



AGENDA

Regular Town Board Meeting

June 5, 2023 - 6:00 PM

HUNTERSVILLE RECREATION CENTER (11836 Verhoeff Dr)

Live Stream available via YouTube @townofhuntersvillenc28078

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

- 1. Pre-meeting - None**
- 2. Call to Order**
- 3. Invocation/ Moment of Silence**
- 4. Pledge of Allegiance**
- 5. Staff Questions**
- 6. Public Comments, Requests, or Presentations**
- 7. Agenda Changes/Adoption of Agenda**
- 8. Consent Agenda**
 - 8.A. Approve the minutes of the May 1, 2023 Regular Town Board Meeting. (*Janet Pierson*)
 - 8.B. Approve the minutes of the May 15, 2023 Regular Town Board Meeting. (*Janet Pierson*)
 - 8.C. Approve the minutes of the May 23, 2023 Special Town Board Meeting. (*Janet Pierson*)
 - 8.D. Approve property tax refunds from Mecklenburg County. (*Pattie McGinnis*)

- 8.E. Approve Capital Project budget amendments appropriating additional revenue and expenses for the Main Street project. (*Pattie McGinnis*)
- 8.F. Adopt Resolution declaring intent to abandon and close a portion of Mt. Holly-Huntersville Road. (*Lora Mastrofrancesco*)
- 8.G. Adopt Resolution to acquire right-of-way and/or easements for the Bud Henderson Sidewalk Project. (*Stephen Trott*)
- 8.H. Adopt Resolution to acquire right-of-way and/or easements for the Harvest Point Sidewalk Project. (*Stephen Trott*)
- 8.I. Accept Streets in the Chapel Grove Subdivision for Town Maintenance. (*Kevin Fox*)
- 8.J. Call a public hearing for Monday, July 17, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #TA23-01, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 5 and Article 7 to provide options to ensure the goals of the Zoning Ordinance and Comprehensive Plan are met and address concerns regarding the impact of street trees. (*Lauren Speight*)
- 8.K. Call a public hearing for Monday, July 17, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #TA22-15, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 7 to amend the penalties for the removal and/or disturbance of required vegetation. (*Lauren Speight*)

9. Public Hearings

- 9.A. Conduct public hearing on Petition #R23-05, Lagoona Bay Beach Club, a request by Bi-Part Development, LLC to rezone +/- 263.01-acres generally located north and south of NC 73, south of Mayes Road, east of Westmoreland Road, north of McCord Road and west of Black Farm Road from existing Rural and Transitional Residential to Traditional Neighborhood Development - Conditional District, Neighborhood Residential - Conditional District, and Highway Commercial - Conditional District for a mixed-use development consisting of approximately 1,183 residential units (250 single-family homes, 201 townhomes, 432 apartment units and 300 condominium units), 210,000 sq. ft. of retail, 200 hotel rooms, 36,000 sq. ft. of convention center space and a 41.16-acre commercial lagoon. (*David Peete*)
- 9.B. Conduct public hearing on Petition #TA23-03, a request by the Huntersville Planning Department to amend Article 2 of the Subdivision Ordinance and Article 7.5 of the Zoning Ordinance to limit Minor Subdivisions to five lots or less and to require a 10' buffer for Minor Subdivisions within the Residential and Transitional Residential zoning districts. (*Nathan Farber*)

- 9.C. Conduct public hearing on Petition #TA23-04, a request by the Huntersville Planning Staff to amend Article 9.54 Solar Energy Facilities to further clarify the text for simplicity. (*Nathan Farber*)

10. Other Business

- 10.A. Consider adopting the FY 2024 Budget Ordinance. (*Pattie McGinnis*)
- 10.B. Consider adopting Resolution in opposition of Charlotte Regional Transportation Planning Organization's current weighted voting structure. (*Rob Kidwell*)

11. Mayor and Commissioner Reports/Closing Comments

12. Adjourn

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

The Board reserves the right to deviate from the agenda.

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Janet Pierson, Town Clerk

Date: June 5, 2023

Subject: Approval of Minutes - May 1, 2023

EXPLAIN REQUEST:

Consider approving the minutes of the May 1, 2023 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

May 1, 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 May 1, 2023.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Amber Kovacs, Derek Partee and Stacy Phillips. Commissioner Lance Munger was not present. Commissioner Kidwell entered the Pre-meeting at 5:34 p.m. during the Potential 2023 Bond Referendum discussion.

Mayor Bales called the Pre-meeting to order.

Dellwood/Central Sidewalk Project Discussion. Stephen Trott, Director of Engineering, presented update on the Dellwood/Central sidewalk. It was the general consensus of the Board to stake the north side of Dellwood and the west side of Central so community can have visual of potential impacts. Mr. Trott estimated it would be approximately \$100,000 to stake those areas.

Potential 2023 Bond Referendum. Anthony Roberts, Town Manager, reviewed staff's recommendation for potential bond referendum - \$60 million for Transportation and \$10 million for Parks & Recreation. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

The Board discussed amounts for a potential referendum, but did not come to a consensus. Mr. Roberts noted he will bring a resolution to the Board at the next Board Meeting for consideration.

**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 May 1, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Huntersville 101. Mayor Bales and Kim Strickland, Public Information Officer, recognized Huntersville 101 graduates.

Small Business Week Proclamation. Mayor Bales presented Small Business Week Proclamation to Bill Russell, Lake Norman Chamber of Commerce.

Town of Huntersville Proclamation

WHEREAS, The Town of Huntersville, North Carolina recognizes and values the dedication and entrepreneurial spirit of small businesses that keep the State and American economy growing stronger; and

WHEREAS, there are over 994,576 small businesses with employees in North Carolina alone representing a majority of the total number of businesses with employees in this state; and

WHEREAS, the income of North Carolina's small business owners totals over \$20 billion, and these businesses employ 1.7 million North Carolinians or 44.4% of the State's non-farm private workforce; and

WHEREAS, there are over 28,500 small businesses with employees in Mecklenburg County and over 69,000 sole proprietors, representing a majority of the total number of businesses in the County; and

WHEREAS, it is the collaborative mission of the Town working with the Lake Norman Chamber of Commerce, Lake Norman Economic Development Corporation, Visit Lake Norman, and the Small Business Administration to help our businesses grow and create new jobs in the community and Lake Norman region by providing exemplary workforce training, financial assistance programs, and research and technical assistance; and

WHEREAS, the Town of Huntersville appreciates the support of our small business community by the Chamber of Commerce, Central Piedmont Community College, Small Business Technology Development Center, and our SCORE volunteers; and

WHEREAS, during the week of April 30 through May 6, the Lake Norman Chamber of Commerce is celebrating Small Business Week;

NOW, THEREFORE, I, Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim April 30 - May 6, 2023 as "Small Business Week" in Huntersville and urge all citizens to acknowledge and celebrate the achievements made by small businesses both locally and nationally, and to further support your local businesses by "Shopping and Buying Local!"

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 1st day of May 2023.

Kindness Week Proclamation. Mayor Bales presented Kindness Week Proclamation to Bill Russell, Lake Norman Chamber of Commerce.

Town of Huntersville Proclamation

WHEREAS, the Town of Huntersville is a community that supports one another and is committed to supporting our citizens in a variety of ways; and

WHEREAS, the citizens of Huntersville have continued to support first responders, neighbors, friends, and local and regional businesses; and

WHEREAS, acts of kindness have been the genesis of this support and remain the backbone of the Huntersville community; and

WHEREAS, by recognizing and highlighting acts of kindness, the business members of the Lake Norman Chamber of Commerce and the Huntersville Connection business group are working together to make Huntersville the Kindest Community in the Country, with a week of Kindness event May 1st through May 7th; and

WHEREAS, Kindness Week will be the beginning of a continued kindness effort.

NOW, THEREFORE, I, Melinda Bales, Mayor of the Town of Huntersville, North Carolina, do hereby proclaim the first week of May as **Kindness Week** in Huntersville as we encourage our citizenry to make Huntersville the Kindest Community in the Country.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 1st of May, 2023.

Manager's Recommended Budget for FY24. Anthony Roberts, Town Manager, presented the Manager's Recommended Budget for FY24. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board concerning an issue with the Parks & Recreation Departments of Huntersville and Mecklenburg County. *Refer to written comments attached hereto as Exhibit No. 3.*

AGENDA CHANGES

Commissioner Boone made a motion to adopt the agenda with the following changes: (1) the location for items 8.G, 8.H and 8.I should state the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC 28078 instead of Town Hall; and (2) add Item 8.J to the Consent Agenda to approve a revised meeting schedule for the Huntersville Board of Commissioners reflecting the location of the June 5, 2023 meeting as Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC 28078 instead of Town Hall.

Commissioner Phillips seconded motion.

Motion carried unanimously.

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

Commissioner Kidwell seconded motion.

Motion carried unanimously.

CONSENT AGENDA

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

Resolution – On-call Engineering and Surveying Contracts. Commissioner Phillips made a motion to adopt Resolution to accept on-call engineering and surveying contracts. Commissioner Kidwell seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

State Grant Funds and Budget Amendment – Abernathy Park Project. The Town has been awarded \$224,109 matching grant from the NC Parks and Recreation Trust Fund Accessibility for Parks grant program for the Abernathy Park project. The scope of the project includes such items as playground equipment and surfacing, trail, walking fitness stations, basketball court and covered shelter.

Commissioner Phillips made a motion to accept state grant funds and approve budget amendment appropriating the state grant funds in the amount of \$224,109 to Abernathy Park Grant Revenue

account and Capital Expense account. Commissioner Kidwell seconded motion. Motion carried unanimously.

Capital Project Ordinance/Budget Amendment – Torrence Creek Greenway. Commissioner Phillips made a motion to approve first budget amendment to Torrence Creek Greenway Trib #2 Capital Project Ordinance transferring \$300,000 from the Torrence Creek project to the Downtown Greenways project. Commissioner Kidwell seconded motion. Motion carried unanimously.

Capital Project Ordinance attached hereto as Exhibit No. 5.

Capital Project Ordinance/Budget Amendment – Torrence Creek Greenway. Commissioner Phillips made a motion to approve first budget amendment to Downtown Greenways Capital Project Ordinance transferring \$300,000 from the Torrence Creek project to the Downtown Greenways project. Commissioner Kidwell seconded motion. Motion carried unanimously.

Capital Project Ordinance attached hereto as Exhibit No. 6.

Resolution – Call for Public Hearing on Petition #ANNEX23-03. Commissioner Phillips made a motion to adopt Resolution calling a public hearing for Monday, May 15, 2023, at 6:00 p.m. at Huntersville Town Hall on Petition #ANNEX23-03, a request by Whitby Bowman, LLC to annex 34.082 acres of Parcel #01921228 into the Town of Huntersville.

Resolution attached hereto as Exhibit No. 7.

Call for Public Hearing – Petition #TA23-03. Commissioner Phillips made a motion to call a public hearing for June 5, 2023, at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive, Huntersville, NC 28078, on Petition #TA23-03, a request by the Huntersville Planning Department for a text amendment to the Subdivision Ordinance to amend Article 2 Minor Subdivision Definition and to the Zoning Ordinance to amend Article 7.5 Buffer Requirements. Commissioner Kidwell seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA23-04. Commissioner Phillips made a motion to call a public hearing for Monday, June 5, 2023, at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive, Huntersville, NC 28078, on Petition #TA23-04, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 9.54 Solar Energy Facilities. Commissioner Kidwell seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R23-05/Lagoona Bay. Commissioner Phillips made a motion to call a public hearing for Monday, June 5, 2023, at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive, Huntersville, NC 28078, on Petition #R23-05, Lagoona Bay Beach Club, a request by Bi-Part Development, LLC to rezone +/- 263.01-acres generally located north and south of NC 73, south of Mayes Road, east of Westmoreland Road, north of McCord Road and west of Black Farm Road from existing Rural and Transitional Residential to Traditional Neighborhood Development - Conditional District, Neighborhood Residential - Conditional District, and Highway Commercial - Conditional District for a mixed-use development consisting of approximately 1,183 residential units (250 single-family homes, 201 townhomes, 432 apartment units and 300 condominium units), 210,000 sq. ft. of retail, 200 hotel rooms, 36,000 sq. ft. of convention center space and a 41.16-acre commercial lagoon (Parcel Nos. 01106218, 01125102, 01125109, 01125103, 01125108, 01104101, 01105105, 01106217, 01106226,

01106219, 01125101, 01125104, 01124123, 01105104 and 01124102). Commissioner Kidwell seconded motion. Motion carried unanimously.

Revised Meeting Schedule. Commissioner Phillips made a motion to approve a Revised Meeting Schedule for the Huntersville Board of Commissioners reflecting the location of the June 5, 2023, Town Board Meeting as the Huntersville Recreation Center at 11836 Verhoeff Drive, Huntersville, NC 28078 instead of Town Hall. Commissioner Kidwell seconded motion. Motion carried unanimously.

Revised Meeting Schedule attached hereto as Exhibit No. 8.

PUBLIC HEARINGS

Petition #R22-07/Town 1 Mixed Use Center. Mayor Bales called to order public hearing on Petition #R22-07 Town 1 Mixed Use Center, a request by Treenail Development, Inc. to rezone +/- 69.41 acres located at the intersection of Mt. Holly-Huntersville Road and Hambright Road from Corporate Business and Corporate Business Conditional District to Transit Oriented Development Residential Conditional District, Transit Oriented Development Employment Conditional District, Highway Commercial Conditional District, and Special Purpose Conditional District.

Jesse James, Principal Planner, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 9.*

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

Mr. James said the rezoning request is going from Corporate Business and Corporate Business – Conditional District to Special Purpose – Conditional District, Highway Commercial – Conditional District, Transit Oriented Development Residential – Conditional District and Transit Oriented Development Employment - Conditional District.

The proposed uses, it's a mixed-use development so pretty much anything under the sun. You've got warehousing, commercial uses, multi-family which is the residential section, and some office and retail uses.

What you see here on the screen is the proposed plan. There's four proposed zones that I just previously stated. There's 747 proposed multi-family dwelling units on 19 lots, so it is a major subdivision. There's 419,300 sq. ft. of proposed commercial space. Some of that is in the Commercial district and the SP district and then others are throughout some of the Highway Commercial district and then a small portion in the Residential district for mixed-use and then a good portion in the Employment TOD district. It is a high-density development for storm water. They are proposing 56.9 percent impervious surface. The plan meets our open space requirements. It also meets our tree save requirements of 30 percent. They are proposing 32.7 percent tree save.

This is the context map of the proposed rezoning. The big one you'll see there is the future CATS park and ride to the south. This is the reason where you have this TOD node, as well as its proximity to I-77 and the interchange at Hambright Road. You've got other industrial warehousing, light industrial uses, mostly surrounding it, an approved rezoning for an athletic ballfield, but mostly what you have is Corporate Business type businesses in the vicinity. This rezoning ties in a mixed-use aspect of that with some residential.

I'm going to go into the four different districts and break those down individually and then we will talk about them as a whole at the end. A little bit about the intent of the TOD-R. They are established to support higher density residential services – a mix of retail and some smaller employment uses. In this particular plan, in between the TOD-E and the TOD-R, on one of the main entrance roads off Hambright Road there's a pedestrian corridor there with some mixed-use buildings. It's a mixed-use corridor so they will have some service uses and some retail uses within a mixed-use building type. It meets that intent of the district. Generally, they are found within a ½ mile catchment area of a designated rapid transit system, so you've got the CATS park and ride to the south. There will be a pedestrian way through that intersection and establishes a residential village within a 10-minute walk of the transit system. It meets all three of those major pieces of the intent of Transit Oriented Development.

This particular TOD-R section includes 21 multi-family buildings totaling 747 multi-family units. TOD-R promotes less parking spaces because of its pedestrian optimization. They are providing 1,257 spaces, which is over the minimum, but it's not over the maximum of 1,400 parking spaces. There's a lot of shared spaces within and a lot of those shared spaces are in the TOD-R section of this plan.

The ordinance calls for 15 dwelling units per acre minimum. This plan proposes 21.9 dwelling units per acre, with an FAR of 0.35 minimum, which they will meet.

These are some of the renderings of the schematic architectural for the TOD-R section. As you can see on the top right, that's the mixed-use pedestrian corridor for business, where there's some retail and service, smaller scale service and retail. The other three photos there are the walk-up type apartment buildings and some townhomes.

Moving to the TOD-E portion of the rezoning. TOD-E establishes and accommodates for general office use. It supports a highly pedestrianized setting. You see down at the bottom-right corner are the two main TOD-E buildings, well not the main ones, but the highest density level ones. There's a 7-story proposed office building and a 7-story proposed parking deck there on that corner and then right across from there is their portion of TOD-E within that pedestrian business corridor there. This is established to be within a 10-minute walk of designated rapid transit systems. The minimum FAR here is 0.35. Preferred is 0.5-1.5. They meet all of those. It slightly goes over one of the preferred on Lot 16, but they either meet the minimum or they are in that preferred range.

Here's some of the architectural renderings of the TOD-E. As you see on the top left, that's the 7-story office tower and across from that would be the deck, the pedestrian village there to the right of that and two lower sections.

There on the corner of Hambright and Mt. Holly-Huntersville Road is the proposed Highway Commercial portion of this plan. It does have one existing building on that. It's generally an office building now and I think they are proposing to keep the same type of use. There's two drive-through style businesses proposed there as well and one multi-tenant building there at the very corner of Hambright and Mt. Holly-Huntersville. The parking is proposed to be shared throughout, but they meet the minimum parking within that HC district. The district meets the intent of Highway Commercial, Article 3.2.7. One thing staff would like to see shown more are the renderings of the two Highway Commercial drive-through style buildings just to make sure they keep the same style as the rest of the pedestrian village there.

The last district proposed is Special Purpose – Conditional District that is composed of Lots 1 through 5. They are more like the rest of the general area – flex space, light industrial, outdoor storage, and then some other commercial uses. The plan for SP is very schematic in nature, so they would like to reserve the right to change some of the buildings slightly as the plan progresses. They've requested some modifications within this district, one being on Lots 1 and 2 they have requested a 60' buffer from Mt. Holly-Huntersville Road. The plan actually calls for a 40' buffer, so I don't know if that's just an error in the drawing of the plans. That's one clarification staff would like to see from the applicant, is it 40' or is it 60'. We are mostly in favor of the modification if it meets the general screening and buffering standards of the ordinance since it is generally like the compatible businesses around it.

Another modification ask, you can kind of see there, there's a cul-de-sac, that's Public Road A. Public Road A is proposed at 380'. The Code allows 350' within the Subdivision Ordinance, so there's a 30' modification request there.

Building W2 which is to the north of the end of that cul-de-sac, this was not a request but it's one that staff has found throughout the review. In order to meet the standards of the ordinance for architecture, the road has to front the building throughout. As you can see, the building is cut-off about halfway, so that would be a modification request that they would need to ask for. We would like to see some more architecture on that front corner to meet the intent of the ordinance.

Here's renderings of how the SP buildings could look.

Some other modifications throughout the plan as a whole, the applicants have requested to allow for side-yard parking. Staff requests a little more clarification on that because the way the ordinance reads side-yard parking is allowed a certain percentage on the frontage of some building lot types. They have showed side-yard parking in the plan, but we would like to meet with them more and understand exactly where and why they are needed and to make sure the screening and landscaping to screen that additional parking meets the intent of the ordinance.

Along I-77 the Town requires a 50' buffer for any uses adjacent to I-77. They have provided a 50' buffer, however they are requesting to be able to grade 30' into that for their foundations and their building. The Code calls for the vegetated buffer to remain so they would need modification for that. Staff is generally okay with the idea of any specimen trees within that area are mitigated even if they are not required to be mitigated for the plan itself since they are at their 30 percent. If there are any specimen trees within that area, there is one I've seen, that that is mitigated for and put in the general area of that buffer.

The last modification request, as I previously mentioned there's two 7-story buildings there along Hambright Road. One is an office building and one is a parking deck. The Code requires any building that's over the scale and volume of existing buildings that they reduce the perceived scale and volume of that building, between Lots 18.....and that's on 18 and 14. However, next to that lot there is a single-family residence, so they would need a modification to allow those two buildings without reducing the perceived scale and volume. The two 7-story buildings are A1 and A2 as shown in the rendering. Generally speaking, staff is okay with this request. It does meet Land Use Policy 8.3 to encourage Transit Oriented Development where it's suitable, which it is for the CATS park and ride station it's approved for.

We have one minor revision request and it goes along the same lines of that same area. As you see on the screen, that is the parcel where the leftover pieces where a single-family residence is located. If that

parcel does get developed in the future, it would likely not get a driveway on Mt. Holly-Huntersville Road, so a stub street would be the best way to go about not leaving that landlocked, for lack of a better term. We would like to see a stub access there along their driveway that they are proposing in between that and the two 7-story buildings.

As far as transportation improvements go, this TIA was deferred to NCDOT. Kimley Horn did an analysis of possible improvements. You see on the screen their laneage figure. It shows all the recommended improvements in this area as it pertains to this development. There's also other developments around that have the same recommendations. In the Staff Report it digs into in detail each of those either lights or storage areas for cars or turn-lanes or whatever it might be, but DOT has not sent their approval of the TIA yet.

As far as the CMS impact statement goes, as you see on the screen are the three schools in the general area that would service this district. They are all three at or above capacity. CMS has concerns about overcapacity at their schools.

Lastly, the 2040 Plan. As you see on the screen there on the corner of Hambright and Mt. Holly-Huntersville Road highlighted in yellow there is the proposal. It is within a mixed-use center. It also has a base of an employment center. This proposal would meet the intent of both of those. It would bring some employment as well as some mixed-use residential and some services to the area, so it does meet the general intent of the 2040 Community Plan.

In closing, staff could be in recommendation of this rezoning request with a caveat that some comments and conditions that I've laid out in this presentation are addressed prior to the final hearing. We believe it is consistent with the Huntersville 2040 Plan and it's compatible with the surrounding land uses.

The applicants are here and have a presentation.

Commissioner Kidwell said you referenced the acronym FAR a couple of times. Could you explain that, because I have no clue what you are talking about.

Mr. James said it means floor area ratio.

Commissioner Kidwell said is the parking deck included in the total number of parking spaces.

Mr. James said yes.

Susan Irvin, Irvin Law Group, 19726 Zion Avenue, Cornelius, representing the applicant, said I would like to first of all thank the staff for their hard work on this project. They have been very thorough, very detailed, and we really appreciate the attention to this project. I'd also like to introduce the applicant team. Ben Geisler with Treenail Development is the developer; Peyton Woody, the Site Engineer, with Woodbine Design; Steve Blakely, Traffic Engineer with Kimley Horn; Richard Bartlett and Kristin Mulkey with Bartlett, Hartley and Mulkey are the architects; and with Irvin Law Group myself and Robert Irvin.

We thank you all very much for your attention tonight. I would like to introduce Ben and ask him to come up and walk through the PowerPoint. *Applicant PowerPoint attached hereto as Exhibit No. 10.*

Ben Geisler said I'm the developer on the project. I'm a local resident. I've been here for 16 years. I live in Davidson. My partner on the project is Joey Logano. Those of you who might follow auto racing

would know him as a NASCAR driver. He wanted to be here tonight, planned to be here tonight, but the NASCAR race in Dover, Delaware got rained out yesterday and they raced this afternoon, so he's not here tonight. But the project is important to him. It's the first property he bought in Huntersville when he entered NASCAR and started his business here. Huntersville was where they started their family and Joey's really excited about the project. As local developers we'll be involved throughout the process. We also intend to be involved in some of the vertical construction, so we are holding on to some of this ourselves and plan to be involved over the long-term.

Susan mentioned the Planning staff has been great. We started working on this last January. We started with a blank sheet of paper and said what do you guys want to see here, here's kind of what we would like to do here and that brings us to where we are today.

Jesse did a pretty good job going through here, so I'm going to glaze through some of this, but just for perspective on location. We are kind of down in the southern outskirts of Huntersville at Hambright and I-77. Jesse talked about the 2040 Comprehensive Plan, and it does call for this type of development, this type of density, this type of mixed-use in this area leveraged heavily off of the CATS rapid transit station that's going in on the west side of 77 at Hambright Road, just south of our site. We'll actually share an entrance with the CATS station.

Jesse mentioned context and talked about some of the development around this area – Beltway 77 is the large distribution center site to the south of us. The southeast corner of Hambright and I-77 is the Statesville Road mixed-use project and then there's some additional warehouse and industrial buildings going west on Hambright. The piece that strikes me here is when you look at this versus the 2040 Plan, this is really the 2040 Plan coming to life. It's good planning going to work. It's the feedback from town residents who participated in that plan.

From a zoning perspective we talked about the four different districts. One of the things that we want to demonstrate here was.....No. 1 that's Bryton Town Center. That was developed with some of these same districts. Statesville Road mixed-use is No. 2 on this chart developed with many of the same districts. If you look kind of at the patchwork here, there's a lot of TOD-R, HC, SP in this area. TOD-E is a new one. We are the only folks who are coming in with a heavy, more high intensity employment center as part of our mixed-use project that then requires the TOD-E.

We thought about mixed-use projects and that's a big buzz word in land development these days. We feel like our project truly is mixed-use. If you look at the blue areas here, the blue areas are commercial. The green areas are residential, kind of highlighted with shading through different types of commercial use, three different types of residential use. We actually have five different distinct areas of multi-family in the project – different looks, feels, little pockets here, little pockets there with the intent that when this project is completed over the course of the next four to six years, that it truly has more of an organic growth type feel to it, not something that is structured and everything looks the same. I hope you see that in our architectural vision.

From an economic impact perspective, we are projecting over \$250 million in construction costs. That generates about \$200,000 in construction/value-add related tax benefit directly to the Town of Huntersville. As Anthony was talking about earlier looking at town budgets, using the ad valorem tax and the projected value of these properties at build-out, it will generate over half a million dollars a year annually in incremental tax benefit to the Town of Huntersville. Roughly 150 total jobs. Again, we talk about mixed-use, there's a lot of different pieces between office, restaurant, retail, from the warehouse and industrial and then some jobs managing the residential as well.

The affordable housing piece is a piece that Joey really wanted to be here to talk about. I'm going to speak on his behalf a little bit. For those of you who aren't familiar, affordable housing is housing that's deemed affordable to 80 percent income based on the average area median income for an area. Currently in Huntersville there's not a requirement for affordable housing as part of a project like this. Jesse mentioned some of the massing earlier. There is a statute for required two units. As part of that we are actually proposing seven units as part of the project. One of the key differences here and to the best of our knowledge it's the first time north of the Lake Norman area that somebody has proposed a program like this. Most affordable housing gets proposed at 80 percent AMI. That's the state statute requirement definition of affordable housing. In our project we have four units that were subsidized through the Joey Logano Foundation to bring that 80 percent down to 50 percent. It's over a half million dollar commitment towards affordable housing, maintaining that affordable housing for 15 years and doing that in conjunction with Children's Hope Alliance. Those of you who might be familiar with Barium Springs up in Troutman, they work with foster families, foster kids and that's a charity that the foundation has supported historically. You'll hear a little bit more about that later. In addition to that, out of the seven units we have two units that we have identified as being prioritized for first responders. I've been to a number of these meetings over the last year. I recognize that's an issue for the town. Just like we are going to prioritize some of these units for foster families and foster kids who graduated out of the program, we thought that was a benefit to the community as well.

I'm going to introduce Richard Bartlett who is the architect on the project. We spent a lot of time and energy trying to bring something to life here that really will be value add to the area, something we can be proud of, and I want him to share his vision. When he's finished, I'm going to walk you through the site plan in just a little more detail and give you a little bit more information about the project.

Richard Bartlett, BHM Architects, 2173 Hawkins Street Suite B, Charlotte, said for Town 1 we are going to create a vibe. The vibe is going to range from modern urban on the commercial side to modern rural/farm on the residential side. We are going to do that by using materials and designs that are sort of warm and fuzzy, especially on the residential side and leaning a little bit more to the contemporary on the commercial side. This is really what it's all about. We are going to create a street life that has street level retail, bakeries, coffee shops, ice cream shops, we'll have outdoor cafes, we'll have pocket parks. That is where all the life's going to be.....and the voids, between the buildings, in the passageways and it's where you are going to want to be. We've got a lot of land and we are going to be creating leisure trails, bike trails, dog parks, fire pits, all kinds of places to go, decompress and possibly just work on your computer outside.

Mr. Geisler said I can promise you a lot of time and energy went into that two minutes. I wanted to walk you through the site a little more. The site map here, it's just a little easier to look at left to right, so north is actually to the left, south being to the right.....77 along the top of this diagram. Hambright where you see the CATS station on the right side, then it's Mt. Holly-Huntersville coming up across the bottom of the page. The sort of lighter orange buildings near the CATS station that TOD-R calls for a higher density within a ¼ mile of the CATS station, so we positioned our three to five story elevator style kind of urban flat building in that area. That helps drive traffic and feed the pedestrian village that is the M1, C1, C2, C3 buildings there between two traffic circles. That's really our sort of main street – somewhere where you have restaurants, retail, small office, some plaza space, outdoor dining. Going up towards the top-right corner of this, that would be the tan building would be more condo style apartments. A2 is the parking structure. A1 is that Class A 7-story office building, high visibility there at the interstate, shared parking. I did hear a question about parking in that parking structure. Those 400 deck spaces are included in the overall parking for the site, but not all those spots are included in the

residential number that we were looking at. Only a portion of those would be shared residential and I can get you more answers on that. I don't have those numbers off the top of my head. Coming to the south bottom-right corner here would be a couple of drive-throughs.....got a lot of new jobs being created in that area with the warehouse distribution and our project. There is nowhere to eat here until you get all the way over to Wal-Mart and there's a Bojangles and a McDonald's, otherwise you've got to go to Northlake or you've got to go to Exit 23. Bottom right corner would be neighborhood services. Same thing, place to get your hair cut, place to get your dry cleaning done, Subway shop, that sort of thing.

The yellow buildings are our walk-up multi-family, that's a more modern farmhouse look. The tan buildings sort of in the middle of the site, those are townhomes fronting a green. The orange buildings C9, 10 and 11 towards the left side of this will be that light industrial commercial flex, we've got about 70,000 sq. ft. there. That's more targeted towards small business. There's a lot of 3,000 sq. ft. and 5,000 sq. ft. buildings being built in Huntersville. There's a lot of 100,000 sq. ft. and 150,000 sq. ft. buildings being built in Huntersville. It's a really tough place right now if you are looking for 8,000 sq. ft., 10,000 sq. ft., 20,000 sq. ft. And then the purple buildings to the north, those are really targeting small business, in particular contractor suites – might be a plumber, electrician. Those guys and gals have been zoned out. They can't work in their backyard anymore. They can't afford to buy property close in to Charlotte where they want to be. That could also be a little bit of warehouse, a little bit of storage. We do have some outdoor storage. There is an error on the site plan, that should be 60', just to clarify that. It's 60' in the modification request. We had a right-of-way dedication change in that area and we did not adjust for that. We feel like that's appropriate, though, given the industrial and I-77 around us there.

This is the entrance coming in across from the CATS station. The blue highlight in here is almost $\frac{3}{4}$ mile of an 8' wide pedestrian corridor to funnel people from the northern portion of the site down into that pedestrian village and into the CATS station. We also have over $\frac{3}{4}$ mile of 10' multi-use trail around the perimeter of the site fronting Mt. Holly and Hambright, not to mention all the internal trails and sidewalks.

Focal point building coming in that main entrance in front of you, likely 2-story restaurant, retail. Coming around that first traffic circle, this is a good example of one of those plazas looking down that pedestrian village. This is going to be that little main street area. This is actually where that blue pedestrian corridor would dump out into the pedestrian village. The office building at the corner of 77, we think that's a really appropriate place for a building like this at 77, it's at the CATS station. It's closest we can get to it without generating additional traffic on surface streets. This would be coming back down Hambright coming towards our main entrance. That's neighborhood services at the corner. Focal point coming in off of Mt. Holly-Huntersville into the clubhouse area in the distance. Town green in front of the townhomes. That industrial site at the north end of the site. That's a lot in 15 minutes, but we are really proud of what we have put together and we hope you guys like what you see and appreciate everyone's time here tonight.

Commissioner Boone said the little diamond shape, looks like Aaron Cruz owns that property. Have you shown him this, because you are really working around him.

Mr. Geisler said Mr. Cruz owns the property. We've traded texts, had a couple of phone calls, we met in person one time, and he's just not interested in selling. I've made attempts to show him plans, offered to share the plans with him and he said I don't care what you do, you do what you want to do, it's your property. I'm just not interested in selling. We've tried to respect that. At some point in the future, I'd

certainly like to have another conversation with him about it. We'd love to bring it into our plan at some point, but right now it's not part of it.

Commissioner Kovacs said I was going to ask about neighborhood services, but to expand on it, will you have any type of grocery store. I'm not talking a full Publix, but any place to get food that would allow for food for your home, not fast food.

Mr. Geisler said in that C8 building we have not identified all the tenants for that. That's the obvious place for sort of a mini little grocery kind of market type thing. There's certainly a need in this area. We recognize that Wal-Mart would be the closest grocery store other than going up to 23 or down to Northlake.

Commissioner Kovacs said that's what I was thinking with Wal-Mart being the closest and just if this is going to kind of be a little self-contained type area, access to food would be important. Seven stories, how tall is that.

Mr. Geisler said probably in the 105' range. For clarity on that one, the TOD-E allows up to seven stories, so we are not asking for a modification or variance on that. We feel like at the corner of Hambright and 77 at the interstate, it actually has the opportunity to be a nice focal point.

Commissioner Kovacs said you would plan on the parking garage and the building to be the same height.

Mr. Geisler said they probably wouldn't be the same height, but they would be the same number of stories.

Mr. Bartlett said we only need 7' clear for a parking deck, it would be more like 14' for an office building. It's going to be significantly shorter.

Commissioner Kidwell said talking about the economic impact of 850 jobs – is that after construction, during construction or combined.

