works on property revaluation | Mmhweekly | thecharlotteweekly.com](#)

Further, we reviewed information from the Canopy Realtor Association to determine average fair market value townwide as determined by average sales prices over a two-year period:



	2022 (Jan. - Sept)		2021	
	S.P.	Net Change (+/-)	S.P.	Net Change (+/-)
Charlotte Region	\$444,267	16.3%	\$386,849	15.5%
Mecklenburg County	\$509,030	16.6%	\$440,275	17.4%
Huntersville	\$540,436	23.8%	\$450,692	19.5%

Homes in the town of Huntersville have outperformed the County and broader Charlotte Region in both average sales price and price appreciation.

Conclusion

Based on our review, we find the following:

The Town of Huntersville has enjoyed robust growth and value appreciation, which can be attributed to several factors. A mixed-use and activity center in the town's central core as noted in the 2040 Community Plan, Birkdale Village has been a model development since its inception and continues to attract residents and visitors, supporting the town's Comprehensive Plan goals.

Today's consumer and employers desire mixed-use walkable environments, as demonstrated through national studies. Both home buyers and companies will pay a premium for neighborhoods and developments where residents and employees can enjoy a live-work balance to walk to open green spaces that offer events, shopping, and restaurants rather than having to get in their car. The expansion of new additional office and hotel space will provide additional jobs and revenue which support the town's Economic Development goals.

The addition of the vertical mixed-use building(s) and structured parking on existing footprints, properly designed with high esthetic quality (as required by tenants in today's competitive environment), will expand parking for the additional uses and would not substantially injure or negatively impact the assessed or market value of abutting property. In fact the continued and future success of Birkdale Village, and its relevancy to changing consumer demands, depends on it.

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



Brian Rice started this petition

Dear Huntersville community,

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

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

Exhibit No. 3

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

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

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

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

Brian Rice	Gino Mencaroni	Maryann Turetsky	Donna Galinsky
Brad McGuirt	PATRICIA PRINCE	Madison Taylor	Mary Johnson
Shannon Rice	Carrie Howland	T Wilson	Valerie Roberti
Errol Genoio	Stephanie Shepard	Cindy Jordan	Judy Hall
Elizabeth Munson	Isabel Vicente	Sheira Flores	Linda Barnes
Karla Cloninger	Kim Sherrill	Christy Gripp	denise hurley
Macey Thomas	Terry Vanderwende	Jessica Forrest	Stacy Nicholson
William Phillips	Jen Boles	Catherine Wright	Fire Scythe
Ryan O'Leary	Nellie Herring	Mamie Lee	Morgan Williams
Sam (Anon)	Elizabeth Lopez	Bella Lantz	Danna Whitman
William Phillips	Kristin O'Brien	Amy Fowler	Teresa Lippy
Lori Vanegas	Jennifer Taylor	Denise Deardorff	Ryleigh Gazzaway
Amy Lee	Paul Roman	Thomas Wright	curtis beckemeyer
Brandi Turner	shawn kotis	Jennifer Canzonieri	Jerry Hester
Adrian Watkins	Abigail Fox	Tiffany Constable	Nancy Brand
Lauren Watkins	Linda Andrews	Kristin Claycomb	Joe Mathews
Michelle Marvel	Annmarie Camatcho	Henry Marconi	Grace Kennedy
Sherry McManus	Lee Sossamon	Gloria Cartwright	Jamie Gebhardt
Dawn S	Lori Riley	Amanda Payne	Jan Marine
Dianne Schroeder	Nick OShaughnessy	Meagan Platania	Christa Osswald
Tyler Phillips	Emily Nicholson	Richard Brier	Andrea Yascur
Melissa Hildebrand	Vivian Cataldo	Ronni Worden	Kathy Galombeck
Kerry Edelstein	Susan Buchan	Debbie Mezser	Stacy Luze
Mel Gwathney	Teri Kenyon	Lois DeMontegre	Sari Rogers
Donna Robb	Barry Carter	Whitney Arnall	Leslie Milam
Shannon Vaughan	Sharon Meyers	Anne Dixon	William Scibetta
Dawn Maas	Kylie Rikansrud	Kathleen Main	Randy Moose
Celeste Hitchcock	Amy Cipolla	Donna Fickeria	Kay Crane
Missy Uebel	Merlin Villar	Luke Hays	Lori Salama
Bonnie SanFilippo	Joseph Lacenere	Margaret Park	meg sewall
Cathy Marconi	Katie Brady	Linda Williams	Heidi Marrelli
Christine Romaniello	Michelle Pazienza	Steve Hildebrand	Jennifer Stump
Megan Goad	Susan Kessler	Stephen Drake	Zed Trick
H Canter	Eric Bagdikian	Linda Lucas	Brynn Saskowski
Iditta Yuchourellu	Kim Dibenedictis	Sheila Starnes	Amanda Burkett
Ashley Sabourin	Martin Munson	Kathy Jones	Janine Marlow
Elpidia Mencaroni	Jackie McBride	Jordyn Levinson	Cy Williams
Kathryn Layne	Krishna Baxter	Brandon Opre	Robert Taffet
Robyn Sullivan	Valerie Roy-Wells	Sarah Holman	Christina Moore
Mike Cipkala	Michelle Mills	A Edwards	Brenda Romeo
Jenn Pressler	Victoria Karagus	Amy Chapin	Ryan Holt
Diana Doty	Jaime Krieg	Dolores Booth	Mike Murphy
Tammy Davis	Sarah Stronsky	Andrew Morelli	Amanda Rittenberry
Jennifer Garber	Denise Centro	Julie Baker	Cristian Bosco
	Lisa Katulak	donna golino	Cecilia Browne

linda Wood	Joseph Crampton	Don Armstrong	Tyler Mistretta
Beverly Kozdras	Dave Kastel	Alexa Arias	Ted Rotscher
Christina Young	Martha Bergstedt	Rosario Miguel	Dennis Roinick
Karen Levine	john zega	Bob Tubbs	Kate Kester
marie galloway	Anna Marie Falzo	Angela Figueiredo	James Rasmussen
Leonard Fishkin	Pat Wood	Diana Rochester	Carol Ethridge
Alyssa Schuchard	Mariah Nystrom	Avaa Saei	Felecia Margraf
Anita Tripathi	Donna Winter	randall whaley	Kristy Temple
Cindy Robinette	Heather Outen	Sahar Masoudifar	Kirk Peterson
Fernanda Pennycooke	Anne Abbott	ويدا قرباني	Laurie Alvine
Bethany Hoffert	Peter Romaniello	Maria Valdez	Rachel Johnson
Judy Thomas	Laura Shuhart	Julie Bennett	Jennifer Kern
Emily Riera	Andi Montgomery	Maribel Tubbs	Laura Mitchiner
Fyock Jill	Fred Pennington	Brandon Potts	George McLean
Christina Weiss	Paul Corrigan	Wendy Meier	Deborah Webb
Kristine Gates	olufemi tokunboh	Tod Mack	Michael Killian
Alicia Vincent	Monica Walsh	Amanda Territo	Kim Olsinski
Lisa Price	Rhoda Thompson	Lydia Sauls	Mary Thompson
Judi Molinaro	Dajen Williams	Molly Gerwe	Kimberly Balts
Brittany Libby	Kenny Epps	Lisa Riley	Paul Buckley
Diana McCormick	Brittany Cohen	Samantha Beach	Kyle Margrave
Tammie Bagwell	Emily Griffin	Lysa Craig	Peggy Zogzas
Vanessa Young	Monica Setzer	Carolyn Weber	Jeanmarie O'Neill
Jessica Crampton	Erin Hoover	Kelly Work	Laurie Wragg
Justin Glacken	Michelle Parsell	Shannon Harris	Suzanne Villar
Courtney Nilsen	Tammi Murphy	Pam Ussery	Rich Pond
Caroline Harke	Linda Daley	Jule Wilt	Nicole Monacell
Rebecca Spooner	Nick Mayer	Stacy Grubba	Rebecca Brown
Kelly Knolhoff	Bobbi Hoppe	Cory Ledet	Nathan Yost
Jennifer Jennifer Campbell	Sheryl Semmes	Rosemary Uebel	Vikki Maxwell
Linda Martin	Carol Fahey	Jeanne Wilkinson	Lisa Grayson
Rachel Hester	Leslie MacGowan	Susan Prevatte	Lesa Lewandowski
Katie Crowell	Karen Tomidy	Renee Renna	Karen Mann
Tara Bunting	Lindsey White	Gail DAversa	Martha Barnitt
Hillary Walker	Dana Davis	Beth Bynum	Andrea Smith
Rob Grossman	Jeremy Bogard	Joel Marvel	Sana feyzi
Angela Pfohl	Nancy Hagerman	Laura Genois	Lorelie Martin
Christy Marek	Telisha Curtis	Audra Collins	Aixa Fielder
Stephanie Rossitz	Penelope Runge	Michelle Callipari	Joan Phillips
Vulture Bones	Stephanie Augier	Cheri Beckham	Bruce Galinsky
Susan Jellum	Hannah Shope	Elizabeth Jones	Shawn Chinn
Geoffrey Geoffrey	Lori OSullivan	Elizabeth Kruger	Jessica Janowski
Megan HETTINGER	Adaira Short	Kaylen Roy	Jennifer Manley
Lisa Kilgore	Melissa Arundell	Melissa Hughes	Deb Maher
James Quigley	Richard DiNatale	Michael Wade	CHRISTOPHER CEGELSKI

sarah davis	Samantha Brewer	David DiGioia	Carol Meadows
Jennifer Rizzo	Julie Hudson	Scott peerbolte	Tereasa Summerour
Katya Woodworth	Erin Webber	Richard Kirkman	Monica Meadows
Judith Schimmer	Jennifer Nivens	Rebecca K Johnson	Deborah DeSimone
Eric Lewandowski	Shawna Sherrill	Andrew Fahey	Anthony DiGioia
Tracy Bailey	Katie Milligan	Dorothy Swallow	Pascale Salahie
John OStafy	Sandy Phillips	mike a kurey	Zachary Williams
Dianne Dorton	Malisa Schlicht	Kristen Coupal	Nannette Ghanatzian
John Gilliam	Robert Hagerman	Stephanie Burroughs	Chuck Smith
Tresa Clonch	Weston Mullis	Jessica Pautz	Steve DiGioia
Anisah Jabar	Linda Pruett	Sharon Kingsley	Christa Pospisil
Carol Amendolare	Melanie Reeder	Janet Conway	Linda Cegelski
Joe Pardini	Patrick Carver	David Slater	Sue Pollack
Grace Srichomkuan	Ashley Wolfe	Tricia Lombardi	Joseph Segarra
Rebecca Stammely	Linda Luna	Jeff McWilliams	Nicole Cheslak
sheida rasti	Mary Helen Sukhia	Jessica Komar	cindy gianggrande
Rhian Meddock	Donald Krom	Sarah Krombolz	Grace Grenfell
Daniel Weldon	Lucinda Roberts	Lori jordon	Sandra Phillips
Saray Lopez	David Pertgen	Grace Meeks	Erin Pepper
Pamela Aiken	Teri Tarasevich	Kelly Sapp	THERESA BEDIAKO
Ronald Slay	Keleigh Nichols	Heather Griffin	Carrie Bachofner
Sally Brooks	Elizabeth Haas	McKenzie Muckerman	Nancy Carpenter
Riley Hester	Ronda Peerbolte	Chelsea Muckerman	Shelly Regan
LuAnn Siebenthal	Mark WELLS	Janet Webb	Susan Dill
MaryRose Kopchinsky	Tobias Kienle	Keith Lynch	Kerry Bettenhausen
Allison Guilfoyle	Cheryl Pardini	Stacey Rusnak	Laura Zevan
Donna Reiser	Heather Cheung	bri kern	Deborah Holman
Rachel McBeth	Sandra OKeefe	Scott Dennis	Cheney Jackson
Lisa Archetti	Laura Mullis	Steve Broy	Peggy Rohkeder
Gina Murdick	Melanie Robinson	Maru Cullen	Karen Chappell
Michael Daopanich	Shannon Pesato	Jessica Bachand	Darlene Sarment
Meredith G Sturges	Russell Clark	Karen Velasquez	ursula mcorrie
Jennifer Magnuson	Abigail Scholl	marsha hahn	Carla Nmontefusco
Ulrich Tombuelt	Leeann D	Jacqueline Kuznicki Kuznicki	Beth Macioge
Candace Thompson	Jennifer Rumble	Nancy Kuzniar	Teri Bennett
Jamie Francom	David Prior	Roxann Henderson	Kathleen McCourt
Cheryl Woodruff	Nancy DiGioia	Courtney Lee	susan gordon
Lynn Hughes	Rachel Pertgen	Brittany Clemens	Kiera Engelbrecht
Kathleen Harman	Ellen Gayle	Celia Davis	Jenny Daopanich
Heather Watson	Ann DiGioia	Amy Williams	Dana Westerfield
Karla Morelli	Deal Judy	Danielle Santella	Gretchen Cameron
Adam Kaluba	Sophia DiGioia	Amanda Smith	Emily South
Elena Pertgen	Brian Kampe	Tamara Krom	Jessica Brown
Brendan Schamu	Gary Reagan	Zlata Modeen	Jen Syvanthong
Mike Hadley	Fetsje Goettsch	Kimberly Clymens	Ouida Chambles

Brionna Boone	John Bolick	Brian Jackson	Brad Baker	Mariya Meshcheryakova
Christopher Booth	Roxanne Daoust	Andrew Sabourin	Dannielle Panzeter	Katherine Toms
Karyn Hays	Eduard Negron	Lucy Thomasson	Colleen Varnum	Tina Giordano
Jeanne Coyer	Nicole Karlebach	Jeanette Scire	Carolyn Konieczny	Margaret Askew
Autumn Rob	Miles Pollack	Susan Surane	Cynthia Vilseck	Brandi Colby
YANIRA CAPETILLO	Djuma Opillah Mkata	Lynne Gillooly	Jo Ames	Janessa Mower
Ron Hudgens	Brian Pava	Emily Klakulak	Craig Vesling	Christine Mast
Gatewood Campbell	Maya Pavik	Harold Chappell	Christine Beck	Maria Tariche
Colleen Alden	Johnny Maggard	Jenn Stubstad	Kim maul	Roberto Tariche
Katie Cipkala	Stephen Lykins	Deborah Gibson	Meghan Pleskovic	Julia Turner
Colleen Segarra	Heidi Ackley	Jessica Fill	Ashley Walker	Jim Turner
Malachy O'Connell	Tayla Ashley	James Fill	Jason O'Boyle	Al and Linda Rusnak
Donald Jennings	Ainette Cortes	Mike Wilson	Rose Stoddard	Dianne Campbell
Richard Cushing	JOHN SMITH	Allison Hinman	John Stoddard	Brandy Barnard
Rosemarie Heagerty	Heather Staten	Ryan McBeth	Keith DeVantiet	Kelly Auman
Anne Beasley	Ali Et	Kristine Shawkey	Dennis Gallagher	Kayden Thibodeau
Austin Ward	Susan Walters	Laura Herman	Preeti L	Kael Shepherd
Kristy Bortle	Kent George	Erin Davis	Carole Porter	Sōji Mitsuka
Cheryl Bell	Gabriela Mallo	Theresa Wengel	Maxine Robinson	Nahira Fluker
Susan Wronsky	Jeremiah Moylan	Emily Becker	Jon Mirkin	Adallie Penate
Timothy Glacken	Tristan Portillo	Anneli Absher	Chandler Kristy	Lindsey Dastrup
Molly Hurley	Bitu Shamsini	Neil Joyce	Constance Bobbity	Madria Everson
Will Walters	Crystal Perez	Kathy Swift	Michael Gallagher	Trinity Dean
Kim Donaldson	theresa heintz	Annette DeMarco	Crystal Lee	Maedeh Sakhravi
Laura Williams	Deion Existential	James Zogzas	Chris Stuart	Coraline Picard
Alicia Bensley	Vadim Tsemekhman	Magali Nunez	Michelle Luttman	Janice Adkins
Bonnie Forbis	Churrb Weberson	Jennifer Canosa	Sara Farley	Katrina Sprankel
Alicia Romeo	Aimee Mascioli	Jessica Modra	Jenny Capone	Sabrina Willson
Priya Banahatti	Christopher Cawley	Tina Clements	Theresa Bunbury	William Sharpe
Sandra Griebner	Brittany Spence	Iris Price	Kathy Magnanti	Darwin Garcia
JoAnn Smith	Samantha Duffy	Jen Schneider	Lance Wolfson	Richard Alatorre
stephen deutsch	Amy Foley	Erin Garrett	Jennifer Ciriano	Andrew Rodman
Patricia Behnke	Donna Ersik	Kim Mizelle	Amy Gabler	Kayla Boling
L T	Pat Pellegrino	Sriram Pemmaraju	Linda Thyne	Ashley Owens
Susan Hankins	Debra Dill	Heather Bedell	Terri Robertson	Dave Boyd
Valerie Gladden	Matthew Seagren	Jason Bedell	Cynthia Field	Nick Entas
Diane Mohundro	Barbara Chappell	Brent Absher	Patricia Mclean	Chris Donaldson
James Mohundro	Robin Whicker	Alisa Pelz	Michele Howard	Connie J Tobias
BRIAN REID	Lisa Quinn	Alan Sipe	Colleen Hazlehurst	Michael Bouts
Peter Tarson	Eric Stachowski	Lourdes Diaz	Charlotte Wirth	Jim Hind
Maribel Marulanda	Pamela Dahlem	Hannah Roth	Melissa Lundgren	Abby C
Michele Boutin	Elizabeth Byers	Reese Robinson	Kellie Harper	Jeanne Barletta
Amin Sb	DONNA RANDAZZO	Cassi Garten	Toni Hanline	Sandi Hansen
Orva M Gullett	Amber Robinson	Lisa Westfall	Shawna Eshelman	Robert Ortiz
Amber Campbell	Arthur Pitts	Cara Devine	Tracy Sabine	J. Gause

Cheryl Blanco	Kristine Hoopes	Yudelka DeJesus	Elizabeth Lentz
Joseph Dastrup	Jennifer Guinness	Mary Abshire	Cynthia Jordan
shauna rodgers	Joseph Dastrup	Barbara Tobias	Valerie Holtshausen
Catherine Cavaliere	Laura Culp	alejandra alvarado	Ryan Good
Heather Dufore	Deborah Thompson	Julian Jackson	Yvonne Labbe
Patricia Siegel	Kimberley Moreno	Kelley Weitzel	Mark Zoltanski
Cheryl Cotte	Kimberlyn Cook	Holly Lemons	Miranda Zoltanski
Rene Blanco-Lopez	Krista Icenhour	Amy Hearn	Devon Bjorklund
andrea hausler	Vivian Nadeau	Jenna Dagenhart	Morgan Schwarzenegger
Michael McNamee	Kevin Choi	Ken Gebhardt	Maria Eisert
Carla Vestal	Patricia Thomann	Stephanie Woelfle	linda jock
Melissa McNamee	Frances Arthur	Patricis Bryan	Twyla Donathan
Dan and Kathy Butterfield	Nils Lucander	Karen Shaffer Platt	Drew Welch
Walter Kuhn	Karen Crisci	Jesse Siler	Ashley Randall
Kenneth Cotte	Marjolijn Soto	Ineke Wilson	Andrea Flynn
Kathy Fogle	Rena Mulder	Stephanie Stpeter	Jeffrey Woods
Ron Emerson	John South	Tom Vaccaro	Kristine Woods
Cheryl Holt	Andrea Cook	Michelle Furches	Patricia Whitt
Linda Peeples	Arthur Storm	Jennifer Ford	Joanna Johnston
Carol Okuda	John Tweedy	Misti Barbee	Stephen Faley
Zachariha Bortle	Robert Sheets	Angelique Hart	Melinda DeCusati
Lisa Panepinto	Jennifer Jung	Becky Behan	Brian Schmitt
Doug Runyon	Beverly Darnell	Jessica Perry	Christen Rockholt
Joan Kinni	Lindsey Theis	Emma King	Beth Regan
Barbara Broom	Francine Speziale	Anne Lentz	Tim Schocke
Kelly Mitchell	Steven Gianquinto	Lauren Platts	Kelly Sanders
Heidi Whitted	Cheryl Speigle	Steve Maloy	Michael Gil
Joy Karpicus	Lisa Stamets	Debbie Williams	Sheila Tucker
Amy Groten	Hayley WOODLE	Charles Noe	Judi Molinaro
Rachel Wade	Jerri Adkins	Richard Ignacz	Sara Sellers
Mildred Cuevas	Cheryl Blackburn	Barry nathanson	Tracey Scheid
Rhonda Seaver	Rafael Miranda	EJ Towles	Lisa Flynn
Laurie Allen	Kristin McDougall	Stephanie Davis	Kristin Kidwell
Jessica Thibault	Sandra Seagle	Kaylen Roy	Renee Hampton
Paul Mecca	Rahyxa Miranda	Iris Roy	Cathy Campbell
Marianne Peckham	Michael Cavaliere	Joyce Hathaway	Art galloway
Nicole Dunn	Tim Havens	Donald Hathaway	Giselle Barger
Melissa Shoemaker	Ryan Hemingway	APRIL EISENMAN	Juliet Howlett
Cameron Presley	Dana Hicks	Kristi Benjamin	Richard D
Hollis Hebbel	Nora Paffrath	Lou Hurley	Nils Lucander
Scott Sirois	Sophie Pratola	Colette Knspp	Jill Zoumboulis
Tanya Feehan	Brett Raymond	Donna Thousand	Valerie Miller
Jennifer Mordock	Jennifer McMasters	Sedi DeVoe	Jose Jimenez
Ryan Feehan	Anne Cathey	Cristina Hinton	Angela Howard
Julia Perez	John T	Melody Smith	Robin Weyrens

Nadine Wynn	Penelope Talboys	Cynthia Martin	Stefanie Ezratty
Beth Draughon	Barbara Howell	Torie McGehee	Vince Pietropaolo
Christine Anderson	Paul Pagliaro	Elise Rowe	Georg Holm
Stacy Lawrence	Wilma Wales	Catherine Q	Joy N
MaryEllen Muesing	Melinda Meade-White	Sandra Delgado Birnie	Jimmy Jingles
Laura Genoio	Barry Hester	Kevin Kelly	Edie Mahan
Keith Adabie	Barry McDonald	Fran Hehn	Charmaine Stokes
Janet Agius	Garrett Creasor	Kathy Shullaw	Leah Buttar
Cam Campanaro	Donna S Black	Kelly Steadman	Ann Harrison
Gemma Matterface	denise morales	Patricia Seifert	Dan Whire
Frank Hynes	Garry Fee	Patricia Belk	Jason Harmon
Sherry Coogle	Gail Williams	Norman Angel	Amanda Soer
Tallie Upchurch	Shokoofeh Molaviyan	Maria Tautjo	Karen Mclaughlin
Deborah Buchsbaum	Nikki Rayburn	Georgie Jolly	JP Allison
Angela Edge	Kristin King	Cora Batties	kathleen powell
Tammy Clanton	Erin Brooks	Ashlei Holton	Deloris Shipman
Marc McAndrew	Ellen Sweeney	Julianne Ray	Elizabeth Kemp
Anne Shoemaker	Alissa Green	Nicole Brown	Anna Willis
Wendy Liefert	Sandra Stinneford	Puneet Sekhon	Robin Snyder
Angela Cogdell	Pwter Landman	Eileen Alexander	Marianne Suarez
Lori Fleming	Don Bickel	Diane Osbornr	William Bowles
Jill VanZandt	Judy Robinson	Janice Agnew	Vicki Johnson
Jacqueline Courtney	Elisa Taylor	Brian Del Grosso	Linda Binder
Brenda Jensen	Suzanne Jaquette	Cassandra Fambro	Joanne Williams
Richard Zitnik	Mary Kay Havens	Nancy McKeown	T White
Heannine Hritz	Pamela Deal	Galina Johnson	Elaine Pennington
Sarah Bonkowski	Aaron Lewis	Holly Sun	Andrea Johnson
Mark Olsen	Rene Small	Jessica Rainstein	Paul Wilkinson
Heather Hartmann	Linda Benavides	Cathy Reed	Stacey Siegel
Dorothy Russell	Joshua Curphey	Matt Vogel	David Carrara
Gary Stinnett	Hector Mendez	Amanda Arias	Leah McDowell
Lori Scherrman	Tarah O'Neill	Mark Kutnowsky	David Fogarty
Alexis McNabb	Jeff Hanwood	Stefanie Cooper	gloria GARCIA
Rachel Fleckman	Anne Halub	Terri Summers	Sally Barnard Daggett
Alicia Ramirez	lawrence raymer	paco Bravo	Stephanie Ennis
Denise Clay	Jessica Cain	Gregg Malcolm	Sharon Cordell
Julie Wagner	David McKenzie	Jane OBrien	SUZANNE NGO
Rick Fair	Daniel Vizcaino	George Greczmiel	Ray Harris
Sharyn Alfors	David Schurr	Maryam Hosseini	Briana Istre
janice barber	Ashley Winge	Harry Rotz	Patricia Hill
Celine Lheritier	Matthew Piccolo	Jennifer Jones	Camile Donaldson
Ralph John Picariello	Ryan Baxter	Janelle Schmit	Tim Eiserle
Crys Roeder	Kimberly Tegland	Tony Byrnes	Wayne Richards
MICHAEL KOZAKIEWICZ	Joan McDonough	Anna Angelo	Lori Merchant
Megan Schneiber	Karen Petty	Nancy Jackson	HEATHER CAMPBELL

Jon Williams	Vicki Boughton	Meng Guo	Jill LeBouton
Carmen Acosta	Jenny Hans	Greg May	Abby Rode
Ellen Douglas	Dwayne Miller	edward drinkwater	Tracey Engel
Ken Tilley	Charles Weiss	Alana Quirk	Christina Paillaman
Paula Isaacs	Shelly Phelps	Doug Ford	Marina Loneragan
Laura Williams	Kathleen Haley	James Dee	Lana Cooper
Diane Greiner	Jean Gum	Tricia Petersen	Jessica Martorana
Karen Weber	Chris Nealon	Barbara Barnhart	Eric SIMENDINGER
Haylee Hunt	Helena Lamb	Susan Chitty	M Selders
Jamie Wideman	Sandy Tilley	Olivia Ervin	Bill Suthard
Jessica Gordon	Ursula Segedy	Andrea Weschler	Judithe Childers
Lindsey Ricci	Tyler Keear	Cynthia Wilson-Brown	Meghan Darling
Adele Hanna	Shirley Jordan	Lindsay Russell	Tracey Bacon
Kendall Henderson	Darla Davis	Sa Ho	Jennifer Berger
Tom Millspaugh	Janine Roberts	Christie Tiede	Angela Donnelly
Kim Olson	Neil Wigginton	Adam Haigler	Kelli Baucom
Melanie Brady	Stu Matthis	Charlotte Lauro	Suzy Griffith
Brittani Day	Leighland Arney	Carina Nevel	Len LaCrosse
Cindi Bowers	Falcon Knight	sydney Sutton	Joyce Dills
Alan Ware	Beverly Adams	Hayli Hill	Jamie Collins
Jacqueline Santella	Melanie Montes	alex riley	Suzie Chelcun
Cliff Jones	Mohammed Reza	Charlie :3egson	Michael Eriavez
Hollie Reinhart	Kamika Korb	eliana hurtado	Aspen Howerton
Scott Reinhart	Blanca Arteaga	M W	Karen Navarro
Joe Sloan	Flora Rendon	Alice Hansen	Marissa Shelton
Andrea Trembath	Andrea Dunn	Kathleen Shewmaker	Nicole Roman
Randall Mishoe	Silvia Zacarias	Michael Jones	Jeremiah Harris
Wendy Goodwin	Allen Taylor	Ariana Valerio	Linda Bescrypt
Gwendolyn Warren	lexsey green	Alicia Higgins	Sankavi Sampath
Michelle Sellers	Ester Atkins	Cole Adams	Brian Cawley
Jocelyn Swanick	Estefani Vicente	Nicholas Alfarano	Stephanie Suddeth
Jessica Williams	Ashley Coll	Jeff Willoughby	Melissa Nichols
Joanna Von Staden	Jane Davidson	Alexis Lowe	Jenna Kaspersen
Debbie Baker	Donald wleklinski	Jennifer Anter	Kathleen Post
Julian Marsh-Patterson	Pavan Raja	Renee Lawless	Jennifer Day
Megan Schmidt	pamela hamilton	Jessica Massey	Richard Day
Gail Wyatt	Stephen Michaud	Lisa-Michelle Forsyth	KD Simmel
LaFrieda Busby	Jeri Williams	Danielle Steczynski	Victoria Gaver
Gracie Young	Susan Blake	Amanda Morgan	Taylor Manders
Rebekah Wethington	Tala Dawood	Linda Puckett	Alison Deaton
Charlee Allen	John Friis-Mikkelsen	Lynn Bettencourt	Paula Thompson
Erin Orlando	Dan De Yo	Andrea Smith	Chuck Shallish
Lisa Ballard	david taggart	Jori Gifford	Tina Assante
Karen Steger	Sarah Winter	Jleigh Satey	Kristi Cartee
Lin Shlonsky	Quenna Moore	Diane Busch	Toni Sagrilla

Russell Jones	Cheryl Sturges	Eve Schueller	Barbara Brown
Cheryl Lineberger	Cheri Roell	Ebony Hickman	Emily Smith
Liz Fackelman	Michelle Kiffor	Amy Ackary	JT Adkins
Tom Housler	Kim Yingst	Rondlyn Hawthorne	Ditta Carter
Paula Urh	Robert Post	Mary Deininger	Jodi Chambers
Isabella Assante	Edward Lazartic	Elizabeth Purves	Jayne Coll
Sheryl Laco	sherri butcher	Danny Chung	Razi Eshaghian
Cheryl Reed	Norma Dunbar	Barbara Cain	Kyle Bernard
Naomi Ford	Peter Genaro	Laura Kersey	Noushin Tagh
Gary Assante	Jennifer Connor	Jennifer Graham	Sunny Shahrokhi
Trina Ehlschlager	Kathy Poorvin	Denise Housler	mahnaz sahragard
Donna Young	Justin Locklear	Zabdiel Escalona	Messy Tea
Kaitlyn Ambres	Kyle Zvolensky	Lori Adler	Richard Johnson
Joel Alexander Alaniz	Susan Palmer	Anne Pigg	Kim Gauvreau
Richard Joseph Robles	Sue Massaro	Sarah Blaies	Maria Martinez
Lynn O'Rear	Lori Covington	Iaiela Dumitrescu	Melissa Marin
Erwin Gutierrez	Sharon Zygmunt	Ning Chen	Jeff Williams
James Horton	Mary Clark	Jeff Bednar	Hamid Shoghnejad
Freddy Ceruti	Heather Martin	Teri Mariacher	Jamal Weekes
Brandon Porter	Sara Herrmann	Jana Cline	Aileen Tupper
Ibrahim El Khoury	Dr Michael Feldman	Anne Weiss	haniyeh ghezello
Hasaan Qureshi	Patricia Hinkson	Brittany Mathena	Mehrdad Peyvandi
sandy Joslin	Jessica Westcott	Amy Hoyle	Amy De Los Santos
Cheryl Basnett	Erik Nelson	Kerri Eldredge Eldredge	Russell Hopkins
Robert Yaros	Joy Frisch	Laren Cooper	ساسان معینی
Camila Coelho Haase	Kimberly Hofner	Ken Jones	Sima M
Nydia Bonilla	Sidney Rountree	John Baker	Allen Abol
Vicki Pate	Candice White	Alice Sensale	Hashem Fallah
Michelle LaPrade	Brittany Ramsey	Mark Stapleton	Nasrin Ghorbani
Ann Harrison	Cindy Dorman	Michael Pozniak	Maureen Pond
Dee Carter	Annabelle Frewin	Denise Beers	Walter Stanton
Katherine Oglesby	Nicole Oltremari	Liz Evans	Betty Rodriguez
JoAnn Thomas	Pam Jarvis	Chris Nolan	Tara Beck
Brad Segal	jenna westcott	Gianina Kirkovich	Michelle Hummel
Michael Bradley	Stephanie Mangini	Margie Cruz	Athena Santee
Shane Robens	Weslie Dunn	LIZZY Villa	Sophia Williams
Emily Bixler	Lisa.saab@yahoo.com Saab	Foltz Hannah	Kristy Anderson
Wednesday Wednesday	Lynde Howard	Ashleigh McPherson	Bianca McClure
jenise robles	Kathryn Burcham	beth thompson	Amber Meadows
Harper Ballance	Vicki Shallish	Rebecca Hoffer	Ashley Riccio
Haven Johnson	Jen Nelson	Lucinda Chreitzberg	Cameron McMillan
Karla Fonseca	Donna Cummings	LEE SHIERTS	Jason Anderson
Christian Garcia	Elizabeth Burrows	Mike Bridges	Donna Fodale
Chloe Whitehouse	CARMELA BUKER	Edward Montague	Dan Buffum
Drew Buckley	Missy Simms	JORGE VILLANUEVA	Shannon Knox

Kim Zarsadiaz	Kathy Beddingfield
M S	Robert Holczman
Jennifer Tallmadge	Windoll Currie
Anna Lyons	Susan Santoro
Rayburn Michael	Sue Vacek
Paula Milillo	Kyle Ritchie
Denise Mangano	Sarah Erdmass
Rebecca Davison	Richard Ignacz
Maryam Khaleghi	Sandy Grayson
Jenn Dimasi	Joyce Lamberth
Melissa Heithaus	Crystal Garrett
Afshin Rashvand	Jackie Hull
Bitá Shafaghat	Denise OBryan
Shahram Yousefi	Caryn Luley
Cindy Carver	april sweetman
Mehran Razipour	Yasmin Aponte
Arshia Khan	Virginia Wheeler
Amir sadeghi	Cindy Nicholson
Sh Raad	Tony Byrnes
Robert Zinnel	Eric Pleskovic
فهمه الياسى	rae fitzsimmmons
Sheida Nabavi	Adam McGrath
Richard Hanley	Laura Taffet
Taylor Henry	Sam Taffet
Anthony Ugáro	Wendy Gandy
mohamed eleskandarani	Chris McLean
Behnaz Gh	al kel
Rojn Ghadry	Stephanie Nixdorf
Rich Johnson	Doug Dunham
Armita Azad	Lisa Haynes
Katelynn D	Katie McKendrick
Pamela Holbert	Kevin Raby
Holly Hadley	Cynthia Weers
Joyce Zinnel	Jenn Miller
Rachel Goetz	Alison Fournier
Irene Beck	William Habel
Jeannie Gabor	Florence TREBOUTTE
Cristal Brawley	Lynn Alberts
T Wallace	Michelle Webb
Rita Raby	Jay Phillips
Quinlan Michael	Marlene Hnilica
MELISSA FOX	Tiffany Olivo
Carol Ciresi	
Leslie Nicholson	
Lesley Knowles	

TA 22-17 – Increase Buffer for Major Residential Subdivisions

PART 1: DESCRIPTION

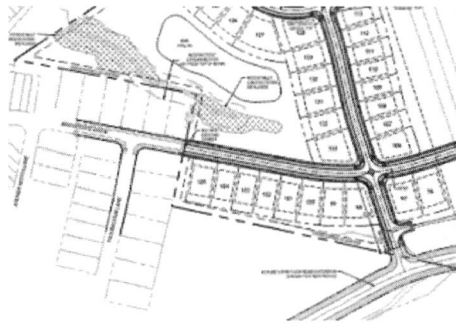
TA 22-17 is a request by the Huntersville Planning Department to amend Section 7.5.3 of the Huntersville Zoning Ordinance increasing the buffer for proposed major residential subdivisions from 20' to 40' when the proposed subdivision is two times greater than the existing residential subdivision.