Mr. Geisler said that's at buildout. Once this is fully.....take for example the 7-story office building that's 125,000 sq. ft., we are projecting about 450 jobs there once complete, and so on and so forth. It does not factor in jobs related to construction.

Commissioner Partee said traffic at Hambright and Mt. Holly-Huntersville Road as you know now is a nightmare. I see the TA assumes that some roadway improvements are completed by other developers in addition to the above list of improvements. Are you included in fixing that roadway or improving the traffic flow of Hambright and Mt. Holly-Huntersville Road.

Mr. Geisler said there's a list of improvements that are established baseline that other developers are in the midst of doing and then our improvements are on top of that.

Commissioner Partee said so that's a yes or no, you are involved in improving the traffic flow and the safety of that intersection there.

Mr. Geisler said to mitigate our project site and in coordination with those other developers, we met with three or four of the five developers out there and are working to coordinate those.

Commissioner Partee said noise abatement. I see there's going to be an 80' buffer between 77 and the residential area of the project. Normally who builds the what's known as the noise abatement walls off of 77. Is that the developer or is that the state.

Mr. Geisler said I'd have to defer to Anthony on that, because I don't know.

Anthony Roberts, Town Manager, said typically it's DOT if there's noise abatement walls.

Frank Gammon, Planning Board Vice Chair, said I've got a bunch of questions, but I can settle those with the Planning Department, but I do want to ask something maybe for clarification about the ½ mile distance from the rapid transit center. A little less than a year ago we removed the ¼ mile transit based on the rail, the density there. It might be appropriate here for the Planning Department to kind of explain what that ½ mile is. How does that affect the park and ride up at Northcross, not far from Birkdale.

Brian Richards, Assistant Planning Director, said as part of that ½ mile it's considered a 10-minute walk. When you have these rapid transit spots like the CATS park and ride proposed at Hambright Road or up at Exit 23 or up at Exit 25, you enable projects to come in and potentially ask for a rezoning request such as this. You look at those and compare them to the 2040 Community Plan which clearly shows this is in an ideal area for a higher intensity mixed-use node. You aren't going to go stick this up on Beatties Ford Road if there's a bus stop there, but when you have these high intensity transit stops like is proposed here for Hambright Road, then you can identify potential projects. That's why we take these into consideration. We do not pre-zone land for TOD or TOD-R or TOD-E, that's why we take these on a case-by-case basis to make sure we are getting the highest and best uses for the Town.

Commissioner Kidwell said with the TIA improvements proposed, do we know what level of service that takes those intersections up to.

Steve Blakley, Kimley Horn, said when doing the traffic studies, we are looking at the peak hours. The am peak hour morning time, rush hour, evening time rush hour. When all of the developments are in line in the context map that Mr. James had shown, when those developments are in place and improvements are in place, the morning peak is going to be a Level Service D. The evening is going to be Level Service E in the peak hours.

Commissioner Kidwell said do we know the current level.

Mr. Blakley said the current as it is today is C. The improvements that are going to be included in there, to give you a little bit more background, and I'm not sure how long you have been familiar with that intersection, but it used to be a stop sign. Hambright stop, had little concrete islands in the middle. It was taken out, DOT put the signal in. Years later, right turn lanes came, but no left. Without left-turn lanes, that intersection is a disaster. In addition to that, to make it even worse, it's kinked. When they put the signal in, they didn't fix the through movement at 45 mph. What's happening is a part of these is that kink is going to be smoothed out with a curve that meets DOT standards to get that through movement to be a very smooth flow in that intersection and left-turn lanes are going to be put in so that the people that want to turn left can get in pocket lane and sit in the left-turn lane that would allow the through movements to go. It's going to be very considerable improvements at that intersection.

Mr. Geisler said we are comfortable addressing staff's comments moving forward from there.

Mayor Bales called for comments from the public.

Robert Irvin, 19726 Zion Avenue, Cornelius, said I'm reading this letter in support from a resident who could not make it tonight.

Dear Commissioners:

My name is Kelly Pharr and I own property at 11324 Statesville Road in Huntersville, just across the interstate from the Town 1 project. I've been familiar with this part of Huntersville for my entire life, as my father owned the property before. When I learned about the Town 1 project, I knew it would be a positive for the area. As luck would have it, tonight is my wife's birthday and as much as I would like to take her to dinner to one of the new restaurants in the future, I am wise enough to know that date night at Town Hall probably wasn't going to go over very well, so I'm writing this letter in support of the Town 1 project. We lack basic services in this area of Huntersville. There's a significant gap of commercial property for small business owners and placing much needed housing across the street from the CATS station and next to the interstate just makes sense. Beyond the make-up of Town 1 I was really struck by the design and layout of the project. I ask you to support this project as I believe it is good and much needed for the area of Huntersville. Thank you for your time and consideration. Please feel free to contact me directly if you have any further questions.

Sincerely, Kelly Pharr

Cara Philyaw, 11101 Hambright Road, said I'm speaking on behalf of Joey Logano, reading a letter from him.

First, I have to say that I'm disappointed to not be able to be with you in person at tonight's hearing. As some of you may know, I'm blessed to be able to drive race cars for a living and while we typically race on Sundays, Mother Nature had a different idea this weekend. Our race in Dover, Delaware was rained out Sunday and rescheduled for today, so I'm not able to make it.

When I got my start in NASCAR, I was driving for Joe Gibbs Racing just up the street. We bought our first home in Huntersville and bought part of this land back in 2010 for our offices. As years passed, we launched Clutch Studios which has quickly grown into the largest production facility in the Charlotte region. That growth requires expansion and while considering where to build, we knew we wanted to stay in Huntersville and ultimately decided to acquire some additional property and build back right here at the north end of our proposed Town 1 project.

Early on, my wife and I knew that we wanted to give back and started the Joey Logano Foundation in 2013 with a singular mission of giving kids a second chance who never really had a first chance. Today we raise roughly \$1 million a year and focus our spending on a handful of charities. Any time I start a new venture I always look for a way to get the foundation and our partners involved and when the idea of working to provide affordable housing as part of Town 1 and doing so in conjunction with Children's Hope Alliance, it just felt right. While the kids in the program are certainly the focus, the foster families I have met through Children's Hope Alliance are consistently some of the best people you could ever imagine, and I have become more and more aware of the challenges facing these kids who have aged out.

Affordable housing is generally defined as being affordable to people earning 80 percent of the area median income and is an increasingly challenging issue. I'm excited to announce that the Joey Logano Foundation, in partnership with Children's Hope Alliance, is making a \$500,000 commitment to ensure four of our seven proposed affordable units can be affordable to foster families and graduates earning 50 percent of the area median income for the next 15 years. In addition to expanding Clutch Studios with a new home, I expect to be developing a number of new buildings at Town 1 and look forward to bringing a project to our side of Huntersville that the Town and our neighbors can be proud of.

Joey Logano

Donna Harris, 1226 Tarrington Avenue, said I am here speaking on behalf of Strategic Capital this evening.

Dear Huntersville Board of Commissioners:

We are the property owners of the industrial development 77 Beltway that is south and across Hambright Road from the proposed Town 1 mixed-use development. It is our understanding that Treenail Development is filing for rezoning property adjacent and north of Hambright Road and adjacent west of Interstate 77 for their future Town 1 development. Based on conversations with the developer and a review of proposed zoning plans dated April 11, 2023, we are writing this letter to show support for rezoning of this property for the proposed project and believe this development will compliment ours by providing beneficial neighborhood amenities.

Sincerely,
Richard Horn
Chief Executive Officer

Doug Bostic, 8300 McIlwaine Road, said I live at 8300 McIlwaine Road, but I own property at 10632 Mt. Holly-Huntersville Road. My family moved there to take care of my grandfather who owned the property and his father, my great grandfather, owned a whole lot of property in the area from the early 1900's. We moved there in the 50's and so I've seen a whole lot of change. When people say Huntersville's got too much traffic and too crowded, they don't have my perspective of it. Alexandriana was a dirt road. The only north/south roads were Beatties Ford and I-77, so when someone says there's too much traffic now, I totally understand that, but yet it's sort of like the barn doors are open and the cows are out as far as traffic and congestion are concerned. But yet I would be in favor of Town 1 simply because some of the services. My wife would enjoy the shopping, I would enjoy the restaurants. Something like that would probably help somewhat on some traffic as far as getting some services closer to the people who live in the area, so I will speak in favor of Town 1, although I would encourage the road improvements that some have spoken to.

Fred Ferguson, 9708 Hambright Road, said I have lived there all my life. My grandpa and them come during the 1940's. I'm the third generation to own the place and the farm and on that side of town we have no restaurants, no places to eat or get your hair cut and the commercial contractor suite they are talking about, I think that will be awesome down the road there because a lot of the small business owners would like to have a place to work out of and store their equipment. The restaurants, like Mr. Bostic was talking about, would be nice to have on that side of town instead of having to travel to 23 or 25 or something of that nature.

Sarah Gray, 127 Lynn Cove Lane, Mooresville, CDO for Children's Hope Alliance, said I'm here as a representative of the Children's Hope Alliance and we are extremely honored to be a part of this project. We have worked with the Joey Logano Foundation for almost 10 years and they have been really good to us and to be able to provide those four units for our children and families is a really big thing for us and we're really honored to be a part of it.

Terry Dewese, 107 Nitsa Lane, said I'm the owner and broker in charge of Huntersville Real Estate. I've been in the business of real estate since 1987. I specialize in this area. I've been a life-long area resident except when I was in college and in service. I'm the listing broker for Mr. Dellinger's 8.75 acres on the northernmost parcels of this project, where the purple buildings are. I have reviewed the plans for the complete project and firmly believe that this well thought out mix of uses will be a definite asset to this part of Mt. Holly-Huntersville Road and to Huntersville in general.

John Benjamin, Jr., 16112 Old Statesville Road, said I've been here for over 20 years. I love Huntersville. I'm a small business owner, so I know how this could directly impact for the good of the community. It's consistent with the plan, which is the most important thing, I think. I know mixed housing would be great for us and I'm all for it.

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

Petition #R23-02/Babe Stillwell Storage. Mayor Bales called to order public hearing on Petition #R23-02 Babe Stillwell Storage, a request by Lieberman Properties LLC to rezone +/- 8.85 acres located at 7603 Babe Stillwell Farm Road from Neighborhood Residential to Special Purpose Conditional District for an outdoor storage development.

Jesse James, Principal Planner, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.*

The request is to rezone approximately 8.85 acres at 7603 Babe Stillwell Farm Road from Neighborhood Residential to Special Purpose Conditional district for 152 space open storage use for boats and RV's, with approximately a 600 sq. ft. office building on the front that addresses the street.

The buffers that have been shown per the application and rezoning plan do not currently meet the Town buffer requirements. It does meet the 30 percent specimen tree save. They are roughly saving 50 percent on the plan.

The Town requires on Babe Stillwell Road for future development a 10' side-path. They provided 6' so we are asking is there a modification request. We aren't sure, but if they were to move forward, it would need to be a modification. The cross-section of Babe Stillwell is non-compliant. They show a sidewalk, it needs a side-path. The spacing of the cross-section is not correct. We need street trees along the frontage as well as 7' spacing between. Again, is this a modification ask. They would need that to move forward. And then the screening viewed from the right-of-way. On the previous slide we have an opaque screening condition that would be for any type of open storage. They have not proposed that on the front nor.....some of the buffering the screening is provided, but as you can see on the plan overall they've got an asphalt front frontage where their parking is in the building and the open storage proposal is for a gravel lot in the rear and a BMP in the very back portion section. To the sides they do provide the required 80' buffer width. I'll get into the buffers a little bit later.

This we wanted to blow up, the Duke right-of-way that I had spoke about before. Duke Power typically allows some vegetation under their right-of-way lines up to a 15' maximum. They reserve the right to take that buffering out if they need to do maintenance. A large portion of the required vegetated 80' buffer is subject to change even if it was put in. What they could put in is 15' maximum height, so some of the shrubs they could add, the code requires large trees, small tree shrubs, a mix of those within that buffer, so the site plan does not show that now. That would need to be modified to move forward. It is 186' wide right-of-way, so it's a pretty large area and the buffer is within a lot of that.

On the site plan shown, you see to the north some of the tree save, but to the south of that and on the other side of the road against an adjacent property they only show the screening, but not the buffering requirements for SP zoning. It is required. You see the materials that you need to add – four trees per 1,000 sq. ft., 75 percent maturing, 50 percent evergreen, 25 percent small maturing, plus some shrubs that are evergreen. They have not shown that on the plan so again is it a modification ask.

They have provided some of the opaque screening from some of the previous slides in that red line area that does screen the adjacent properties, but the buffering still is not in many places. That blue area is the utility easement, so again some of that buffering area that would be required could be removed in the future.

As far as moving forward with transportation, a TIA was not required for this site, however worth noting for the 73 improvements you can see there's right-in coming east, right-out, there's a left-in coming from Birkdale Village. If you wanted to take a right-out and go towards Denver, you would have to take the u-turn there at the turn lane. Those are some of the improvements you will see in the future.

The big picture item is the 2040 Plan. The red star on the page shows moderate density to low density that is being called for for this area moving forward. This plan calls for open storage so it would not meet that moderate density 2040 Plan requirement. Because of that, staff would not recommend approval of it. It's not compatible with the neighboring land uses and it also does not meet the 2040 Plan goals.

Commissioner Kidwell said what does Duke allow.

Mr. James said they would allow this land use under the lines. The problem is the buffering, which is a major part of SP zoning, is a 80' vegetated buffer, so one of the issues there you can see it on this screen here, that lower portion of that buffering and then some of the portion next to Edwin Ray Jones' property and the Walsh property to the south, that is subject to removal. What they would allow for vegetation to be put in there would be shrubs.

Commissioner Kidwell said I'm talking about what other land uses.

Mr. James said I don't have that information as far as all the land uses, but they would allow parking and open storage.

Mayor Bales said as it currently sits, it's zoned Neighborhood Residential. Can you build in Duke's right-of-way.

Mr. James said you would not be able to build a single-family house in that area. They wouldn't allow a home to be built there.

Commissioner Boone said do you know any history of anything else that was proposed for this area before this came before the town.

Mr. James said I personally do not. Brian has been here forever.....

Brian Richards, Assistant Planning Director, said we have had a few folks look at this over time. One idea at one point there was a church, I know a couple of charter schools have looked at this property. Due to its irregular shape and that power line, it's very difficult to develop. One thing that could be looked at is land to the county for open space, land banking. Another thing it could be is a public park. Those are also uses that are allowed by-right in the NR district. Agricultural could be done as well.

Commissioner Boone said you don't have any other suggestions for this person who is trying to sell his property other than open storage.

Mr. Richards said at this time just park, a school could look at doing something, a church could look at doing something small there. Agricultural purposes are always there. The county is always looking to purchase land for open space requirements.

Commissioner Phillips said I just want to throw in about the agricultural recommendation. My family has a farm with those power lines. They are a bear. It's almost dead land if you are going to try to farm it. The humming, the buzzing, it's very challenging.

Mayor Bales said if you were to build a church on this property, I'm just trying to understand, what would the buffer requirements be for a church or a school etc.

Mr. Richards said none.

Commissioner Partee said I'm trying to roll around in my mind, this neighborhood.....let me just state it from a point of view. If somebody wanted to build a storage area where I live in a nice pristine area, I

live in Latta Springs, I would be p***** off. What is the purpose of dropping a facility like this in the middle of a residential, rural area where you have a lot of commercial property all along 73, all along Statesville Road. Just from my point of view as a homeowner and living in a nice area which is open space, rural, I have nice animals running through my yard, I can't conceptualize why someone would want to do this.

Michael Lieberman, 16303 Autum Cove Lane and Heather Straiter from the same address, said just to address a few things that were said. Also, we have Henson Foley as our civil engineer who did all our civil engineering work. We live in the neighborhood. This project is very important to us and very close and dear. We drive by this property every day and we have driven by this property for many years. The property has been on the market for 1,149 days before we put it under contract back in July and yes it did go under contract with the church for a little bit, but just to give you an idea that was three years it sat. I got the idea of putting this RV storage after seeing a very successful one in Buckeye, Arizona under high tension wires, another one in Los Angeles, California under high tension wires, and another one in Columbus, Ohio under high tension wires. These are all located near lakes and also near communities similar to what we have here off of Babe Stillwell. I know you guys are very concerned that the surrounding areas are going to be disturbed. I'm sure residents of Birkdale are concerned that their neighborhoods are going to be property values down, but that is not going to be the case.

We have materials that will blend in that you're not going to be able to see the property from the street. We are working very hard with James to use planting materials. We're not sure why Henson Foley didn't give the final approval to show the sidewalks and the proposed buffer on the righthand side. We also talked about having a berm to actually have a little bit on that side so it would prop up and not see the high-tension wires and what's going on inside of the property. There's been a lot of thoughtfulness and working with what we've heard from our last meeting with James to plant what is needed and the lighting, I keep hearing that over and over. If it's going to be an apartment complex or if it's going to be a condo, there's going to be 200 cars. We're going to have 152 spots. We're going to have a lot more cars, a lot more interaction going in and out on a daily basis on that road versus a couple of people with RVs pulling them out temporarily and in the high peak of the summer for three months. These people spend a lot of money and take a lot of pride in their toys, and they are not going to be racing up and down the road. I want you to think about, too, there's going to be a proposed fire station as just as big as an RV going down the same road. If that is your concern, they are going to have the same concerns with these big RVs as you will with the big fire trucks. We will listen to you. Blythe Landing is across the street. It's a great location. They can use our facilities. CMS or the fire can use our facilities for their boats. We want to work with you. We want to be part of the community. I've also heard that we're doing this in other locations. No, we are a small group. This is it. This is the only one we are doing and we hope that we have your blessing and that we can work together to bring this to the community. It's something that you guys need because during the pandemic a lot of people bought boats and RVs and are driving 40 minutes away to store them. There's a need in the community and that's what we are trying to do is fill the need.

Mayor Bales called for public comments.

Debra McClure, 7608 Babe Stillwell Farm Road, said Babe Stillwell is one mile long. It's a very narrow road. At the end of the road close to Birkdale Commons is a senior development called The Glens. Many of us in our neighborhood enjoy walking, jogging and cycling on that road. If you allow this boat storage facility, I am very concerned about our safety. I sent all of you pictures I have taken in the past few weeks as I was walking. One of those pictures was the back of a truck that had just passed, and it showed that the truck itself took up the entire lane of the road and I'm sure that RVs and boats will be

just as wide, if not wider. The speed limit is 35 mph, which means most people go between 40 mph and 45 mph. If you turn off of Highway 73 onto Babe Stillwell, you will go around a curve. In the mornings just as you round the curve you are blinded by the sun. Just imagine a car coming 45 mph around the curve and you've got either a boat or RV having to make a wide turn because it's a narrow road, that's the only way it can get in and out is by making the wide turn. It's not a matter of if something happens, it's a matter of when something happens. There's going to be a serious accident or someone is going to get killed. I also sent you pictures that showed marks of where cars are already running off the edge of the road and you said that's because the road is so narrow that when cars are going in opposite directions, one of them normally has to go off the edge of the road. I also sent pictures to you showing this is a residential road. It was built to be a residential road. It cannot handle the weight of the heavy vehicles. I sent you pictures showing you the cracks in the road with grass growing between the cracks along with some potholes. All those pictures were taken in front of the proposed area. I'm really concerned about the safety of all of us who use that road and enjoy the road. In addition to that, the boats and all are going to be stored on gravel and so some of those boats will probably leak gas and oil, and then to keep the weeds out of the gravel, various pesticides are going to have to be used. Eventually that stuff reaches the groundwater. Many of us still have wells because we have been living there anywhere from 20 to 40 years.

Bonnie Logan, 7620 Babe Stillwell Farm Road, said I've been out there for 38 years. I bought out there when it was just a dead-end dirt road and I thought I won't have to worry about traffic other than the people buying down here. I knew we would have growth, but we've just gotten too much growth up here in this small town of Huntersville. I am very concerned about the safety of all those issues that Deb mentioned, plus they said they were going to have high-end boats, so you are talking big boats. Just last month I had a big truck come down to the water treatment plant, broke all my powerlines, phone lines. That's not the first time. I had to wait two or three days for them to come out there to get it fixed. Some of these big boats are huge, so that's an issue right there. My mailbox, I can't tell you how many times me and Deb have had to replace our mailboxes from the big vehicles and stuff coming down the road. I just can't understand why a business would want to build into a neighborhood. Just like you were saying, that's our home. I've been there 38 years, raised my daughter, wanted to retire there. Please don't ruin our neighborhood. There's a lot of other issues going on, too, like she was talking about with the water, with traffic. They are talking about putting big security lights around the place and it's going to shine in your house all night long. You are going to have no privacy. I'd rather have a church out there. I'd rather have some of the other things he was talking about than to have this boat storage building. And people are going to be out on the lake drinking and partying all day, are they going to get to come in at 3 o'clock in the middle of the night and take their boats and put it in storage, even though they are not going to be at the office until maybe 9 a.m. or 10 a.m. Most storage places you get to go out there and come and go as you please. I'm concerned about the noise, everything. I just want to save my neighborhood.

Caryn O'Neill, 7611 Babe Stillwell Farm Road, said my husband Ed and I live in the corner property right there next to the property being requested to be rezoned. We have lived there for almost 20 years, and we chose to live in a residential area not amongst industrial business. The 2040 Plan recognizes the importance of keeping our neighborhood residential and not devaluing our homes or our way of life. This type of business will not blend with the existing housing character and I'm also afraid will open the door for future commercial development. Mr. Lieberman keeps stating that this will be beneficial to us except that we already live in an area where we have the land to store our boats, so we don't need the storage. There are over 15 other storage facilities in the Town of Huntersville alone that have outdoor storage. They are not in residential areas because of the safety hazards that Special Purpose zoning is defined as. I have with me over 200 petition signatures here that are opposed to this rezoning. Mr.

Lieberman stated that he was our neighbor, that he knew what was best for us, that this would blend in with our mom and pop houses. I don't believe he does because if he did, the 200 people on my petition would not have signed. The people here tonight would not be saying what they are saying. The 2040 Plan that you have all put so much work into clearly outlines that this density does not support commercial business and I support local business. My husband owned one. I support small local business. But this is not a small local business. This is an industrial business and it doesn't belong amongst strictly residential area. I am asking you to please consider what the homeowners that you have heard from here tonight have said. I respectfully ask you to consider our concerns and what the outline for the 2040 Plan for Huntersville and Babe Stillwell shows because that should take precedence, not just what Mr. Lieberman thinks, who is currently in contract, doesn't even own the land yet. I respect the fact that you are trying to sell the land and it's a very difficult piece of land to sell. It's a beautiful property, but no apartments are going there, and he keeps threatening us that. He keeps telling us it's either this or we are going to have apartments. He told us that at the community meeting. That is not the case because Duke Energy has a right-of-way over half of that property. Duke Energy runs parallel to my entire property. *Petition attached hereto as Exhibit No. 12.*

Anita Shaughnessy, 7420 Gilderstern Glen Court, said my property will be directly affected by this proposal. I am adamantly opposed to the proposal. I have similar concerns with others expressed here including the noise, the light pollution, congestion, dangerous traffic conditions, leaking oil and gas on gravel close to our neighbors' residential wells as well as Lake Norman. In addition, the Babe Stillwell boat storage doesn't align with the 2040 Community Plan as stated earlier. My family and I would not have purchased our house in Birkdale had it been close to a boat and RV storage. I implore you to really consider the impact of this proposal sandwiched between two residential areas. It just does not make sense. I drove around, I Googled on the number of boat and RV storages in the Cornelius and Huntersville area. There are over two dozen in addition to one being 2.6 miles away right on 73. Why do we need another boat and RV storage sandwiched right between two residential areas.

Jayne Steitz, 7837 Stilling Street, said I live in The Glens. My house backs up to Babe Stillwell and I can see all the traffic going back and forth. All day and all night I can hear the cars zooming up and down. They think it's 55 mph. It's 35 mph. It's a curvy road and it's a residential area. People walk, they walk their dogs, I see people with strollers coming from Gathering Oaks, coming from Birkdale. It's close to the lake, it's a great idea, but not there on Babe Stillwell. It's nice to be close to Blythe Landing but people are going to come off the lake. They do drink. They are going to come off the lake in the evening. They are going to be going up and down Babe Stillwell and there's going to be an accident. It's going to be year-round. It's not just going to be a few months out of the year that people are going to be out on the lake. We are in a great area. People want to go out to the lake all year round. They go fishing early in the morning. They are out there in the afternoon, in the evening, so we'll constantly have additional traffic. Ever since they opened up Birkdale to Babe Stillwell, I see it all the time, the traffic going back and forth. We've got the seniors that walk and cross over. I've seen them with canes. It's going to be dangerous. And yes, I was at the original meeting about a month ago and when we asked questions, Mr. Lieberman and his associate got a little bit upset and they mentioned that they could put low income housing there. To me that was a threat. You may live in the area, but I have lived there for over 12 years. I'd like to keep it residential.

Mr. Richards said I want to amend my answer. There would be a 10' buffer required if there was a church or a school there.

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

Petition #R23-03/Ultimate Athlete. Mayor Bales called to order public hearing on Petition #R23-03 Ultimate Athlete, a request by Jeremy Martin to rezone +/- 1.290 acres located at 15901 Cramur Drive from Neighborhood Center and General Residential to Highway Commercial Conditional District for an indoor/outdoor recreation center.

Jesse James, Principal Planner, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 13.*

The request is to rezone 1.29 acres at the corner of Cramur Drive and Highway 73 from Neighborhood Center to Highway Commercial – Conditional District. Neighborhood Center allows indoor recreation only. Highway Commercial allows outdoor recreation, therefore the applicants are applying for Highway Commercial – Conditional District to allow for indoor and outdoor recreation.

One modification to the ordinance is proposed which asks for a reduced 10' buffer to the required 30' buffer against a portion of the northern property line. This is to accommodate the driveway and 15' access easement.

The proposed rezoning plan does not account for the recently recombined parcel 00102317 that is zoned General Residential. The application and the rezoning plan will need to show the differentiation in existing zoning, and proposed zoning going to Highway Commercial – Conditional District in its entirety.

Commissioner Phillips noted that for her entire life there's always been a commercial use on the subject property.

Commissioner Boone said I went to the Neighborhood Meeting and Mr. Martin who is in the audience I guess is the head trainer there and there was a young man that wanted to be trained but he couldn't afford it, so Mr. Martin went to him and said if you'll mow my grass, I'll train you. I think that says something about a small business owner.

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

OTHER BUSINESS

Land Development Fees Change Request. Stephen Trott, Director of Engineering, reviewed request to increase Land Development fees. *Refer to PowerPoint attached hereto as Exhibit No. 14.*

Commissioner Partee made a motion to approve Land Development fee change as requested.

Commissioner Boone seconded motion.

Mayor Bales called for the vote to approve Land Development fee change.

Motion carried unanimously.

Land Development Fee Changes attached hereto as Exhibit No. 15.

Resolution – Bud Henderson Sidewalk Project. Stephen Trott, Director of Engineering, reviewed request to acquire right-of-way and/or easements along the frontage of four parcels for the Bud Henderson Sidewalk Project. *Refer to PowerPoint attached hereto as Exhibit No. 16.*

Commissioner Kidwell said why I asked this to be bumped up, I always go back here to No. 2, in the event any of the parcels or interest cannot be acquired, eminent domain kicks in and things like that. You know my feelings on that.

Mr. Trott said yes and there's the statement at the end of that that says any aspect of that has to come back to the Town Board.

Commissioner Kidwell said the problem is when we first got this, this wasn't fully included.....it was on the Consent Agenda, so that's why I asked it to be up here and that's what I wanted clarified.

Commissioner Partee made a motion to adopt Resolution to acquire right-of-way and easements for construction of Bud Henderson sidewalk project.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Mayor Bales called for the vote to adopt Resolution.

Resolution attached hereto as Exhibit No. 17.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Phillips

- No report.

Commissioner Boone

- Huntersville Fire Department is selling t-shirts commemorating their 100-year anniversary.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Kidwell

- Next meeting of the Charlotte Regional Transportation Planning Organization is May 17. Commissioner Boone will be attending that meeting.

Commissioner Partee

- Wine on the Vine event is May 25.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Mayor Bales

- Lake Norman Economic Development Corporation is currently working 38 total projects, 30 of which are in Huntersville. LNEDC in partnership with the county received a grant to offer 21

summer internship opportunities for high school students in advanced manufacturing facilities.
Next week is International Economic Development Week.

- Huntersville won the Mayor's Fitness Challenge.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2023.

DRAFT

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Janet Pierson, Town Clerk

Date: June 5, 2023

Subject: Approval of Minutes - May 15, 2023

EXPLAIN REQUEST:

Consider approving the minutes of the May 15, 2023 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**May 15, 2023
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on May 15, 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

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

National Public Works Week Proclamation. Mayor Bales proclaimed May 21-27, 2023 as National Public Works Week.

**Town of Huntersville
Proclamation**

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Huntersville; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public

buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Huntersville to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, I, Melinda Bales, Mayor of the Town of Huntersville, North Carolina, do hereby proclaim May 21 – 27, 2023 as “**National Public Works Week**” in Huntersville and urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 15th day of May 2023.

National Police Week Proclamation. Mayor Bales proclaimed May 15-21, 2023 as National Police Week.

**Town of Huntersville
Proclamation**

WHEREAS, every day across the Town of Huntersville, police officers bravely and courageously risk their well-being to protect and serve our community and preserve the peace and order to which every citizen is entitled; and

WHEREAS s, May 15 - 21, 2023 has been designated as “National Police Week” to honor the police officers who put their lives on the line to keep our communities safe; and

WHEREAS, the Huntersville Police Department consists of 105 full-time sworn police officers and 22 law enforcement support staff. The Police Department is responsible for 24-hour community wide law enforcement and responds to all requests for emergency services. The Police Department responds to an estimated 65,000 calls for service per year; and

WHEREAS, the members of the Huntersville Police Department are dedicated to ensuring public safety and enhancing the quality of life in the Town of Huntersville by serving as leaders and mentors, educating the community about the importance of public safety; and

WHEREAS, we appreciate the extraordinary efforts and sacrifices made by officers and their family members daily, to protect our schools, workplaces, roadways, and homes.

NOW, THEREFORE, I, Melinda Bales, Mayor of the Town of Huntersville, North Carolina, do hereby proclaim May 15 - 21, 2023 as “**National Police Week**” in the Town of Huntersville and on behalf of the Huntersville Board of Commissioners do hereby honor and thank all the police officers in the Town of Huntersville during this week and commend those officers for their willingness and dedication to protect and serve our community.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 15th day of May 2023.

Crime Stoppers Presentation to Chief Hoyle. Representatives from Crime Stoppers presented plaque of appreciation to Police Chief Bence Hoyle.

Brad Rekens, 9312 Stawell Drive, presented Board with a Gilead Road Widening plat showing how the project directly affects his property. *Refer to plat attached hereto as Exhibit No. 1.* Mr. Rekens said what recently has changed, 40’ into my property is now going to be a permanent sloped easement, meaning changing the topography of my backyard. From where my ground level is to up to the road level is about 15’ to 16’ and 40’ it’s going to go up to that point and so it’s a 21° to 23° degree slope. Being in Charlotte, you guys know Charlotte Motor Speedway, the turns are 24° just as a perspective and so that

is going to be the backslope of my property. This is drastically going to change the topography. I should have started saying I'm a father of five children. I have two sets of twins, six and three, and also two years old, so this is drastically going to affect quality of life of my family and the resale value. We've already had two houses go up on the market and they are already being hard to sell in our neighborhood because of the Gilead Road Widening Project and that's not directly affecting them, it's affecting mine and then the two neighbors associated here. The people right next to us, the permanent sloped easement that's going to be changed is touching the back of their house, so either that house is going to have to be condemned or bought out by the city because it is literally touching the back, so you are putting a slope that touches the back of their house. What I'm asking and I don't know if this is a possibility for conversation, but one of two options of pushing it to the other side. There's wetlands on the other side. That was a pushback of we can't do it that way, but you are going over wetlands on our side of the road too, or building a retaining wall to make sure I can maintain the integrity of my backyard and not have \$100,000 damage that if I want to go sell my house I don't have a backyard. Especially with housing prices going up, this is drastically affecting not only my family and the length of the project and them renting the property from me if the project goes longer do I get compensated more, because it's essentially renting from the.....so raising those concerns that if this is directly affecting our neighborhood drastically.

Mayor Bales encouraged Mr. Rekers to reach out to staff.

Mary Ann Turetsky, 16977 Bridgeton Lane, said I was just wondering when the freedom of speech was taken away from Huntersville residents. Two people so far have been picked out of the 5,000 who oppose the Lagoona project. The threat is you speak against Jake Palillo and you get sued. The joke is you get sued for damages suffered to his reputation. He's the one that calls people morons, idiots and old boomers. He really has ruined his own reputation. It's unbelievable to many how he was appointed to two boards with his rage type mentality. This seems so lopsided to many. What does the Board think about his tactics. I think you should all think about that.

AGENDA CHANGES

Commissioner Boone moved Item 8.F under the Consent Agenda (Adopt Second Amendment to the Transportation Projects Capital Project Ordinance to transfer funds from Gibson Park Drive, Holbrook Street Extension, Walters Street and David Kenney Farm Connection to the Ranson Road Widening Project) to Item 10.J under Other Business.

Commissioner Kidwell moved Item 10.F under Other Business (Consider adopting Resolution to approve the awarding of a service firearm to a retiring law enforcement member) to Item 10.A under Other Business.

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

Commissioner Partee seconded motion.

Motion carried unanimously.

CONSENT AGENDA

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

Approval of Minutes – April 24, 2023. Commissioner Phillips made a motion to approve the minutes of the April 24, 2023 Special Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

Acceptance of Streets – Stoneybrook Station Subdivision. Commissioner Phillips made a motion to accept streets in Stoneybrook Station Subdivision for Town maintenance. Commissioner Munger seconded motion. Motion carried unanimously.

Street Name	From	To	Apx. Length
Stoneybrook Station Pkwy	Old Statesville Rd	Hambright Rd	3120
Corleone Str	Stoneybrook Station Pkwy	Midnight Wy	910
Mesquite Rd	Corleone Str	Stoneybrook Station Pkwy	560
Silverheel Ln	Corleone Str	Topper Dr	585
Diablo Dr	Solstice Wy	Stoneybrook Station Pkwy	460
LaRue Ln	Solstice Wy	Stoneybrook Station Pkwy	550
Solstice Wy	Old Statesville Rd	Stoneybrook Station Pkwy	1060
Midnight Wy	End of Road	North Academy Parking Lot	1295
Topper Dr	Stoneybrook Station Pkwy	Stoneybrook Station Pkwy	400
Spritz Str	Hambright Rd	Midnight Wy	410

Resolution – Ranson Road Widening Construction Contract. Commissioner Phillips made a motion to adopt Resolution to accept Ranson Road Widening Construction Contract. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 2.

Resolution – On-call Property Acquisition Contracts. Commissioner Phillips made a motion to adopt Resolution to accept on-call property acquisition contracts. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 3.

Resolution – Old Statesville Road (Damson Drive) Sidewalk Project. Commissioner Phillips made a motion to adopt Resolution to acquire right-of-way and/or easements for the construction of the Old Statesville Road (Damson Drive) Sidewalk Project. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

Resolution – Covington Crest Sidewalk Project. Commissioner Phillips made a motion to adopt Resolution to acquire right-of-way and/or easements for the construction of the Covington Crest Sidewalk Project. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 5.

Resolution – Huntersville-Concord (Warfield Avenue) Sidewalk Project. Commissioner Phillips made a motion to adopt Resolution to acquire right-of-way and/or easements for the construction of the Huntersville-Concord (Warfield Avenue) Sidewalk Project. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 6.

Resolution – NC 115/Greenway Street Project. Commissioner Phillips made a motion to adopt Resolution to acquire right-of-way and/or easements for the construction of the NC 115 at Greenway Street Project. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 7.

Budget Amendment – Transit Tax. Commissioner Phillips made a motion to approve budget amendment appropriating Local Option Transit Tax Revenue in the amount of \$1,000,000 for Transit Tax expense account. Commissioner Munger seconded motion. Motion carried unanimously.

Budget Amendment – Art Piece. The Town was awarded funds from ElectriCities Smart Communities Grant in the amount of \$5,000 to be used towards the SculpTOUR project. The SculpTOUR exhibition will be located in Holbrook Park along the Downtown Greenway.

Commissioner Phillips made a motion to approve budget amendment appropriating \$5,000 to Downtown Revitalization Revenue for an Art Piece. Commissioner Munger seconded motion. Motion carried unanimously.

Budget Amendment – Main Street Project. Commissioner Phillips made a motion to approve budget amendment appropriating interest income in the amount of \$13,183.97 on the 2013 GO Transportation Bonds for Main Street Project. Commissioner Munger seconded motion. Motion carried unanimously.

Budget Amendment – Insurance. Commissioner Phillips made a motion to approve budget amendment appropriating \$29,756.05 to Insurance Proceeds – Police for the replacement of a police car. Commissioner Munger seconded motion. Motion carried unanimously.

Budget Amendment – Memorial Tree Fund. Commissioner Phillips made a motion to approve budget amendment appropriating \$2,100 to Memorial Tree Fund revenue for two trees along the downtown greenway and one bench at Veterans Park. Commissioner Munger seconded motion. Motion carried unanimously.

Budget Amendment – Mobility Study. On April 4, 2022 the Town Board approved the Interlocal Agreement with the City of Charlotte through CRTPO for the Town of Huntersville Mobility Study. The total amount of the grant is \$128,000 (80 percent), with a 20 percent local match of \$32,000.

Commissioner Phillips made a motion to approve budget amendment appropriating \$128,000 to Mobility Study Grant revenue for the cost of the study. Commissioner Munger seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Budget for FY2024. Mayor Bales called to order public hearing on the proposed budget for FY2024.

Anthony Roberts, Town Manager, presented the Manager's Recommended Budget for FY24. *Refer to PowerPoint attached hereto as Exhibit No. 8.*

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

Petition #ANNEX23-03. Mayor Bales called to order public hearing on Petition #ANNEX23-03, a petition by Whitby Bowman, LLC to annex 34.082 acres into the Town of Huntersville.

Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed the request. *Staff Report attached hereto as Exhibit No. 9.*

Petition #ANNEX23-03 is a request for a contiguous annexation into the Town of Huntersville of 34.082 acres consisting of one parcel (Parcel No. 019-212-28).

Since all statutory requirements have been met in full, staff recommends approval of Petition #ANNEX23-03.

Commissioner Munger questioned why a neighborhood meeting was not held.

Mr. Simoneau explained that neighborhood meetings are not required for annexations.

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

OTHER BUSINESS

Resolution – Awarding Service Firearm. Commissioner Boone recognized former Mayor Sarah McAulay who was present in the audience.

Commissioner Partee made a motion to approve the awarding of a service firearm to the retiring law enforcement member.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 10.

Petition #ANNEX23-03. Petition #ANNEX23-03 is a request by Whitby Bowman, LLC to annex 34.082 acres into the Town of Huntersville.

Jack Simoneau, Planning Director, entered the Staff Report into the record.

Commissioner Partee made a motion to approve Annexation Brownleigh Subdivision into the Town of Huntersville, 34.082 acres consisting of one parcel.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Annexation Ordinance attached hereto as Exhibit No. 11.

Petition #SUP23-01. Mayor Bales said we will now conduct a quasi-judicial evidentiary hearing and consider decision on Petition #SUP23-01, a request by hep Petra Development LLC on behalf of the City of Charlotte for a Special Use Permit for a major solar energy facility at 5824 Jim Kidd Road, Huntersville.

This hearing is a quasi-judicial hearing on the application submitted for Petition #SUP23-01. Quasi-judicial hearings are evidentiary in nature. Only parties with standing including the applicant, property owner, local government, and individuals who can show they will suffer special damages have the right to participate fully in the hearing.

Special damages must be particularized, separate, and distinct from damages to the public at large. Special damages are a fact-specific inquiry. While proximity may bear weight in the determination of special damages, proximity in and of itself is insufficient to grant standing.

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

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

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

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

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

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

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

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

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

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

At this time, is there anyone here who has standing. So, I have staff here. Is the property owner here?

An adjacent property owner was present.

Mayor Bales said I will call you up in a second. And the applicant.....and you are the applicant, thank you. Are there other persons who believe they have standing to participate fully as a party? If so, come forward at this time.

No one came forward.

Mayor Bales said however, if you do wish to participate as a party, please wait to come up until after we've identified parties with standing. I'm sorry, it does not say that. However, if you do not wish to participate as a party, please wait. I'm sorry, there was a little typo here.

Do you believe you have standing?

Adjacent property owner said I do.

Mayor Bales said go ahead and come right on up here for the time being. What I need from each of you is to come forward at the microphone and introduce yourself and your address, and briefly state the reasons why you believe you have standing. You don't have to because you are the applicant.

Daniel Austin, 5730 Jim Kidd Road, said I'm actually the only adjacent property owner. I have 4.08 acres that is on the west and north line of the project. I believe it substantially affects my property and I particularly want to talk about the buffer.

Mayor Bales said do you have an expert here to talk?

Mr. Austin said I don't.

Mayor Bales said repeat for me one more time why you said you believe you had standing.

Mr. Austin said I believe it will affect my property value is the primary issue. The other is the visual aspects of it.

Mayor Bales said in order to discuss property value you would have to have an expert here.

Mr. Austin said the reason I didn't get an expert is because I believe there's a public necessity clause that says they don't have to prove to me that my property will be affected because of that clause, so I didn't think an expert witness would be.....

Jack Simoneau, Planning Director, said if I can clarify. There's specific criteria for special use permits. It is you can't adversely affect someone's property unless it is a public necessity. There's going to be testimony presented that in order for them to operate the solar farm, they will have to get a state certificate of public necessity, which negated the property value issue. This property owner does want to talk about buffers. We can show you specifically the language that we are talking about when we do our presentation.

Emily Sloop, Town Attorney, said as a point of clarification, the standing issue is distinct from whether or not the ordinance requirements are met, and the standing issue is a preliminary threshold matter that has to be established. Sir, if you feel that you are trying to prove special damages, in order to show that you have standing and those special damages are related to your property values, you would have to have an expert witness to be able to establish the effect on your property value. If you feel that you have standing in another way, we are happy to hear testimony in that regard.

Mr. Austin said is the visual affect of my property to the solar property considered standing?

Ms. Sloop said no sir, it's not. If it's something that is going to be something that the general citizenry as a whole would experience, which the visual affect would be, that's not specific to you in regards to being special damage.

Mayor Bales said what I can do is we can hear you as a non-party, so just stay right here, because we will still have to get you sworn in. Mr. Austin, like I said earlier, you do not have standing, however we will swear you in as a non-party participant. I am going to swear them all in now.

Mayor Bales swore in Jack Simoneau, Lauren Speight, Daniel Austin and the applicant (Wayne Marshall).

Mayor Bales said the parties to this case are entitled to an impartial Board. A Board member may not participate in this hearing if she or he has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with an affected person. Does any Board member have any conflicts of interest to offer at tonight's meeting?

Commissioner Phillips said I would like to be recused. I am the Executive Director of an adjoining property and also friends with Mr. Austin.

Commissioner Munger made a motion to recuse Commissioner Phillips due to the proximity to the item being discussed.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

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

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

None were disclosed.

Mayor Bales said seeing none, I'd like to call on Planning staff for the presentation of their Staff Report.

Staff Report and Staff PowerPoint attached hereto as Exhibit No. 12.

Lauren Speight, Senior Planner, said Special Use Permit #23-01 is for a major solar energy facility on Jim Kidd Road. What you see is the Zoning Map that indicates where the parcel is located in which the project area will be developed. It's not the entirety of this site. The site is almost 200 acres. It's just a portion of this site.

As you can see, the parcel that the project will take place within and the surrounding parcels are in the Rural zoning district and major solar energy facilities are permitted in the Rural zoning district with the issuance of a special use permit. That's the project area there approximately.

As Mr. Simoneau was mentioning, special use permits have general criteria that are outlined in Article 11 of the Zoning Ordinance that apply to any use that requires a special use permit and then there are specific criteria that may be applied for individual uses. For a major solar energy facility, there are specific requirements that are outlined in Article 9.54 of the Zoning Ordinance. What you'll see and what you saw in the Staff Report were the findings that were presented by the applicant in response to the general criteria, as well as some additional findings by staff, and then you will also see responses that were included in the Staff Report with regard to the specific criteria.

Some of the general criteria, one of which was just mentioned, is that the proposed special use will not substantially injure the value of an abutting property or it constitutes a public necessity and one of the pieces of evidence that the applicant included was that they will have to get the certificate of public necessity from the State of North Carolina to even build the energy facility, so they are using that evidence to meet this requirement.

They also indicate that the use will be in harmony with the area in which it's located and in general conformity with the comprehensive plan and any applicable small area plan. The project is within the boundaries of the Beatties Ford Small Area Plan and it is consistent with that area, as well as the comprehensive plan with the specific criteria that are outlined in the Staff Report.

What you will see here is the most recent site plan that was presented by the applicant. It is kind of zoomed in on the project area. The area with kind of the blue stripes are the proposed panels that are proposed to be built on the parcel. And then it also shows the red hatched area is the drive that will be access for maintenance. A portion of the drive will be constructed with gravel and then the remainder of the drive will not have any impervious area built upon.

One of the items that staff presented to the applicant when we first received that application, it was originally proposed in this general area here but there's a large amount of hardwood trees that are mature in this area, so the applicant shift the site back to some newer growth pines that are in the rear here to better protect the existing mature canopy that's in the area. The applicant is also meeting the minimum 10' vegetated buffer that's along the shared property line with this interior lot here. This interior lot has its own access easement as well out to Jim Kidd Road.

What you will also see around the perimeter of the project area is the outline of a fence that is proposed around the solar panels. On the fence it will include Danger High Voltage signs for anyone who may be in the area just to warn them of potential danger in the area. It also includes, which is a little difficult to see here on this screen, but it should be more clear in the Staff Report, the typical which is at the bottom that it demonstrates that the proposed height is 7.9' and the maximum height that solar panels are allowed to be is 8' in height.

Just for some context staff has included this map for your consideration just to give you a better idea of what is going on in the general vicinity. The project area is approximately located here and the lime green outline is the boundary of the entire parcel, so you will see that a significant majority of the parcel will be remaining even if this project is developed on site. The shaded parcels are properties that are publicly owned. This lime green color here are parcels that are owned by the City of Charlotte and then this what appears to be like a gray color, these are owned by Mecklenburg County and then Charlotte-Mecklenburg Schools here, and the remaining parcels are privately owned.

Staff's recommendation in considering the Special Use Permit SUP23-01, the McDowell Creek WWTP Solar, Planning staff finds the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the findings of fact on Pages 2-3 of the Staff Report.

That is all we have for the staff presentation and are happy to take any questions.

Commissioner Kidwell said if you could go back a few slides to the map. The property that is to the right, I guess the east, Mr. Austin is that your property?

Mr. Austin said yes.

Commissioner Kidwell said so you have property smack dab in the middle of this.

Mr. Austin said yes. The city calls me a doughnut hole.

Commissioner Kidwell said so you are across the street and you own that property.

Mr. Austin said not across the street, it's just a gravel drive access [inaudible].

Commissioner Kidwell said if you can go back to what you said about the state certificate. Can you bring that verbiage back up for me. Thank you.

Commissioner Partee said I want to follow-up on what Commissioner Kidwell was referring to, that's the Certificate of Public Convenience and Necessity required by the State of North Carolina. Isn't this like putting the cart before the horse because they would need their certificate in order to build, so therefore would approval be upon considering approval, should we include that in our decision-making process.

Ms. Sloop said I'm not sure that I'm following the question, Commissioner Partee. As to the ordinance requirements, one of the general requirements for this specific type of special use permit is that it would not materially endanger the public health or safety, or I'm sorry, the value of the abutting

property or it constitutes a public necessity. Now the burden is on the applicant to show that this requirement is satisfied and that what they are proposing does constitute a public necessity.

Commissioner Munger said if you go back to the very first slide, I believe. It says total parcel size is 194.4. If I go into Staff Findings, the total area of the parcel to include the solar energy facility is 196.017 acres. Not that it's going to make a whole lot of difference, but the numbers don't match.

Ms. Speight said staff has made comments about the difference in the numbers for the applicant to correct in a future site plan submittal. We noted it as a minor correction because they were going to meet the project size, because the project size minimum is 10 acres. We indicated that they just need to clarify that because they are still meeting the minimum requirement for the use.

Mayor Bales said are there any other questions for staff?

Commissioner Boone said you said the solar panels height is 7' to 7.5'. How tall are the solar panels?

Ms. Speight said 7.9'.

Commissioner Boone said that's almost 8'. How tall is the security fence around it?

Ms. Speight said the fence is proposed to be 7' in height.

Commissioner Boone said can you describe what the fence is going to look like?

Ms. Speight said I cannot, but the applicant is here and they may be able to describe what the fence will look like.

Commissioner Boone said I'll hold that question until later.

Mayor Bales said do we have any other questions for staff? We'll now turn our questions to the applicant. Are there any questions for the applicant?

Commissioner Boone said how tall will the security fence be?

Mr. Marshall said typical utility fence would be 6' tall with 3 strands of barb wire across it and then the buffer outside of that. Typically, the buffer is outside of it for protection purposes.

Commissioner Boone said what's the life of the solar panels?

Mr. Marshall said 35 years is what these projects are projected.

Commissioner Boone said what happens in 35 years to this property?

Mr. Marshall said typically what we see is the value of the materials is worth more than just leaving it there, so it's recycled at that point. That's what we are seeing right now with most of the studies.

Commissioner Boone said can somebody build a home on this solar farm after you leave?

Mr. Marshall said yes. There's no damage, other than we just need to remove that material at the time.

Commissioner Kovacs said why did you choose.....I understand you moved it from a previous site, but why around the doughnut hole?

Mr. Marshall said the best reason I can give is that we were looking for an area where we could do minimal damage to the trees on the property that were there. This area, I was trying to think of a proper term that was technical, but it's basically scrub pines for the most part, so it's smaller trees. We've been working very closely with the City of Charlotte and Charlotte-Mecklenburg Utility Department on trying to find a location that was less intrusive for purposes of building a renewable project.

Commissioner Kovacs said there's nowhere else on this site?

Mr. Marshall said none that we can find that have less impact, and that's what we were looking for was something with less impact.

Commissioner Kovacs said less impact on trees?

Mr. Marshall said less impact on the natural resources of the area.

Commissioner Kidwell said this is for the wastewater treatment plant?

Mr. Marshall said it's associated with the wastewater treatment plant.

Commissioner Kidwell said is the electricity going to the wastewater treatment plant?

Mr. Marshall said this project actually is being built in conjunction with Charlotte-Mecklenburg Utility Department and Energy United who is the utility provider there. Electricity will be sold as required by the CPC and the public necessity requirement. At this point the utility Energy United will buy the electricity. Renewable projects generate renewable energy credit and Charlotte-Mecklenburg Utility will receive those credits. That is part of the discussion. They have an environmental ESG goal that they are trying to meet.

Commissioner Kidwell said thank you for that, but it's not to power the treatment plant?

Mr. Marshall said not directly, no sir.

Commissioner Partee said who is hep Petra Development LLC and do you have other solar farms in and around the Charlotte-Mecklenburg area or in the country?

Mr. Marshall said hep Petra Development is located in the business park, right behind Joe Gibbs Racing at 11330 Vanstory Drive. We are the largest user of the Huntersville business park facility. We've been there since 2016 and have built projects all over the southeast, as well as the northeast and Oregon, as well as have developments in Texas, Georgia, Alabama and other facilities. We've not only developed projects, but we also build those projects, will operate this project, and then along with a sister company own this project.

Commissioner Munger said total area of this parcel is 190+ acres of which 10.7 is being set aside for the solar energy facility. Is this a phased approach or what are you planning on doing with the additional acreage.

Mr. Marshall said this is all Charlotte-Mecklenburg land, so we are essentially leasing a parcel and this is typical to a project for us, whether it's here or in a rural area in eastern North Carolina for example, we are not going to lease the whole parcel. We will simply lease the site that fits with what we are building from a generation standpoint.

Commissioner Munger said so the intention is not to do an additional phase?

Mr. Marshall said no.

Commissioner Munger said I'm assuming given your background you are probably somewhat familiar with this, I know in California at the Ivanpah solar power facility a number of birds have been killed by the solar panels. Do we have any concerns about that happening here?

Mr. Marshall said I have not seen that. My background is a licensed professional engineer working with projects over the last 20 years starting in the bioenergy sector and now I'm solar and we haven't seen that in the southeast. We've had to move turtles, we've had to move snails, and we've had to do other things like that from an endangered species.....but this particular project doesn't have any of those type attributes to it.

Mayor Bales said any other questions?

Commissioner Kovacs said I just wanted to clarify, in here it says the applicant states the site will not be visible from any adjacent parcels or from any angle other than aerial, but it's almost 8' tall and the fence is going to be 6'.

Mr. Marshall said it's 7' by the time you get through adding.....this parcel in particular one of the things we chose because of the topography of the site we expect that there's a pretty significant buffer on most of the areas already from hardwood trees. If you will look at some of the maps, the drawings that are there, so we are expecting that it will not be seen except from above. We've run the topography, looked at the topography and with the buffer area in place we expect that you won't be able to see it.

Commissioner Kidwell said this is for the Board to consider. Two things, with the state certificate not being approved, I think that's what Commissioner Partee was getting at, we're approving something before they have the state's write-off on it. The other one is, is it in harmony with the area and while it might fit a node, there's a school down at one end, there is a historical property at the other end, and rural farmland all around. While Mecklenburg County doesn't own this 194.4 +/- acres, it is right next to a property owner's property and if I'm looking at all the specifics of how this will be built with a 8' solar panel, a 7' fence with barb wire, whether you can build a house on it or not, you are going to be able to see it through that brush. And that's what that is, brush and that's what I'm hearing is it's easy to build there because it's not hardwood trees and it's brush, easy to take down brush, but there's property right next to the brush you are going to be able to see it. I think that's something to consider and can you go back to the state.....does it constitute a public necessity. I question that. I don't know if this solar panel because it's not feeding directly into wastewater treatment, it's being sold to a co-op to Energy United to sell to their end users and as a member of Energy United, I mean I do buy solar from them, so I would be buying solar potentially from this plant or it could be elsewhere. I don't think that this is a necessity.

Energy United is a big company. They can contract to have solar panels built anywhere around Mecklenburg County or the state to gain that energy to resell. Personal opinion, it's not meeting the general requirements for me on this.

Commissioner Kovacs said can I ask Ms. Sloop a question?

Mayor Bales said yes.

Commissioner Kovacs said what is the definition of reasonable?

Ms. Sloop said reasonable in this situation would be defined as it is in the dictionary.

Commissioner Munger said on the setback, your 20' setback from property line....I'm getting a nod in the negative behind you, I just want to make sure, is the first solar panel 20' behind the property line.

Ms. Speight said no. There's a few different rules here. One is that the site has to be consistent with setbacks of the underlying zoning district, which is the Rural zoning district, and they will be with those. The sideyard setbacks for the Rural zoning district are 8' because I think we're particularly concerned about the sideyard in this case here. The use also has a buffer requirement from Article 7. Typically, the buffer would be a little bit wider, however for commercial uses in the Rural zoning district the use is allowed to have a minimum 10' buffer along the sideyard, so there's the minimum 8' that you have to have as a setback and then there's a 10' opaque vegetated buffer that is required here. There are some existing trees.....

Commissioner Munger said did you say opaque?

Ms. Speight said opaque. The applicant would be required by the minimum standards of the ordinance to supplant the existing vegetation if it is not opaque.

Commissioner Munger said by opaque you mean essentially non-deciduous trees, something you can't see through it period....I just want to throw it out there. Quick question for the applicant. Would you be open to changing that to 20'?

Mr. Marshall said I think there's space there, yes, so certainly we are open to the direction as given for making sure we have the proper space. One of the things we want to go into every project with is with the neighbor satisfied and the community satisfied, so we are very open to those discussions, yes.

Commissioner Munger said general question to the gentleman who may or may not have standing. Would that be somewhat more appealing if it had a 20' barrier and it was opaque?

Mr. Austin said if it was opaque. Article 7.5.3 allows some existing vegetation, but the existing vegetation won't provide that.

Commissioner Munger said absolutely, so the applicant would have to put in something that would make it opaque to the point where you wouldn't really be able to see it from your property.

Mr. Austin said another point for me, can you pull up the full site plan. The whole tract, and this was my grandparents' farm and there are some hardwoods over here that's close to the creek that feeds into the river. There are hardwoods right here but there's maybe 100 some acres of 10, 12, 15 year old pines

that the city planted, so they are not hardwoods. Most of it is in relatively new pine growth which will eventually be harvested. My problem is that if you've got an 8' fence and the buffer doesn't block it, then what happens....I just see solar panels. And the site is almost 200 acres and they picked 10 acres right beside me, and these aren't hardwoods.

Commissioner Munger said I do understand where you are coming from. I hope you understand I'm trying to look for some form of compromise and I'm sure they have gone through an extensive study for where it works and for them this is probably where it works best, but to try and make it so it's less of an impact on you.

Mr. Austin said therefore my main hot topic is the buffer.

Commissioner Munger said the applicant has agreed that they would do a 20' buffer and it would be opaque in nature, and I think this is a fair compromise.

Mr. Austin said may I read the option.....the buffer was reduced to 10'. If evergreen shrubs are used, a minimum of 8' at maturity and shrubs shall be planted to create a complete visual buffer, what's going to be planted and how will it be maintained? If you've got evergreens that get bagworms, they're leaves are gone, they die. Will they be replanted? Will it be continuous buffer?

Commissioner Munger said I'm getting a nod from staff that indicates it would be a requirement that they maintain said opaque buffer.

Mayor Bales said Lauren, would you like to speak to that?

Ms. Speight said if the required plantings are diseased or they die, they would be required to be replanted.

Mayor Bales said are there any other questions?

There were no questions.

Mayor Bales said does the Board have any more questions for the parties or witnesses before we move into deliberation? And that answer is no. Hearing no additional questions or presentation of relevant facts, the Board will now begin deliberation.

The evidentiary hearing remains open so that the Board may ask clarifying questions if needed. As a reminder, this Board is tasked with deciding if based on competent, material, substantial evidence presented at the hearing before this Board this proposal meets the applicable standards.

If the applicant meets their burden of producing competent, material, and substantial evidence that the standards in the ordinance will be met, the burden shifts to the other parties opposing the application to show by competent, material, and substantial evidence that the standards in the ordinance will not be met. If conflicting evidence as to a standard is presented, the Board will weigh the evidence and determine which side's evidence is more credible and more reliable.

The application as originally submitted was considered by the Planning Board and the Planning Board made a recommendation. Nothing that occurred at the Planning Board level, including the Planning Board's recommendation, is considered evidence that you can base your decision on. However, the

Planning Board's recommendation may be used to the Board in identifying issues that this Board may want to consider and evaluate based upon the evidence that was presented at the hearing before this Board.

Is there any discussion? Is there a motion?

Commissioner Boone made a motion to approve the Special Use Permit SUP23-01, McDowell Creek WWTP Solar. In considering the request, we the Town Board, find the request meets all the required criteria for granting the special use permit for a major solar energy facility in the Rural zoning district as outlined in the Zoning Ordinance and is supported by staff's findings of facts on Pages 2-3 of the Staff Report which are incorporated herein. In addition, the applicant will have a minimum 20' buffer around the facility and maintained through the life of the facility the opaque buffer.

Commissioner Munger seconded motion.

Mayor Bales called for the vote to approve Petition #SUP23-01.

Vote was 3 to 2 (Commissioners Boone, Munger and Partee in favor; Commissioners Kidwell and Kovacs opposed).

Mayor Bales said with a special use permit there needs to be a supermajority vote, we need four votes. Is there any additional discussion or is there another motion?

Commissioner Munger said is there anything specific that could sway Board members into voting for this or being in favor of this. I absolutely heard what was said and I definitely took the adjacent neighbor, his concerns into consideration, and I believe I looked for a middle ground and solar energy is essential decision, it makes great sense especially in an area that is essentially rural. No one is living in that area other than this gentleman and I believe we have addressed some of his main concerns. It's one thing I try and stress and I say from the beginning, find the path to yes and ask for it. In this case, I found a path to yes and I ask for a specific consideration. I'd like you to do the same.

Commissioner Kidwell said I appreciate you doing that. However, as I stated earlier, it's not in harmony what they are asking for. Just because it's rural doesn't mean we go and tear up the ground and put in solar farms. To the point where the adjacent landowner said they've got all that other land to use and they put it right up on his, I have an unprofessional opinion on that, it's because it's close to the road and they don't have to draw the lines so far out or whatever they've got to do, but also it goes back to that this is being put in to sell electricity. It's not like it's going to be putting all of that in for the water treatment center. It's not going to be delivered to the homes in the area to reduce their electric bill. It is being sold by a company. That to me does not make sense. It does not meet the requirements that they are asking for. I also go back to Sections 2 and 3 of the state certificate, which they don't have, and it doesn't meet that either. I appreciate both the applicant and the neighbor saying they'll meet it, but up here it does not meet that, and we have as a Board had plans come before us in the past that may or may not have been in a specific node or a specific area plan and said no. No, we don't think it's going to be the right thing for that area plan even though it matched it. It's not out of context for a Board member up here to disagree.

Commissioner Kovacs said I appreciate you, Commissioner Munger, with trying to find the path to yes and the 20' buffer. Honestly, I was stuck on the definition of reasonable and it says appropriate, fair and

sensible and to me it is not sensible to put it where the only people live when you have the entire property. It just doesn't seem like a rational decision.

Mayor Bales said in a quasi-judicial hearing you have to make your decisions based off of the evidence. I need to hear what evidence are you saying it does not meet, because staff is saying it's meeting these.

Commissioner Kidwell said it's not in harmony with the area.

Mayor Bales said it says the special use will not substantially injure the value of abutting property or it constitutes a public necessity, so are you saying you don't believe it's a public necessity.

Commissioner Kidwell said I do not believe it's a public necessity at that location, no. I didn't bring anything up about property value in anything I've said.

Mayor Bales said I'm agreeing, I was reading the or.

Commissioner Boone said I have a question for the applicant. Would you go into a little bit more detail on the information and the permit you have to get from the state and why didn't you do that first versus waiting?

Mr. Marshall said the application has been made to the state. PUC provides that they make decision on whether necessity of need is made, that's under state law, so this goes through a regular process with them, staff recommendation, and then they'll review and then they'll actually make that decision at the staff level. They've got to make sure all the information is whole. They are going to confirm that information. There will be some back and forth with those questions, but it's under state law that we are meeting the public necessity.

Commissioner Boone said is there any other time that you've gotten the state permit before you came to the Town Board for a rezoning?

Mr. Marshall said typically they go hand-in-hand. Like here we are making the application for both the public necessity of need and in some cases we've had to prove that we had that necessity of need post approval for the actual approval to be validated.

Commissioner Partee said have you ever been denied a certificate of need by the State of North Carolina for any of your facilities?

Mr. Marshall said we've been involved with projects that have not met the environmental requirements or have had problems with their ability to satisfy that requirement. Under the state guidance for certificates of public necessity of need it has to be a project that feeds into the grid that is between 2 megawatts and 80 megawatts AC for the purpose of general consumption by the public through either a co-op, a municipality, or an investor-owned utility.

Ms. Sloop said can we please go back to the required findings as far as the ordinance requirements, both the general and the specific so that we can go back over those? I think there may be some confusion in terms of what the applicable criteria are that need to be satisfied. Just run back through, please, the specific requirements of 9.54 and also the general requirements of our ordinance.

Ms. Speight said there are general requirements for any special use permit and then there are specific criteria for just major solar energy facilities. The general requirements are on the left here and the first is that the proposed special use will not materially endanger public health or safety. Second is that it will not substantially injure the value of abutting property, or it constitutes a public necessity. On the third is that it will be in harmony.....

Ms. Sloop said just to go back to that one, so we said “or” there. That means that it has to satisfy one or the other. I just want to make that clear on the record and you can proceed with the rest.

Ms. Speight said the third is that the proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan. Of course, it’s up to this Board to determine whether or not they agree with staff findings and the applicant’s responses. With this one as well there are a few things that were considered when staff analyzed the application. One, were the uses that are permitted in the Rural zoning district and this is an existing permitted use, it just carried with it the requirement that a special use permit be granted by the Town Board.

The second thing that staff considered was the comprehensive plan, which of course is the long-range plan. It’s adopted to guide the development in the town and this is consistent with the proposed long-range uses for the Rural zoning district tier. One of the things that we considered with that, there are several requirements to do with the preservation of existing vegetation that we considered with this use because such a small area of the parcel is being.....which I understand their concerns about the location of where it is, but because of the small scale of the project with regard to the large size of the parent parcel, staff found that they were preserving the majority of the existing vegetation to be aligned with the guidance of the comprehensive plan for preservation of existing canopy.

The small area plan as mentioned, there’s the Beatties Ford Small Area Plan which does call out future uses for some areas. It does not indicate any specific future use for the general vicinity of the area that is proposed for the solar project.

The next criteria is the proposed special use will comply with all lot, size, yard, and other standards in which this ordinance applies to all uses permitted in the zoning district in which the property is located. As mentioned, there are the base setback requirements that are specific to single-family detached homes, but that is one of the primary uses in the Rural zoning district. They are relatively small in consideration to the scale of this type of project. The project is meeting those setbacks. And then there are additional requirements with regard to the buffers that are required for a commercial use in a residential zoning district and they were proposing to meet the minimum 10’ and as we asked the applicant to find a middle ground with the adjoining property owner, it’s being increased to 20’ there or proposed to be increased to 20’ and that this proposed special use will comply with all general and specific standards as required by the appropriate section which is Article 9.54.

There are very few criteria on the right side of the screen for major solar energy facilities. The first is that the project area the minimum lot size is 10 acres, so the parent parcel is almost 200 acres. The size of the project area is a little over 10 acres and as mentioned by Commissioner Munger, there’s minor discrepancies with the actual acreage that’s listed. Staff has made comments about that. The setbacks meet the minimum for the underlying zoning district which is also in the general criteria and that it be a minimum of 20’ from any property line in the SP zoning district. This is not in the Special Purpose zoning district.

The last is that the facilities are a maximum of 8' in height. The applicant is proposing a facility that is 7.9' in height as measured from the grate at the base of the structure and then they also have to include an existing features plan which they included in their submittal package as well.

Mayor Bales said it sounds to me like they've met all of the criteria, not only for the special use permit but for the specific to solar facilities as well. Is that your assessment?

Ms. Speight said based on the responses from the applicant and staff's further analysis of the criteria, staff's conclusion is that the criteria are met.

Ms. Sloop said I would like to add one point of clarification. The requirements, both general and specific, are in front of you, so anything else that's in the packet would not be considered a requirement. Part 4 for example, that's some language that staff had added into the agenda package but reasonable in this statement is not required for a special use permit. It is required for a rezoning. I don't want to confuse that with an actual requirement.

Ms. Speight said I just want to add one other thing which I believe, and Commissioner Partee may correct me if I'm mistaken, I believe it was asked earlier with regard to the certificate of public necessity, whether or not that can be conditioned with the special use permit. My understanding is that it is allowed for the Town Board to place conditions upon the approval of a special use permit.

Mayor Bales said so if there was a motion, the Board could make a requirement that that certificate be received.

Ms. Speight said that is correct.

Mayor Bales said Commissioner Boone, I apologize to you earlier, I didn't realize you had another question and I want to make sure I go back to you.