PART 2: BACKGROUND

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

EXAMPLES

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



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



PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

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

Policy LU-11: Protect Existing Housing Stock

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

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

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

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

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

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

PART 4: STAFF RECOMMENDATION

Staff recommends approval (see Part 9)

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

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

PART 6: PUBLIC HEARING

February 6, 2023

PART 7: PLANNING BOARD RECOMMENDATION

February 28, 2023

PART 8: ATTACHMENT

Attachment 1: Application

Attachment 2: Ordinance

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

PART 9: STATEMENT OF CONSISTENCY – TA22-17

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



Text Amendment Application

Date of Application November 1, 2022

Fee

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

Type of Change

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

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

Description of Change

Proposed text amendment will affect the following:

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

20 feet

Current Ordinance

Proposed Text

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

Reason for Proposed Change

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

Attach additional pages if needed.

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

Applicant

Printed Name Jack Simoneau

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

Signature  Date 11-1-22

Title Huntersville Planning Director Email jsimoneau@huntersville.org

Address of Applicant PO Box 664, Huntersville NC 28070

Property Owner (if different than applicant)

* Printed Name _____

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

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

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

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

Date Received By Planning Department: Nov. 1, 2022

Staff Initials: JS

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

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

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

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

PUBLIC HEARING DATE: February 6, 2023

PLANNING BOARD MEETING: February 28, 2023

TOWN BOARD DECISION: March 20, 2023

HUNTERSVILLE ORDINANCE ADVISORY BOARD MINUTES TA 22-17 BUFFER AMENDMENT

December 1, 2022

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

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

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

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

H. Whittaker expressed support for Option 3 as presented.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision Ordinance

Section 6.200 - General Guidelines and Requirements

The following statements provide general guidelines and requirements to be used in the design, of any subdivision under the jurisdiction of this ordinance. Questions of interpretation of any of these provisions should be discussed with the Planning Director or Designated Administrative Agent at the earliest possible time in the development of a subdivision proposal. (See [Section 4.000](#) for appeal process).

6.200-A GENERAL GUIDELINES

1. Conformity.

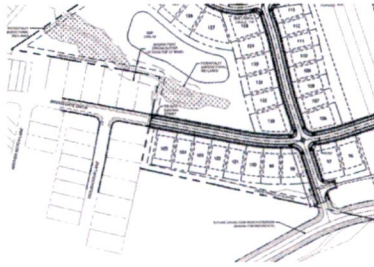
All proposed subdivisions should be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas with established and/or approved development, new subdivisions should be planned to protect and enhance the stability, environment, health, and character of neighboring areas. The geometry of streets and intersections and the location of street connections should be assessed to minimize the detrimental effects of high volume, high speed neighborhood through traffic. This assessment will consider the location of large-scale traffic generating uses as well as the adopted thoroughfare plan and other adopted plans. Proposed subdivisions should not endanger the public health and safety of the community, further, orientation of principal structures should avoid backing up to public streets because of lack of privacy and inappropriate relationship to the public realm. Use of single-loaded streets where development is only on one side of the street or providing large expanses of open space where principal structures are visually buffered from the road may be appropriate in circumstances where such structures should not front on the existing public street.

Changing "Conformity" from a **Requirement** to a **General Guideline** does not allow the town to modify the minimum 20'-wide buffer between developments on a case-by-case basis.

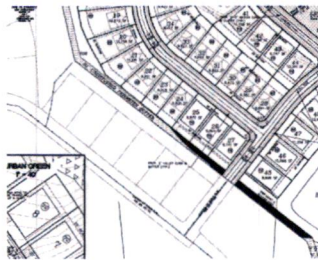
Buffer Yards (**Proposed Amendment Bold Underlined**)

Description	Condition where Buffer required	Width	Trees ¹	Shrubs ¹
Residential	Any major residential subdivision abutting a property zoned residential or developed residential, not internal to a planned community ⁴	20 feet <u>minimum in Town Center zone when adjoining the Town Center zone and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required.</u>	3 trees per 1000 sq/ft of buffer area; 25% large maturing; 25% small maturing; 25% evergreen	10 shrubs per 1000 sq/ft 100% evergreen

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



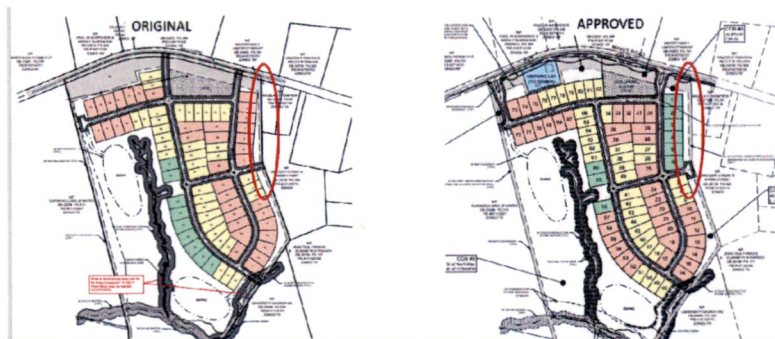
Brownleigh (Asbury Chapel Rd) – No increased buffer because lots are the same size and type as existing Mirabella.



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



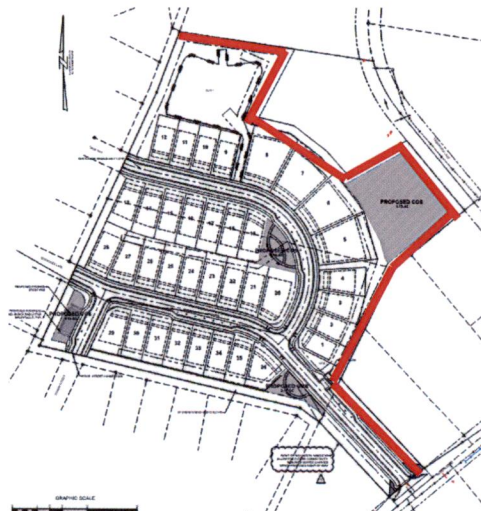
Mayes Road – Increase of 20' minimum buffer to 40' because the Mayes Road is more than 2 times as dense as the existing residentially developed property in this area.



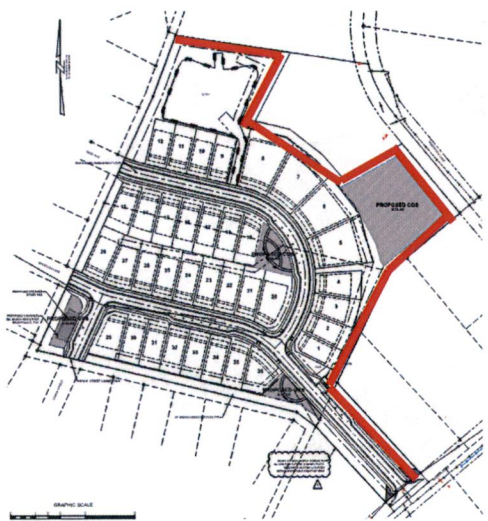
Ranson Road – Buffer & Lot Size



Ranson Road – Buffer & Lot Size

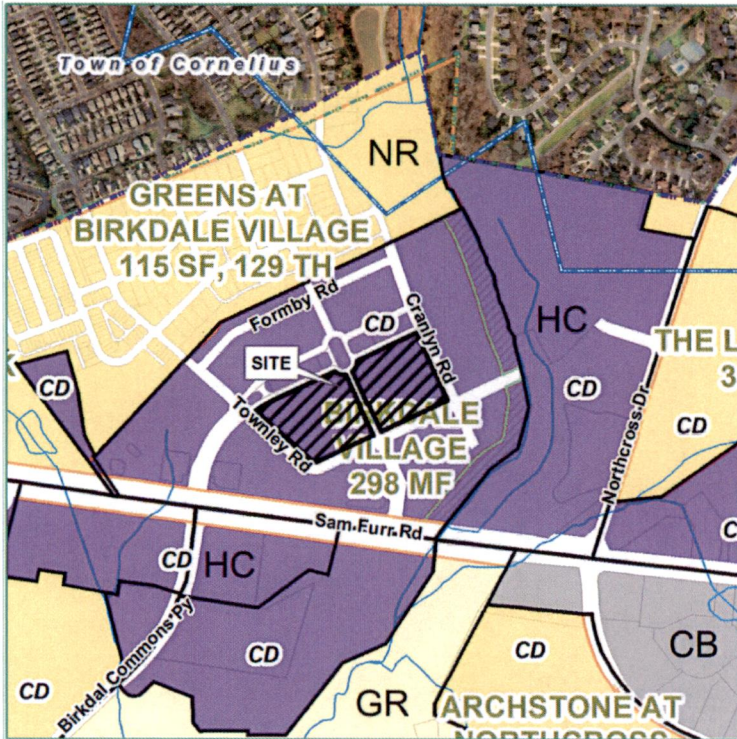


Ranson Road – Buffer & Lot Size



Petition R22-01 Birkdale Village

PART 1: PROJECT SUMMARY



Applicant: DDRTC Birkdale Village, LLC

Property Owner: DDRTC Birkdale Village, LLC

Property Address: 8725 Townley Dr

Project Size: (+/-) 8.82 acres

Parcel Numbers: 00537157 & 00537197

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

Current Land Use: Multifamily, Commercial, Office.

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

Proposed Land Use: 150,000 sf Office and 25,000 sf Commercial.

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

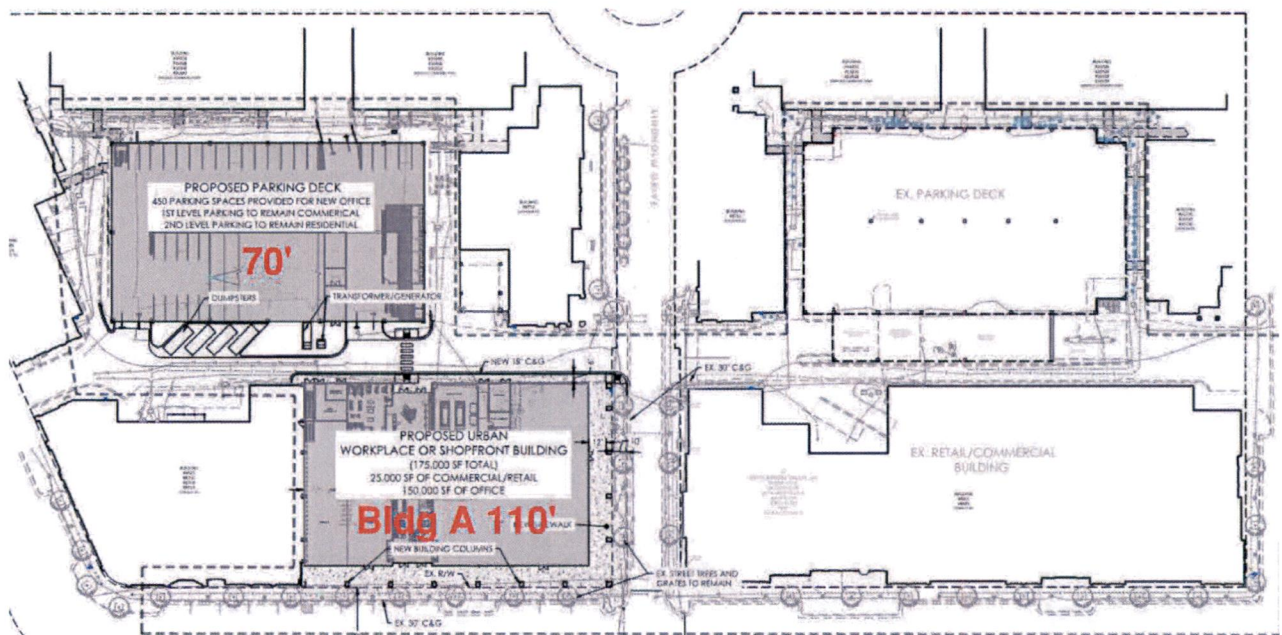
Exhibit No. 5

PART 2: REZONING/SITE PLAN

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

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

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



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

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

PART 3: TRANSPORTATION ISSUES

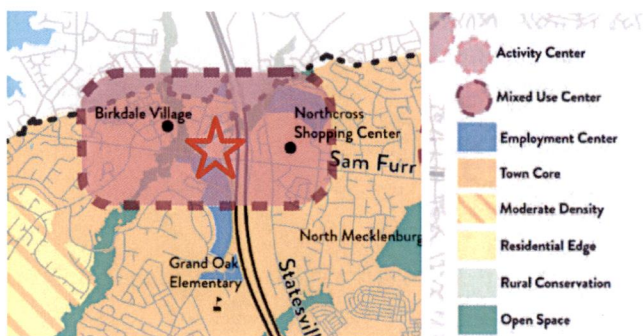
Traffic Impact Analysis (TIA)

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

PART 4: REZONING CRITERIA

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

2040 Huntersville Community Plan



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

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

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

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

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

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

PART 5: STAFF RECOMMENDATION

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

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

PART 6: PUBLIC HEARING COMMENTS

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

PART 7: PLANNING BOARD RECOMMENDATION

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

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

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

PART 8: TOWN BOARD CONSIDERATION

Town Board consideration is scheduled for January 17, 2023

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

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

PART 10: CONSISTENCY STATEMENT – R22-01 Birkdale Village

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



General Application

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

1. Application Type

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

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

SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance

- ☐ Sketch Plan
- ☐ Preliminary Plan
- ☐ Final Plat (Includes Minor Subdivision)
- ☐ Exempt Subdivision
- ☐ Final Plat Revision
- ☐ Farmhouse Cluster

2. Project Data

Date of Application 03/30/2022

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

Project Address 8725 Townley Rd, Huntersville NC 28078

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

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

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

Current Land Use Commercial

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

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

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

4. Site Plan Submittals

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

5. Outside Agency Information

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

6. Applicant

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

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

Signature  Printed Name: Mike Lant

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

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

7. Property Owner (if different than applicant)

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

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

Signature _____ Printed Name _____

Title _____ Email _____

Address of Property Owner _____

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

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

8. Development/Design Firm Contact Information

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

Contact Information

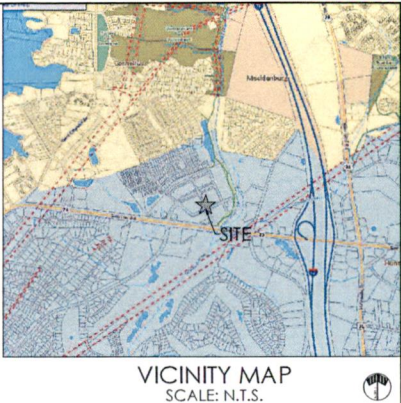
Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-992-5528
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	https://www.huntersville.org/228/Planning-Department

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

REZONING PLAN PACKAGE
PROPOSED
BIRKDALE VILLAGE OFFICE / HOTEL
HUNTERSVILLE, MECKLENBURG COUNTY, NC

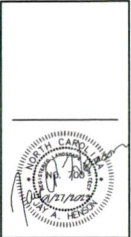
EPM#439459
R22-01

OWNER/DEVELOPER:
DDRTC BIRKDALE VILLAGE, LLC
C/O NORTH AMERICAN PROPERTIES
8712 LINDHOLM DR SUITE 206
HUNTERSVILLE, NC 28078
PH: (404) 946-0939





HensonFoley
 LANDSCAPE ARCHITECTS
 131 Cabot Lane
 Huntersville, NC 28078
 P: 704.875.1615 | F: 704.875.0939 | www.hensonfoley.com
NC Landscape Architect License #34567



BIRKDALE VILLAGE REZONING
PIN #00537157-00537197
LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

COVER

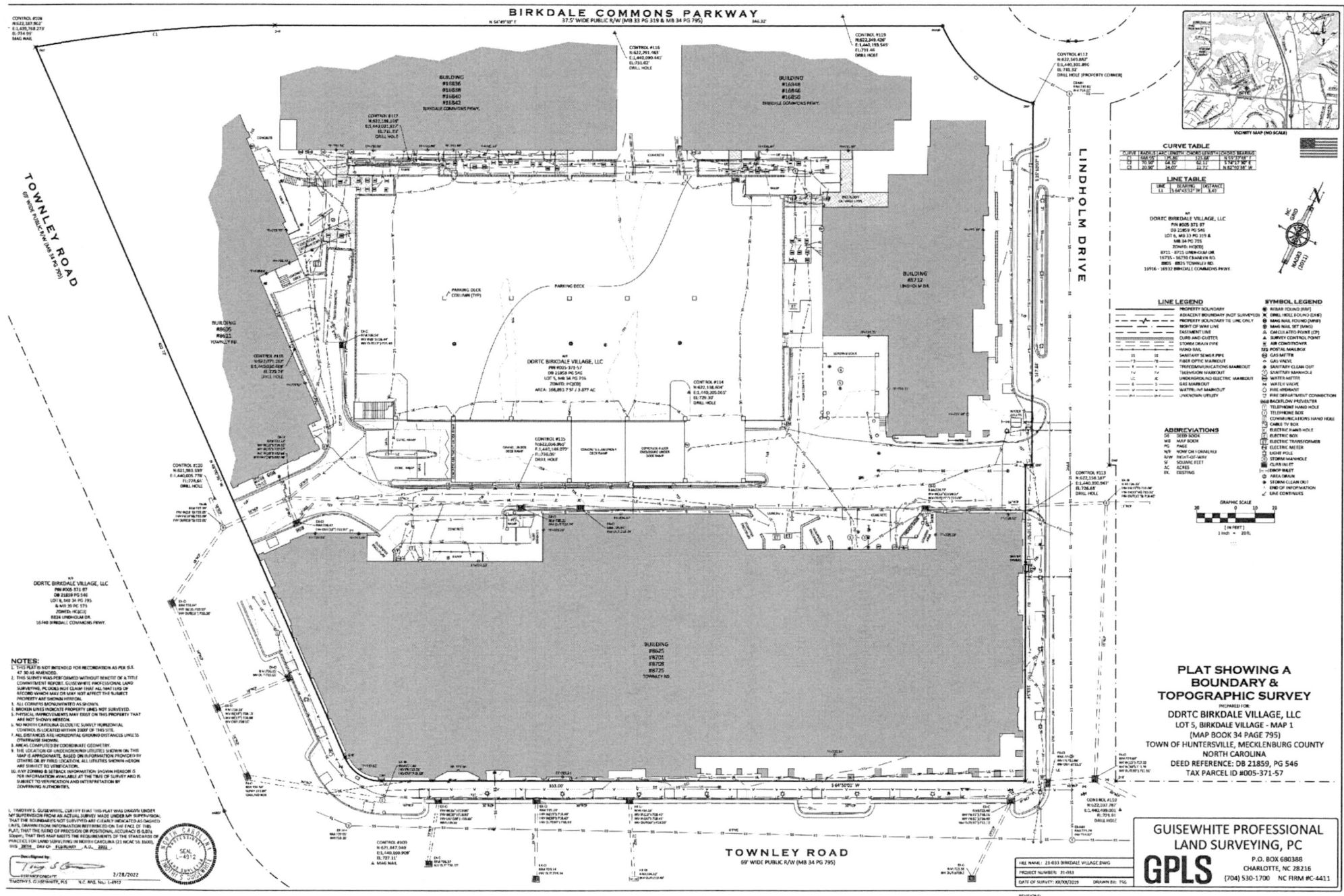
REVISIONS:	
2022/06/23 - PRELIMINARY COMMENTS	
2022/06/23 - PRELIMINARY COMMENTS	
2022/06/23 - PRELIMINARY COMMENTS	
2022/06/23 - PRELIMINARY COMMENTS	
2022/06/23 - PRELIMINARY COMMENTS	

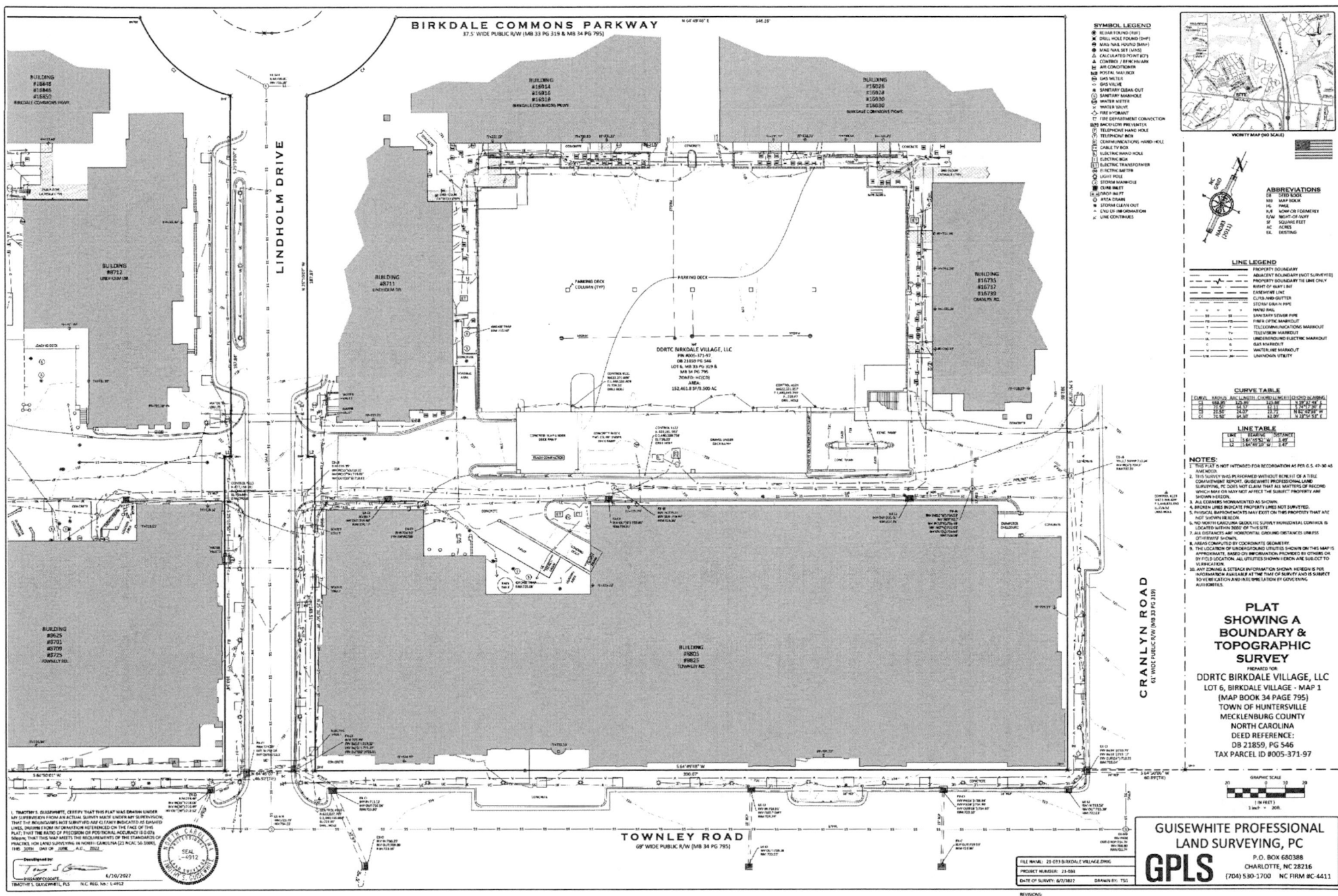
ALL COVER SHEETS PROJECT NUMBER 220308 DATE 06/23/2022 DRAWN BY TJP SHEET Z01 OF 5

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAYMENTS FOR CONSTRUCTION SHALL BE TO BE REFLECTED ACCORDING TO SCHEDULE OF THE DEPARTMENT OF TRANSPORTATION. BIDDING WILL BE ACCORDING TO THE REZONING STANDARDS PART 125 SUPPLEMENT, OR AS AMENDED.
4.



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





GUISEWHITE PROFESSIONAL
LAND SURVEYING, PC

GPLS P.O. BOX 680388
CHARLOTTE, NC 28216
(704) 530-1700 NC FIRM #C-447

P.O. BOX 680388
CHARLOTTE, NC 28216
(704) 530-1700 NC FIRM #C-447

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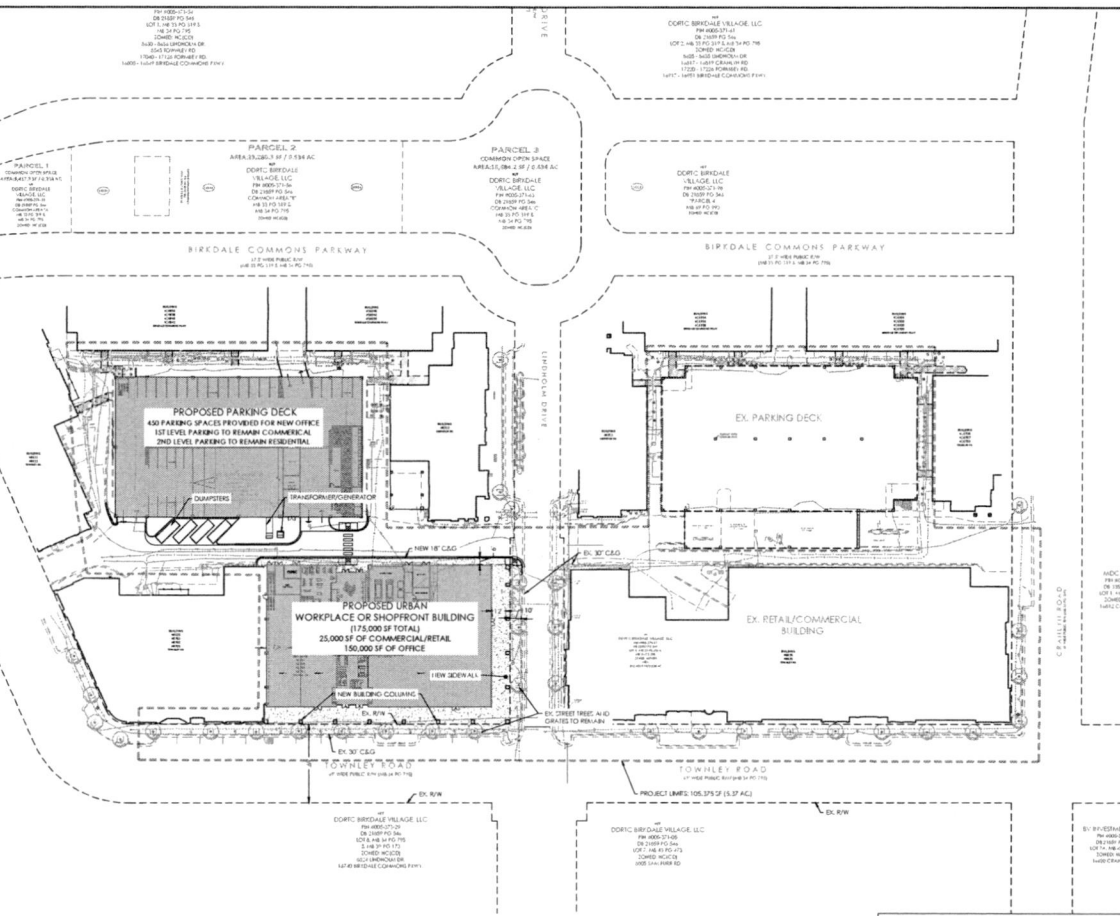
PARKING COUNT	
PROJECT SCOPE	
EXISTING PARALLEL PARKING	37 PARKING SPACES
PROPOSED PARALLEL PARKING	37 PARKING SPACES
EXISTING PARKING DECK	134 PARKING SPACES
PROPOSED PARKING DECK	134 PARKING SPACES
TOTAL PARKING TO BE ADDED	140 PARKING SPACES
TOTAL BIKESHALE VOLUME	
EXISTING RESIDENTIAL SF	144,000 SF
NEW SPACES AND DECKS (USE 1.0)	1,000 SF (1.0) = 200 SPACES
EXISTING COMMERCIAL SF	22,000 SF
NEW SPACES AND DECKS (USE 1.0)	22,000 SF (1.0) = 440 SPACES
TOTAL BIKESHALE VOLUME	340 SPACES
EXISTING REAL ESTATE SURFACE SF	3,600 SF (1.0) = 720 SPACES
PROPOSED REAL ESTATE SURFACE SF	14,400 SF (1.0) = 2,880 SPACES
EXISTING OFFICE SF	1,000,000 SF (1.0) = 2,000 SPACES
PROPOSED OFFICE SF	1,000,000 SF (1.0) = 2,000 SPACES
TOTAL REQUIRED PARKING SPACES	3,000 PARKING SPACES
PROPOSED OFFICE SF	1,000,000 SF (1.0) = 2,000 SPACES
TOTAL REQUIRED PARKING SPACES	3,000 PARKING SPACES
TOTAL REQUIRED PARKING	3,000 PARKING SPACES
TOTAL EXISTING PARKING	1,694 PARKING SPACES
TOTAL PROPOSED PARKING	2,306 PARKING SPACES
TOTAL PROPOSED PARKING	2,306 PARKING SPACES
TOTAL PROPOSED PARKING	1,400 PARKING SPACES

PARKING DECK TABLE	
PARKING DECK (7 LEVELS - MAX. 70')	
TOTAL SPACES - EX. PARKING DECK	141 PARKING SPACES
TOTAL SPACES - PROP. PARKING DECK	591 PARKING SPACES
LEVEL 1	COMMERCIAL
LEVEL 2	EX. RESIDENTIAL USES
LEVEL 3-7	OFFICE/COMMERCIAL
REQUIRED FOR NEW OFFICE BUILDING	300 PARKING SPACES
PROVIDED FOR NEW OFFICE BUILDING	140 PARKING SPACES
[AND PUBLIC PARKING DURING NON-OFFICE HOURS]	

ZONING SUMMARY	
PREVIOUSLY APPROVED ORG. AREA - MAX. ALLOWABLE DEVELOPMENT	1-000' MOVIE THEATRE/RETAIL COMMERCIAL COMMERCIAL/RETAIL RESTAURANT - 275,000 SF OFFICE - 1,600,000 SF RESIDENTIAL - 330 UNITS
EXISTING DEVELOPMENT	1-000' THEATRE/RETAIL COMMERCIAL - 53,2 COMMERCIAL/RETAIL RESTAURANT - 252,000 SF OFFICE - 1,600,000 SF RESIDENTIAL - 330 UNITS
PROPOSED DEVELOPMENT (AS A PART OF THE RECORD)	1-000' THEATRE/RETAIL COMMERCIAL - 53,2 COMMERCIAL/RETAIL RESTAURANT - 252,000 SF OFFICE - 1,600,000 SF (+ 90,000 SF) RESIDENTIAL - 330 UNITS

- [illegible]

IMPERVIOUS SUMMARY - SITE			
ITEM	SQUARE FOOT	ACRES	PERCENTAGE OF TOTAL SITE
TOTAL SITE AREA WITHIN PROJECT LIMITS	234,047 SF	5.37 AC	N/A
EXISTING IMPERVIOUS WITHIN PROJECT LIMITS	232,886 SF	5.35 AC	99.50 %
PROPOSED IMPERVIOUS WITHIN PROJECT LIMITS	232,886 SF	5.35 AC	99.50 %
TOTAL PROPOSED IMPERVIOUS	1,181 SF	0.03 AC	0.50 %
NET IMPERVIOUS GAIN WITHIN PROJECT LIMITS	0		
TOTAL IMPERVIOUS (ALL OF SITE/DALE VILLAGE)	1,582,970 SF	36.34 AC	



NOTE:
ALL PROPOSED STRUCTURES SHALL COMPLY WITH
REQUIREMENTS OF THE PEDESTRIAN ORIENTED DEVELOPMENT.