Commissioner Boone said I've got one question for the applicant. If this Board approves your request and the state turns it down saying that there is no need for this, the project is over, correct?

Mr. Marshall said correct.

Commissioner Boone made a motion it's the same motion I had as before or do I have to read the whole thing?

Mayor Bales said please read it.

Commissioner Boone made a motion to approve the Special Use Permit SUP23-01 McDowell Creek WWTP Solar. In considering the request, we the Town Board, find the request meets all the required criteria for granting the special use permit for a major solar energy facility in a Rural zoning district as outlined in the Zoning Ordinance and is supported by staff's findings of facts on Pages 2-3 of the Staff Report which are incorporated herein. In addition to that, a minimum 20' buffer will be maintained by the applicant and the buffer will be opaque. The second condition is that this motion is subject to the state approval of your necessity of need certificate. Ms. Sloop, is that legal?

Ms. Sloop said yes, as long as that is the correct name of the permit that is required.

Commissioner Boone said certificate of public convenience and necessity.

Commissioner Partee seconded motion.

Motion carried 4 to 1 (Commissioners Boone, Kovacs, Munger and Partee in favor; Commissioner Kidwell opposed).

Mayor Bales said staff will draft and I will sign a final written decision to reflect the vote and the reasoning for this decision. I would like to thank everyone attending this hearing today and we welcome you to stay for the other items. If you are leaving, please do so quietly at this time.

Commissioner Boone made a motion to bring back Commissioner Phillips.

Commissioner Munger seconded motion.

Motion carried unanimously.

Petition #TA22-11. Petition #TA22-11 is a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 10 Signs to increase flexibility of sign regulations and codify current practices.

Lauren Speight, Senior Planner, entered the Staff Report into the record and briefly reviewed request. *Staff Report attached hereto as Exhibit No. 13.*

Ms. Speight said the purpose of this text amendment is to increase flexibility with the sign regulations based on customer feedback and to clarify existing regulations and codify current practices of the department.

Commissioner Munger made a motion in considering the proposed amendment #TA22-11, the Town Board recommends approval based on the amendment being consistent with Policy LU-8 of the Huntersville 2040 Community Plan, with the exception of Section 9. It is reasonable and in the public interest to amend the Zoning Ordinance because it will clarify the current language and increase the flexibility of the sign regulations while still meeting the intent of signs being for identification purposes and not for advertising.

Commissioner Boone seconded motion.

Mayor Bales called for the vote to approve Petition #TA22-11.

Motion carried unanimously.

Petition #TA23-02. Petition #TA23-02 is a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 14.2.3 of the Zoning Ordinance, TIA reference no longer applicable as a result of the current administrative review of Sketch Plans; Section 6.300 of the Subdivision Ordinance for a TIA reference no longer applicable; Articles 11.8 and 14.4.4 of the Zoning Ordinance regarding the withdrawal of amendment petitions; Section 6.320 of the Subdivision Ordinance, Sketch Plan Community Meeting notification requirements; Article 11.4.3 of the Zoning Ordinance regarding Conditional Zoning Community Meeting notification requirements.

Lauren Speight, Senior Planner, entered the Staff Report into the record and briefly reviewed request. *Staff Report attached hereto as Exhibit No. 14.*

There is one item I do want to go over. This is a text amendment in six parts, not four parts. There are two sections that are revised with TIA reference ...two for withdrawal of application amendments and two with required mailings for sketch and amendments.

The one that I want to call to your attention is with regard to the withdrawal of applications. This is in response to a question that staff received during the Planning Board meeting. There was a question about the timing of resubmittal of applications that are denied and that are withdrawn and the language had previously just addressed applications that were denied and so the highlighted text is a change since the Planning Board meeting to include specifications for the withdrawal of applications to be consistent with the reapplication of denied applications, so it's a year whether its denied or withdrawn.

Commissioner Munger made a motion in considering the proposed amendment TA23-02, the Town Board recommends approval based on the amendment being consistent with Policies LU-1.1 and T-6.6 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment will remove references no longer applicable, provide community members more opportunities for input in public processes, and allow petitions for amendments to be withdrawn at any time before final action.

Commissioner Kidwell seconded motion.

Commissioner Kidwell said in the community meeting notification Sections 5 and 6, I want to thank staff for altering that for certified mail. We often do hear from neighborhood meetings I wasn't aware, I didn't know, I live in the sphere of influence and I wasn't contacted, so I think this is a step in the right direction.

Commissioner Boone said I echo the same thing that Rob just said. I think this is a step in the right direction by going to registered mail. The other thing is as far as when the year starts of a withdrawal of an application or a denial, when does the clock start – the day of the vote from the Board or in the case of withdrawal is it the date of the withdrawal notice.

Ms. Speight said if the application is denied, then the clock will start from the date of denial and if the application is withdrawn, the additional language is indicating that it is one year from the date the petition was withdrawn.

Mayor Bales called for the vote to approve Petition #TA23-02.

Motion carried unanimously.

Electric Rate Changes. David Lucore, Electric Systems Manager, ElectriCities, said for your consideration are the proposed FY24 electric rate changes. There are very few changes in total, but I have outlined them. The industrial on-peak rate has the most significant change and that's a 2 percent increase and also an increase in the basic charge. The renewable energy portfolio standards have changed slightly. They have actually been reduced just a little bit and the renewable energy credit rate rider that kilowatt hour credit has increased slightly.

Commissioner Boone made a motion to approve the proposed FY24 electric rate changes.

Commissioner Kovacs seconded motion.

Mayor Bales called for the vote to approve the proposed FY24 electric rate changes.

Motion carried unanimously.

FY24 Electric Rate Recommendations Summary attached hereto as Exhibit No. 15.

Law Enforcement Services Interlocal Agreement. Jackie Huffman, Deputy Town Manager, said our current policing the ETJ agreement with Mecklenburg County ends at the end of this fiscal year. The county proposes to renew for a 4-year term. That will align their agreements up with the other agreements they have on policing the ETJ and they propose renewing at the consistent \$1.4 million rate that we've been receiving each of the last five fiscal years.

Commissioner Partee made a motion to authorize the Town Manager to sign 4-year renewal of the Law Enforcement Services Interlocal Agreement between Mecklenburg County and the Town of Huntersville.

Commissioner Boone seconded motion.

Commissioner Munger said you mentioned this is a \$1.4 million per year that we are getting paid to police the ETJ. That's what we have been paid in previous years. Why no increase based on basic inflation rates? Was that not a point of negotiation for us?

Ms. Huffman said we asked for an increase. The county has a cost per call ratio that they held firm with.

Commissioner Kidwell said just to be clear, the county could have actually told us that they were taking this away if they wanted to, couldn't they.

Ms. Huffman said I'm satisfied they could have chosen somebody else to police the ETJ. My understanding before we did it, CMPD did.

Commissioner Kidwell said prior was CMPD was doing it for the Sheriff's office. I was around when we first brought this under our umbrella. I agree with Commissioner Munger, it is unfortunate that they did not increase it, I'm just glad they kept it with HPD.

Commissioner Munger said I do agree with you that it should be under HPD, but our officers in our town should be adequately compensated.

Commissioner Partee said I had this conversation with Ms. Huffman and moving forward we are going to sit down with the Town Manager and come up with a plan as far as increasing the fees as the ETJ starts to grow and we are monitoring it and servicing it.

Mayor Bales called for the vote to approve the Law Enforcement Services Interlocal Agreement Renewal.

Motion carried unanimously.

Law Enforcement Services Interlocal Agreement Renewal attached hereto as Exhibit No. 16.

Resolution – GO Bond Intent to Apply to LGC. Anthony Roberts, Town Manager, said two items that are coming up that's related to the bonds. The first one deals with the publication of the notice intention that we apply to the LGC for the bonds. You'll see in the language for both of them we have in there the amount – it's \$50 million for Transportation related and \$8 million for Parks & Recreation, so two different bonds. The bond counsel has looked at this. The second one basically is the same item, same language, but a separate resolution that makes certain statements for the findings of fact related to both the Transportation bond and the Parks & Recreation bond.

Commissioner Boone made a motion to approve the Resolution directing the publication of notice of intention to apply to the Local Government Commission for the approval of the general obligation bonds.

Commissioner Partee seconded motion.

Commissioner Kidwell said at the retreat or one of our work sessions where we talked about where we were at, I was at \$45 million and other commissioners were at \$70 million. I think this is a good compromise to present to the people to vote for and allow them their feelings on it come election time.

Mayor Bales called for the vote to approve Resolution.

Motion carried 5 to 1 (Commissioners Boone, Kidwell, Kovacs, Munger and Partee in favor; Commissioner Phillips opposed).

Resolution – GO Bond Authorizing Application to LGC. Commissioner Boone made a motion to approve the Resolution making certain statements of fact concerning the proposed general obligation bond issuance and authorizing the application to the Local Government Commission for the approval of the general obligation bonds.

Commissioner Kidwell seconded motion.

Mayor Bales called for the vote to approve Resolution.

Motion carried 5 to 1 (Commissioners Boone, Kidwell, Kovacs, Munger and Partee in favor; Commissioner Phillips opposed).

Second Amendment to Transportation Projects Capital Project Ordinance. Commissioner Kidwell made a motion to recuse the Mayor from the last item on the agenda.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Commissioner Phillips said we are moving on to adopt Second Amendment to Transportation Projects Capital Project Ordinance to transfer funds from Gibson Park Drive, Holbrook Street Extension, Walters Street and David Kenney Farm connection to the Ranson Road Widening Project.

Pattie McGinnis, Finance Director, said this is a second amendment to the Capital Project ordinance in the bond fund where we would like to move dollars from these projects to the Ranson Road Widening Project to cover increased expenses for construction.

Commissioner Boone said I brought this off of the Consent Agenda and I think we need to tell the folks that live around these projects what does this mean with the Town taking, let's say from Walters Street, \$99,000 and putting it into another project. What are we telling those folks that live on that street.

Stephen Trott, Director of Engineering, said there's several projects listed. Specifically for the Walters project there's \$99,000 of bond funds for that project. Total project cost on that I think is over \$3 million and it's also a project that is not programmed in the CIP to start for many years, so the money would just be sitting there until such time that the project gets started.

Ms. McGinnis said and that's all the money that's left in that project.

Commissioner Boone said I'm sitting on Walters Street and I had some hope that my street was going to get fixed. There's almost \$100,000 in there for that project and now the Town has decided to take that to offset the additional cost of another road. Am I understanding that correct?

Ms. McGinnis said yes.

Commissioner Boone said when are the people on Walters Street going to see any improvements to their street?

Mr. Trott said that's part of the budget process and the Board would make that decision.

Anthony Roberts, Town Manager, said let me expand a little further. I think it's a \$3.5 million project out in a future year, so it's not as simple as paving Walters and putting curb and gutter. There's some realignment stuff. That's where the majority of money would come from, but being that's in a future CIP a board would need to advance that project forward. Most likely the \$99,000 was probably some funds set aside to do some design.

Mr. Trott said that may fund a portion of the design work.

Mr. Roberts said that would have been maybe it, so I'm not sure why \$99,000.

Commissioner Kovacs said I know some of these might have been done, some of these other projects we are taking money from that's leftover money, so that makes absolute sense. I just think it's unfortunate for people because was Walters ever on the CIP to be funded. It was, correct, and then we took it off.

Ms. McGinnis said we didn't take it off. We moved it out because I guess the project wasn't ready.

Mr. Trott said it kept getting moved out. I think the Vermillion Village project kept getting moved out from the developer.

Commissioner Kovacs said I think if we are going to take funding from this, we need to think about other ways that we could fund starting this because we can't expect residents to wait on a project by a developer.

Ms. McGinnis said which would be bonds.

Commissioner Kovacs said yes, I'm saying to my fellow Board members mostly, we need to think about starting to fund things for actual smaller streets that people are using.

Mr. Trott said that's a project that we haven't started on. The Ranson Road project as you approved it earlier in the budget is letting for construction, so that project is moving forward. The Walters Street project hasn't been started on yet, so using money towards a project that's well underway was the thought process on that one.

Commissioner Boone said what happens if this Second Amendment to the Transportation Project Capital Program is denied, what happens then?

Mr. Roberts said we will pull funds from somewhere else to pay for the Ranson Road project. The Walters Street, the \$99,000 will stay there. It will do basically nothing for that project until the Board decides to move it forward.

Commissioner Boone said the David Kenney Farm connection, I believe we postponed that until Highway 73 project was completed by DOT.

Mr. Roberts said yes. The Board at that time said we want to get it to a certain stage, stop it until after 73 and then bring it back. But based on 73 it could be two boards from now.

Commissioner Boone said the Holbrook Street Extension, can you comment on that?

Mr. Trott said both the Holbrook Street Extension and the Gibson Park Drive Phase 1 projects are complete and have been complete, so no more additional expenses on those.

Commissioner Boone said but if we pull this money out, then the planning will stop for the second phase.

Mr. Trott said that's a separate project. This is just money for those two projects that are already complete and it's sitting there and not planned to be spent on anything.

Commissioner Kidwell said the Walters Street project, it is currently not in the CIP, correct.

Mr. Trott said it's in the future CIP.

Commissioner Kidwell said when you say future, where does it lie, what year.

Ms. Huffman said post 28.

Commissioner Kidwell said \$100,000 in designing and building a street project is a drop in the bucket. You can't buy machinery for that. I appreciate Commissioner Boone bringing this up. I think it's good to alert our neighbors and our citizens of what's going on in the area. If we are talking about \$100,000 for a project that's way down the line, I think we need to move forward with the Ranson Road project and then this Board if it comes up again or the next board or the 2030 board, whenever that happens, can appropriate the necessary money to complete that project for those folks.

Commissioner Boone made a motion to approve and adopt the Second Amendment to the Transportation Projects Capital Project Ordinance to transfer funds from Gibson Park Drive, Holbrook Street Extension, Walters Street and David Kenney Farm Connection to the Ranson Road widening project.

Commissioner Munger seconded motion.

Commissioner Phillips called for the vote to approve Second Amendment to the Transportation Projects Capital Project Ordinance.

Motion carried unanimously.

Commissioner Munger made a motion to bring back Mayor Bales.

Commissioner Partee seconded motion.

Commissioner Phillips called for the vote to bring back Mayor Bales.

Motion carried unanimously.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Phillips

- No report.

Commissioner Boone

- Huntersville Fire Department is still selling shirts commemorating their 100-year anniversary.

Commissioner Kovacs

- Provided update from Lake Norman Chamber.

Commissioner Kidwell

- Next meeting of the Charlotte Regional Transportation Planning Organization is this Wednesday. Commissioner Boone will be attending that meeting.

Commissioner Partee

- Pottstown clean-up day is May 20.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.

Commissioner Munger

- Public Arts Commission met on May 10.
- Wine on the Vine event is May 25.
- Consider supporting local non-profits.

Mayor Bales

- Participating with the Charlotte MTC working group looking at transit and CATS on May 17.
- Next meeting of Affordable Housing Task Force is May 17.
- Expressed appreciation to Parks & Recreation for the successful Hello Huntersville event.

- Lake Norman Economic Development Corporation is currently working a total of 39 projects. Adam Power announced expansion. Application process is ongoing for the advanced manufacturing internship program.

Commissioner Kidwell announced a fundraiser will be held on June 3 at Jack's Corner Tap for 6 year old girl in Huntersville community fighting a disease called vanishing white matter.

Commissioner Munger announced 760 Craftworks has opened in downtown Huntersville.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2023.

DRAFT

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Janet Pierson, Town Clerk

Date: June 5, 2023

Subject: Approval of Minutes - May 23, 2023

EXPLAIN REQUEST:

Consider approving the minutes of the May 23, 2023 Special Town Board Meeting.

ACTION RECOMMENDED:

Approve

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
SPECIAL TOWN BOARD MEETING
MINUTES**

**May 23, 2023
4:00 P.M. – Huntersville Town Hall
101 Huntersville-Concord Road**

The Huntersville Board of Commissioners held a Special Meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC, at 4:00 p.m. on May 23, 2023, to discuss the proposed budget for FY24.

Mayor Bales called the Special Meeting to order.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Amber Kovacs, Lance Munger, Derek Partee, and Stacy Phillips. Commissioner Rob Kidwell entered at 4:27 p.m.

Anthony Roberts, Town Manager, explained the driver of the budget will be what the Board sets as a tax rate. The Manager's Recommended Budget includes a tax rate of 19 cents. Revenue neutral rate would be 17.6 cents. *Refer to Property Tax slide attached hereto as Exhibit No. 1.*

Mr. Roberts pointed out if the tax rate is set at revenue neutral, staff will be telling the board during the next budget that taxes have to be raised. He also pointed out that the budget does not include bringing on full-time firefighters as employees of the Town. That will likely be a budget amendment after the beginning of the year.

The Board discussed the options for the tax rate.

Mayor Bales took a straw poll to see where the Board was on the tax rate.

Commissioner Kovacs supported Manager's recommendation of 19 cents.

Commissioners Boone, Kidwell and Partee supported revenue neutral of 17.6 cents.

Commissioner Phillips noted she can't commit to a rate without knowing if there are going to be any cuts to the budget. Suggested solid waste fee increase another \$10 to a total of \$154.

Mr. Roberts reviewed items that would change if the Board decides to go with a revenue neutral tax rate:

- Town Hall debt service payment of \$1.5 million would shift to FY25.
- Two percent would be cut from the merit/COLA for a savings of \$420,000.
- Savings in the dispatch agreement of approximately \$500,000.

Commissioner Munger suggested 20 cents for the tax rate.

Commissioner Partee agreed with 20 cents.

Mayor Bales called for a 10-minute recess.

The Board reconvened.

Pattie McGinnis, Finance Director, displayed spreadsheets showing the effects of the different tax rates.
Spreadsheets attached hereto as Exhibit No. 2.

Following further debate on the tax rate, the Board reached a general consensus of setting the tax rate at 18 cents (Commissioners Phillips, Kidwell, Boone and Kovacs supported; Commissioners Partee and Munger did not support).

The Board debated percentage of COLA/merit.

Mr. Roberts pointed out 8 percent COLA is the CPI.

Ms. Huffman noted there are 22 hourly employees that make below \$20. At 8 percent COLA, that number would be reduced to 10 hourly employees making below \$20. At 6 percent COLA, it would be reduced to 15 hourly employees making below \$20.

A consensus was not reached on the COLA/merit.

The Board suggested having a pre-meeting on June 5 to continue budget discussions.

Mr. Roberts noted he will bring a budget to the June 5 meeting for consideration that includes a tax rate of 18 cents and COLA of 8 percent.

There being no further business, the special meeting was adjourned.

Approved this the ____ day of _____, 2023.

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: June 5, 2023

Subject: Mecklenburg Property Tax Refunds

EXPLAIN REQUEST:

Attached is the Refund report from Mecklenburg County. This report contains seven refunds totaling \$916.92 which includes \$23.64 in interest. The refund is the result of the Property Tax Commission.

ACTION RECOMMENDED:

Approve Refunds

FINANCIAL IMPLICATIONS:

Decrease in revenue.

ATTACHMENTS:

1. Huntersville PTC Refunds 2023 6-5-2023 Agenda

HUNTERSVILLE Refunds

Tax Year	Bill Number	Parcel #	Source Type	Adj. #	Adj. Reason	Date of Adj.	Recipient Name	Address	City	State	Zip Code	Refund Amount (\$)	Total Interest to Pay if mailed on or before 5/24/2023 (\$)
2022	0008082132-2022-2022-0000-00	01722106	REI	612026	PTC Decision	5/8/2023	ADE 859 LLC	3715 NORTHSIDE PKWY NW BLDG 200 SUITE 700	ATLANT A	GA	30327	60.48	1.60
2022	0008082133-2022-2022-0000-00	01722107	REI	612025	PTC Decision	5/8/2023	ADE 859 LLC	3715 NORTHSIDE PKWY NW BLDG 200 SUITE 700	ATLANT A	GA	30327	69.60	1.84
2022	0008082134-2022-2022-0000-00	01722108	REI	612024	PTC Decision	5/8/2023	ADE 859 LLC	3715 NORTHSIDE PKWY NW BLDG 200 SUITE 700	ATLANT A	GA	30327	69.60	1.84
2022	0008082135-2022-2022-0000-00	01723313	REI	612022	PTC Decision	5/8/2023	ADE 859 LLC	3715 NORTHSIDE PKWY NW BLDG 200 SUITE 700	ATLANT A	GA	30327	182.40	4.83
2022	0008082136-2022-2022-0000-00	01723314	REI	612021	PTC Decision	5/8/2023	ADE 859 LLC	3715 NORTHSIDE PKWY NW BLDG 200 SUITE 700	ATLANT A	GA	30327	178.32	4.72
2022	0008082137-2022-2022-0000-00	01723315	REI	612020	PTC Decision	5/8/2023	ADE 859 LLC	3715 NORTHSIDE PKWY NW BLDG 200 SUITE 700	ATLANT A	GA	30327	181.68	4.81
2022	0008265185-2022-2022-0000-00	01723301	REI	612023	PTC Decision	5/8/2023	ADE 859 LLC	3715 NORTHSIDE PKWY NW BLDG 200 SUITE 700	ATLANT A	GA	30327	151.20	4.00

TOTAL 893.28 23.64

Total with interest 916.92

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: June 5, 2023

Subject: Main Street Project Budget Amendment

EXPLAIN REQUEST:

In an effort to close out the 2016 GO Bonds, interest income and the remaining bond premium needs to be appropriated. This board action appropriates \$213,678.08 to interest income (943600.9999) and \$119,922.21 in bond premium (943770.9999) to the Main Street project (945700.0564.06011).

In addition, there have been numerous unexpected capital expenses related to the water and sewer project associated with Main Street. Based on our agreement with Charlotte Water, any additional cost increases will be reimbursed by Charlotte Water at 100%. Appropriate Charlotte Water - Contribution revenue in the amount of \$550,000 (403335.9999.06011) to the Water and Sewer Main Street expense account (405700.0552.06011).

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

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

ATTACHMENTS:

1. Fourth Amendment Capital Prj Ord- Main Street - Fund 95

**TOWN OF HUNTERSVILLE
FOURTH AMENDMENT
MAIN STREET UPGRADE
CAPITAL PROJECT ORDINANCE**

WHEREAS, it has been determined that G.S. 159-45 and related chapters allow local governments to finance capital projects through the use of General Obligation Bonds; and

WHEREAS, the citizens of Huntersville voted on November 6, 2012 and approved the Public Improvement Bonds voting 68.11% in favor and Street Bonds voting 67.86% in favor; and

WHEREAS, the Local Government Commission approved a three year extension on September 10, 2019 for the \$17,850,000 Street Bonds and \$7,150,000 of Public Improvement bonds authorized on November 6, 2012 of which \$11,985,000 of Street Bonds and \$3,575,000 of Public Improvement Bonds remain unissued, and

WHEREAS, the Board approved the Resolution to adopt the sale of \$15,560,000 General Obligation Bonds on February 3, 2020, and

WHEREAS, the bonds were sold on February 19, 2020, and

WHEREAS, in accordance with North Carolina General Statute 159-13.2, the Town is authorized to establish a balanced project ordinance for projects involving the construction or acquisition of a capital asset; and

WHEREAS, on November 2, 2015 a project ordinance was adopted for the Main Street Project for the purchase of right of way, design and engineering, utility relocation, landscaping and construction costs ("Project Ordinance"); and

WHEREAS, the Project Ordinance was amended on May 18, 2020 for the purpose of incorporating the additional funding sources which are the 2020 Bonds issued and the Bonus Allocation funds for the continued purchase of right of way, design and engineering, utility relocation, landscaping, construction and bond issuance costs; and

WHEREAS, the Project Ordinance was amended on April 19, 2021 for the purpose of incorporating the additional funding sources which are the General Fund Balance, the Bonus Allocation funds and contribution from Charlotte Water for the continued purchase of right of way, design and engineering, utility relocation, landscaping, construction and water and sewer improvements; and

WHEREAS, the Project Ordinance was amended on May 15, 2023 for the purpose of incorporating the additional funds source from the 2013 Bonds for continued purchase of

right of way, design and engineering, utility relocation, landscaping, construction and water and sewer improvements; and

WHEREAS, the Project Ordinance needs to be amended for the purpose of incorporating additional funding source from the 2016 Bonds and Charlotte Water for the continued purchase of right of way, design and engineering, utility relocation, landscaping, construction and water and sewer and improvements; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville that a Project Ordinance is hereby amended as follows:

SECTION 1. The Main Street project authorized the upgrading of Main Street and providing connections to NC 115 at Mt. Holly-Huntersville Road and Fourth Street and related NC DOT municipal agreements have been executed.

SECTION 2. The officers of the unit are hereby directed to proceed with the capital project within the terms of the bond resolution, grant documents, and the budget contained herein. Such authorization includes but is not limited to bidding, awarding and entering into contracts as necessary to carry out the capital project as allowed by law and after review by the Town Attorney for compliance with lawful procedures.

SECTION 3. The following amounts are appropriated for the project:

	11/2/2015 Original Budget	Prior Amendments	6/5/2023 Fourth Amendment	Total Budget
Contruction, Utility relocation, purchase of right of way, design and engineering and landscaping and bond issuance cost				
TOTAL PROJECT COSTS	\$ 9,000,000	\$ 18,780,060	\$ 883,600	\$ 28,663,660

SECTION 4. The following revenues are anticipated to be available to complete this project:

	11/2/2015 Original Budget	Prior Amendments	6/5/2023 Fourth Amendment	Total Budget
2013 Bonds Issued	\$ -	\$ 13,183	\$ -	\$ 13,183
2016 Bonds Issued	4,000,000	-	333,600	4,333,600
2020 Bonds Issued	-	2,939,945	-	2,939,945
Grant Fund	5,000,000	7,634,000	-	12,634,000
General Fund Balance	-	3,892,932	-	3,892,932
Contribution from Charlotte Water	-	4,300,000	550,000	4,850,000
TOTAL REVENUE	\$ 9,000,000	\$ 18,780,060	\$ 883,600	\$ 28,663,660

SECTION 5. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project

Duly Adopted this 5th day of June 2023.

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Lora Mastrofrancesco, Transportation Engineer/Project Manager

Date: June 5, 2023

Subject: Abandon and Close a Portion of Mt. Holly-Huntersville Rd Resolution

EXPLAIN REQUEST:

Resolution of Intent to Abandon and Close a Portion of Mt. Holly-Huntersville Road.

ACTION RECOMMENDED:

Adopt resolution.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. R-2023-29 Resolution - Intent to close ROW - Mt Holly Huntersville Section FINAL
2. Petition to Abandon by Guignard
3. Parcel 33-34 ROW Map_05232023 - Sealed

**Resolution Declaring Intent to Abandon and
Close a Portion of Mt Holly-Huntersville Rd**

WHEREAS, Mr. Charles S. Guignard has filed a petition to close a part of Mt Holly-Huntersville Road, in the Town of Huntersville, as further described in Exhibit A – Legal Description; and

WHEREAS, N.C.G.S. § 160A-299 allows for a municipality to permanently close any street or public alley; and

WHEREAS, N.C.G.S. § 160A-299 requires that the Board of Commissioners for the Town of Huntersville (the “Board”) first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said statute further requires that the resolution shall be published once a week for four successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley; and

WHEREAS, the Board desires to, pursuant to N.C.G.S. § 160A-299, declare its intent to close a portion of Mt Holly-Huntersville Road, as further described in Exhibit A.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board hereby resolves that it intends to close a portion of Mt Holly-Huntersville Road, as further described in Exhibit A.
2. The Board hereby calls a public hearing the question of closing a portion of Mt Holly-Huntersville Road to be held at 6:00pm on Monday, the 17th day of July, 2023, at Town Hall, 101 Huntersville-Concord Road, Huntersville, NC, 28078, or location as otherwise designated by the Board.
3. The Clerk of the Board is hereby directed to publish a copy of this Resolution once a week for four successive weeks prior to the public hearing.
4. This Resolution shall be effective as of the date of its adoption.

Adopted this the 5th day of June 2023.

Attest:

Clerk to the Board

Mayor, Town of Huntersville

Approved as to Form:

Town Attorney



EXHIBIT A - LEGAL DESCRIPTION TO ABANDON A PORTION OF A STREET

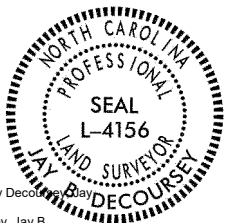
The properties now or formerly belonging to Charles S Guignard as recorded in Deed Book 17489 Page 813 and Deed Book 28947 Page 581 of the Mecklenburg County Register of Deeds. Parcel address is 406 South Main Street, Huntersville, NC 28078.

Mt Holly-Huntersville Road Right of Way Area 1:

Beginning at a computed point in the center of the Right of Way of Mt Holly-Huntersville Road, said point being the following six calls from NGS Monument First, having NC Grid Coordinates of North: 607,581.34' and Easting: 1,451,923.55' S23° 0'35"W 66.38' to a half inch rod in the centerline of the Norfolk Southern Railway, thence following the tracks S10° 5'34"E 110.97' to a computed point, thence crossing South Main Street Right of Way S80° 24'27"W 63.51' to a computed point, said point being in the common line of Don and Carol Darcy (Deed Book 04164 Page 467) and Charles Guignard (Deed Book 28947 Page 581), thence following the existing Right of Way of South Main Street N11° 44'0"W 111.08' to a computed point, thence N68° 2'23"W 17.78' to a computed point, thence N14° 25'35"W 9.25' to a computed point in the centerline of the old Mt Holly-Huntersville Road the Point and Place of Beginning, thence along the west Right of Way of South Main Street and across the old road the following two calls N14° 25'35"W 9.05' to a computed point, thence N18° 52'42"E 7.78' to a computed point in the northern Right of Way of the old Mt Holly-Huntersville Road, thence with said right of way S69° 21'36"W 215.87' to a computed point in the new Right of Way of Mt-Holly Huntersville road, thence with said Right of way S5° 17'4"E 15.55' to a computed point in the centerline of the old Mt Holly-Huntersville Road, thence along the former road centerline N69° 21'36"E 214.06' to the point and Place of Beginning, containing 3,205 square feet. All per a map dated May 23, 2023 prepared by Jay Decoursey, NC PLS # L-4156 and WSP USA. 128 Talbert Road, Suite A. Mooresville, NC 28117. Phone 704-662-0100.

Mt Holly-Huntersville Road Right of Way Area 2:

Beginning at a computed point in the southerly Right of Way of Mt Holly-Huntersville Road, said point being the following five calls from NGS Monument First, having NC Grid Coordinates of North: 607,581.34' and Easting: 1,451,923.55' S23° 0'35"W 66.38' to a half inch rod in the centerline of the Norfolk Southern Railway, thence following the tracks S10° 5'34"E 110.97' to a computed point, thence crossing South Main Street Right of Way S80° 24'27"W 63.51' to a computed point, said point being in the common line of Don and Carol Darcy (Deed Book 04164 Page 467) and Charles Guignard (Deed Book 28947 Page 581), thence following the existing Right of Way of South Main Street N11° 44'0"W 111.08' to a computed point, thence N68° 2'23"W 9.21' to a computed point in the southern Right of Way of Mt Holly-Huntersville Road and the Point of Beginning, thence following said southern Right of Way line S69° 21'36"W 223.48' to a computed point in the new Right of Way for Mt-Holly Huntersville Road (Deed Book 34950 Page 933), thence N5° 17'4"W 15.55' to a computed point in the centerline of the old Mt Holly-Huntersville Road, thence along the former road centerline N69° 21'36"E 214.06' to a computed point, thence across the old road and with the south Right of Way of South Main Street S14° 25'35"E 9.25' to a computed point, thence S68° 2'23"E 8.57' to the point and Place of Beginning, containing 3,250 square feet. All per a map dated May 23, 2023 prepared by Jay Decoursey, NC PLS # L-4156 and WSP USA. 128 Talbert Road, Suite A. Mooresville, NC 28117. Phone 704-662-0100.



Decoursey, Jay B.
(USJD672823)

Digitally signed by Decoursey, Jay B.
(USJD672823)
DN: cn=Decoursey, Jay B.
(USJD672823), ou=Active,
email=Jay.Decoursey@wsp.com
Date: 2023.05.23 10:06:41 -04'00'

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG PETITION

TO THE MEMBERS OF THE BOARD OF COMMISSIONERS OF
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA

(name of petitioner) Charles S. Guignard respectfully files
this Petition and requests that (a portion or all of),
(name of street or location of alley) approximately 200LF of Mt Holly-Huntersville

lying (general description of location) From approximately the right of way at the
new southern roundabout at NC115 and Mt-Holly-Huntersville Rd to its former terminus
at S. Main St.

as shown on the map attached hereto and made a part hereof marked "Exhibit A", be
closed and abandoned in accordance with the provisions of Chapter 160A, Section 299,
subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that:

1. (give reason for requested closing) This portion of Mt Holly-Huntersville Rd
is no longer in use because of roadway realignment.

2. The closing of this portion of Mt Holly-Huntersville Rd street is
not contrary to the public interest.

3. No individual, partnership or corporation owning property in the vicinity of this
portion of Mt Holly-Huntersville Rd Street or in the subdivision in which it
is located will be deprived of reasonable means of ingress and egress to his or its *metes*
property by virtue of the closing.

4. The street (or portion thereof) which petitioner requests be closed and *metes &*
abandoned is illustrated as an approximation area in Exhibit A. Full *Metes* and
Bounds will be provided before the Request to Call a Public Hearing.

5. The street (or portion thereof), requested to be closed and abandoned has not
been previously accepted by the North Carolina Department of Transportation for
maintenance.

Wherefore, petitioner respectfully requests the Board of Commissioners of the Town of
Huntersville consider this Petition and set the time for public hearing upon this matter as
required by law.