[illegible]

 **HensonFoley**
Landscape Architecture | Civil Engineering
121 Clivedon, Huntville, NC 28078
ph: 704.875.1615 | f: 704.875.0959 | www.hensonfoley.com
INC. ENGINEERING BOARD LICENSE # C-0081
INC. LANDSCAPE ARCHITECTURE BOARD LICENSE # C-0081

LE VILLAGE REZONING
PIN #00537157, 00537197
AND TOWNLEY RD, HUNTERSVILLE NC 28078
REZONING PLAN

REVISIONS:

[illegible]

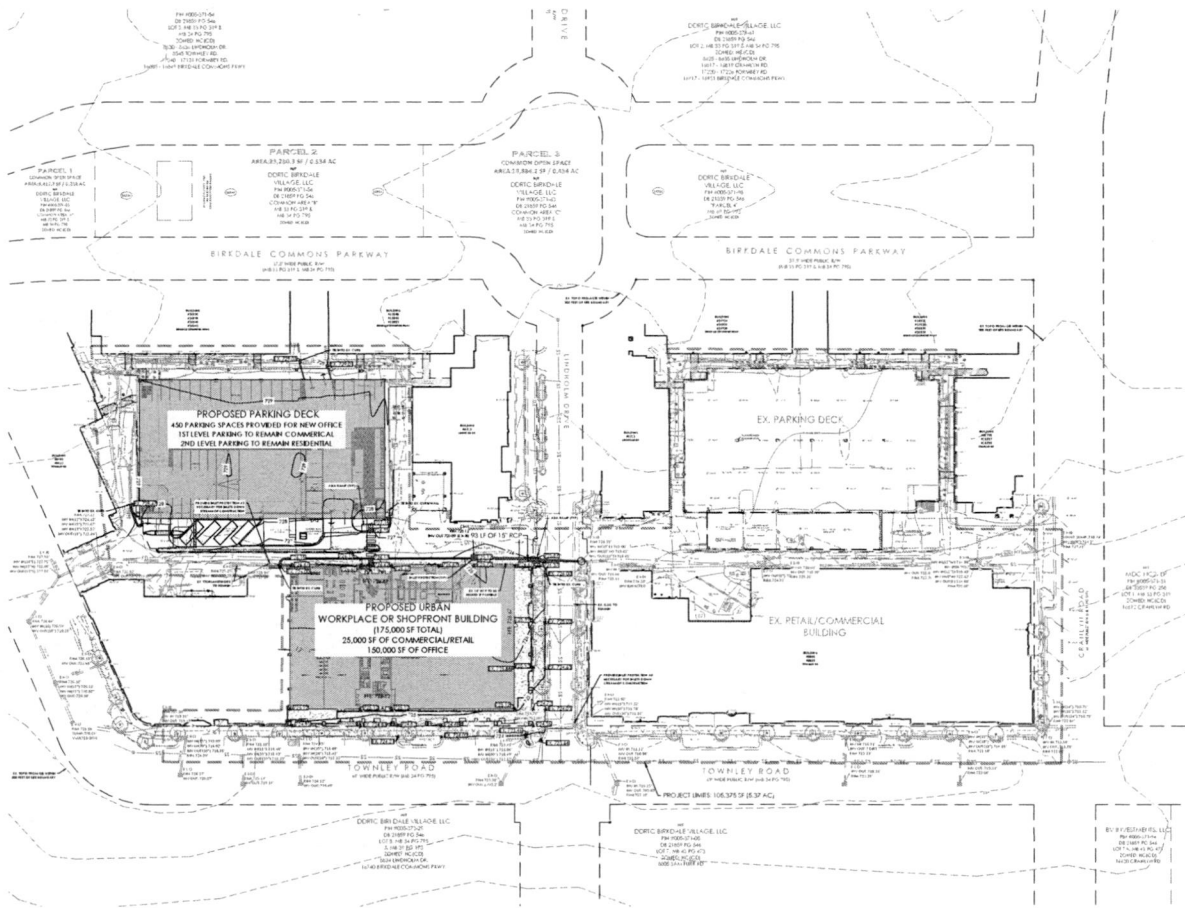
303 - REZONING PLANNING	
PROJECT NUMBER:	22000
DATE: 06/21/2022	DRAWN BY: TSF
Z03	5
SHEET	OF

- [illegible]

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

- [illegible]

- [illegible]



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



REVISIONS:

2022/06/25 - RETONING COMMENTS

2022/09/19 - RETONING COMMENTS

2022/11/02- RETONING COMMENTS

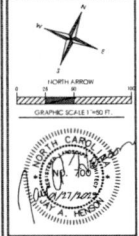
2023/01/03- RETONING COMMENTS

2023/01/27- RETONING COMMENTS

Z04 - PPELPA GRADING.DWG	
PROJECT NUMBER:	220000
DATE: 06/21/2022	DRAWN BY: TCF
Z04 5	
SHEET	OF

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

PRELIM GRADING PLAN



 **HensonFoley**
Landscape Architecture | Civil Engineering
121 Glenard, Huntersville, NC 28078
353.1613 | 704.875.0959 | www.hensonfoley.com
NC ENGINEERING BOARD LICENSE #: C-4391
NC LANDSCAPE ARCHITECTURE BOARD LICENSE #: C-4391

FW 8005-271-54
 DS 21009 PG 544
 LOT 3, A48 12 PG 387 C
 A18 34 PG 795
 204HD, HCACD
 du20 - du26 UNHOLDING DE
 6546 30MM/E / RD
 17040 - 17734 PG=4445 RD
 14855 - 14849 BRTD-ALE CORNCHC PEAR

DORIC BRICK-VALE VILLAGE LLC
Pvt 0005-571-01
DE 21059 PO 545
LOT 2, H&B 35 PO 119 E. H&B 34 PG 775
DORIC NC NC01
5425-5625 SHOWNOW DE
11517-11517 CRAWFORD RD
11230-11230 CRAWFORD RD
11517-11517 CRAWFORD RD

PARCEL 2
EA-23,280.3 SF / 0.534 AC
NOT
DORTCH BRY DALE
VILLAGE, LLC
PH 8005-371 66
DB 21059 PO 546
CONSUMERS ARE A "T"
HIS IS PO 319 8
HIS IS PG 795
10-10-00 10-10-00

PARCEL 3
COMMON OPEN SPACE
18,896.2 S.F. / 0.434 AC
DORTCH BIRKDALE
VILLAGE, LLC
PM 0025-375-40
DE 21807 PG 540
COMMON AREA C
14-32 PG 117A
148 S4 PG 705
DORCH AC 030

DOTC BIKDAE
MILLAGE, LLC
PM 0005-371-06
DE 00887 PO SA
"FARCE" 4"
148 ST PG 775
20440-447070

BIRKDALE COMMONS
17.5 HIDE PUBLIC E/W
0946.12 PG 117 & 18 14 PG 171

BIRKDALE COMMONS PARTWAY
17.5' WIDE PUBLIC R/W
(148.33' PD 147.5' 148.34' PD 175')

PROPOSED PARKING DECK
450 PARKING SPACES PROVIDED FOR NEW OFFICE
1ST LEVEL PARKING TO REMAIN COMMERCIAL
2ND LEVEL PARKING TO REMAIN RESIDENTIAL

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

EX. PARKING DECK

EX. RETAIL/COMMERCIAL
BUILDING

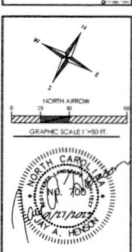
MED. FAC.
 PH. 0005-0
 DR. 12519 PC
 1001 1. 100 12.1
 SCHWED. HC
 1.0272 CR 100

DORTCH BRIDGE VILLAGE, LI
 PH 805-373-27
 DE 2189 PG 540
 LORC ARE 14 PG 716
 S. 14 PG 173
 204ED INCIDE
 5224 SPONCHIA DR
 14740 BRIDGE CONSULTING FIRM

DORTCH BAYDALE VILLAGE, LLC
FAX 4006-371425
08 21557 RD 501
LOT 7, NB 43 RD 473
20MED, NC-C02
5305 34th PARK RD

1. 8 17 25 32 38 45
 2. 10 15 20 25 30 35
 3. 12 18 24 30 36 42
 4. 14 21 28 35 42 49
 5. 16 24 32 40 48 56
 6. 18 27 36 45 54 63
 7. 20 30 40 50 60 70
 8. 22 33 44 55 66 77
 9. 24 36 48 60 72 84
 10. 26 39 52 65 78 91
 11. 28 42 56 70 84 98
 12. 30 45 60 75 90 105
 13. 32 48 64 80 96 112
 14. 34 51 68 85 102 119
 15. 36 54 72 90 108 126
 16. 38 57 76 95 114 133
 17. 40 60 80 100 120 140
 18. 42 63 84 105 126 147
 19. 44 66 88 110 132 154
 20. 46 69 92 114 136 158
 21. 48 72 96 120 144 168
 22. 50 75 100 125 150 175
 23. 52 78 104 130 156 182
 24. 54 81 108 135 162 186
 25. 56 84 112 140 168 192
 26. 58 87 116 144 174 196
 27. 60 90 120 150 180 210
 28. 62 93 124 156 186 214
 29. 64 96 128 160 192 216
 30. 66 99 132 165 198 222
 31. 68 102 136 170 204 226
 32. 70 105 140 175 210 230
 33. 72 108 144 180 216 234
 34. 74 111 148 185 222 238
 35. 76 114 152 190 228 242
 36. 78 117 156 195 234 246
 37. 80 120 160 200 240 250
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 39. 84 126 168 210 252 258
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 44. 94 141 188 235 282 278
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 51. 108 162 216 270 324 306
 52. 110 165 220 275 330 310
 53. 112 168 224 280 336 314
 54. 114 171 228 285 342 318
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 56. 118 177 236 295 354 326
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 59. 124 186 248 310 372 338
 60. 126 189 252 315 378 342
 61. 128 192 256 320 384 346
 62. 130 195 260 325 390 350
 63. 132 198 264 330 396 354
 64. 134 201 268 335 402 358
 65. 136 204 272 340 408 362
 66. 138 207 276 345 414 366
 67. 140 210 280 350 420 370
 68. 142 213 284 355 426 374
 69. 144 216 288 360 432 378
 70. 146 219 292 365 438 382
 71. 148 222 296 370 444 386
 72. 150 225 300 375 450 390
 73. 152 228 304 380 456 394
 74. 154 231 308 385 462 398
 75. 156 234 312 390 468 402
 76. 158 237 316 395 474 406
 77. 160 240 320 400 480 410
 78. 162 243 324 405 486 414
 79. 164 246 328 410 492 418
 80. 166 249 332 415 498 422
 81. 168 252 336 420 504 426
 82. 170 255 340 425 510 430
 83. 172 258 344 430 516 434
 84. 174 261 348 435 522 438
 85. 176 264 352 440 528 442
 86. 178 267 356 445 534 446
 87. 180 270 360 450 540 450
 88. 182 273 364 455 546 454
 89. 184 276 368 460 552 458
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 91. 188 282 376 470 564 466
 92. 190 285 380 475 570 470
 93. 192 288 384 480 576 474
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 96. 198 297 396 495 594 486
 97. 200 300 400 500 600 490
 98. 202 303 404 505 606 494
 99. 204 306 408 510 612 498
 100. 206 309 412 515 618 502
 101. 208 312 416 520 624 506
 102. 210 315 420 525 630 510
 103. 212 318 424 530 636 514
 104. 214 321 428 535 642 518
 105. 216 324 432 540 648 522
 106. 218 327 436 545 654 526
 107. 220 330 440 550 660 530
 108. 222 333 444 555 666 534
 109. 224 336 448 560 672 538
 110. 226 339 452 565 678 542
 111. 228 342 456 570 684 546
 112. 230 345 460 575 690 550
 113. 232 348 464 580 696 554
 114. 234 351 468 585 702 558
 115. 236 354 472 590 708 562
 116. 238 357 476 595 714 566
 117. 240 360 480 600 720 570
 118. 242 363 484 605 726 574
 119. 244 366 488 610 732 578
 120. 246 369 492 615 738 582
 121. 248 372 496 620 744 586
 122. 250 375 500 625 750 590
 123. 252 378 504 630 756 594
 124. 254 381 508 635 762 598
 125. 256 384 512 640 768 602
 126. 258 387 516 645 774 606
 127. 260 390 520 650 780 610
 128. 262 393 524 655 786 614
 129. 264 396 528 660 792 618
 130. 266 399 532 665 798 622
 131. 268 402 536 670 804 626
 132. 270 405 5

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121 Gilead, Huntlinville, NC 28078
p: 704.875.1615 | f: 704.955.0939 | www.hensonfoley.com
NC PROFESSIONAL BOARD LICENSE # 03391
NC LANDSCAPE ARCHITECTURE BOARD LICENSE # 03398



BIRKDALE VILLAGE REZONING
PIN #005371.57 00537197
LINDHOLM DR AND TOWNLEY RD, HUNTERSVILLE NC 28078

PRELIM LANDSCAPE PLAN

REVIEWS:

2022/08/23 - RESEARCH COMMENTS

2022/09/19 - RESEARCH COMMENTS

2022/11/02 - RESEARCH COMMENTS

2023/01/03 - RESEARCH COMMENTS

2023/01/27 - RESEARCH COMMENTS

Z05 - PRELIM LANDSCAPE PLAN/DWG	
PROJECT NUMBER:	Z2030
DATE: 06/21/2022	DRAWN BY: TSF
Z05 5 SHEET OF	

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



Birkdale Village Rezoning

Neighborhood Meeting Report

Date: September 22, 2022

Time: 6:00pm-7:45pm

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

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

General Comments

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

Questions

***Answers in bold**

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

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

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

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

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

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

NEIGHBORHOOD MEETING

SIGN IN SHEET

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

Birkdale Village Rezoning

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

Name	Address	Phone Number	Email Address
Kathleen Archer	8107 Tansley Rd Huntersville	704-987-3677	
Nathan Farber	TOH	704-766-2237	nfarber@huntersville.org
Jon Boggiano	17318 Ingleswood Ln Huntersville	704 996 8565	jonboggiano@gmail.com
Fetsje Goettsch	8114 Strandhill Rd.	704-517-8110	fetsje.goettsch@gmail.com
Leslie Brown	8322 Brickle Ln	(313) 202-3724	LNBrown201@gmail.com
BREAN HARRISON	17212 BRIDGETON LANE	704-576-5102	BGTHARRISON09@YAHOO.COM
Chris Boggiano	3720 Kimberly Rd Hville	201-600-5977	christian.boggiano@gmail.com
Joni Fu Takuz	Tawton Place Rd	704-999-2915	jltakuz@gmail.com
Helen Mason	17025 Carlton Way Rd	704 647 1432	ygagnsnapper@gmail.com
Kitty Giese	9525 Devonshire Dr	704-502-5656	Kitty@KittyGiese.com

NEIGHBORHOOD MEETING

SIGN IN SHEET

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

Birkdale Village Rezoning

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

Name	Address	Phone Number	Email Address
Gay C. Rudisill	19204 Bridgeton Lane	704-646-9547	rudic3@yahoo.com
Linda Barnes	17021 Bridgeton Lane	206 713 6122	lba28289216@aol.com
Sydney Zarsadiaz	17303 Inglewood Ln.	704-343-1414	SydneyCzarsadiaz@gmail.com
Randy Moose	17216 Bridgeton Ln	704 609 4734	rhmoose@roadrunner.com
Kim Zarsadiaz	17303 Inglewood	704 621 7711	Kim.lake.realty@gmail.com

NEIGHBORHOOD MEETING
SIGN IN SHEET

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

Birkdale Village Rezoning

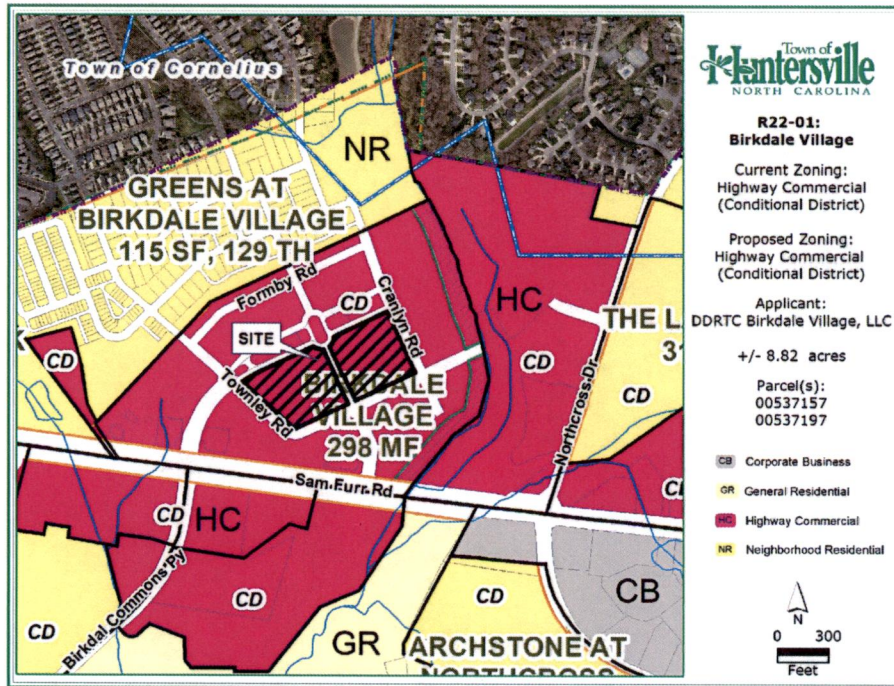
Location: Dellwood Community Center, 508 Dellwood Drive, Huntersville, North Carolina 28078

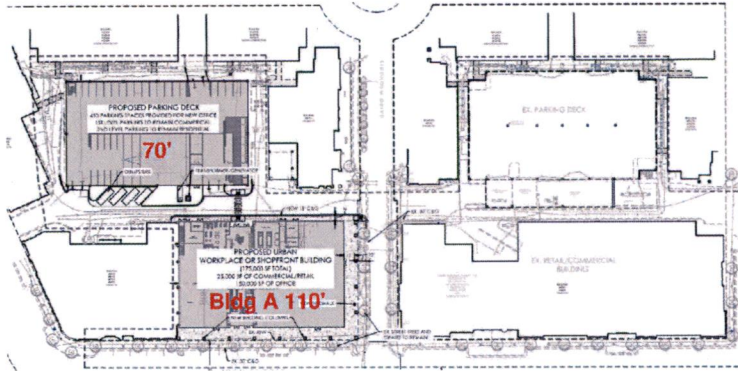
Name	Address	Phone Number	Email Address
Jim Brown	8361 Brick Ln, Huntersville	734-717-4834	BROWN1331@TWC.COM
Thomas Wright	8203 Strandhill Rd Huntersville	704-608-1222	newrighttq@gmail.com
TERRI GAAR	17332 Villanova Ave. 17432 Calverton Rd.	205-960-1111	tmgאר@gmail.com
David Peete	TOH	704-766-2216	dpeete@huntersville.org
Pierre McCork	8712 Lindholm Dr.		
Nick O'Shaughnessy	8217 PARKTON GATE DR	704 506 4149	nickodent@gmail.com
Mark Keener	8142 Evanston Falls Rd	704-608-8142	Keener.mark@gmail.com
Daryl + Karen Poppo	17018 Gorton Wy Rd	209-202-5976	dwpoppo@att.net
MAGGIE PARK	8313 STRANDHILL RD	704-492-9583	mepark6@hotmail.com
Sharon Bond	8124 PARKTON GATE DR.	301-351-1703	shawacheng@aol.com
Dawn Snow	8132 EVANSTON FALLS RD HUNTERSVILLE, NC 28078	704-577-6785	rsnow82@gmail.com

R22-01: Birkdale Village

Applicant: DDRTC Birkdale Village, LLC

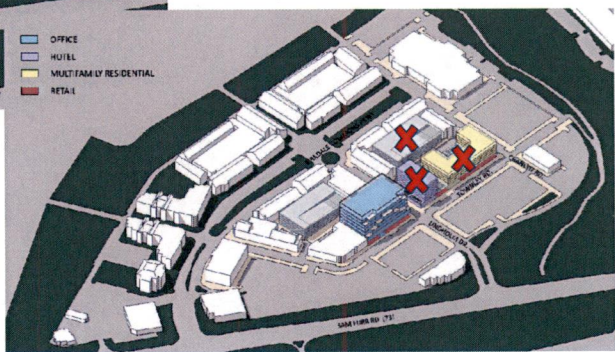
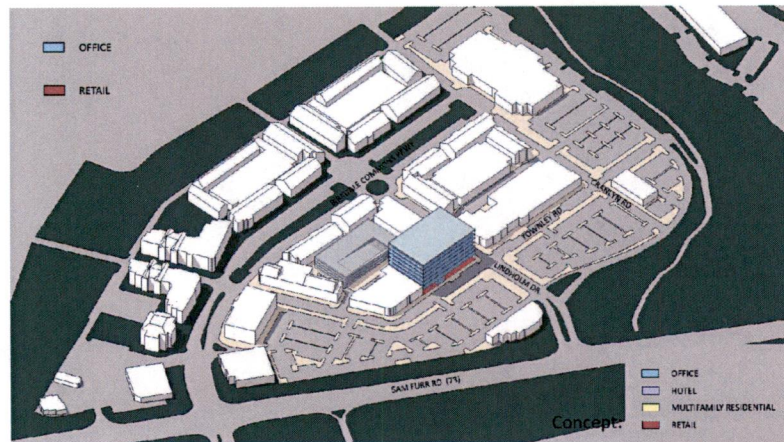
Town Board
February 6, 2023





PROPOSAL SUMMARY:

SIZE:	8.82 acres
Current Zoning:	Highway Commercial Conditional District (HC-CD)
Proposed Zoning:	Highway Commercial Conditional District (HC-CD)
Current Use:	Commercial & Office
Proposed Use:	150,000 sf Office 25,000 sf Commercial
Building Type:	Urban Workplace



Modification Request – Building Height

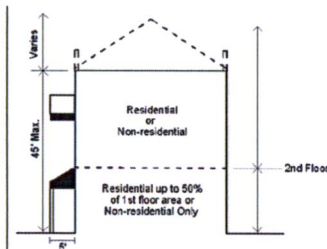
Article 4.2 Urban Workplace – Has a maximum building height of 45'. The applicant is requesting to increase the maximum height to 110'

Article 4.4 Shopfront Building – Has a maximum building height of 48'. The applicant is requesting to increase the maximum height to 110'

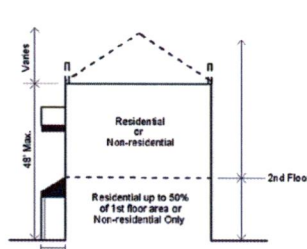
Office building (110') and one accessory parking deck (70').

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

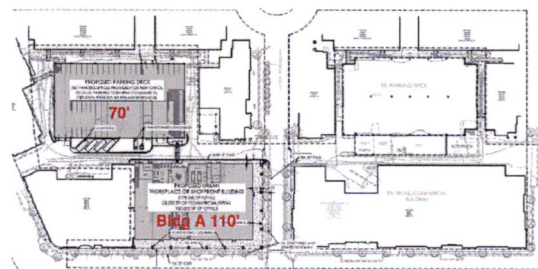
Article 4.2 Urban Workplace



Article 4.4 Shopfront



Proposed Heights

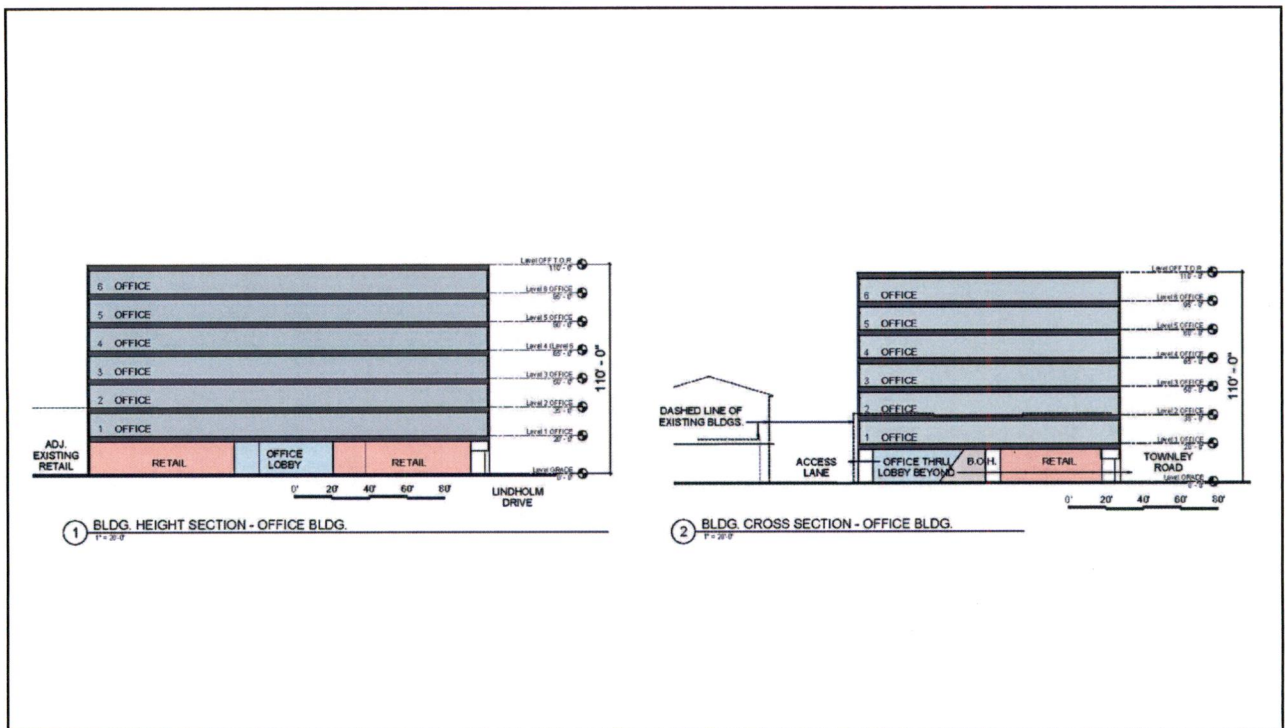


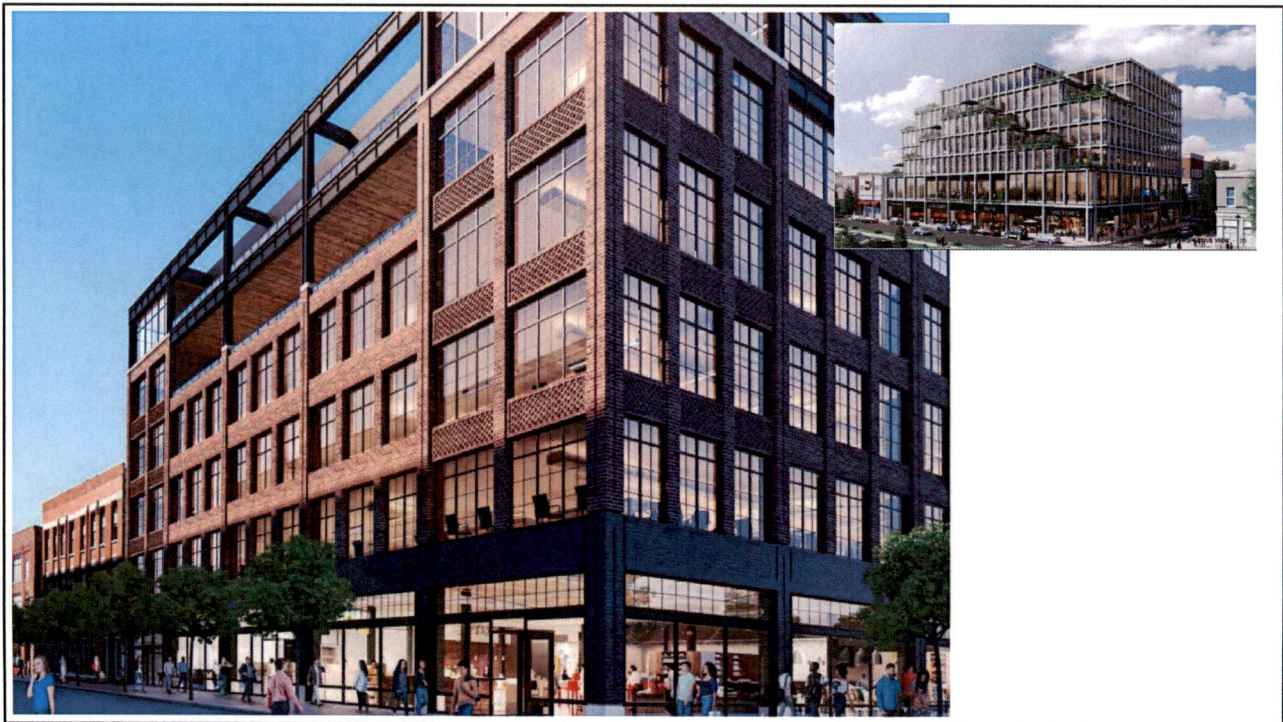
11.4 Amendment Process

4. Withdrawal or Amendment of Petition.

C. If the Town Board deems any requested amendment to be a **substantial change** to the petition prior to a final decision, which does not result in an intensification of the petition, it **shall** defer action on the petition for 30 days to allow interested parties the opportunity to comment on the amendment to the petition.

Potential decision date: March 20, 2023







R22-01 Birkdale Village

2040 Community Plan References:

Supported by 2040 Community Plan:

- Policy LU 2.1: Higher intensity residential uses will be focused generally within 2 miles of the I77/NC115 corridor and future activity centers in the eastern and western areas of Huntersville zoning jurisdiction.
- Policy LU 6.1: A mix of land uses is encouraged in Mixed-Use Centers, Activity Centers, Employment Centers identified on the Future Land Use Map.
- Policy LU 6.2: Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.
- Policy LU 7.1: Require all new development to adhere to the following design principles: In Mixed Use Centers, Activity Centers, Town Core, and Moderate Density Areas, Streets and sidewalk are meant to be attractive and inviting. New development in these areas shall follow these principles:
 - In Mixed-Use Centers, Activity Centers, Town Core, and Moderate Density Areas, streets and sidewalks are meant to be attractive and inviting. New development in these areas shall follow these principles:
 - All buildings shall front a public street or open space.
 - Streets should be connected, have short blocks and sidewalks on both sides of streets.
 - Improve connectivity, particularly for pedestrians and vehicles.
 - Parking lots, if required, should be predominately located behind buildings screened from view and larger lots should be broken by buildings and or landscape features.
 - In lower intensity areas (including MD, RE, RC, CW) preservation of rural character and natural resources are prioritized.
 - In these areas, structures can be set back further from the road and should blend into the landscape and the scenic nature of roadways should be preserved.
- Policy LU 8.1: Continue to emphasize form and flexibility in development regulations for these areas.
 - The current zoning ordinance has basic form based standards with flexibility built-in. Key elements include allowing multiple types of land uses, a mix of uses, minimal setbacks, and parking requirements.
- Policy LU 8.2: Evaluate and strengthen incentives to encourage the achievement of higher design standards. Consider incentives that allow applicants to demonstrate excellence in design and exceptional public benefit for projects in key areas.
 - Offer flexibility using performance standards, guided by the design principles.
 - Specify intended outcomes and how site or building-specific design solutions can better achieve desired outcomes.
 - Evaluate incentives periodically to determine their value given shifting market and neighborhood conditions.
 - Incentives that could include:
 - Modification of height limit.
 - Increase in percent of allowable attached residential.
 - Reduced parking requirements.
 - Reduced buffer yard requirements
- Policy EV 1.2: Focus economic development in areas that support growth
 - Preserve areas suitable for business and industrial development, along with a mixture of support uses, to ensure an adequate inventory of land for future growth and development, with increases to this inventory as required. These areas should have proximity to existing or future activity centers, have access to transportation options and utility service, and offer amenities for employees.

R22-01 Birkdale Village 2040 Community Plan References:

Not Supported by 2040 Community Plan:

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

R22-01 Birkdale Village Staff Recommendation

STAFF RECOMMENDATION:

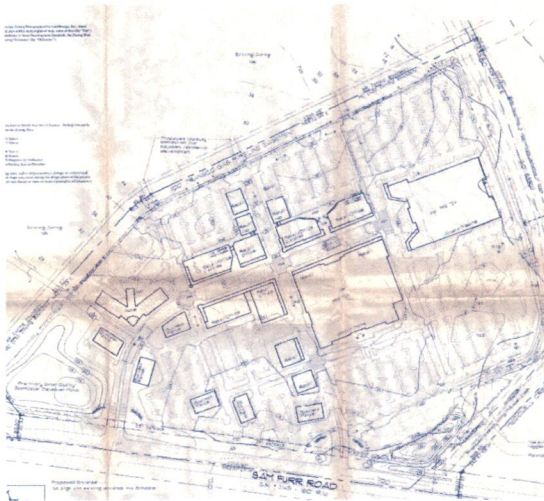
While there are multiple Huntersville 2040 Plan policies the proposed rezoning plan is consistent with, in considering the proposed rezoning petition R22-01, Birkdale Village, staff recommends denial based on the amendment being inconsistent with Huntersville 2040 Community Plan policies LU 5.1, LU 11.1,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

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

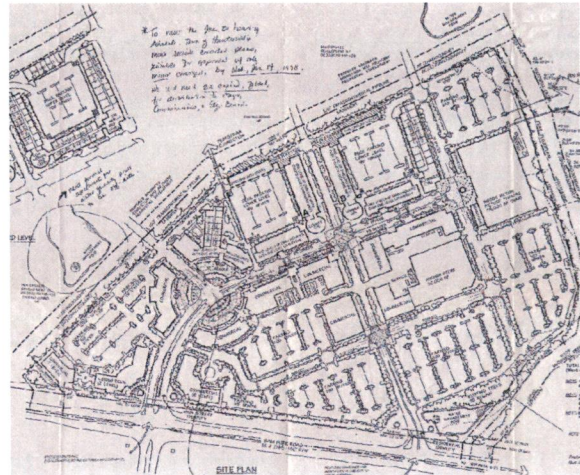
Planning Department	Planning Board	Board of Commissioners
	Amended Motion: F. Gammon made a motion to recommend approval of the petition R22-01 Birkdale Village. The Planning Board has considered and finds that the rezoning is consistent with Huntersville Zoning Ordinance Articles 11.4.7 (d) and 11.4.7 (e). Furthermore, the petition is consistent with the Huntersville 2040 Community Plan policies LU2.1, LU6.1, LU7.1, LU8.1 and LU8.2. This recommendation for approval is contingent upon Huntersville Town Board approval of T22-08 building height and SUP22-01, all outstanding staff comments are addressed, and that hotel and commercial building maximum heights be changed from 145 to 115 feet. It is reasonable in the public interest to amend the zoning ordinance because the rezoning is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan. S. Svanick seconded the motion. Amended Motion Vote: The motion passed (4-2-1) with C. Boyd and T. Loomis opposed and S. Hendley abstaining.	APPROVAL: In considering the proposed rezoning application R22-01, Birkdale Village, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because:</u> (Explain)
DENIAL: While there are multiple Huntersville 2040 Plan policies the proposed rezoning plan is consistent with, in considering the proposed rezoning petition R22-01, Birkdale Village, staff recommends denial based on the amendment being inconsistent with Huntersville 2040 Community Plan policies LU 5.1, LU 11.1, LU 11.2, and LU 12.3. It is not reasonable and in the public interest to amend the Zoning Ordinance because the building height modification requested under Section 11.4.7(h) of 115', substantially exceed the maximums for Urban Workplace (45') and Shopfront (48') buildings and is not "in the spirit of the regulations". Previous height modifications requested under Section 11.4.7(h) have been several feet to one story and some involved unusual topography to demonstrate the modifications were in the "spirit of the regulations".		DENIAL: In considering the proposed rezoning application R22-01, Birkdale Village, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because:</u> (Explain)

Birkdale Rezoning History

R97-23



R01-03



Design Guidelines

Section I. ARCHITECTURAL CHARACTER

(a) The elevations of buildings within the commercial and residential components shall be designed to reflect a "town center".

(b) Building elevations will include changes in building height, orientation, roof lines and other facade articulation. These changes will provide a strong sense of pedestrian scale and orientation creating an urban character which, in concert with sidewalk and street development, will foster the "town center" theme.