Respectfully submitted the 13th day of APRIL 2023

Charles S. Guignard
(signature of petitioner)

Charles S. Guignard
(Print Name)

Address: 406 S Main St.
Huntersville, NC 28078

Telephone Number: 704 875-1407

RIGHT-OF-WAY ABANDONMENT AGREEMENT OF UNDERSTANDING

The following property owners have parcels that adjoin the public right-of-way

Mr. Charles S. Guignard. They hereby indicate, by signature, that they agree with the proposal to abandon that right-of-way. They further understand that once abandoned, a portion of that right-of-way becomes their property. The owners will then be responsible for maintenance and any additional property taxes that may result from the increase in the size of their original parcel.

I understand the statement above and agree with the proposed abandonment.

Name of Property Owner	Signature	Parcel Number
<u>Charles S. Guignard</u>		<u>01904507</u>
<u>Charles S. Guignard</u>		<u>01907208</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>



WSP USA
128 Talbert Road
Suite A
Mooresville NC, 28117
NC License Number F-0165

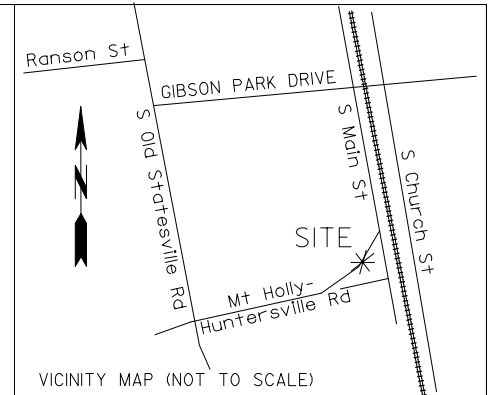
SURVEY PREPARED FOR THE CITY OF HUNTERSVILLE
ON THE LANDS NOW OR FORMERLY OF:
CHARLES S GUIGNARD
406 SOUTH MAIN STREET
HUNTERSVILLE, NC 28078

HUNTERSVILLE TOWNSHIP MECKLENBURG COUNTY NORTH CAROLINA

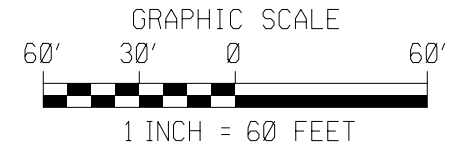
WSP PROJECT NUMBER: 188715A - DRAWING NAME: PARCEL 34 - DATE OF FIELD SURVEY: APRIL 11, 2023

—NOTES—

1. THIS MAP IS FOR DESCRIPTIVE AND REFERENCE PURPOSES ONLY, IT DOES NOT CONSTITUTE A DEDICATION OR CONVEYANCE OF EASEMENTS OR RIGHT OF WAY. ALL EXISTING BOUNDARY AND EASEMENT LINES WERE TAKEN FROM REFERENCES SHOWN, AS RECORDED WITH THE MECKLENBURG COUNTY, NC REGISTER OF DEEDS.
2. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND MEASUREMENTS. ALL DIMENSIONS ARE IN US SURVEY FEET.
3. AREAS ARE BY COORDINATE COMPUTATION.
4. THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY MATTERS THAT A FULL TITLE SEARCH WOULD DISCLOSE.
5. FIELD WORK CONDUCTED MAY 16TH, 2023
6. THE PROPERTY SHOWN HEREON DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS REFERENCED BY FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 3710465000K, EFFECTIVE DATE NOVEMBER 16, 2018.



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.



I, JAY B DECOURSEY, CERTIFY THAT THIS MAP WAS PREPARED BY ME FROM A FIELD SURVEY PERFORMED BY ME BASED UPON THE REFERENCES SHOWN HEREON; THAT THE RATIO OF PRECISION IS 1:20000+, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
WITNESS MY HAND THIS 23RD DAY OF MAY, 2023.

Decoursey, Jay B.
(USJD672823)

Digitally signed by Decoursey, Jay B. (USJD672823)
DN: cn=Decoursey, Jay B. (USJD672823), ou=Active, email=Jay.Decoursey@wsp.com, Date: 2023.05.23 10:13:32 -04'00'

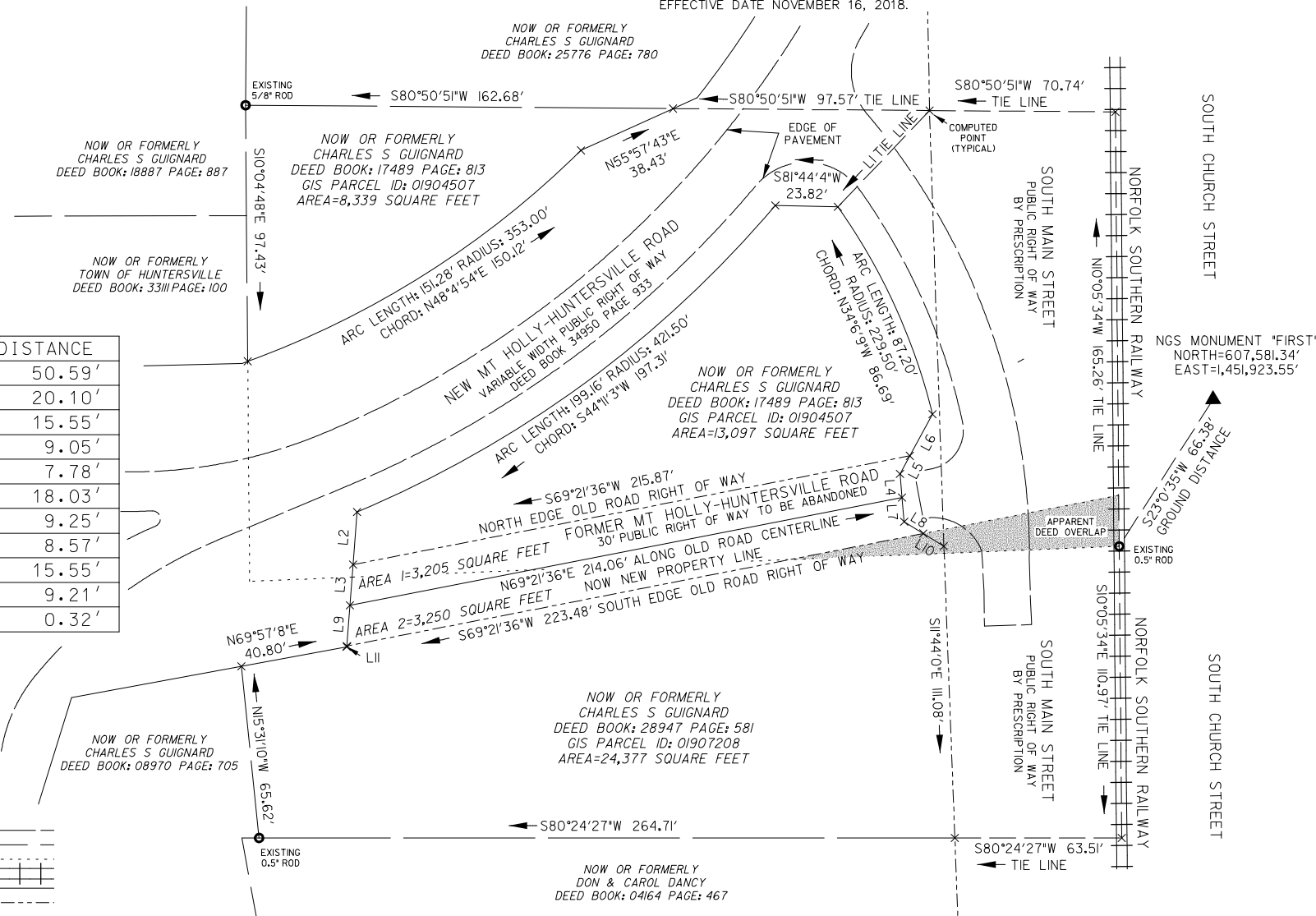
JAY DECOURSEY, NC PLS # L-4156



COURSE	BEARING	DISTANCE
L1	S 33° 57' 55" W	50.59'
L2	S 5° 17' 4" E	20.10'
L3	S 5° 17' 4" E	15.55'
L4	N 14° 25' 35" W	9.05'
L5	N 18° 52' 42" E	7.78'
L6	N 18° 52' 42" E	18.03'
L7	S 14° 25' 35" E	9.25'
L8	S 68° 2' 23" E	8.57'
L9	N 5° 17' 4" W	15.55'
L10	S 68° 2' 23" E	9.21'
L11	N 5° 17' 4" W	0.32'

LEGEND

EDGE OF PAVEMENT
PROPERTY LINE
PROPERTY LINE-OLD
RAILROAD TRACK
RIGHT OF WAY LINE
RIGHT OF WAY LINE-OLD
TIE LINE



**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: June 5, 2023

Subject: Right of Way and/or Easements for Bud Henderson Sidewalk Project Resolution

EXPLAIN REQUEST:

Resolution to Acquire Right of Way and/or Easements for Bud Henderson sidewalk project.

ACTION RECOMMENDED:

Adopt resolution.

FINANCIAL IMPLICATIONS:

General Fund.

ATTACHMENTS:

1. R-2023-30 Resolution-ROW-Bud Henderson SW - rev1



**RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS TO ACQUIRE
RIGHT OF WAY AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE ADOPTED
AND FUNDED BUD HENDERSON SIDEWALK PROJECT**

WHEREAS, the Town of Huntersville (the “Town”) has determined that the acquisition of fee title right of way, and easements is necessary to the delivery of the Bud Henderson Sidewalk Project; and

WHEREAS, the Town finds that such title, rights-of-way, and easements, including existing public rights-of-way and easements, are for a public use and necessary for the construction of the Bud Henderson Sidewalk Project; and

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

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

WHEREAS, the Town’s proposed property acquisition process for the Bud Henderson Sidewalk Project will comply with applicable Federal, State, and Local regulations; and

WHEREAS, the Town has certified that the parcels (“the Property”), represented on Exhibit A, are needed for the Bud Henderson Sidewalk Project.

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

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

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

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

Adopted this 5th day of June, 2023.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A - PARCEL INDEX

Bud Henderson Sidewalk

PARCEL #	PARCEL ID #	PROPERTY OWNER NAME
5	015-041-12	Gilead Village Homeowners Association, Inc.

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: June 5, 2023

Subject: Right of Way and/or Easements for Harvest Point Sidewalk Project Resolution

EXPLAIN REQUEST:

Resolution to Acquire Right of Way and/or Easements for Harvest Point sidewalk project.

ACTION RECOMMENDED:

Adopt resolution.

FINANCIAL IMPLICATIONS:

General Fund.

ATTACHMENTS:

1. R-2023-31 Resolution- Harvest Point - 5.24.23



**RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS TO ACQUIRE
RIGHT OF WAY AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE HARVEST
POINT SIDEWALK PROJECT**

WHEREAS, the Town of Huntersville (the “Town”) has determined that the acquisition of fee title right of way, and/or easements is necessary to the delivery of the Harvest Point Sidewalk Project; and

WHEREAS, the Town finds that such title, rights-of-way, and easements, including existing public rights-of-way and easements, are for a public use and necessary for the construction of the Harvest Point Sidewalk Project; and

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

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

WHEREAS, the Town’s proposed property acquisition process for the Harvest Point Sidewalk Project will comply with applicable federal and state requirements; and

WHEREAS, the Town has certified that the parcels (“the Property”), represented on Exhibit A, are needed for the Harvest Point Sidewalk Project.

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

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

Superior Court of Mecklenburg County. Any action pursuant to this subsection requires approval by the Town Board.

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

Adopted this 5th day of June, 2023.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A - PARCEL INDEX
Harvest Point Sidewalk Project

PARCEL #	PARCEL ID #	PROPERTY OWNER NAME
1	009-111-01	Benchmark Land, LLC

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Kevin Fox, Director of Public Works

Date: June 5, 2023

Subject: Accept Streets in the Chapel Grove Subdivision for Town Maintenance

EXPLAIN REQUEST:

It is recommended that the Town of Huntersville accept the streets listed below for maintenance, which are located in the Chapel Grove Subdivision.

Street Name	From	To	Approx. Length
Hollow Bend Drive	Asbury Chapel Road	Sable Creek Drive	1640
Stable Creek Drive	Approx 225-ft S of Hollow Bend Dr	Chapel Grove Crossing	1000
Chapel Grove Crossing	Eagles Nest Lane	Approx 470-ft E of Lytle Blvd	2200
Eagles Nest Lane	Everwood Ave	Cul-de-sac	1100
Lonesome Pine Road	Eagles Nest Lane	Everwood Ave	340
Everwood Ave	Chapel Grove Crossing	Cul-de-sac	1550
Lytle Blvd	Asbury Chapel Road	Chapel Grove Crossing	280

ACTION RECOMMENDED:

Accept Streets for Town Maintenance

FINANCIAL IMPLICATIONS:

Powell Bill

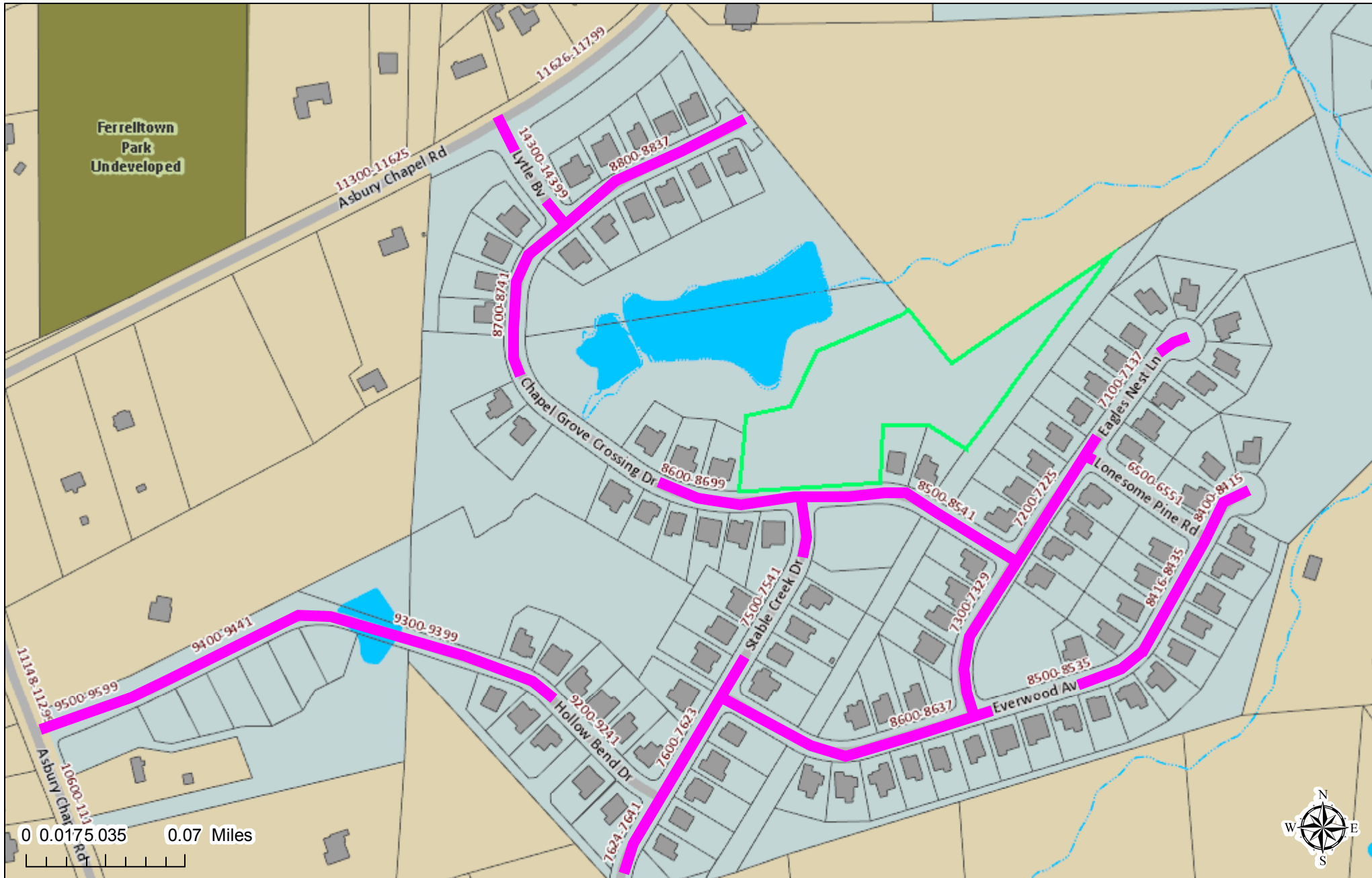
ATTACHMENTS:

1. Chapel Grove Subdivision - Map
2. Chapel Grove Subdivision - Aerial

Polaris 3G Map – Mecklenburg County, North Carolina

Chapel Grove Subdivision

Date Printed: 5/22/2023 3:28:07 PM

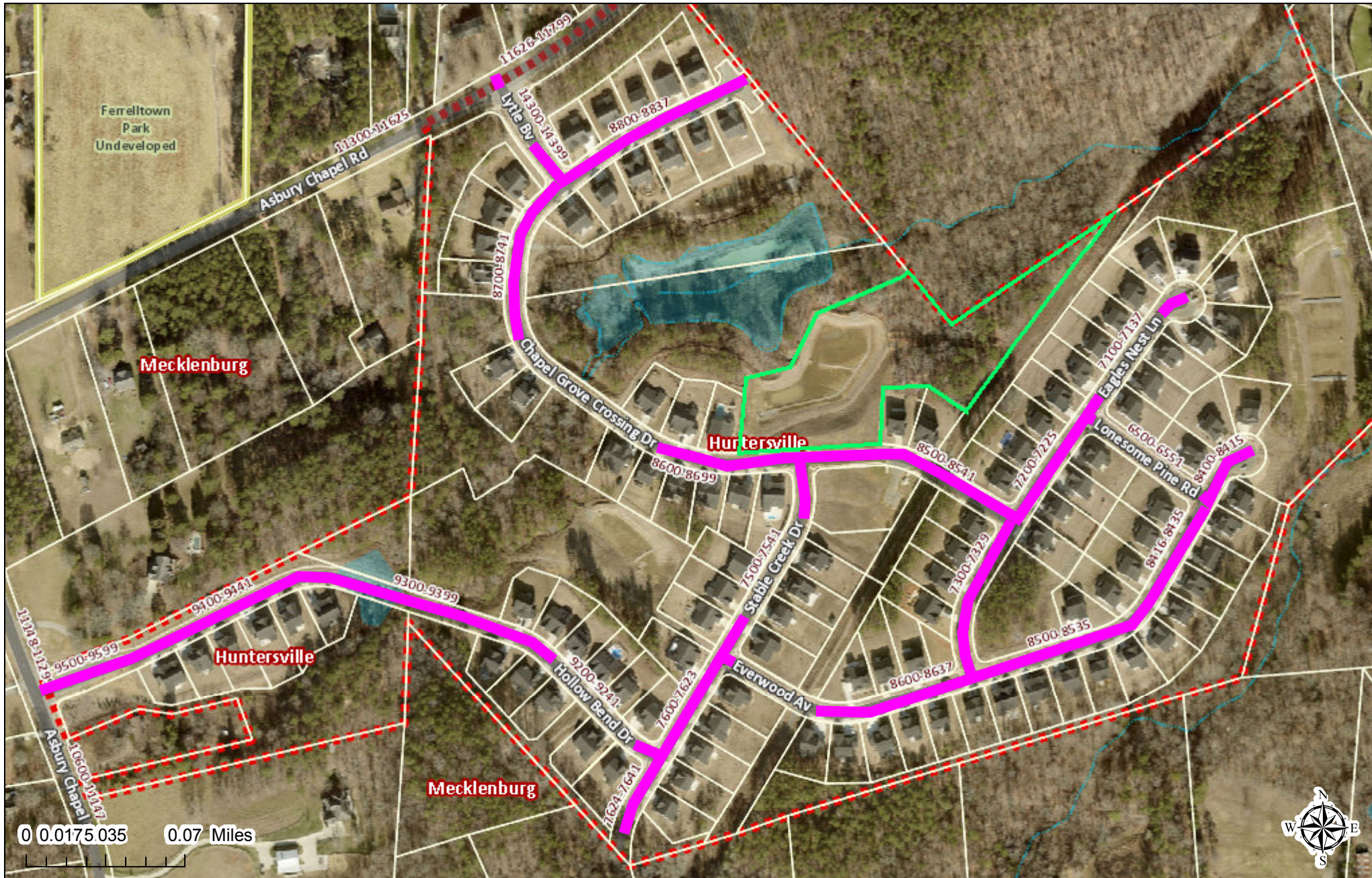


This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

Polaris 3G Map – Mecklenburg County, North Carolina

Chapel Grove Subdivision

Date Printed: 5/22/2023 3:27:35 PM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Lauren Speight, Senior Planner

Date: June 5, 2023

Subject: Petition #TA23-01 Street Trees Impact

EXPLAIN REQUEST:

Call a public hearing for Monday, July 17, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #TA23-01, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 5 and Article 7 to provide options to ensure the goals of the Zoning Ordinance and Comprehensive Plan are met and address concerns regarding the impact of street trees.

ACTION RECOMMENDED:

Call a Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Lauren Speight, Senior Planner

Date: June 5, 2023

Subject: Petition #TA22-15 Require Vegetation Penalties

EXPLAIN REQUEST:

Call a public hearing for Monday, July 17, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #TA22-15, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 7 to amend the penalties for the removal and/or disturbance of required vegetation.

ACTION RECOMMENDED:

Call a Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: David Peete, Principal Planner

Date: June 5, 2023

Subject: Petition #R23-05 Lagoon Bay Beach Club Public Hearing

EXPLAIN REQUEST:

Hold a public hearing on June 5, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #R23-05, Lagoon Bay Beach Club, a request by Bi-Part Development, LLC to rezone +/- 263.01-acres generally located north and south of NC 73, south of Mayes Road, east of Westmoreland Road, north of McCord Road and west of Black Farm Road from existing Rural (R) and Transitional Residential (TR) to Traditional Neighborhood Development - Conditional District (TND-CD), Neighborhood Residential - Conditional District (NR-CD) and Highway Commercial - Conditional District (HC-CD) for a mixed-use development consisting of approximately 1,183 residential units (250 single-family homes, 201 townhomes, 432 apartment units & 300 condominium units), 210,000 square feet of retail, 200 hotel rooms, 36,000 square feet of convention center space and a 41.16-acre commercial lagoon. (Parcel #s 01106218, 01125102, 01125109, 01125103, 01125108, 01104101, 01105105, 01106217, 01106226, 01106219, 01125101, 01125104, 01124123, 01105104 & 01124102).

ACTION RECOMMENDED:

Hold a public hearing for June 5, 2023 at 6:00 p.m.

FINANCIAL IMPLICATIONS:

N/A

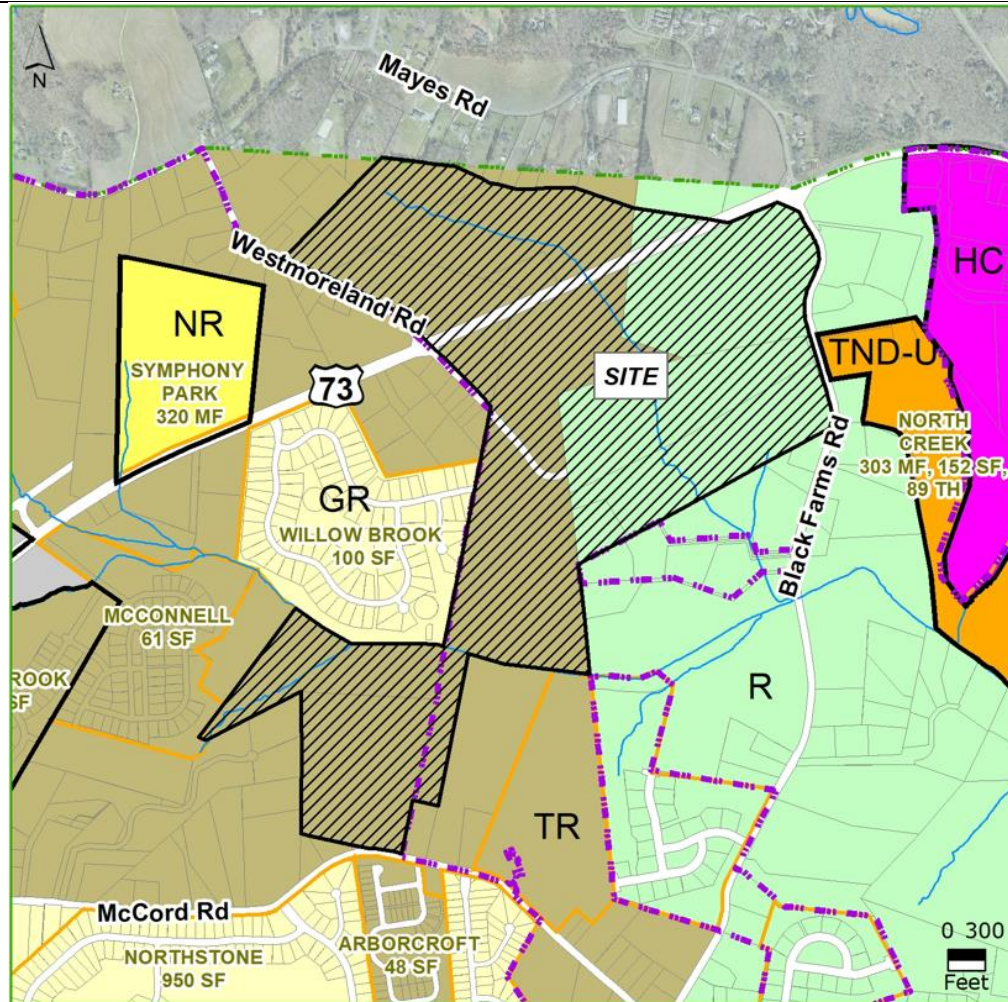
ATTACHMENTS:

1. R23-05 Lagoon Bay Beach Club Public Hearing Staff Report
2. Attachment A - Rezoning Application
3. Attachment B - Lagoon Bay Beach Club CD Rezoning / Sketch Plan (3rd version)
4. Attachment C-1 - Community Meeting Report - 4-26-23
5. Attachment C-2 - Community Meeting Attendance Report
6. Attachment C-3 - Community Meeting sign-in sheets
7. Attachment D - CMS - Report - Lagoon Bay Beach Club

8. Attachment E - Charlotte Water Memo - Lagoon Bay Beach Club

Petition R23-05 Lagoona Bay Beach Club Mixed-Use Conditional District Rezoning

PART 1: PROJECT SUMMARY



Applicant: Bi – Part Development, LLC

Property Owners: C. W. Westmoreland, T. M. Westmoreland, T M Family LP Westmoreland, K. L. Westmoreland, Robert & Cynthia Knox, William & Dawn Bradford (see Attachment A).

Project Address: 12734 Sam Furr Road

Project Size: (+/-) 263.01-acres

Parcel Numbers:

01106218, 01125102, 01125109, 01125103, 01125108, 01104101 01105105, 01106217, 01106226, 01106219, 01125101, 01125104, 01124123, 01105104 & 01124102.

Current Zoning: Rural (R) & Transitional Residential (TR).

Current Land Use: vacant, large-lot single-family residential & farm.

Proposed Zoning: Highway Commercial — Conditional District (HC-CD), Traditional Neighborhood Development - Urban – Conditional District (TND-U – CD) & Neighborhood Residential – Conditional District (NR-CD).

Proposed Land Uses:

250 Single-Family Homes, 180 Townhomes, 432 Apartments, 300 Condos, 200-Room Hotel, 36,000 sq. ft. Convention Center, 210,000 sq. ft. of Commercial Uses and a 41-acre Lagoon amenity.

1. Purpose: Petition to rezone 263.01-acres generally located at 12734 Sam Furr Road – generally north and south of Sam Furr Road (NC 73), between Westmoreland Road to the west, Black Farm Road to the east, and McCord Road to the south. The proposed development is south of Mayes Road (but does not abut the road). The Rezoning Petition is from Rural (R) and Transitional Neighborhood (TR) Zoning District to Neighborhood Residential – Conditional District (NR-CD), Traditional Neighborhood Residential – Urban – Conditional District (TND-U-CD) and Highway Commercial – Conditional District (HC-CD) to create a mixed-use development consisting of: 250 Single-Family Homes; 180 Townhomes; 432 Apartments; 300 Condominium Units; 200-Room

Hotel; 36,000 sq. ft. of Convention Center space; 210,000 sq. ft. of commercial (Highway Commercial permitted uses) and a 41-acre Lagoon amenity (see Attachment B).

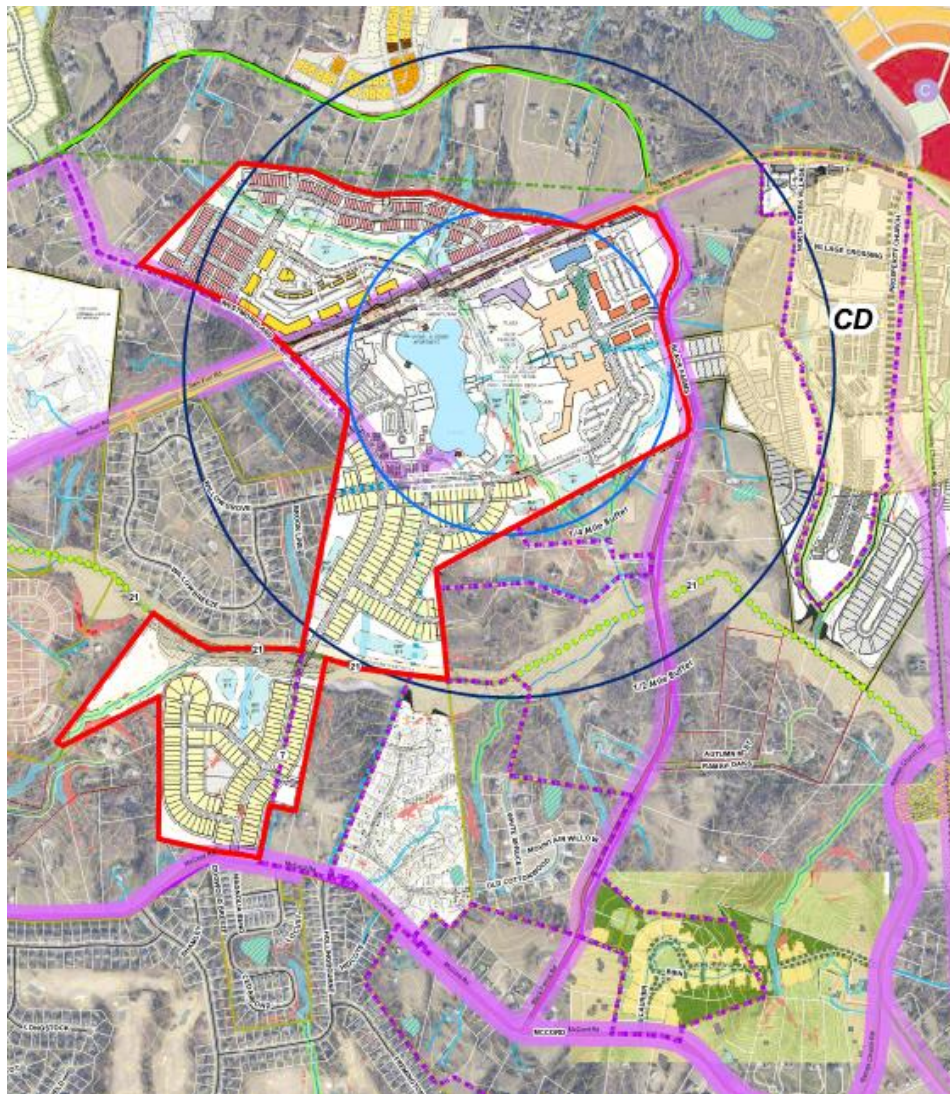
2. Should the Conditional District Rezoning Plan be approved, a corresponding Subdivision Sketch Plan will be reviewed by staff for compliance.
3. Adjoining Zoning and Land Uses.

North: Town of Cornelius: *Rural Preservation & Town of Huntersville – Transitional Residential (TR) & Rural (R) – Large-lot, single-family homes.*

South: Rural (R), *Transitional Residential (TR) & General Residential (GR) – 2 single-family home subdivisions (Northstone & Arborcroft) & large-lot single-family homes.*

East: Rural (R) & *Transitional Residential (TR)– Large-lot, single-family homes, 2 subdivisions (Camden & North Creek Village) & vacant.*

West: General Residential (GR) & *Transitional Residential (TR) – 2 subdivisions (Willowbrook & McConnell), a farmhouse cluster (Stonegate Estates), large-lot, single-family homes, & vacant.*



4. One (1) neighborhood meeting was held on April 26, 2023, which had a significant attendance. A summary of the questions and concerns from that meeting are found in the report of the meeting (see Attachment C).

5. Notice of this CD-Rezoning request was provided via postcards sent to all property owners within 250 ft. of the project; a legal ad placed in the Charlotte Observer; and posting of public hearing signs adjacent the project in ten (10) locations.