(c) All building elevations which front on a primary street shall provide at least one (1) entry of a pedestrian scale on each such elevation, provided, the anchor tenant occupying up to 85,000 square feet of floor area shall be required to provide points of entry of a pedestrian scale on two of its four building elevations. Where a building elevation abuts a secondary street parking area and/or pedestrian way and is designed or functions as a rear elevation, the building face will incorporate architectural details and screening intended to avoid a blank or monotonous appearance (e.g., windows, gables/dormers, awnings, exterior materials or textures, color, cornice treatment, landscaping, walls, etc.)

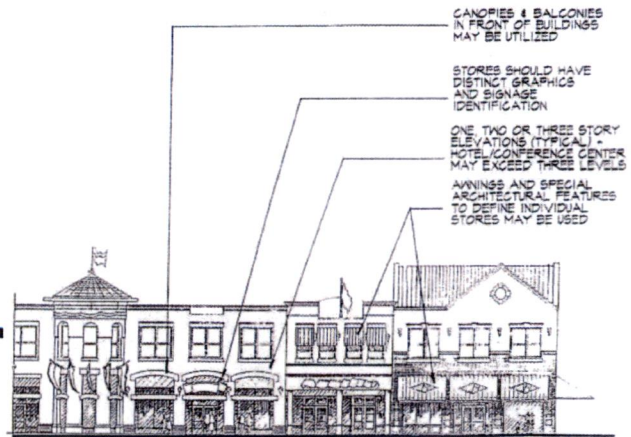
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(d) Building entries will be defined by the use of varied forms and/or other architectural details. Primary elevations (i.e., elevations along a primary street or the principal point of entry into a building) will also be articulated through the use of color, patterning and other architectural designing.

(e) Parking decks will relate to the building elevations in scale and character utilizing similar materials and facade articulation. The street edge of the parking decks will be screened with landscape according to the Ordinance.

(f) Examples of proposed building elevations, facade articulation and architectural details are depicted in the Exhibits attached. The individual elevations and details shown in the Exhibits may be varied or re-combined to provide alternative elevations or facade articulation.



TYPICAL ELEVATION

ARCHITECTURAL GUIDELINES 1.1
CONCEPT ELEVATIONS
14 JAN 1998

Birkdale Sketch Plan History

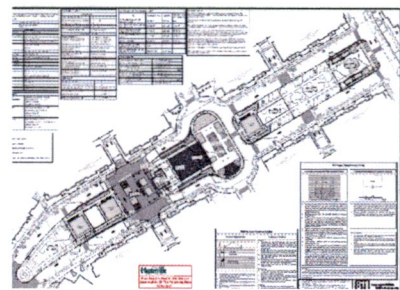
1999



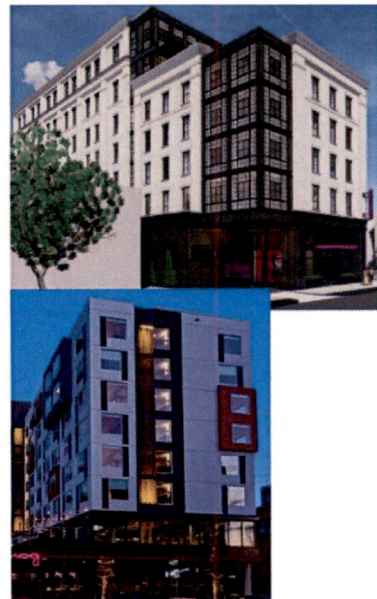
2001

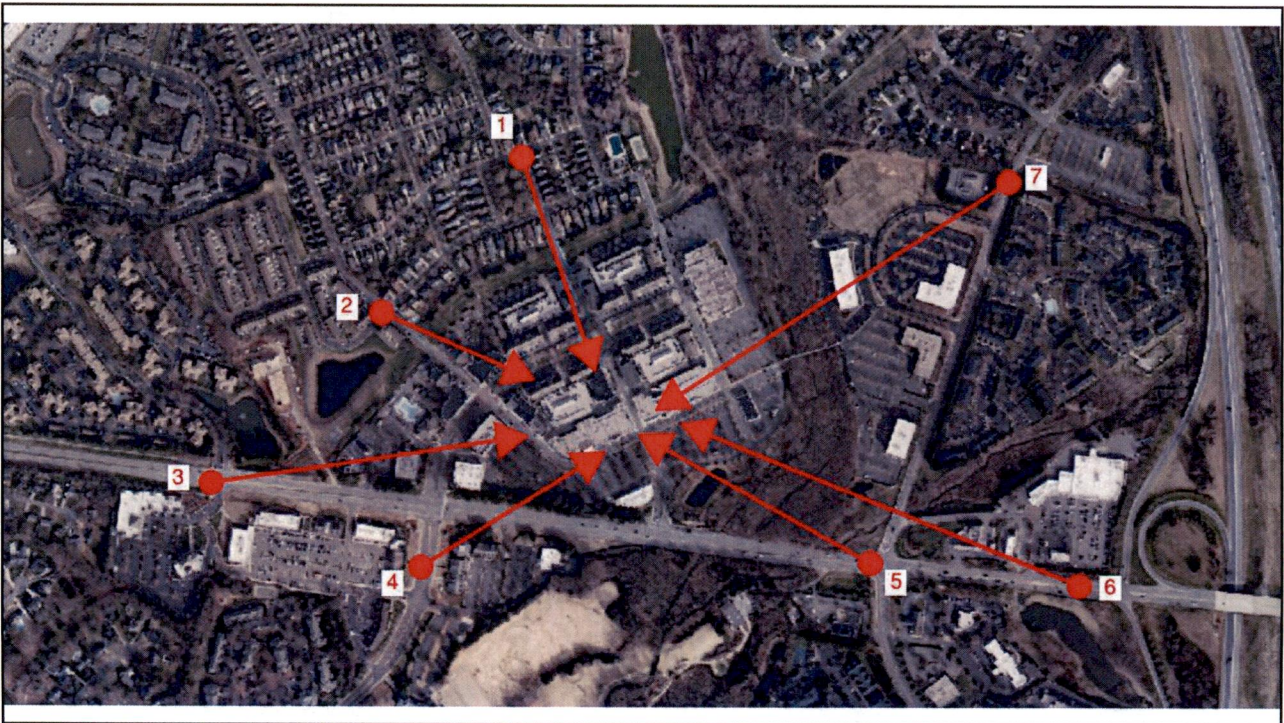


2021



Provided Building Perspectives





Point 1



Point 3



Point 4

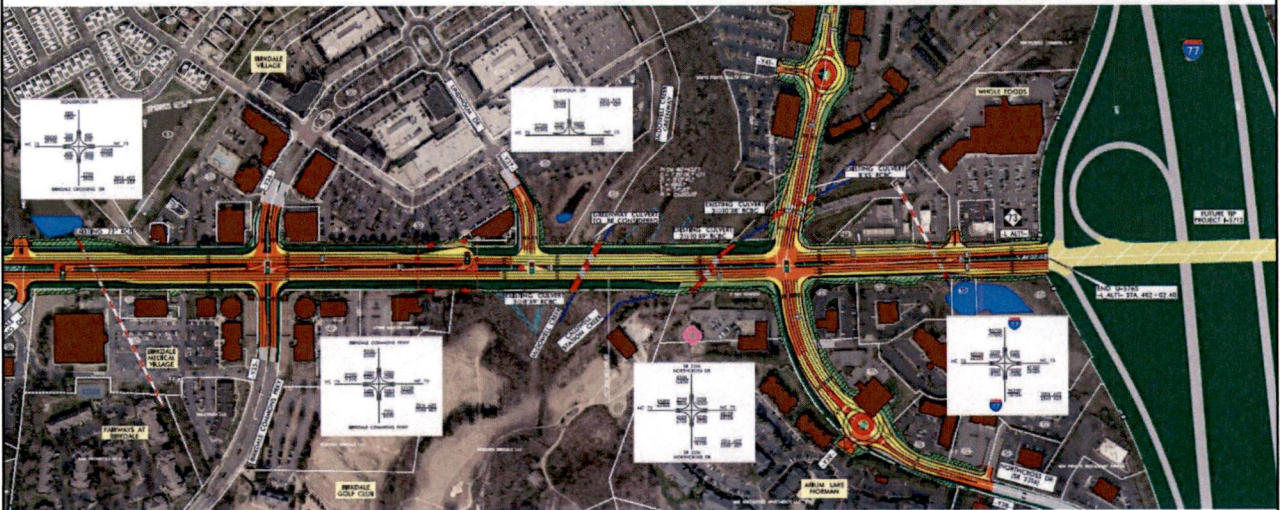


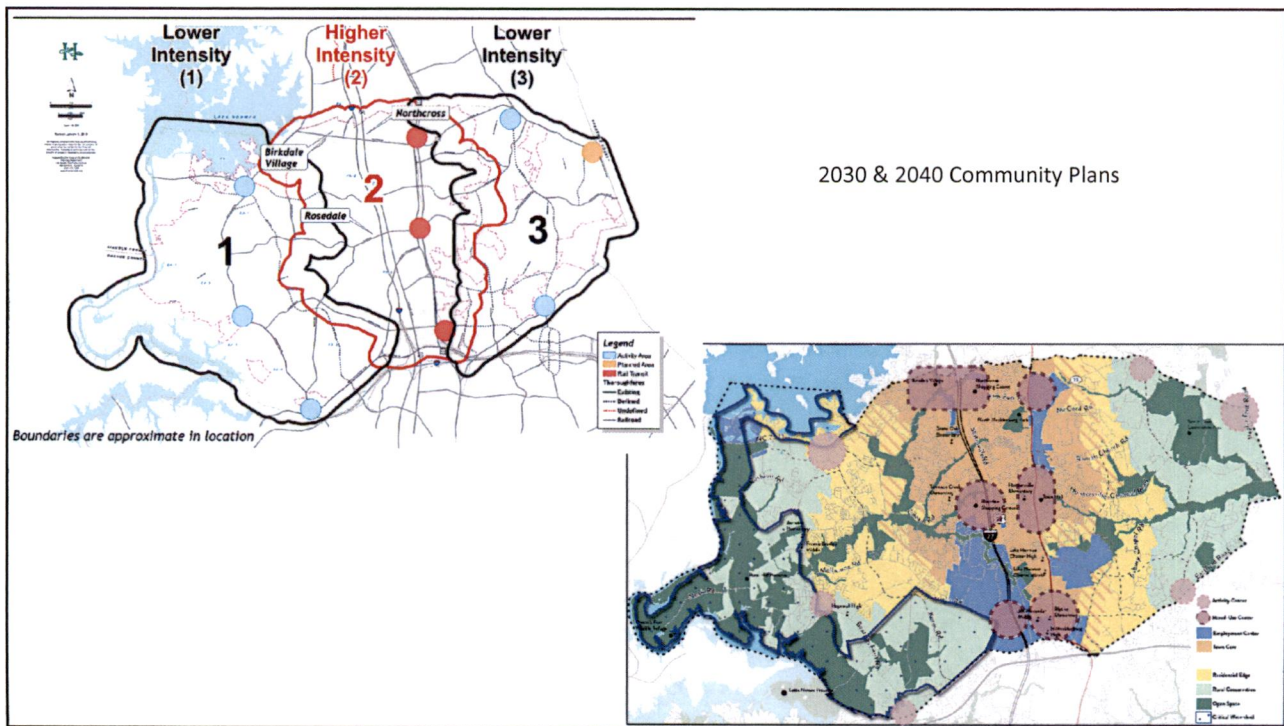
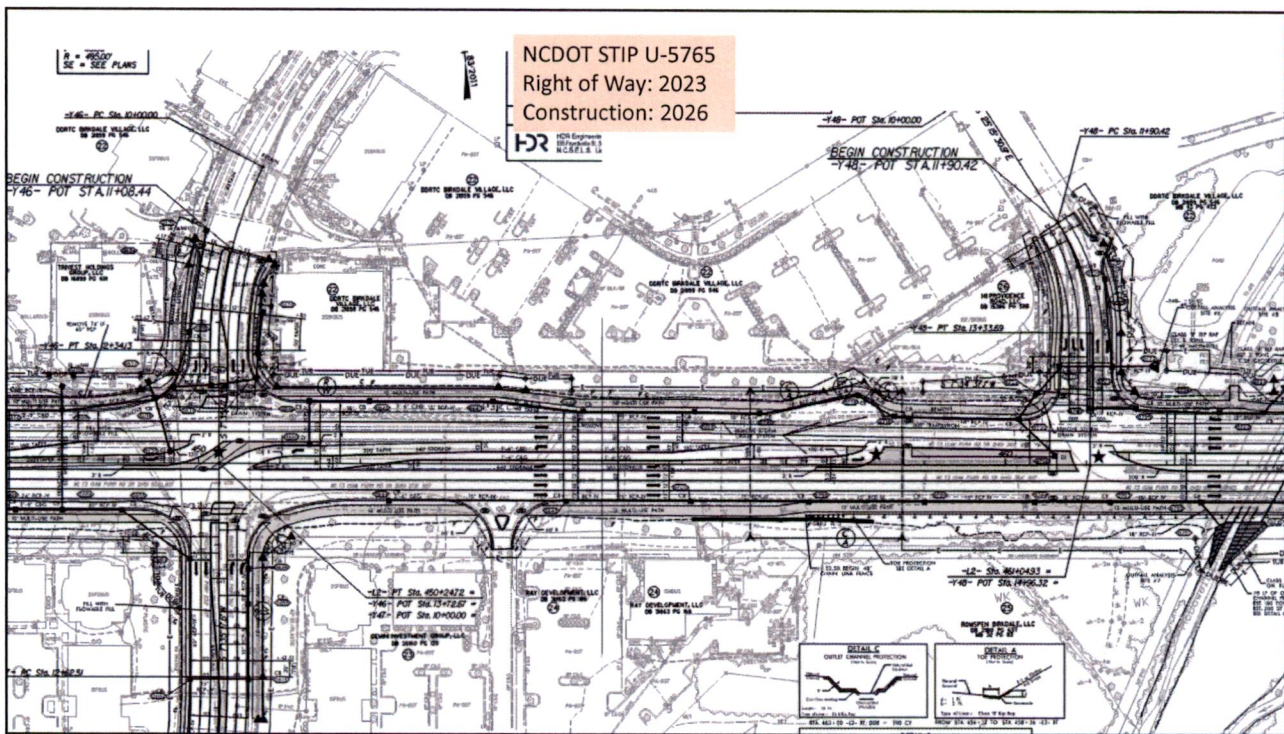
Point 5

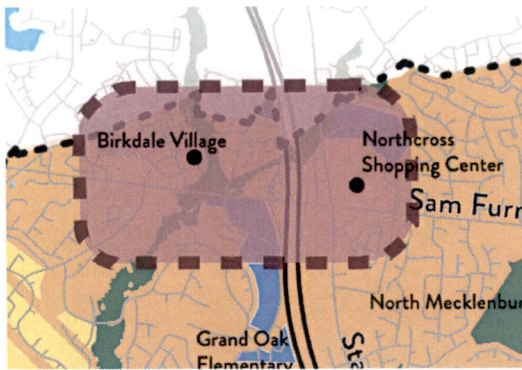


An aerial photograph of a suburban landscape. In the background, a large, dark blue lake stretches across the horizon under a clear sky. The middle ground is dominated by a multi-lane road that curves through the area. To the left of the road, there are several buildings, including a large, modern, multi-story structure with a glass facade. To the right of the road, there are several large, red-roofed buildings, possibly industrial or commercial. The area is densely populated with trees and greenery, interspersed with residential and commercial structures. The overall scene depicts a typical suburban environment with a mix of natural and built-up areas.

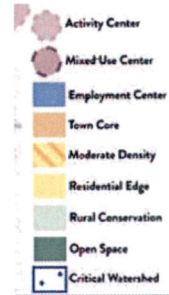
NCDOT STIP U-5765
Right of Way: 2023
Construction: 2026







R22-01 Birkdale Village Future Land Use



Mixed-Use Centers

Mixed-Use Centers contain vertical mixed-use along key frontages. New development includes wide sidewalks, buildings are close to the street with high levels of transparency, and parking is located in the rear. A mix of housing is allowed, including urban options throughout (apartments, townhomes, cottage homes, etc.). Downtown has specific requirements for streetscape



Town Core

The Town Core designation includes a variety of neighborhoods containing a mix of residential housing types, including single-family homes, townhomes, and apartments. Their design focuses on traditional neighborhood planning principles, including short blocks, connected streets, streetscape standards, and other features that improve walkability. These areas are denser than the "Moderate Density" and "Residential Edge" character areas and may include non-residential development as specified in small area plans and at other sites that meet locational criteria.