PART 2: REZONING/SITE PLAN ISSUES

The proposed Lagoona Bay Beach Club Conditional District Rezoning Plan is summarized as follows:

- Proposed rezoning is from Rural (R) and Transitional Neighborhood (TR) Zoning District to Neighborhood Residential – Conditional District (NR-CD), Traditional Neighborhood Residential – Urban – Conditional District (TND-U-CD) and Highway Commercial – Conditional District (HC-CD)
- Proposed Uses: 250 Single-Family Homes, 180 Townhomes, 432 Apartments, 300 Condominiums, 200-Room Hotel, 36,000 sq. ft. Convention Center, 210,000 sq. ft. of Commercial (Retail) and a 41-acre Lagoon Amenity.
- The zoning district breakdown of the 263.01-acres is as follows:
 - **TND-U Area (Site Plan A – Sheet RZ-3.1) – is 58.33-acres.**
 - This area has 180 townhomes along the north border from NC 73 to Westmoreland Road. There are also 320 apartment units proposed along NC 73 and Westmoreland Road.
 - **HC Area (Site Plans B & C – Sheet RZ-3.2 & 3.3) – 104.88-acres**
 - This area has the 41-acre lagoon amenity along NC 73 and Westmoreland Road. Fronting along NC 73 there is a proposed 6-story hotel and 36,000 sq. ft. convention center. Immediately south of those two uses are 300 condominium units. 140,000 sq. ft. of commercial/retail would be located under the condos. Lastly, along NC 73 and Black Farm Road would be 70,000 sq. ft. or commercial/retail with 112 apartments above.
 - **NR Area (Site Plan D & E – Sheet RZ-3.4 & 3.5) – 100.57-acres**
 - This area has 250 single-family homes with alley-access on 40 and 50-foot wide lots. The single-family homes would be located immediately north and south of Ramah Creek and a future County greenway.
- Urban Open Space to be provided within ¼ mile of all residential units and includes greens, mini-parks and plazas. Some Urban Open Spaces do not meet the requirements of the Ordinance; therefore, site plan revisions are anticipated.
- The North Carolina Dept. of Transportation (NCDOT) will review the Transportation Impact Analysis (TIA), as all of the existing roads surrounding the proposed development are state-owned. The plan shows that additional right-of-way along NC 73 will be dedicated, as required. (see Part 3 of report for complete transportation improvement summary).
- Eight (8) street connections to existing public streets are proposed, including to NC 73, Westmoreland Road, Black Farm Road, McCord Road and Willow Grove Way. In addition, four (4) future street stubs to adjoining parcels are proposed.
- Several streets will have 10' side paths on one-side to create a pedestrian circulation network – including along the street that will connect to the County's future greenway along Ramah Creek.
- The entire floodplain along Ramah Creek is proposed to be dedicated to Mecklenburg County for future greenway development. One (1) trail is proposed in the area north of NC 73.
- In the TND-U area, minimum specimen tree preservation is 30% and 15% is proposed and the remainder must be mitigated, if the percentage is not increased. No tree canopy percentage is required to be saved and none is proposed.
- In the HC area, minimum specimen tree preservation is 30% and 26% is proposed and the remainder must be mitigated, if the percentage is not increased. No tree canopy percentage is required to be saved and none is proposed.
- In the NR area, minimum specimen tree preservation is 10% and 24% is proposed. Ten percent tree canopy is required to be saved and 10% is proposed.
- A shuttle service is proposed to transport residents throughout the entire project.

- If the Rezoning Plan is approved, Staff, at the construction document phase, will review the plans for compliance with the Water Quality Ordinance, Erosion Control Ordinance and Stream Buffer Requirements, as found in the Zoning Ordinance.
- No phasing plan is proposed. All required transportation improvements and any other conditional improvements will be required prior to any plat approvals.
- The entire project is proposed to be annexed into the Town of Huntersville.
- No Ordinance modifications have been requested.

The Lagoon Bay Beach Club Conditional District Rezoning Plan **does not comply with the Zoning Ordinance** in the following ways:

([Modification Request?]) indicates that an item has not been addressed and must either be shown as ordinance-compliant or a “modification request” must be made to the Town Board. This does not mean Town Staff recommends a modification – merely that specific alterations to Zoning Ordinance / Subdivision Ordinance regulations cannot go unaddressed.)



TND-U Area (Site Plan A – Sheet RZ-3.1):

- [ISSUE – ZONING COMPLIANCE] – Requirements of TND-U zoning district have not been demonstrated. All required items must be shown, listed or noted.
- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] - External property buffers are 20 ft. wide and should be labeled as undisturbed. In addition, one location is listed as “possible buffer disturbance” – no explanation is provided as to why these are requested. **[Modification request?]**
- [ISSUE – TND DESIGN PROVISION] - Perimeter block length compliance has not been demonstrated. All blocks within TND-U must demonstrate a perimeter block length not to exceed 1,350 ft. **[Modification request?]**
- [ISSUE – BUILDING TYPE / APARTMENT BUILDING] – Maximum height for apartments is 3 stories. 4 stories are proposed. **[Modification request?]**
- [ISSUE – BUILDING TYPE] – Apartment clubhouse must front a public street or Urban Open Space (ZO Art. 8.1). Must be provided. **[Modification request?]**
- [ISSUE – BUILDING TYPE] – Small buildings in Apartment parking lot do not front anything. Revise layout. **[Modification request?]**
- [ISSUE – OFF-STREET PARKING (ZO Art. 6)] – Apartment parking lot does not comply with regulations. Parking “rooms” and pedestrian corridors need to be added. Revise site plan and add note that all parking lots will comply with ZO Art. 6. **[Modification request?]**
- [ISSUE – OFF-STREET PARKING (ZO Art. 6)] – Clubhouse parking lot is located between the building and the street, which is not permitted. Revise site layout. **[Modification request?]**
- [ISSUE – PEDESTRIAN CONNECTION] – Per ZO Art. 3, all sidewalks must be min. of 7 ft. wide. Revise site plan and add note. **[Modification request?]**

- [ISSUE – BUILDING TYPE] – Attached houses must have a build-to range of 10'-25'. Townhomes appear to have zero setback. Revise or request modification. [Modification request]
- [ISSUE – PEDESTRIAN CONNECTION] – It has been stated that a 10 ft.-wide path along east side of Westmoreland would be provided, but this is not shown. This should be added.
- [ISSUE – PEDESTRIAN CONNECTION] – Apartments fronting NC 73 need to have pedestrian connections from buildings to frontage (public street or Urban Open Space). Add to plan. [Modification request?]
- [ISSUE – STREET DESIGN (ZO Art. 5.2)] – Blocks 10 & 11 (Road 6) exceed the block length limit of 500 ft. for TND-U. Road 6 should also incorporate traffic-calming measures (in addition to on-street parking on both sides of street). This block must either be re-designed or request a modification. [Modification request?]
- [ISSUE – STREET DESIGN (ZO Art. 5.2)] – Cul-de-sac exceeds the length limit of 350 ft. for major subdivisions. This must either be re-designed or request a modification. [Modification request?]
- [ISSUE – URBAN OPEN SPACE (ZO Art. 7.11)] – All Urban Open Spaces must be designed at Sketch Plan. Two Greens (along Westmoreland Road) do not qualify as such. Revise Urban Open Space type. [Modification request?]
- [ISSUE – BUFFERS] – What will the frontage area along north side of NC 73 be once the construction easements for road widening are no longer needed. Provide cross-section for this area.
- [ISSUE – TREE SAVE] – Specimen tree save in the TND-U zone is 30% minimum and this plan proposes 15% tree save. This area is large enough to provide minimum specimen tree save. However, if the minimum is not required via modification request, mitigation provision must be listed. [Modification request?]
- [ISSUE – TREE SAVE] – **RECOMMEND** even though there is no minimum tree canopy percentage required to be saved in the TND-U district, this area is large enough to provide some canopy-save. The minimum external buffers alone will provide canopy save.
- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] - **RECOMMEND** 40 ft. (min.) buffers along external borders to appropriately transition from abutting large-lot, single-family (to the west) with a density of 0.24 units/acre to proposed subdivision with apartments and townhomes with a density of 8.57 (35 times the existing density).
- [ISSUE – TRANSPORTATION] – **RECOMMEND** add stub to Northwest adjacent property as an extension of cul-de-sac.
- [ISSUE – TRANSPORTATION] – **RECOMMEND** providing on-street parking on both sides of street abutting townhomes.



HC Area (Site Plan B – Sheet RZ-3.2):

- [ISSUE – BUILDING TYPE] – All buildings must front either a public street or an Urban Open space (ZO Art. 8.1). The lagoon and its accessory buildings are amenities that are not Urban Open Space. An ordinance-compliant frontage for the principal use must be identified. [Modification request?]
- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] A berm has been discussed along NC 73 and Westmoreland Road but does not appear on the plans. This would be an appropriate buffer, but the location, size and cross-section of the berm must be provided. No buffer or parking lot screening are shown along east side of

Westmoreland Road. These are needed to screen the large parking lot serving the lagoon / clubhouse and sports fields. [Modification request?]

- [ISSUE – PEDESTRIAN CONNECTION] – The applicant stated that a 10 ft.-wide path along east side of Westmoreland would be provided, however, it is not shown. This should be added.
- [ISSUE – TREE SAVE] – Specimen tree save in the HC zone is 30% minimum and this plan proposes 26% tree save. This area is large enough to provide minimum specimen tree save. However, if the minimum is not required via modification request, mitigation provision must be listed. [Modification request?]
- [ISSUE – TREE SAVE] – **RECOMMEND** even though there is no minimum tree canopy percentage required to be saved in the Highway Commercial (HC) district, this area is large enough to provide some canopy-save. The minimum external buffers alone will provide canopy save.
- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] – **RECOMMEND** buffer along Westmoreland Road and Road 9 where the Sports Fields are located. The Sports Fields will generate noise and lights and the adjoining residents, both within the development and those abutting, should have an appropriate level off screening.



HC & TND-U Area (Site Plan C – Sheet RZ-3.3):

- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] - External property buffers are 20 ft. wide and should be labeled as undisturbed. [Modification request?]
- [ISSUE – BUILDING TYPE] – All buildings that front a public street (including NC 73) must provide pedestrian access to those streets via sidewalk. Indicate this is to be provided. [Modification request?]
- [ISSUE – BUILDING TYPE] – How will the 140,000 sq. ft. of retail be split? Compliance with Highway Commercial requirements must be demonstrated. [Modification request?]
- [ISSUE – BUILDING TYPE] – 100% attached residential units are only permitted in HC zone with special conditions – which have not been demonstrated. This must be provided. [Modification request?]
- [ISSUE – HISTORIC BUILDING] – This building does not have historic protection and may not merit saving (see Item #3 on page 18). What is intent for this building?
- [ISSUE – BUILDING TYPE] – Per ZO Art. 4, all buildings must be developed based on appropriate building type. Building Types must be identified for each structure.
- [ISSUE – OFF-STREET PARKING (ZO Art. 6)] – Multiple large parking lots do not comply with regulations. Parking “rooms” and pedestrian corridors need to be added. Revise site plan and add note that all parking lots will comply with ZO Art. 6. [Modification request?]
- [ISSUE – STREET DESIGN (ZO Art. 5.2)] – Road 9 exceeds the block length limit of 500 ft. for Urban Conditions. Road 9 should also incorporate traffic-calming measures (in addition to on-street parking on both sides of street). This block must either be re-designed or request a modification. [Modification request?]
- [ISSUE – STREET DESIGN (ZO Art. 5.2)] – The retail/apartment buildings and condo buildings have large setbacks from the public right-of-way. What type of streetscape is proposed for this area? Why are large setbacks shown? [Modification request?]

- [ISSUE – OFF-STREET PARKING] – The hotel and convention center do not show loading areas for deliveries and large vehicles. Will there be special parking in close proximity? How will event set-up be accommodated? [Modification request?]
- [ISSUE – URBAN OPEN SPACE (ZO Art. 7.11)] – All Urban Open Spaces must be designed at Sketch Plan. Two Plazas between the condos must be generally designed to illustrate Ordinance compliance and for possible merit of Ordinance modification. [Modification request?]
- [ISSUE – TREE SAVE] – Specimen tree save in the TND-U and HC zone is 30% minimum and this plan shows 15% and 26% (respectively) for tree save. This area is large enough to provide minimum specimen tree save. However, if the minimum is not required via modification request, mitigation provision must be listed. IT should be noted that NR tree save is well above the minimum. [Modification request?]
- [ISSUE – BUILDING TYPE (ZO Art. 4)] – A six-story hotels is proposed – this height is not permitted in Highway Commercial (HC). This will require a Special Use Permit.
- [ISSUE – TREE SAVE] – **RECOMMEND** even though there is no minimum tree canopy percentage required to be saved in the TND-U zone, this area is large enough to provide some canopy-save. The minimum external buffers alone will provide canopy save.
- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] - **RECOMMEND** 40 ft. (min.) buffers along external borders to appropriately transition from abutting large-lot, single-family (to the west) with a density of 0.24 units/acre to proposed subdivision with apartments and townhomes with a density of 8.57 (35 times the existing density).



NR Area (Site Plan D – Sheet RZ-3.4):

- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] - External property buffers are 20 ft. wide and should be labeled as undisturbed. In addition, one location is listed as “possible buffer disturbance” – no explanation is provided as to why these are requested. [Modification request?]
- [ISSUE – STREET DESIGN (ZO Art. 5.2)] – Portions of the Block for Westmoreland Road and Road 9 exceed the block length limit of 800 ft. for major subdivisions (when combined with the street portion on abutting plan sheets). These blocks must either be re-designed or request a modification. [Modification request?]
- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] - **RECOMMEND** 40 ft. (min.) buffers along external borders to appropriately transition from Willowbrook subdivision (to the west) with a density of 1.59 units/acre to proposed subdivision with 50 ft. -wide single-family lots with a density of 2.53 and from large-lot, single-family (to the east) with a density of 0.12 units/acre to proposed subdivision with 50 ft. -wide single-family lots with a density of 2.53 (21 times the existing density).
- [ISSUE – CONNECTIVITY (ZO Art. 5.1.2)] – **RECOMMEND** shifting connection south to align with the Heath parcel, as there is greater future redevelopment potential based on parcel size and frontage along Black Farm Road.
- [ISSUE – DESIGN] - **RECOMMEND** – there are a large number of lots in the center of this area without a break as the lots run north-to-south. Adding a walkway would break up the block repetition, but also provide pedestrian access from east to west.

- [ISSUE – TRANSPORTATION] – **RECOMMEND** redesign of Westmoreland Road. Even with a traffic circle, Westmoreland Road is too direct a route between NC 73 and McCord Road. This road should be redesigned to create a less-direct route between the two thoroughfares.
- [ISSUE – TRANSPORTATION] – **RECOMMEND** redesign of stub to Willow Grove Way (Willowbrook). The traffic circle at Westmoreland Road will calm traffic, but the stub connection should be a very indirect route between the neighborhoods.
- [ISSUE – TRANSPORTATION] – **RECOMMEND** revision of on-street parking on both sides of Road 9. Aside from providing traffic-calming, is this parking meant to serve the neighborhood primarily, or will it be used by lagoon patrons? In other words, is parking for lagoon-related uses appropriate next to the single-family homes? Parking on one side may be more appropriate.
- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] – **RECOMMEND** buffer along Westmoreland Road and Road 9 where the Sports Fields are located. The Sports Fields will generate noise and lights and the adjoining residents, both within the development and those abutting, should have an appropriate level off screening.



NR Area (Site Plan E – Sheet RZ-3.5):

- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] - External property buffers are 20 ft. wide and should be labeled as undisturbed. In addition, several locations are listed as “possible buffer disturbance” – no explanation is provided as to why these are requested. [Modification request?]
- [ISSUE – STREET DESIGN (ZO Art. 5.2)] – The Block for Road 14 exceeds the block length limit of 800 ft. for major subdivisions. This block must either be re-designed or request a modification – either way, see next bullet item. [Modification request?]
- [ISSUE – STREET DESIGN (ZO Art. 5.2)] – The cross-section for McCord Road shows 4 ft. bike lanes, which NCDOT no longer allows. This should show a 10 ft. sidepath. [Modification request?]
- [ISSUE – URBAN OPEN SPACE (ZO Art. 7.11)] – Proposed Urban Open Space “Park” located behind a block of homes does not qualify as Urban Open Space. Site Plan to be re-designed to locate an Urban Open Space along a public street and sited such that every lot is within ¼ mile walk of such Urban Open Space. [Modification request?]
- [ISSUE – STREAM BUFFER PROTECTION (ZO Art. 3)] Several alley and lot areas near Ramah Creek encroach into restricted stream buffers – these must be revised.
- [ISSUE – STREET DESIGN] – **RECOMMEND** traffic-calming (mini-circle) at the intersection of Road 13 and Westmoreland Road.
- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] - **RECOMMEND** 40 ft. (min.) buffers along external borders to appropriately transition from abutting large-lot, single-family (to the west) with a density of 0.34 units/acre to proposed subdivision with 40 ft. -wide single-family lots with a density of 2.5 (7.3 times the existing density).
- [ISSUE – CONNECTIVITY (ZO Art. 5.1.2)] – **RECOMMEND** a future street stub along the western edge, south of Ramah Creek.
- [ISSUE – DESIGN] - **RECOMMEND** – there are numerous lots along Road 14 without open space. A walkway to the rear alley, a mini park or street stub to the west are options to break-up block.

- [ISSUE – BUFFERS (ZO Art. 7.5) – **RECOMMEND** – Buffer along frontage of McCord Road should be 80 ft. deep to match the widths of other developments along the thoroughfare (ex: Northbrook, Camden, Arborcroft & Belleterre).
- [ISSUE – APPROPRIATE LAND USE TRANSITIONS] – **RECOMMEND** Within same development, there are 50 ft.-wide single-family lots. The largest lots proposed should be placed along the external edge to address transitional lot sizes.

GENERAL COMMENTS:

- Traditional Neighborhood Development – Urban (TND-U) is requested for the residential area north of NC 73 (Site Plan A). TND Districts are provided “for the development of new neighborhoods... which are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. TNDs offer a mixture of housing types and prices, prominently sited civic or community building(s) and stores/offices/workplaces to provide a balanced mix of activities”. TND-U also requires the following:
 - Average perimeter of all blocks should not exceed 1,350 ft., with no block greater than 500 ft. without a dedicated alley or pathway providing through access.
 - Applicants need to demonstrate that average perimeter of all blocks does not exceed 1,350 ft. and that regular blocks are between 250 – 500 ft.

- The townhomes along the external boundaries are located only 20 feet (min.) from Rural (R) and Transitional Residential (TR) zoned properties with permitted densities of 0.9 or 1.5 units per acre (respectively). The densities proposed within the TND-U area in close proximity to low-density development are not appropriate as shown.

STAFF COMMENT: *The average perimeter blocks have not been demonstrated and some blocks exceed maximum block length. Mitigation of the incompatible densities would involve significant spacing or buffering from the adjoining land uses, combined with a development density that “steps-down” as it approaches the outer boundaries. These design elements could provide a means to introduce higher densities into this area. However, the densities proposed, in general, are not supported in this location. The uses in the TND-U area, represent a density of 8.57-units-per-acre located 20 feet from the adjoining Rural and Transitional Residential areas which permit 0.9 and 1.5 units per acre (respectively). Development transitions via “stepping-down” the level of development at the development edges to approximate the permitted densities around the project is the only way to introduce this use and zoning district.*

- The apartment layout along NC 73 need to create a pedestrian-oriented residential community.
STAFF COMMENT: The entire Lagoona Bay Beach Club is proposed to be a pedestrian-oriented, mixed-use development; however, the apartments and townhomes are isolated from the other uses by NC 73, with only a shuttle to provide connection. The large, linear parking lot separates the buildings without pedestrian connections or open spaces.

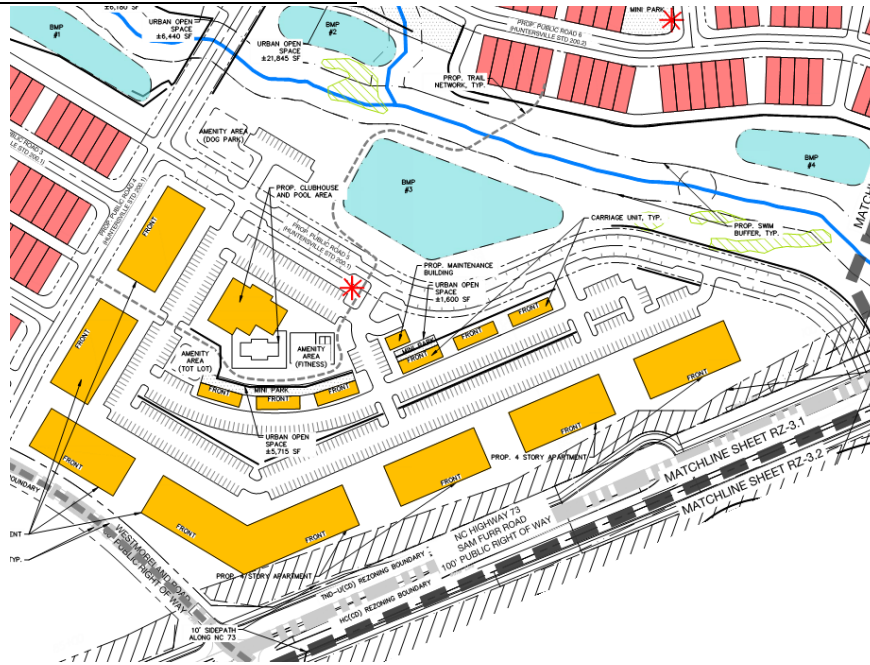
- Full elevations for the apartments and townhomes along the public street frontages in the TND-U zone must be provided. Elevations for the commercial/retail, hotel, convention center, condos and apartments in the HC zone should be provided.

STAFF COMMENT: *Per Article 3.2.11.d.3 Traditional Neighborhood Development – General Requirements, “A master plan in compliance with Traditional Neighborhood Development standards shall be provided with the conditional district plan...” The master plan shall include... building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges”.*

- The apartment layout has several buildings that do not front a street or Urban Open Space.
STAFF COMMENT: *Most of the apartments are located along an Urban Open Space which, if designed well, could provide an appropriate complement to high-density residential use. Typically, a trade-off for added*

density is well-laid-out open space and compelling building design. Does this site plan provide the enhanced design to merit the addition of higher densities within close proximity to the Rural zoning district.

CURRENT APARTMENT LAYOUT:



- The specimen tree data should be overlaid on the site plan for proper evaluation for each sub-area. Required specimen tree save is 30% for both HC and TND-U zoning.

STAFF COMMENT: *Based on the tree survey provided, it appears there is opportunity to save the Ordinance-required minimum 30% of specimen trees on site. The existing land uses and developments surrounding this project have a high percentage of tree coverage. One of the primary reasons to permit a reduction in tree save is as a trade-off for well-designed, specific open spaces that created activated-spaces, instead of merely preserving a high-percentage of trees. Tree mitigation is a measure in the Ordinance to be utilized only when existing conditions do not permit minimum preservation of trees on site.*

- All parking lots, when located along a public street must be screened.

STAFF COMMENT: *Several parking areas are not adequately screened, per Ordinance.*

- Pedestrian circulation through the proposed parking lots does not meet Article 6 of the Zoning Ordinance.

STAFF COMMENT: *Article 6.D. states that "parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building(s). On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building".*

- Floorplans for the apartments-over-commercial and condos must be provided to understand how these units will function and satisfy the requirements of the Ordinance.

STAFF COMMENT: *Floorplans are the most effective way to illustrate the ground-level units have entrances to the frontage. Floorplans will also show the percentage of non-residential provided on the ground-level to satisfy the requirements of Article 3 of the Zoning Ordinance regarding 100% attached units in the Highway Commercial zone.*

- All external buffers are to be undisturbed.

STAFF COMMENT: *All of the external buffers are labeled as "landscape buffers", which does not preclude the clearing of these areas and re-planting after grading is done. That is not the intent of external development*

buffers, and they should remain undisturbed and only supplemented where the existing vegetation does not provide adequate buffering.

- Provide heights in data chart for all use types. [Modification request?]

STAFF COMMENT: *In order to confirm that all structures are adhering to the requirements of the Ordinance, overall heights need to be provided from the public right-of-way grade. The hotel and possibly some apartments, are requesting heights that exceed the Ordinance. Will these requests be through modification or through the Special Use Permit process? This should be discussed with Staff.*

- RECOMMENDATION: The apartment area has limited Urban Open Space and common open spaces for the residents.

STAFF COMMENT: *As stated previously, higher-density developments can be justified by providing appropriate open spaces for the higher number of residents to utilize for various recreational and passive uses. Recommend increasing the amount of open space throughout.*

- RECOMMENDATION: Expanded pedestrian circulation options to all parts of the development should be provided.

STAFF COMMENT: *Safe and convenient walkways should be provided to move the high-density, multi-family residents to the lagoon area, and the entire Highway Commercial area south of NC 73. While a shuttle bus is proposed to transport residents throughout the development – that does not replace a well-designed, pedestrian network of sidepaths, sidewalks and trails. Connecting the area north of NC 73 with at-grade crossings of NC 73 (if possible), or other pedestrian crossing technique, would provide connection for the high-density area to the north to the uses to the south.*

- RECOMMENDATION: An 80 ft. buffer should be provided along McCord Road frontage.

STAFF COMMENT: *Similar to the buffer proposed along Black Farm Road) to continue the development character found at several other developments along McCord Road, including Northbrook, Camden, Arborcroft and Belleterre. This type of wide buffer area also respects the existing land uses along the corridor.*

- RECOMMENDATION: Add a street stub to the west (south of Ramah Creek).

STAFF COMMENT: *There are approximately 24- acres that have re-development potential to the west of the single-family homes closest to McCord Road. Connectivity with this development should be provided.*

The Conditional District Rezoning Plan does not comply with the Subdivision Ordinance in the following ways:

Following Items have not been provided:

- Notes Sheet – Numerous notes are required by Zoning Ordinance and Subdivision Ordinance.
- Phasing Plan – required for rezonings.
- Lot diagrams for each use.
- Building type for every structure.
- Numerous block lengths exceed regulations.
- Note on plan regarding provision of water and sewer service.
- Mail kiosk locations.
- Garbage collection locations in the commercial/retail, hotel, convention center, apartment and condo locations.
- Percentage of impervious coverage allowed and proposed.
- Lot counts, by use.
- All build-to ranges and setbacks.

- Add Sheet LS-2.0 to Landscape Plan set.
- Specimen tree and tree canopy mitigation explanation, if additional trees are not saved.
- Amount and percentage of overall open space.
- Assignment of all open spaces to one of four open space types.
- Note regarding residential lot trees.
- Confirm 10 ft. sidepath is to be provided on both sides of NC 73 and list all other streets that will have sidepaths.
- Design of lot sizes to transition with adjacent development.
- Design of buildings to respect the general spacing of existing structures.
- Compatible or Transitional orientation of adjacent principal structures.
- Requested modification list.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

A TIA for the Lagoona Bay Beach Club CD Rezoning will be reviewed by North Carolina Dept. of Transportation (NCDOT), as all of the impacted roads are state-maintained roads. A revised scoping package for this TIA was submitted to NCDOT on 5/10/23. As of 5/25/23, NCDOT approved the scope, however roadway improvements have not been identified by NCDOT or committed to by the developer.

Additional transportation issues:

- Adequate turnarounds should be provided at several public road stubs and dead-end alley conditions.
- Traffic-calming measures should be provided at several locations as specified by Town Staff.
- Most recent NC 73 plan set should be referenced into the development plan to show specific ROW and easement locations.
- Minimum requirements for roadway geometry (curve radii and road grades) are not being met on several proposed public streets.
- ROW widths for several public streets are inconsistent with corresponding typical sections.
- Alleys have not been designed to accommodate appropriate design vehicle(s), i.e., garbage truck.
- Disturbances of SWIM and Post Construction buffers shown on plans at alley locations.
- 100' stem length not provided between McCord Rd ROW and first alley.
- Some areas of the proposed storm drainage system do not meet engineering standards.
- Several typical street sections are inconsistent, inadequate or not provided.
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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”.

NOTE: The following references to the 2040 Community Plan’s policies that relate to the Lagoona Bay Beach Club Rezoning Plan are divided into two sections - policies that SUPPORT the Plan as presented and policies that DO NOT support the plan.

Policies from the 2040 Huntersville Community Plan that SUPPORT this project:

- **Policy LU-9: New residential development should follow appropriate housing design principles.**
 - **LU 9.1: In higher intensity areas including Mixed Use Centers, Activity Centers, the Town Core, and Moderate Density areas neighborhoods should adhere to the following design principles:**

- All homes must front a public street or open space.
- Front porches and recessed garages are encouraged.
- On-street parking is required in new developments that have lot widths below 60'. Alley-loading is also encouraged in these cases.

STAFF COMMENT: If the Town approves the rezoning thereby amending the 2040 Land Use Plan Map for higher intensity development, the developer is proposing all rear loaded alley access garages for the single-family development.

- **Policy LU-10: Encourage a diversity of housing options.**

- **LU 10.1: Align housing options with resident needs and promote attainable housing options.**

- Accommodate a mix of housing by type, tenure and location to serve a growing and increasingly diverse population. Housing offerings should align with workforce opportunities, including management, professional positions and service positions.

STAFF COMMENT: The development contains a variety of housing options, including single-family homes, townhomes, condos and apartments.

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

- **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.

STAFF COMMENT: The developer proposes a 200-room hotel, 36,000 sq. ft. convention center, 210,000 sq. ft. of retail, and a full-service 41-acre resort style recreational area to augment 1,162 proposed dwelling units. The hotel, convention center, retail and resort area will diversify the tax base. However, there is concern that being 3 miles from Interstate I-77 and not being located at the intersection of two major thoroughfares could make it difficult to achieve full build-out. By example, Huntersville East was initially approved in February 2009 with up to 181,827 sq. ft. of commercial floor area and they have/will build 82,460 sq. ft. of commercial floor area to date. Davidson East in Davidson was approved June 2007 with 404,680 sq. ft. of office & retail approved and to date, no non-residential floor area has been built.

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

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

- Foster a dynamic, diversified, and inclusive business climate that highlights why the Town of Huntersville can support private investment and locally expanding businesses.

- *STAFF COMMENT: The developer proposes to diversify the non-residential development options by including a 200-room hotel, 36,000 sq. ft. convention center, 210,000 sq. ft. of retail, and a full-service 41-acre resort style recreational area.*

-

- **Policy EOS-5: Protect water quality.**

- **EOS 5.3: Encourage Low Impact Development (LID).**

- Continue to promote usage of sand filters, bioretention, rain gardens, green roofs, pervious pavements, stormwater planters and other LID features.
 - Fine tune design of stormwater features and relationship to open space.

- *STAFF COMMENT: The development will comply with Low Impact water quality standards.*

- **Policy EOS-8: Improve access to parks.**

- **EOS-8.2:** Work toward the goal of 100% of residents within a 10-minute walking distance of a park, formalized or curated natural area, publicly accessible passive open space area, or greenway access point.

STAFF COMMENT: The development will dedicate the entire Ramah Creek floodplain to Mecklenburg County for preservation and for the future extension of the greenway network. Westmoreland Road is proposed to have a 10 ft. sidepath that will offer access to the future greenway. The development's 41-acre recreational amenities (with membership) will offer additional options to the area.

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

- **Implement the Bicycle and Pedestrian Committee's 30 x 30 plan.**

- Connect all parks, schools, neighborhoods and major shopping into the Greenway System by 2030 incrementally over the next 10 years.
- Include greenways, sidewalks, multi-use paths, trails and dirtways.

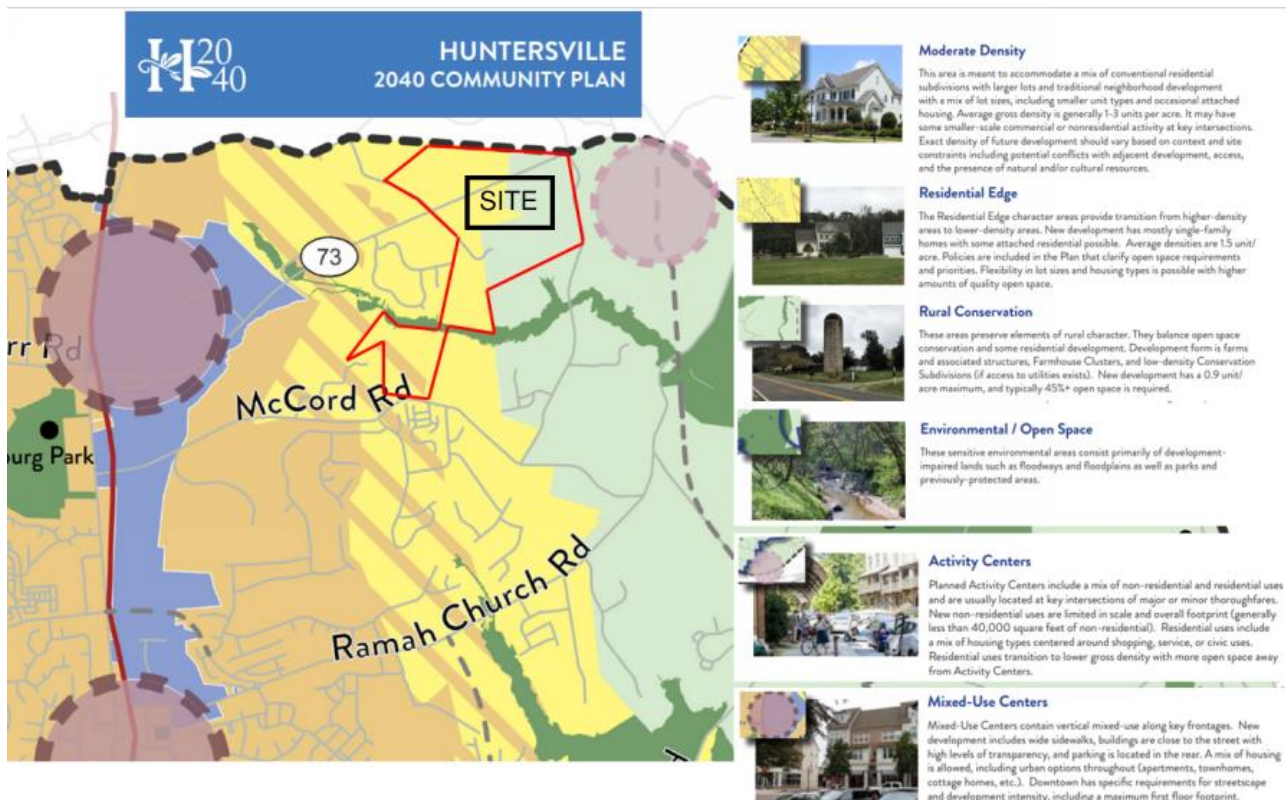
STAFF COMMENT: All public streets have sidewalks along both sides and generally provide pedestrian circulation throughout. 10 ft. wide sidepaths are proposed, however, it is not clear where they will be located.

Policies from the 2040 Huntersville Community Plan that **DO NOT SUPPORT** this project:

- **Policy LU-1: Encourage a development pattern that follows the Future Land Use Map.**

- **LU 1.1: Utilize the Future Land Use Map during development approval process to ensure compatibility with long-range plans.**

STAFF COMMENT: This rezoning does not follow the Future Land Use Map by placing high-density development in the Moderate Density, Residential Edge and Rural Conservation area. If approved, the Future Land Use Map will be modified, and a decision needs to be made as to potential designations for the properties surrounding the Lagoona Bay Beach Club's 263-acres. The Future Land Use Map area is as follows:



The Rural Conservation designation indicates areas to “preserve elements of rural character”. “New development has a 0.9 unit /acre and typically 45% open space.” The area of the rezoning plan that corresponds to the Rural Conservation area is proposed for Highway Commercial zoning with a mixed-use development with 112 apartments, 300 condominium units, 210,000 sq. ft. of commercial (retail), 200-room hotel and a 36,000 sq. ft. convention center and a 41-acre lagoon amenity. These proposed uses are not in alignment with the Rural Conservation designation.

The Residential Edge areas “provide transition from higher-density areas to lower density area. New development has mostly single-family homes with some attached residential possible. Average densities are 1.5 units/acre. Flexibility in lot sizes and housing types is possible with higher amounts of quality open space.” The area of the rezoning that corresponds to the Residential Edge area is proposed for Traditional Neighborhood Development (TND-U), Highway Commercial (HC) and Neighborhood Residential (NR) zoning with 180 Townhomes, 320 Apartments, (portion of) the 41-acre lagoon amenity and (portion of) the single-family homes.

- **Policy LU-2:** Encourage residential development that follows the pattern outlined in the future land use map.
 - **Policy LU-2.1:** Higher intensity residential uses will be focused generally within two miles of the I-77/NC-115 corridor and future activity centers in the eastern and western areas of the Huntersville zoning jurisdiction.

STAFF COMMENT: The Lagoon Bay Beach Club rezoning does not follow the Future Land Use Map by placing high density development in the Residential Edge and Rural Conservation area. If approved, the Future Land Use Map will be modified, and a decision needs to be made as to potential designations for the properties surrounding the project’s 263-acres.

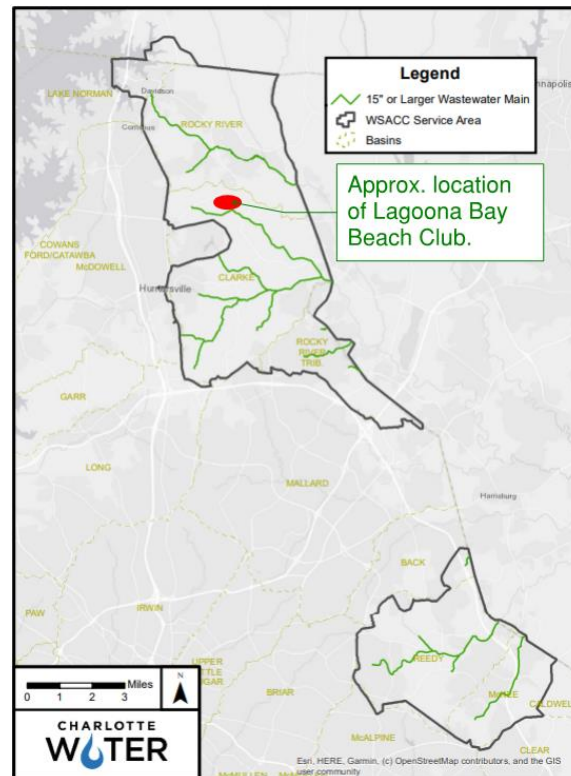
- **Policy LU 3.1: Manage residential growth in the eastern and western parts of Huntersville’s planning jurisdiction.**
 - **LU 3.1: Discourage rezonings to higher intensity residential districts in the Residential Edge and Rural Conservation future land use character areas.**
 - There is constant pressure to rezone to higher-density districts on the edges of town. Growth management was the #1 priority for survey response. There needs to be a concerted effort to uphold previous policy decisions to limit density and increase open space preservation in the more undeveloped areas outside of the Town Core.

STAFF COMMENT: The rezoning does not manage growth in the eastern part of Huntersville. Under current TR and R zoning, 340 single-family homes could be built. The rezoning would allow 1,162 residential units (single-family, townhomes, condos and apartments) a 200-room hotel, a conference center and up to 240,000 ft of commercial/retail. If the development is permitted not to match the permitted densities of the surrounding zoning districts, then appropriate transitions should be created by revising the location of uses, sizes and densities along external boundaries and increase buffers along the edges, as well.

- **Policy LU-5: Focus more intense development in locations that can support growth.**
 - LU 5.1: Allow more intense development only where transportation infrastructure and utilities already exist.

STAFF COMMENT: This area was designated for low-density development. While NC 73 is planned to widen to four-lanes starting in 2026, and Charlotte Water is in the process of increasing sewer capacity in this area (see below), this development will consume capacity intended for the region and will reduce capacity designated for higher intensity development (see Attachment E). Further, designating the 263-acres for higher intensity development will result in additional demand for higher intensity development on adjacent properties and surrounding land. Adopted long-range plans are the basis for infrastructure planning and were referenced by

NCDOT (for NC 73), Charlotte Water & Sewer and Charlotte-Mecklenburg Schools. Lastly, until NCDOT provides input based on the TIA, a full analysis of transportation impacts cannot be provided at this time.



- **Policy LU-6: Support a mix of land uses in key locations.**
 - LU 6.1: A mix of land uses is encouraged in Mixed Use Centers, Activity Centers, Employment Centers identified on the Future Land Use Map.
 - LU 6.2: Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.
 - LU 6.3: Small scale, neighborhood-serving commercial and office uses may be allowed in Town Core and Moderate Density areas specified on the Future Land Use map at key locations if designed in a context sensitive manner.

STAFF COMMENT: *The rezoning does not follow the Future Land Use Map by placing high density development in the Residential Edge and Rural Conservation areas, rather than in designated mixed-use centers.*

- **Policy LU-7: Require new development to follow design principles that reinforce the vision for the Town as expressed in this plan and other adopted plans.** The town has committed to traditional town planning and urban design principles that are meant to preserve the character of the town. This commitment is noted in adopted plans and the zoning ordinance and has been expressed in new development over the last 25 years.
 - **LU 7.1: Require all new development to adhere to the following design principles:**
 - In Mixed-Use Centers, Activity Centers, Town Core, and Moderate Density Areas, streets and sidewalks are meant to be attractive and inviting. New development in these areas shall follow these principles:
 - 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.
 - Accommodate a mix of uses and/or housing types.

STAFF COMMENT: *The applicant is requesting the Town designate this area for higher intensity development, although it is not clear what Future Land Use Classification will apply. Based on the intensity of development proposed, the Mixed-Use Center is closest to the rezoning plan. If the Town modifies the Future Land Use Map to allow higher intensity development, there are some sections of the development that follow the above design principles and some sections that do not that are highlighted in yellow. While a mix of housing types are proposed, they are clustered and should more-fully integrate within the Activity Center limits.*

- **Policy LU-9: New residential development should follow appropriate housing design principles.**
 - LU 9.2: Within lower intensity areas including Moderate Density, Residential Edge, Rural Conservation, and Critical Watershed areas conservation design & farmhouse clusters are encouraged.
 - Scenic nature of roadways should be preserved.
 - Development should be clustered away from key natural features.
 - Site design should minimize grading and maximize preservation of existing stands of mature, native trees.

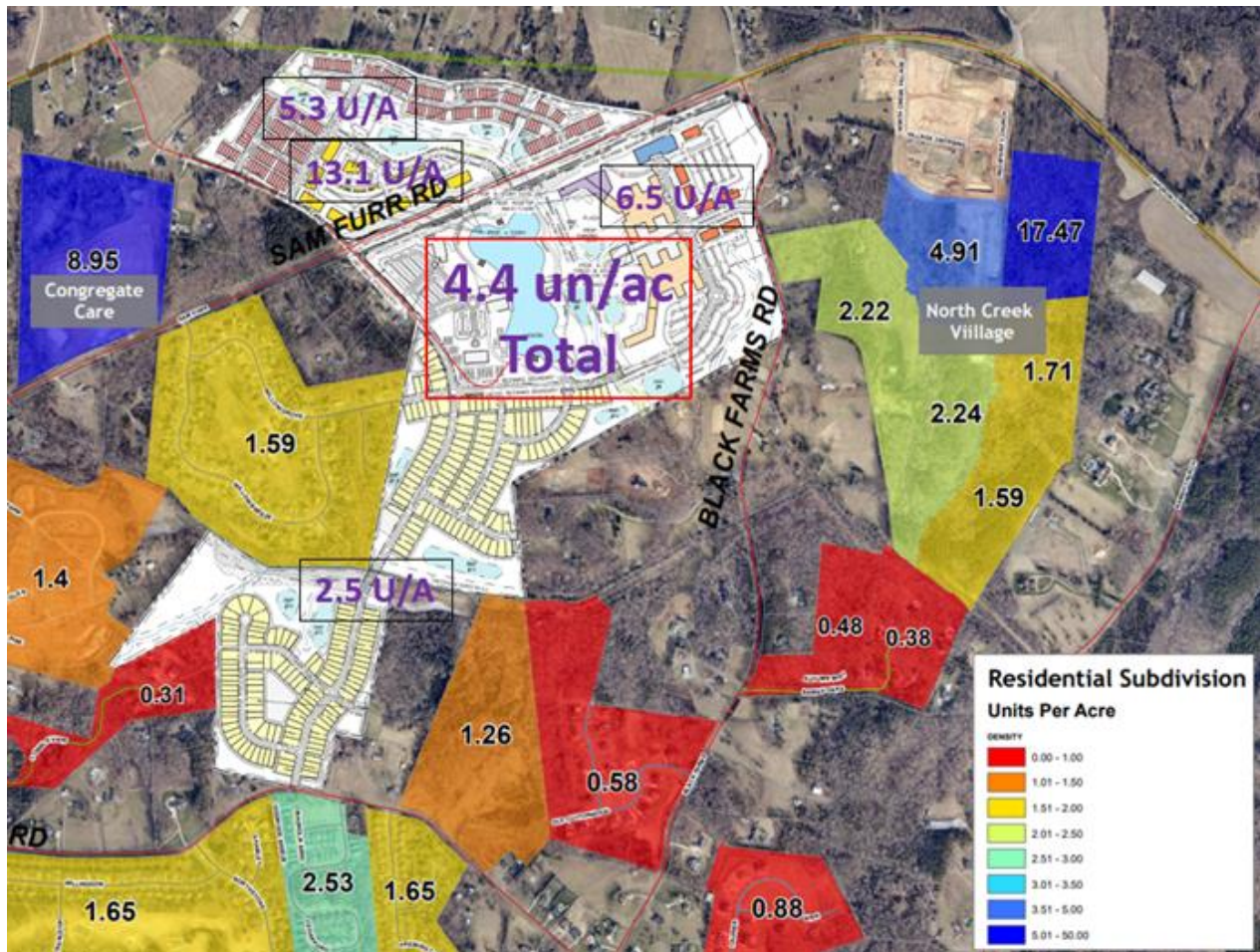
STAFF COMMENT: *If the Town does not modify the 2040 plan map, the proposed development will not meet Policy LU 9.2.*

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

STAFF COMMENT: *The 100-acre single-family development with 250 homes offers two lot widths of 40 ft. and 50 ft. This is very limited given the size/number of single-family homes and the low density of adjacent development.*

- **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.

STAFF COMMENT: *Existing residential development north of NC 73 consists of low density, large lot single-family dwellings. The proposal for 180 townhomes and seven 320-unit four-story apartments is not in keeping with protecting the existing housing stock. Further, existing residential development south of NC 73 is low density moderate to large lot single-family development ranging from .38 acre lots to 3 acre lots. The proposal is for lots starting at .12 acres and alleys serving those lots to be located within 20' of existing residential lots. In one area near McCord Road, there are three existing large lot homes adjoining 20 proposed single-family dwellings with alleys 20' from the existing residential property. The proposed development is not in keeping with protecting existing housing stock.*



Appropriate buffers along state roads and external boundaries provide transitions between new development patterns and existing land uses. A recent example is North Creek Village, located to the east and south of the NC 73 & Davidson-Concord Road intersection. This development is located within a designated Activity Center – which encouraged higher densities - near areas designated for more Rural and Transitional Residential-type development (low density). That project presented a land use arrangement that “stepped-down” the density and uses so that the proposed uses are more compatible with adjacent R and TR development. The project has 40 ft. and 50 ft. buffers and densities at the edges are only slightly higher than TR’s 1.5 units per acre. The area of the North Creek Village plan with apartments (and the highest density) has the widest buffer abutting Rural Zoning and was adequate for Town approval. Lastly, the “vegetated buffers” should be undisturbed buffers that only add vegetation where existing vegetation is not adequate, per the Zoning Ordinance.

- **Policy LU-12: Preserve historic structures and landscapes in Huntersville.**

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

STAFF COMMENT: A large percentage of this development does not blend well with the existing neighborhoods, in that the housing types, the scale and intensity are not in keeping with the existing land use patterns. One way to create transitions from one use type to another are appropriately sized buffers. The Town of Huntersville recently addressed the need for adequate buffers between developments by doubling the minimum required buffer for projects if the new development was (at least) double the density of the adjoining land use, in that condition, buffers would be increased from 20 ft. to 40 ft. (min.). In many instances around the Lagoon Bay Beach Club development, the density discrepancies far exceed double the density, and yet only 20 ft. buffers are

offered. The only exception to this is the 80 ft. buffer offered along Black Farm Road, which is appropriate and consistent with the 2040 Community Plan.

- **Policy EOS-1: Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.**
 - **EOS 1.1: Support and enhance regulations pertaining to open space design and protection.**
 - Continue to encourage the preservation of floodplains, wetlands, scenic views, wildlife habitat and prominent natural and historical features.
 - Continue to encourage contiguous and interconnected open space in new developments.
 - Enhance open space design criteria by prioritizing the following:
 - Water quality protection (land within 100-300 feet of streams, and uplands adjacent to floodplains or sensitive watersheds)
 - Mature forest, especially large tracts of contiguous, native forest cover
 - Future greenway corridors
 - Areas contiguous with surrounding existing or planned open space.
 - Historic landscapes and notable structures

STAFF COMMENT: Unless the 2040 Plan is modified by the Town, the proposed development will not protect the scenic views along NC 73 and will result in removal of more vegetation than if current zoning remained.

- **Policy EOS-2: Encourage conservation subdivision design in Residential Edge and Rural Conservation areas.**
 - **EOS 2.1: Continue to require and incentivize open space reservation in Moderate Density, Residential Edge, Rural Conservation, and Critical Watershed areas.**
 - Encourage new development to have at least 40% open space in new development in these areas.
 - The Residential Edge and Rural Conservation areas on the Future Land Use map are associated with the Transitional and Rural zoning districts. These zoning districts offer a sliding scale in allowable density depending on the amount of open space preserved.
 - **EOS 2.2: In the Transitional and Rural zoning districts, consider allowing additional flexibility in site design in exchange for more quality open space preservation, which promotes conservation of natural resources.**
 - Residential Edge: (TR Zoning area) Consider revising average & minimum lot size requirement and providing a mechanism for attached units (i.e., 10-20%)
 - Rural Conservation: (R Zoning), revisit average and minimum lot size requirements and consider up to 10% attached allowance (could be incentive-based on open space design)

STAFF COMMENT: Unless the 2040 Plan is modified by the Town, the proposed development will not protect the scenic views along NC 73 and will result in removal of more vegetation than if current zoning remained.

- **Policy EOS-3: Prioritize tree canopy preservation in the lower intensity areas (Residential Edge, Rural Conservation, and Critical Watershed areas).**
 - **EOS 3.1: Make mature, native forest an open space priority, especially near streams.**
 - Review and update tree preservation and open space requirements to prioritize natural open space and specifically stands of native, mature forest, especially those forests located proximal to streams.

STAFF COMMENT: Unless the 2040 Plan is modified by the Town, the proposed will result in removal of more vegetation than if current zoning remained.

- **Policy EOS-6: Preserve elements of rural character.**

- EOS 6.1: Enforce existing standards and evaluate new design standards to preserve the character of scenic country roads.
 - McCauley Road, Black Farms Road, Beatties Farm Road, and Ramah Church Road have been identified as scenic resources and should have corridor-specific design controls that preserve scenic beauty.
 - Additional controls might include view-shed protections, additional landscaping buffers or open space or screening requirements, use restrictions, density restrictions, or higher setbacks along the roadway.

STAFF COMMENT: To date, as development has occurred along Black Farm Road, the typical road cross-section has not been installed to preserve the rural character of the corridor. New developments along Black Farm Road have not been large-scale, and impacts have been minimized (see North Creek Villages' reduced density along Black Farm Road and a 100 ft. buffer along the road frontage). The Lagoona Bay Beach Club project is providing an 80 ft. buffer along Black Farm Road which will help preserve this corridor. NCDOT has not commented on the TIA, and a development of this scale and density may (and should) require dramatic road improvements. If the character of Black Farm Road is to be preserved, developments that require significant road improvements would not be appropriate.

- **Policy PS-9: Coordinate with Charlotte Water on water and sewer provision in the planning area.**

- PS 9.1: Prioritize in infrastructure upgrades for future commercial, industrial and mixed-use development.
 - Replace waterlines and upgrade sewer infrastructure as needed to serve future development in Downtown other Mixed-Use Centers and Employment Center areas identified on the Future Land Use Map.

STAFF COMMENT: The proposed development is not located in a future high density growth area identified to Charlotte Water via the Town's long-range plans.

- **Policy T-1: Link land-use with transportation using the mobility framework.**

- T 1.2: Prioritize connecting Mixed-Use Centers to Activity Centers and other destinations throughout Town with transit.
- T 1.3: Encourage transit-supportive development within Mixed-Use Centers and the Community Core areas to expand existing Express Bus Routes.

STAFF COMMENT: The proposed development is located well outside of where transit is provided in proximity of I-77 and NC 115.

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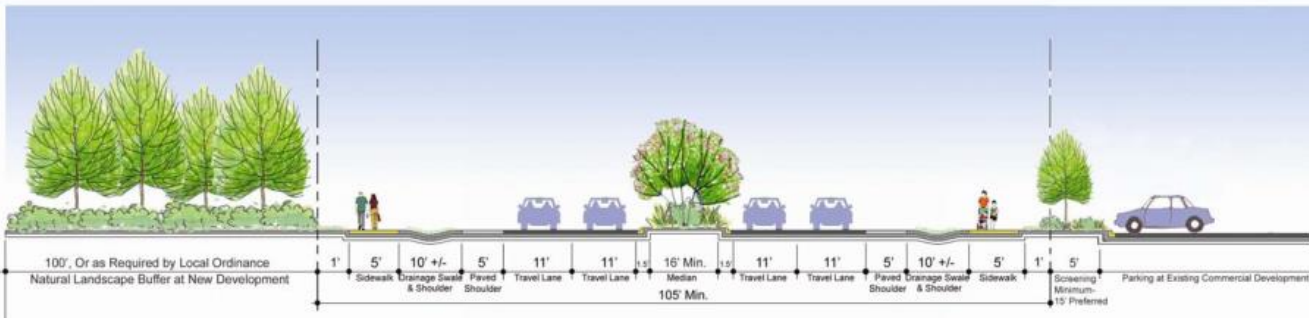
- **Policy T-3: Improve connectivity throughout the study area.**

- T 3.1: Continue to require street connectivity among residential, commercial, employment, recreational and institutional uses.
- Context-sensitive street design should be applied.

STAFF COMMENT: The proposed development provides a connection between NC 73 and McCord Road and into the existing public street stub in the Willowbrook subdivision.

The NC 73 Transportation / Land Use Corridor Plan identifies the area around the Lagoona Bay Beach Club project as both a Rural and Transitional District with no new driveways on NC 73. The improvement to NC 73 was identified as a "4 Lane Rural Boulevard" that has since been superseded by the "Super Street / Reduced Conflict Intersection (RCI)" concept. No matter the name, the emphasis of the plan was to eliminate new driveways along the corridor and to provide significant buffers where development does not currently exist. All new development would be located behind the buffer as well.

Road Typologies – 4 Lane Rural Boulevard



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 Conditional District Rezoning for the Lagoona Bay Beach Club Mixed-Use Conditional District Rezoning is not supported by the 2040 Comprehensive Plan. The main issues of concern are the increased level of density and the location of the structures relative the abutting zoning and land uses and the lack of appropriate transitions to those Rural and Transitional Residential zones.*

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 required – see Part 3 of this report.
- Storm water plan approval and refuse disposal note, must be provided.
- Charlotte Water has provided a memo of capacity availability and necessary requirements to provide those services. This memo will serve as a Willingness-to-serve indication from Charlotte Water. However, it should be noted that “current projections of wastewater flow from this rezoning boundary, developing under existing Huntersville Rural (R) and Transitional Residential (TR) zoning range from 19,941 to 59,823 Gallons Per Day (GPD). The Lagoona Bay Beach Club represents a multi-fold increase ranging from 347,600 to 397,600 GPD – roughly 11% of the capacity for the Water and Sewer Authority of Cabarrus County (WSACC), that serves the Towns of Huntersville, Cornelius, Davidson, as well as certain areas of the City of Charlotte (see Attachment E).
- The Conditional District Rezoning site plan was reviewed by Charlotte-Mecklenburg School District (CMS). CMS indicates the schools that would serve the proposed development are currently over-crowded and would add approximately 272 students to the schools in this area. In addition, they state that approval of the project “may increase overcrowding and/or reliance upon mobile classrooms at the schools listed”. (see below & see Attachment D for the full CMS report).

This development may add 272 students to the schools in this area.

The following data is as of 20th Day of the 2022-23 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/ Teacher Stations</i>	<i>20th Day, Enrollment (non-gc)</i>	<i>Building Classroom/ Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
J V WASHAM ELEMENTARY	46.50	39	810	679	119%	127	135%
FRANCES BAILEY MIDDLE	66.5	57	1326	1137	117%	67	122%
WILLIAM AMOS HOUGH HIGH	120.3	100	2518	2093	120%	78	124%

The total estimated capital cost of providing the additional school capacity for this new development is \$10,229,000; calculated as follows:

Elementary School: 127x \$34,000 = \$4,318,000
Middle School: 67x \$37,000 = \$2,479,000
High School: 78x \$44,000 = \$3,432,000

RECOMMENDATION

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

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

STAFF COMMENT: The Lunsford-Knox Farm is located at 15401 Black Farms Road and is identified by the Historic Landmarks Commission as an intact farm. However, according to the Commission's representative, protection is not being sought and would not be sought, unless the owners were seeking designation, and even then, the Commission would look critically at whether it merited protection status. *Planning staff has no indication that the request would adversely affect any other known archeological, environmental, or cultural resources.*

PART 5: STAFF RECOMMENDATION

Staff recommendation for the Lagoon Bay Beach Club Conditional District rezoning is **denial** based on the following issues:

- The Lagoon Bay Beach Club site plan is not consistent with the 2040 Community Plan or the NC 73 Corridor Plan;
- The overall density, and per zoning area densities, are not supported by the 2040 Community Plan;
- The overall plan does not comply with numerous regulations for the zoning districts requested;
- TIA requirements from NCDOT have not been received. All recommendations from TIA to be added;
- Charlotte Water indicates capacity is available, however, this project will utilize 11% of the remaining capacity until the year 2050.
- Provide tree survey overlaid on site plan to facilitate tree-save analysis;
- Tree save data does not indicate min. tree save in the TND-U and HC areas. No mitigation is offered.

- Plan Sheets listed as “Elevations” are illustrative plans – they do not have enough detail to be used in plans.
- All buffers should be “undisturbed”.
- Buffers shown are only 20 ft. wide. Depending on densities, 40 (+) ft., undisturbed buffers along external boundaries should be utilized.
- Landscape Plans do not show double row of street trees along NC 73 or McCord Road.
- Parking lots along Westmoreland Road do not have landscape screening (per ZO Art. 6).
- Parking lots along Road 9 do not have landscape screening (per ZO Art. 6).
- [See Parts 2 – 4 of this report for full summary of issues](#). Significant issues include:
 - TND-U – Sheet RZ-3.1:
 - The layout of the Apartment block (Sheet RZ-3.1) should be re-visited to create a walkable, pedestrian-oriented residential area with adequate open space and access to all other uses.
 - Demonstrate that average block perimeters in the TND-U sections do not exceed 1,350 ft. (see page 3 of this report).
 - Reduce block lengths that exceed 500 ft. in length in the TND-U areas.
 - Provide elevations for townhomes and apartments.
 - Provide 30% specimen tree save in TND-U area.
 - Several buildings in Apts. area do not have frontage on street or Urban Open Space – must provide.
 - Cul-de-sac exceeds standard – revise or request modification.
 - Frontage along Westmoreland Road does not meet Ord. requirements.
 - RECOMMEND providing on-street parking on both sides of all townhome streets where units exist on both sides.
 - RECOMMEND 10 ft. sidepath along Westmoreland Road.
 - HC – Sheet RZ-3.2:
 - All buildings must front a street or Urban Open Space.
 - A berm or other screening should be provided along NC 73 and Westmoreland Road.
 - The parking in the corner of NC 73 & Westmoreland Road must be relocated or screened.
 - A 10 ft. sidepath has been discussed along Westmoreland Road, but is not shown.
 - Provide 30% specimen tree save in HC area.
 - Provide pedestrian connection under/across NC 73.
 - Sports fields should be adequately screened.
 - HC / TND - U RZ-3.3:
 - Six-story hotel requires a Special Use Permit.
 - Provide floorplans & elevations (as needed) to show Ord. compliance for commercial/retail, hotel, convention center, condos and apartments-over-retail.
 - Compliance with requirements of HC has not been demonstrated.
 - Building type is not provided for each structure.
 - Block length standards are not being met.
 - Provide 30% specimen tree save in HC area.
 - Urban Open Spaces are not generally designed.
 - Parking areas along public streets must be screened.
 - NR – RZ-3.4:
 - External buffers should be increased.
 - Reduce block lengths that exceed 800 ft. in length in the Neighborhood Residential areas.

- Shift street stub for Road 12 to align with Heath property.
- NR – RZ-3.5:
 - Reduce block lengths that exceed 800 ft. in length in the Neighborhood Residential areas.
 - Appropriate Urban Open Space should be provided within the Single-Family area north of McCord Road.
 - External buffers should be increased.
- All outstanding Transportation Comments must be addresses (see Part 3);
- All outstanding redline comments must be addressed.
- RECOMMENDATION: a pedestrian crossing technique for NC 73 should be provided from the TND-U area (townhomes & apartments) to the mixed-use HC area (condos, hotel, convention center);

PART 6: PUBLIC HEARING COMMENTS

Public Hearing scheduled for Monday, June 5, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board scheduled to review on June 27, 2023.

PART 8: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application.
- B – Lagoona Bay Beach Club CD Rezoning / Sketch Plan.
- C - Community Meeting Report from April 26, 2023.
- D – CMS Report – Lagoona Bay Beach Club.
- E – Area Density Map.
- F – Charlotte Water Memo



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 March 3, 2023

Name of Project Huntersville Lagoon Phase # (if subdivision) _____

Project Address 12731 Sam Furr Rd. Huntersville, NC 28078, 12734 Sam Furr Rd. Huntersville, NC 28078, 15401 Black Farms Rd. Huntersville, NC 28078, 13434 Westmoreland Rd. Huntersville, NC 28078, 13420 Westmoreland Rd. Huntersville, NC 28078, 13021 McCord Rd. Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01106218, 01125102, 01125109, 01125103, 01125108, 01104101, 01105105, 01106217, 01106226, 01106219, 01125101, 01125104, 01124123, 01105104

Current Zoning District R, TR Proposed District (for rezoning only) TND-U (CD), HC (CD), NR (CD)
58.33 acres, 104.88 acres, 100.57 acres

Property Size (acres) +/- 263.01 Street Frontage (feet) +/- 10,670 linear feet

Current Land Use Agricultural-Commercial Production, Use Value Homesite, Single Family Residential-Acreage

Proposed Land Use(s) Office/Retail, Condos, Apartments, Townhomes, Single Family, Lagoon

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

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 Bi-Part Development, LLC Phone (704) 363-7902
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature [Signature] Printed Name: Jake Palillo

Title Manager Email jpalillo@aol.com

Address of Applicant 18611 Starcreek Dr. Cornelius, NC 28031

7. Property Owner (if different than applicant)

*Printed Name RM Westmoreland Family LP 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 [Signature] Printed Name Keith L Westmoreland

Title _____ Email _____

Address of Property Owner 13434 Westmoreland Rd. Huntersville, NC 28078 Parcel 01106218

* 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

<u>Bi-Part Development, LLC</u>	<u>Jake Palillo</u>	<u>(704) 363-7902</u>	<u>jpalillo@aol.com</u>
Development Firm	Name of Contact	Phone	Email

<u>Urban Design Partners</u>	<u>Paul Pennell</u>	<u>(704) 334-3303</u>	<u>paul@urbandesignpartners.com</u>
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



General Application
Owner/Applicant Signature Addendum

Application Information

Date of Application March 3, 2023 Application Number _____

Name of Project Huntersville Lagoon Phase # (if subdivision) _____

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name Thomas M Westmoreland Phone Number _____

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 Keith Lee Westmoreland Parcel ID(s): 01125102

Title _____ Email _____

Address of Property Owner/Applicant 13434 Westmoreland Rd, Huntersville, NC 28078

* ^ Printed Name Calvin W Westmoreland
Keith Lee Westmoreland
Thomas M Westmoreland, Jr Phone Number _____

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 Keith Lee Westmoreland Parcel ID(s): 01125109, 01125103

Title _____ Email _____

Address of Property Owner/Applicant 13434 Westmoreland Rd, Huntersville, NC 28078

* ^ Printed Name TM Family LP Westmoreland Phone Number _____

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 Keith Lee Westmoreland Parcel ID(s): 01125108, 01104101, 01105105

Title _____ Email _____

Address of Property Owner/Applicant 13434 Westmoreland Rd, Huntersville, NC 28078

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

^ 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.



General Application
Owner/Applicant Signature Addendum

Application Information

Date of Application March 3, 2023 Application Number _____

Name of Project Huntersville Lagoon Phase # (if subdivision) _____

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

Thomas M Westmoreland, Sr. Thomas M Westmoreland, Jr.
* ^ Printed Name Calvin W Westmoreland Phone Number _____

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 Calvin W Westmoreland Parcel ID(s): 01106217

Title _____ Email _____

Address of Property Owner/Applicant 13434 Westmoreland Rd, Huntersville, NC 28078

Calvin W Westmoreland
* ^ Printed Name Mary Ellen A Phone Number _____

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

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Signature Calvin W. Westmoreland Parcel ID(s): 01106226

Title _____ Email _____

Address of Property Owner/Applicant 12731 Sam Furr Rd, Huntersville, NC 28078

Robert J Knox, Jr.
* ^ Printed Name Cynthia L Knox Phone Number _____

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 _____ Parcel ID(s): 01106219, 01125101

Title _____ Email _____

Address of Property Owner/Applicant 15401 B Lack Belt Rd, Huntersville, NC 28078

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

^ 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.



General Application
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Application Information

Date of Application March 3, 2023 Application Number _____

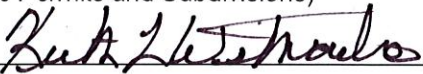
Name of Project Huntersville Lagoon Phase # (if subdivision) _____

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name Keith L Westmoreland Phone Number _____

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

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Signature  Parcel ID(s): 01125104

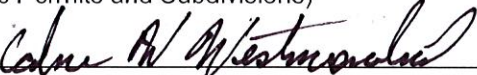
Title _____ Email _____

Address of Property Owner/Applicant 13420 Westmoreland Rd, Huntersville, NC 28078

Kieth L Westmoreland
* ^ Printed Name Calvin W Westmoreland Phone Number _____

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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  Parcel ID(s): 01124123

Title _____ Email _____

Address of Property Owner/Applicant 13434 Westmoreland Rd, Huntersville, NC 28078

Dawn Shoemaker Bradford
* ^ Printed Name William O Bradford Jr. Phone Number _____

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 _____ Parcel ID(s): 01105104

Title _____ Email _____

Address of Property Owner/Applicant 15120 Huntersville-Concord Rd. Huntersville, NC 28078

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

^ 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.