Future Land Use Character Area	Residential Subdivision Design				Residential Type			
	Town-scale Subdivision	Traditional Neighborhood Design (TND)	Conservation (Cluster) Subdivision	Farm-house Cluster	Live-work Unit	Apartments & Condos	Attached (Townhomes, Duplex, Triplex)	Detached
Walkable, Mixed-Use Center (WMU)	-	☑	-	-	☑	☑	☑	☑
Activity Center (AC)	-	☑	☑	*	☑	*	☑	☑
Employment Center (EC)	*	*	-	-	*	*	*	-
Town Core (TC)	*	☑	*	-	☑	☑	☑	☑

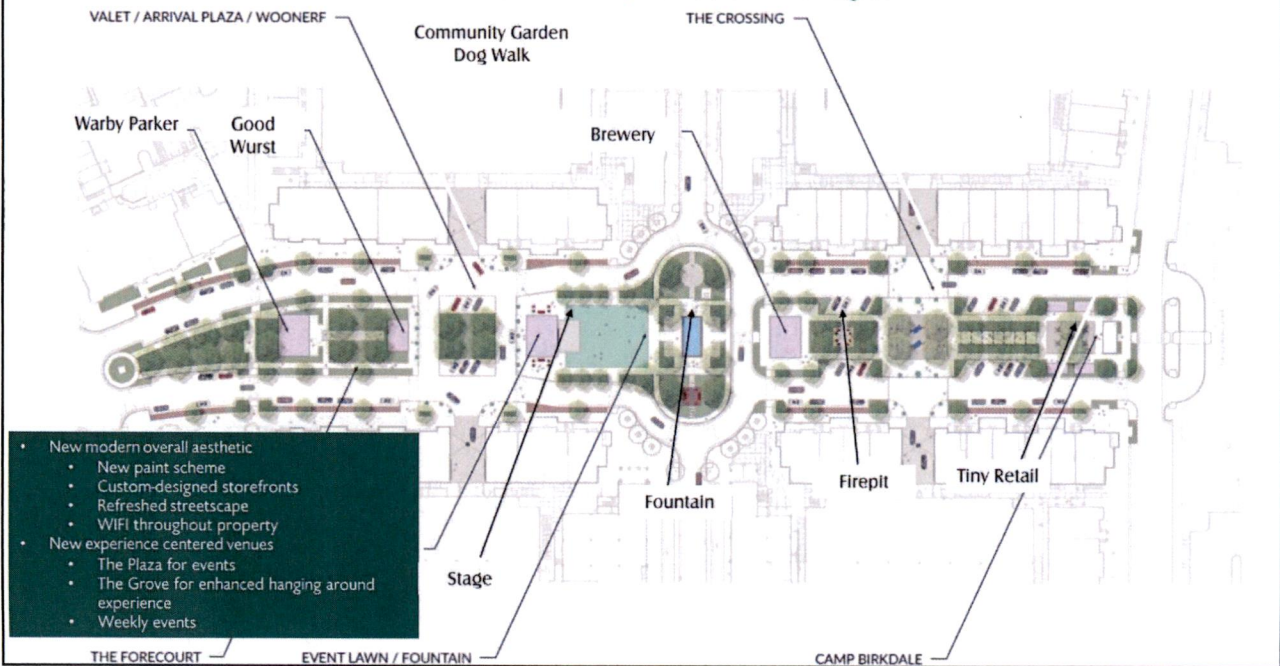
Legend:
 ☑ = Allowed / Encouraged
 * = If Contextually Appropriate, Potential Limitations, Design Criteria or Utility Availability
 - = Discouraged



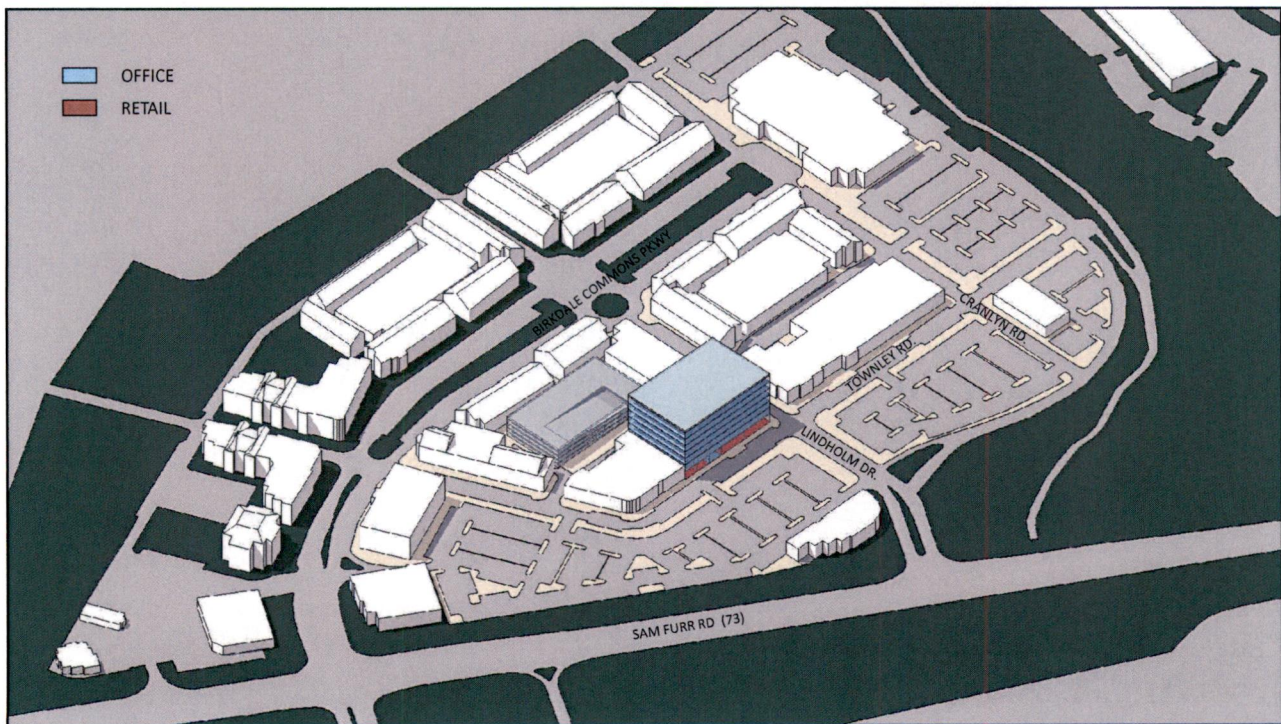
Recent Aerial of Subject Area

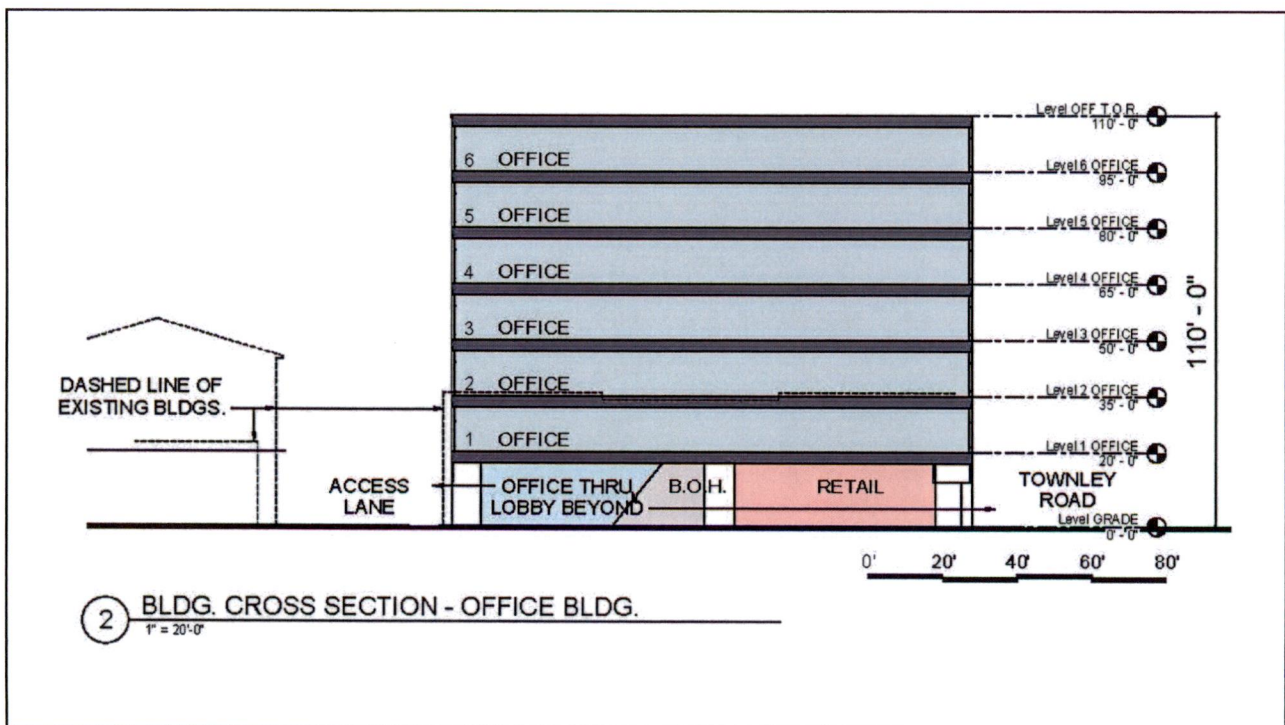
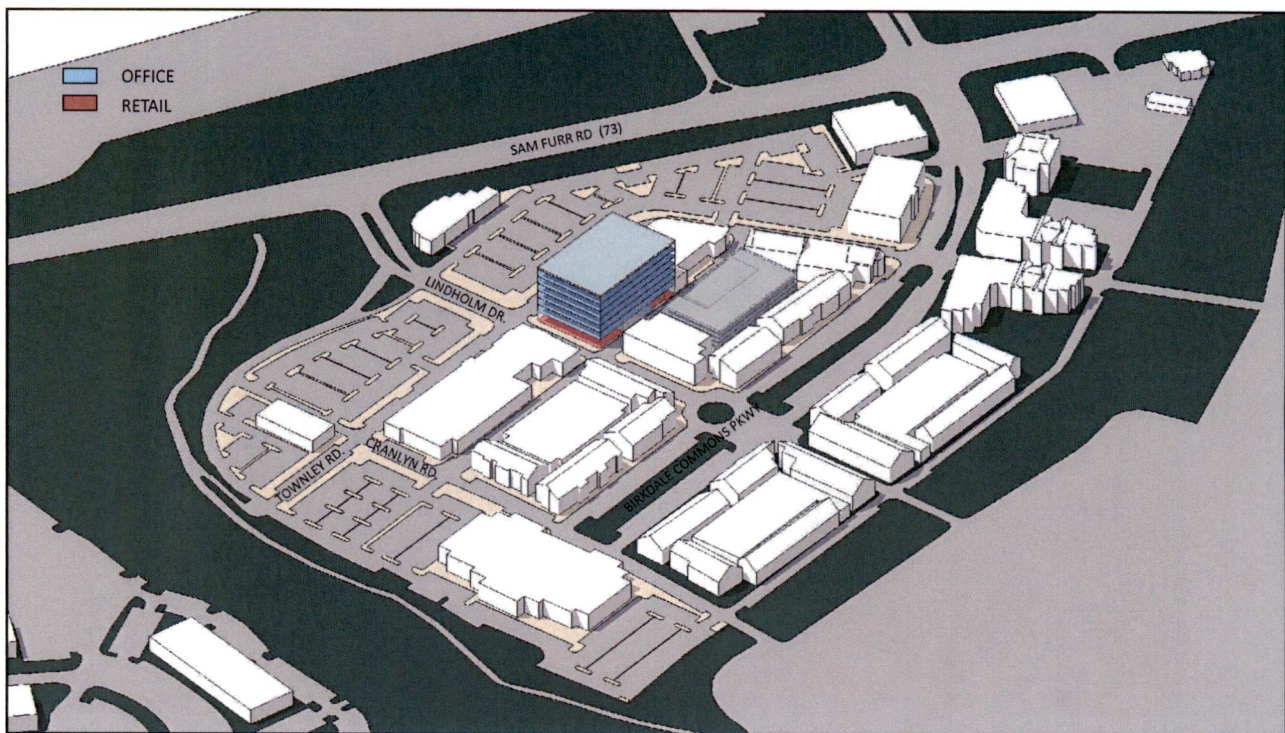


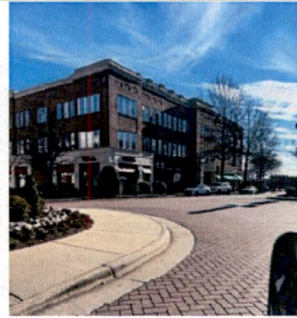
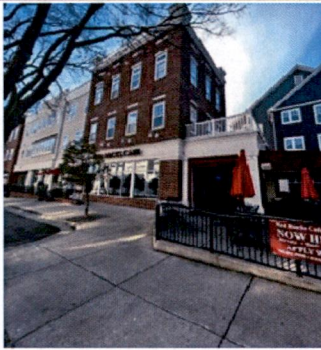
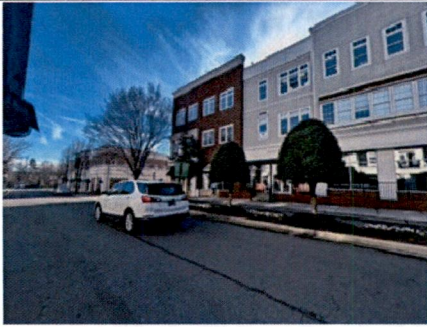
PHASE 1 - \$20 Million Project



Birkdale Class A









New Parking

No Build vs. **Original** plan vs. **Proposed** plan

Plan	Required Parking Spots	Current/Proposed Parking Spots
No Build	1,384	1,862
Original	2,147	2,762 (+615)
Proposed	1,684	2,312 (+628)

450 new parking spaces

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

Substantial Change

Original plan vs. **Proposed** plan

Transportation

AM Enter	AM Exit	PM Enter	PM Exit
-21%	-80%	-72%	-28%

Improvements

Removal of 130,000 SF hotel (125 rooms), 350 multi-family units and associated parking deck

Economic Benefits

Construction

Construction Benefits to Huntersville

Total Construction Value **\$90,891,927.61**

Construction Taxes **\$115,066.36**

Estimated Property Taxes to Huntersville per year

Proposed (office/commercial only) **\$170,000.00**

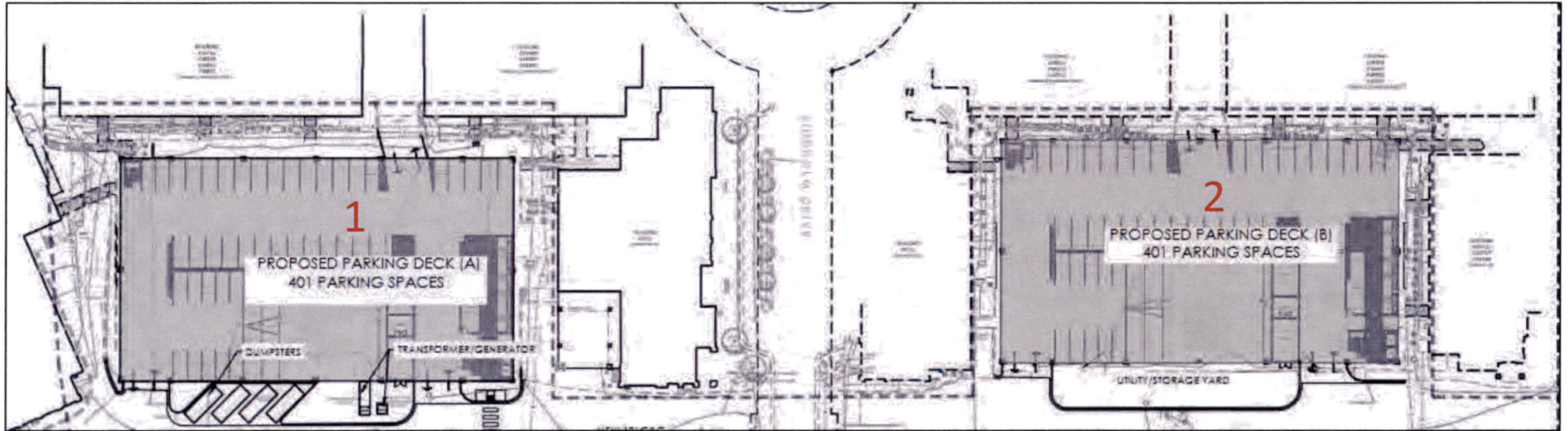
9-5 office workers support businesses during daytime hours

Traffic Comparison

No Build vs. **Original** vs. **Proposed**

Table 1 - Comparison of Birkdale Village Traffic Volumes and Intersection Level of Service								
	Traffic Volumes				Level of Service			
					Sam Furr Road at Lindholm Drive		Sam Furr Road at Birkdale Commons Parkway	
	AM Enter	AM Exit	PM Enter	PM Exit	AM Peak	PM Peak	AM Peak	PM Peak
Birkdale Unimproved (No Build)	897	620	1,532	1,694	B	B	C	D
Original Proposal (From 7/12/22 TIA)	1,149	835	1,719	1,959	B	C	C	D
Revised Proposal (Office Only)	1,093	647	1,568	1,866	B	C	C	D
Note: LOS analysis includes Birkdale Golf Club Mixed-Use								

Parking in Birkdale Village: Upgraded Parking Garages



DECK #1

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

DECK #2

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

Exhibit No. 6





**RESOLUTION TO CREATE THE HUNTERSVILLE
AFFORDABLE HOUSING MAYORAL TASK FORCE**

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

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

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

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

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Adopted this 6th day of February 2023.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

Exhibit No. 7

EXHIBIT A

**RULES OF PROCEDURE FOR
THE HUNTERSVILLE AFFORDABLE HOUSING MAYORAL TASK FORCE**

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

SECTION I: Creation; Appointment of Members

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

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

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

SECTION II: Task Force Powers and Duties

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

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

SECTION III: Meetings

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

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

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

SECTION IV: Officers

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

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

SECTION V: Quorum

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

SECTION VI: Order of Business

The general order of business shall be as follows:

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

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

SECTION VII: Attendance

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

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

SECTION VIII: Conflict of Interest

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

SECTION IX: Adoption of Rules of Procedure and Amendments

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

Adopted this 6th day of February 2023.

Mayor, Town of Huntersville

ATTEST:

Janet Pierson, Town Clerk