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Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name Keith L Westmoreland Phone Number _____

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

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Signature _____ Parcel ID(s): 01125104

Title _____ Email _____

Address of Property Owner/Applicant 13420 Westmoreland Rd, Huntersville, NC 28078

Keith L Westmoreland

* ^ Printed Name Calvin W Westmoreland Phone Number _____

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

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Signature _____ Parcel ID(s): 01124123

Title _____ Email _____

Address of Property Owner/Applicant 13434 Westmoreland Rd, Huntersville, NC 28078

Dawn Shoemaker Bradford

* ^ Printed Name William O Bradford Jr. Phone Number _____

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) 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 *William O Bradford Jr.* Parcel ID(s): 01105104

Title _____ Email _____

Address of Property Owner/Applicant 15120 Huntersville-Concord Rd. Huntersville, NC 28078

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General Application
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Date of Application March 3, 2023 Application Number _____

Name of Project Huntersville Lagoon Phase # (if subdivision) _____

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

Thomas M Westmoreland, Sr. Thomas M Westmoreland, Jr.
* ^ Printed Name Calvin W Westmoreland Phone Number _____

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

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Signature _____ Parcel ID(s): 01106217

Title _____ Email _____

Address of Property Owner/Applicant 13434 Westmoreland Rd, Huntersville, NC 28078

Calvin W Westmoreland
* ^ Printed Name Mary Ellen A Phone Number _____

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

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Signature _____ Parcel ID(s): 01106226

Title _____ Email _____

Address of Property Owner/Applicant 12731 Sam Furr Rd, Huntersville, NC 28078

Robert J Knox, Jr.
* ^ Printed Name Cynthia L Knox Phone Number _____

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

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Signature [Signature] Parcel ID(s): 01106219, 01125101, 01106201

Title Owners Email lkeggers@hotmail.com / cpknox52@gmail.com

Address of Property Owner/Applicant 15401 Black Bear Rd, Huntersville, NC 28078
Farms

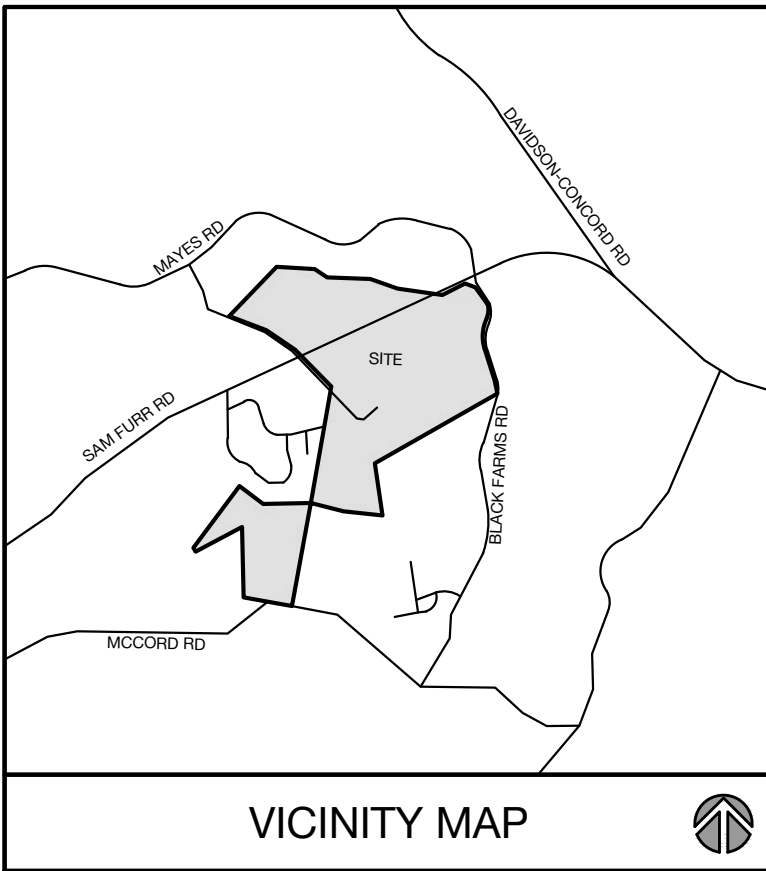
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The purpose of the rezoning request is to create a one of a kind, Crystal Lagoon in the Town of Huntersville. The project will be divided into three zoning districts. North of Sam Furr Road, TND-U(CD), will feature multi-family units and townhomes. The central attraction, the lagoon, will be located in the HC(CD) Zoning District. This will feature a hotel, mixed use buildings with condos and apartments, as well as numerous amenities. The southern portion of the project will be zoned NR(CD) and feature single family homes. The project will be interconnected with sidewalks and multi-use paths as well as a trolly system, which will bring guests to and from the Lagoon.

Lagoona Bay Beach Club

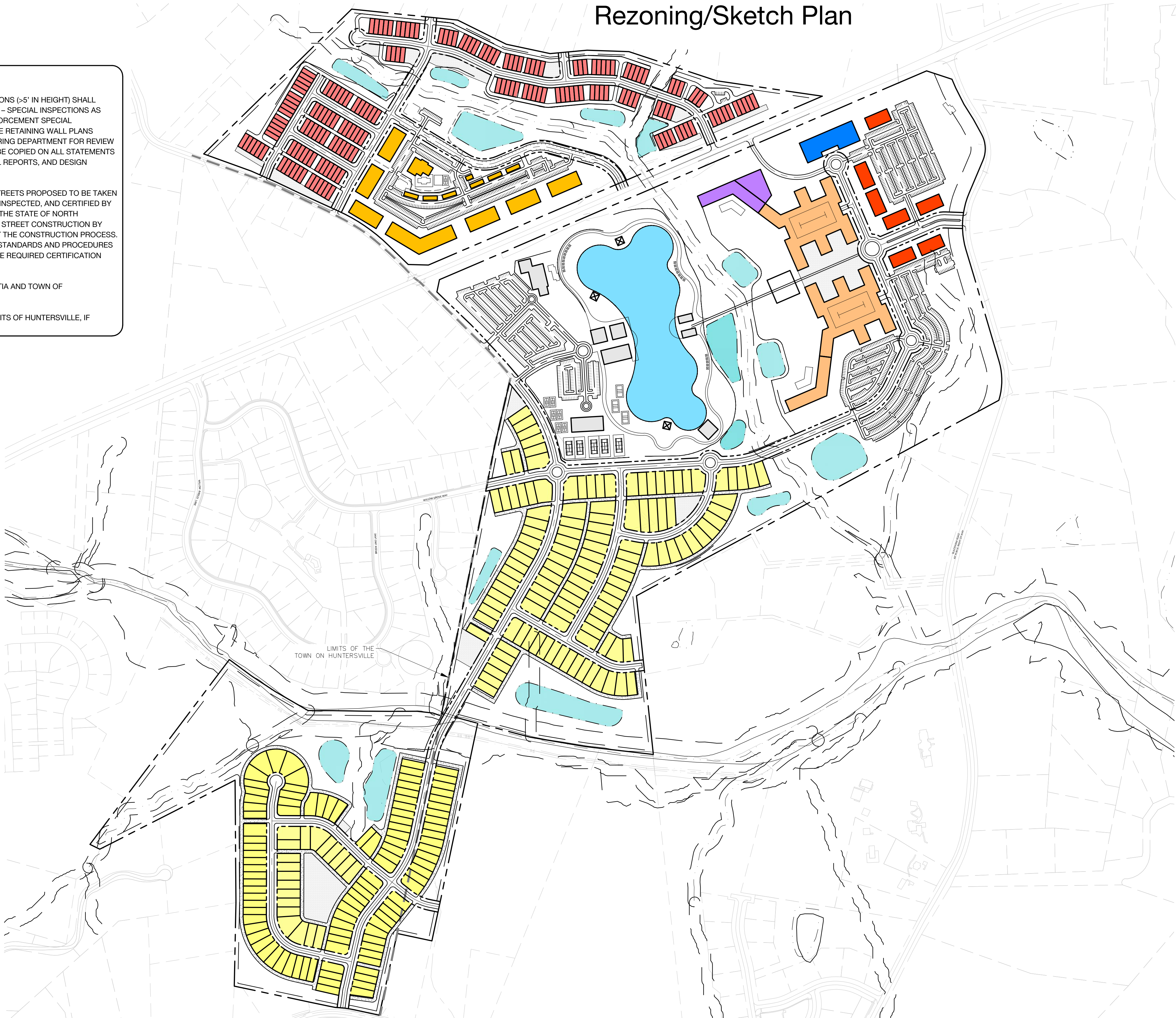
Huntersville, NC
EPM # 447044
Rezoning/Sketch Plan



VICINITY MAP

NOTES:

1. ALL RETAINING WALLS REQUIRING SPECIAL INSPECTIONS (>5' IN HEIGHT) SHALL MEET THE REQUIREMENTS OF THE MCSBC CHAPTER 17 - SPECIAL INSPECTIONS AS DETAILED PER THE MECKLENBURG COUNTY CODE ENFORCEMENT SPECIAL INSPECTIONS PROCESS. ADDITIONALLY, COPIES OF THE RETAINING WALL PLANS SHALL BE SUBMITTED TO THE HUNTERSVILLE ENGINEERING DEPARTMENT FOR REVIEW AND APPROVAL. THE TOWN OF HUNTERSVILLE SHALL BE COPIED ON ALL STATEMENTS OF SPECIAL INSPECTIONS, SPECIAL INSPECTIONS FINAL REPORTS, AND DESIGN PRINCIPAL IN RESPONSIBLE CHARGE (DPIRC) LETTERS.
2. THE TOWN OF HUNTERSVILLE REQUIRES THAT ALL STREETS PROPOSED TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE BE REVIEWED, INSPECTED, AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF NORTH CAROLINA FOR ADEQUATE CONSTRUCTION. REVIEW OF STREET CONSTRUCTION BY THE CERTIFYING ENGINEER IS REQUIRED THROUGHOUT THE CONSTRUCTION PROCESS. REFER TO THE TOWN OF HUNTERSVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL FOR ADDITIONAL INFORMATION INCLUDING THE REQUIRED CERTIFICATION FORM.
3. ROADWAY IMPROVEMENTS TO BE DETERMINED PER TIA AND TOWN OF HUNTERSVILLE/NCDDOT COMMENTS.
4. PROJECT SITE MAY BE ANNEXED INTO THE TOWN LIMITS OF HUNTERSVILLE, IF APPLICABLE.



SHEET INDEX

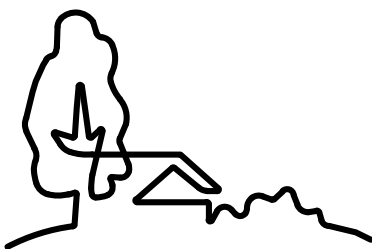
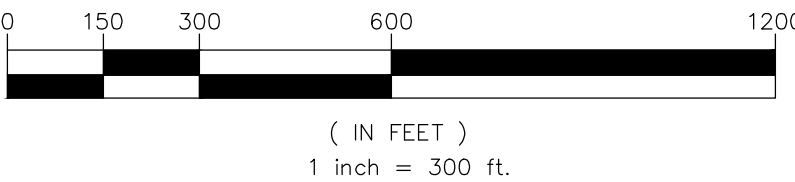
Sheet Number	Sheet Title
RZ-1.0	Cover Sheet
RZ-2.0	Existing Conditions
RZ-2.1	Existing Slopes
RZ-3.0	Overall Site Plan
RZ-3.1	Site Plan A
RZ-3.2	Site Plan B
RZ-3.3	Site Plan C
RZ-3.4	Site Plan D
RZ-3.5	Site Plan E
RZ-3.6	Zoning Boundaries
RZ-3.7	Connectivity Plan
RZ-4.0	Grading Plan
RZ-4.1	Grading Concept A
RZ-4.2	Grading Concept B
RZ-4.3	Grading Concept C
RZ-4.4	Grading Concept D
RZ-4.5	Grading Concept E
RZ-5.0	Storm Drainage Plan
RZ-5.1	Drainage Area Plan - Pre-Developed
RZ-5.2	Drainage Area Plan - Post-Developed
RZ-5.3	Storm Drainage Plan Enlargement
RZ-5.4	Storm Drainage Plan Enlargement
RZ-5.5	Storm Drainage Plan Enlargement
RZ-5.6	Storm Drainage Plan Enlargement
RZ-5.7	Storm Drainage Plan Enlargement
RZ-6.0	Overall Utility Plan
RZ-6.1	Utility Plan A
RZ-6.2	Utility Plan B
RZ-6.3	Utility Plan C
RZ-6.4	Utility Plan D
RZ-6.5	Utility Plan E
RZ-7.0	Erosion Control Ph 1 Overall
RZ-8.0	Street Section Details
RZ-8.1	Street Section Details
RZ-8.2	Building and Lot Types
RZ-8.3	Building and Lot Types
LS-1.0	Overall Landscape Plan
LS-1.1	Landscape Plan A
LS-1.2	Landscape Plan B
LS-1.3	Landscape Plan C
LS-1.4	Landscape Plan D
LS-1.5	Landscape Plan E
LS-2.0	Tree Survey
LS-2.1	Tree Survey A
LS-2.2	Tree Survey B
LS-2.3	Tree Survey C
LS-2.4	Tree Survey D
LS-2.5	Tree Survey E
A-1.0	Architectural Elevations
A-1.1	Architectural Elevations
A-1.2	Architectural Elevations



BEFORE YOU DIG!
CALL 811 OR 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!

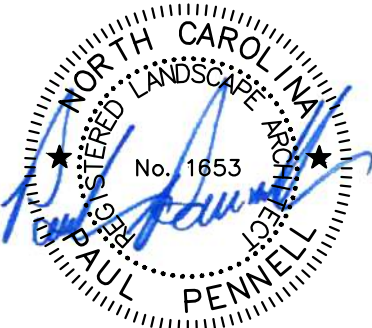


GRAPHIC SCALE



URBAN
DESIGN
PARTNERS

1213 w morehead st ste 450
charlotte, nc 28208
P 704.334.3303
urbandesignpartners.com
nc firm no: P-0418 sc coa no: C-03044



05.15.2023

Bi-Part Development, LLC

Jake Paililo

18611 Starcreek Drive
Cornelius, NC 28031

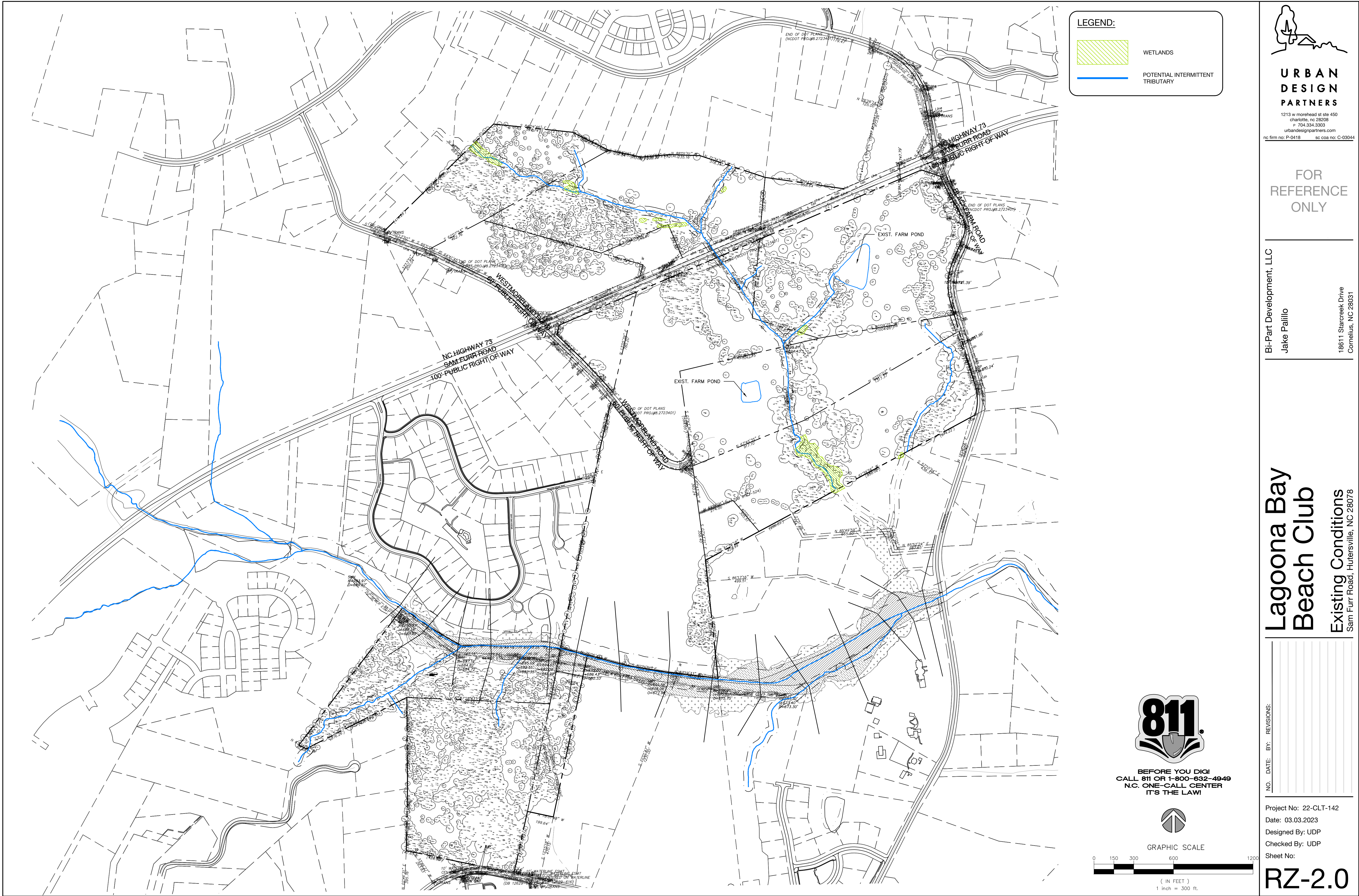
Lagoona Bay
Beach Club
Cover Sheet

Sam Furr Road, Huntersville, NC 28078

NO. DATE: BY: REVISIONS:

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-1.0





1213 w morehead st ste 450
charlotte, nc 28208
P 704.334.3303
urbandesignpartners.com
c firm no: P-0418 sc coa no: C-0304

FOR
REFERENCE
ONLY

Bi-Part Development, LLC

Jake Paillo

18611 Starcreek Drive
Cornelius, NC 28031

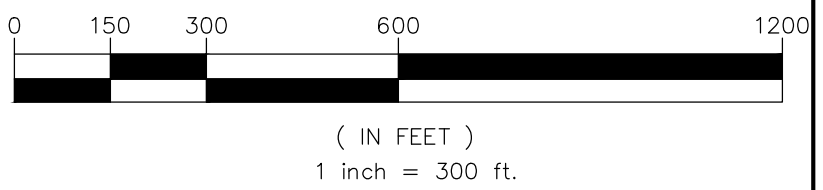
Cornelius, NC 28031

Lagoona Bay Beach Club

Existing Slopes

Sam Furr Road, Hutersville, NC 28078

Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	10.00%	
2	10.00%	15.00%	
3	15.00%	25.00%	
4	25.00%+		



NAME: _____

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-2.1



A circular professional seal for a North Carolina Registered Landscape Architect. The outer ring contains the text "NORTH CAROLINA" at the top and "REGISTERED LANDSCAPE ARCHITECT" at the bottom, separated by two stars. Inside the ring, the text "No. 1853" is printed. The seal is signed with a blue ink signature, which appears to be "Paul Pennell", written across the center and over the number.

BI-Fair Development, LLC

Jake Paillo

18611 StarCreek Drive
Cornelius, NC 28031

Lagoona Bay Beach Club

Site Plan A
Sam Furr Road, Hute

Sam Furr Road, Hutersville, NC 28078

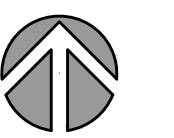
	NO:	DATE:	DT:	REVISING:
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Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

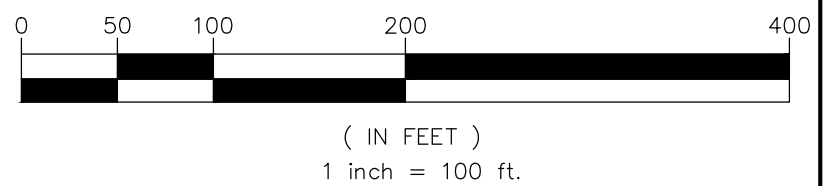
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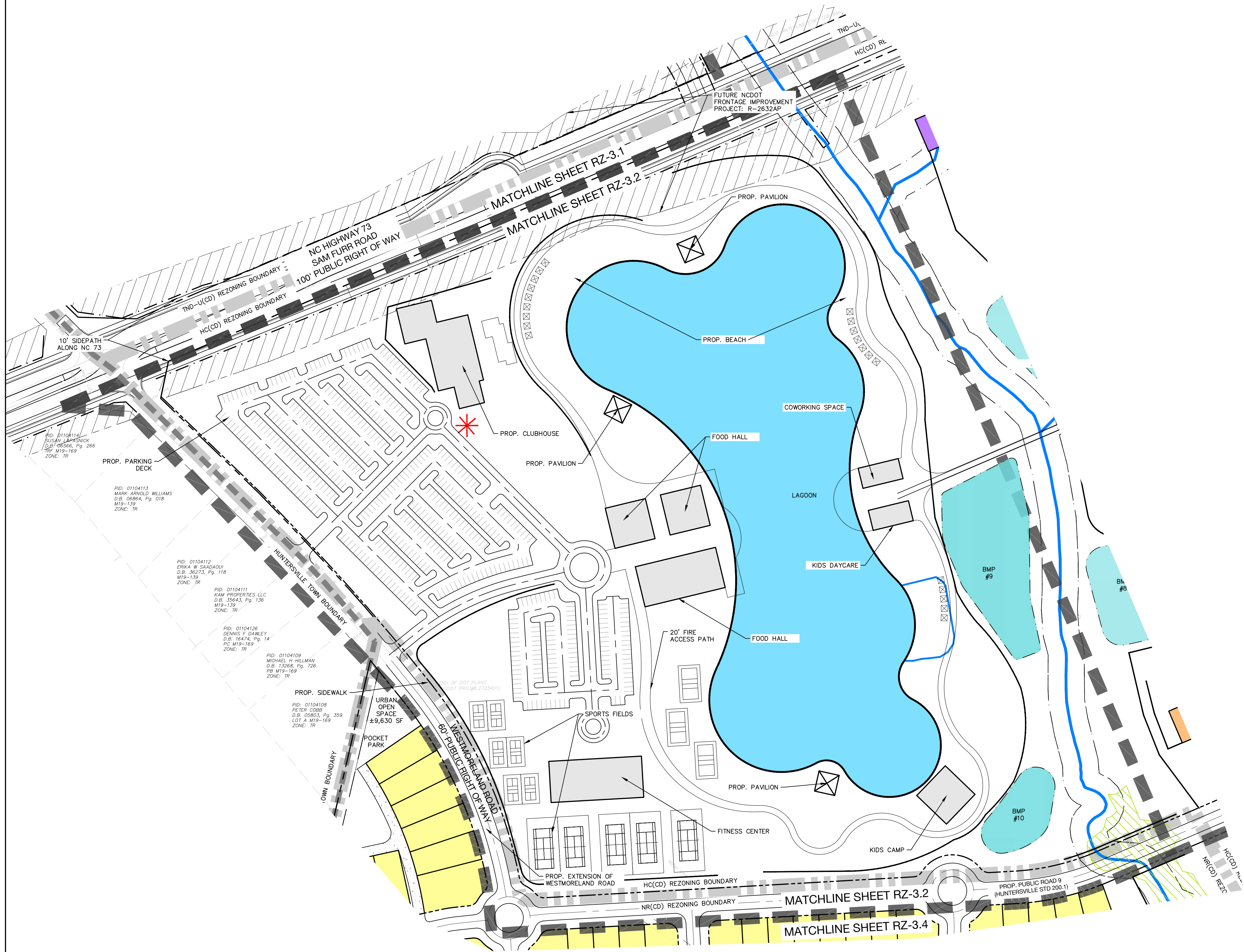


**BEFORE YOU DIG!
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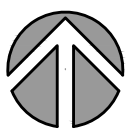


GRAPHIC SCALE

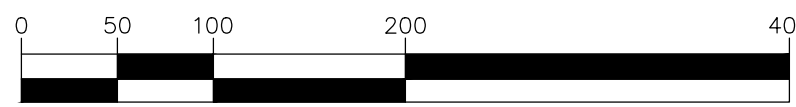




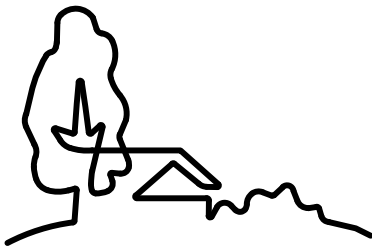
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GRAPHIC SCALE

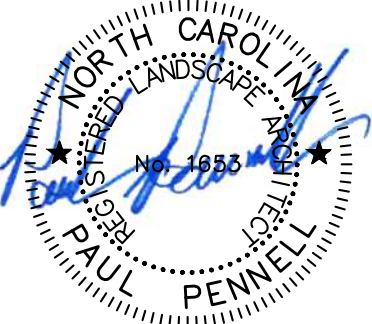


(IN FEET)
1 inch = 100 ft.



URBAN
DESIGN
PARTNERS

1213 W. MOREHEAD ST. STE. 450
CHARLOTTE, NC 28208
P 704.334.3303
urbandesignpartners.com
nc firm no: P-0418 sc coa no: C-03044



05.15.2023

Bi-Part Development, LLC

Jake Palillo

18611 Starcreek Drive
Cornelius, NC 28031

Lagoona Bay Beach Club

Site Plan B

Sam Furr Road, Huntersville, NC 28078

NO. DATE: BY: REVISIONS:

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-3.2



A circular professional seal for a North Carolina Registered Landscape Architect. The outer ring contains the text "NORTH CAROLINA" at the top and "REGISTERED LANDSCAPE ARCHITECT" at the bottom, separated by two stars. Inside the ring, the text "No. 1853" is printed. The seal is signed with a blue ink signature, which appears to be "Paul Pennell", written across the center and over the registration number.

Bi-Part Development, LLC

Jake Paillo

18611 Starcreek Drive
Cornelius, NC 28031

Lagoona Bay Beach Club

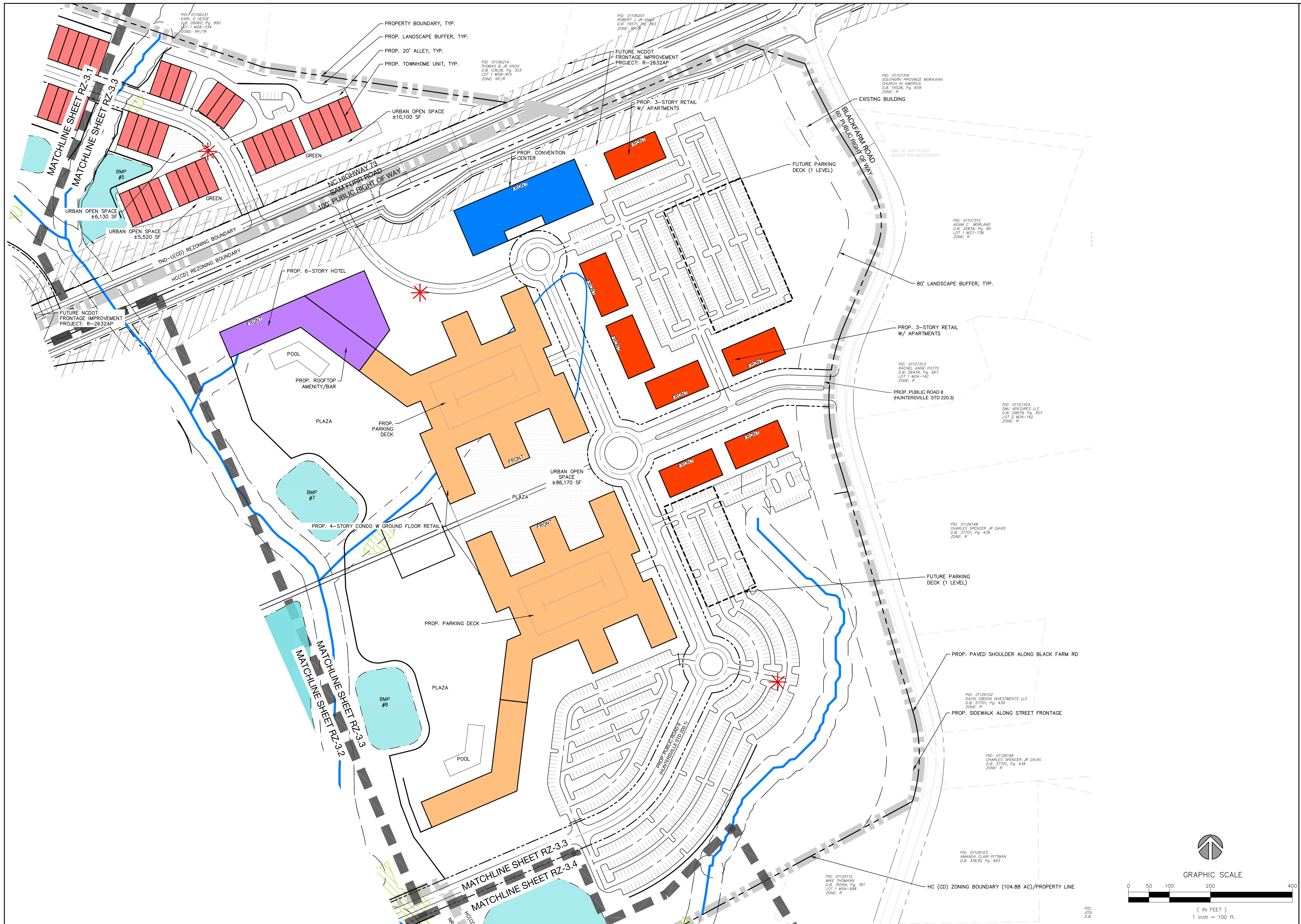
Site Plan C

Sam Furr Road, Hutersville, NC 28078

[illegible]

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-3.3





5.15.2023

BI-Part Development, LLC
Jake Palillo

Jake Paillo

Cornelius, NC 28031

Lagoona Bay Beach Club

Site Plan D

Sam Furr Road, Hutersville, NC 28078

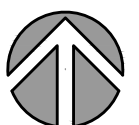
NO. DATE: BY: REVISIONS:

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-3.4



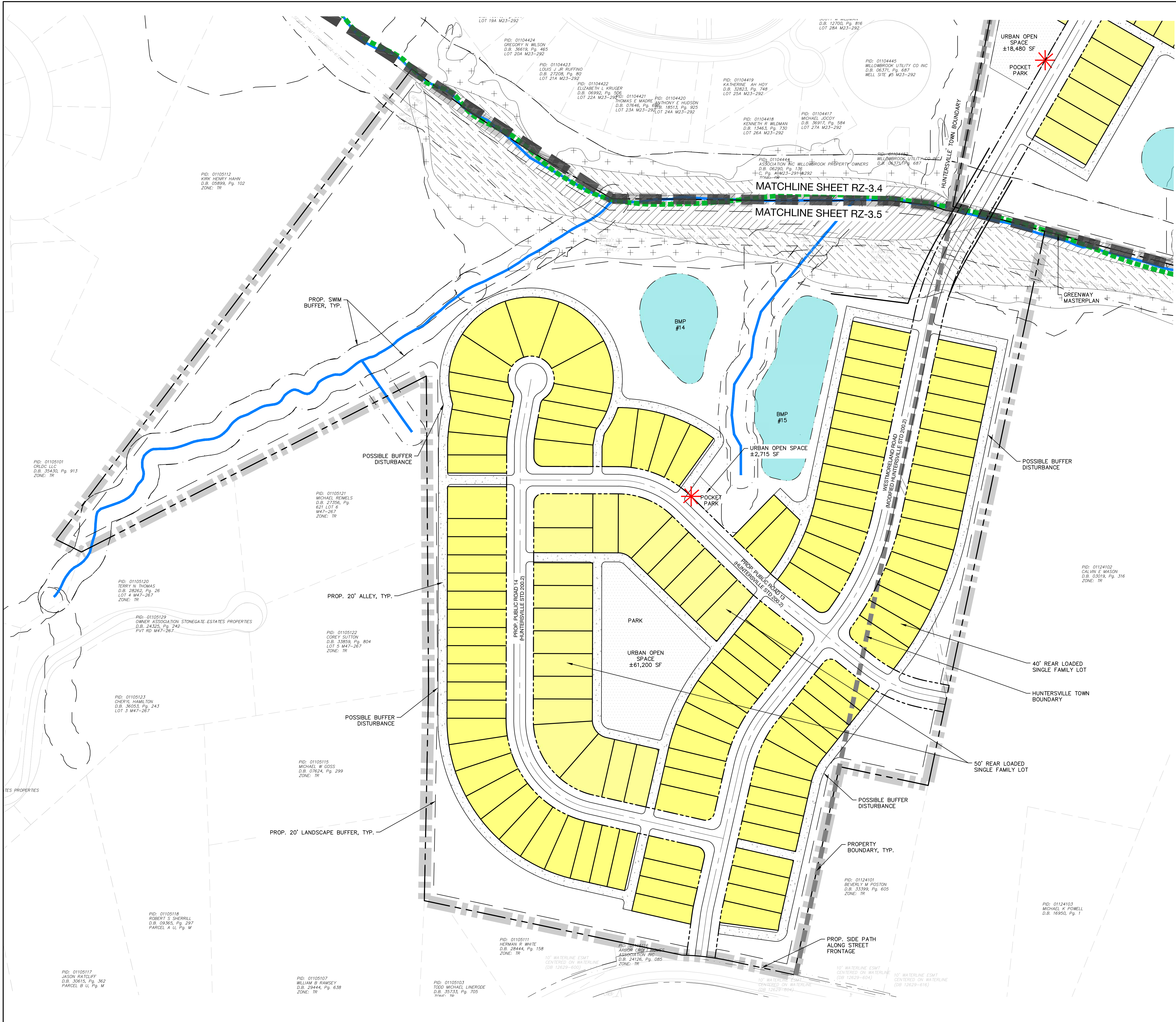
**BEFORE YOU DIG!
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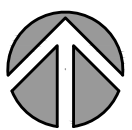
GRAPHIC SCALE



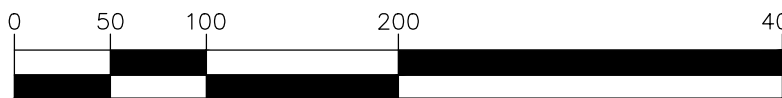
(IN FEET)
inch = 100 ft.



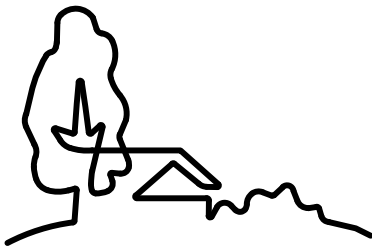
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GRAPHIC SCALE

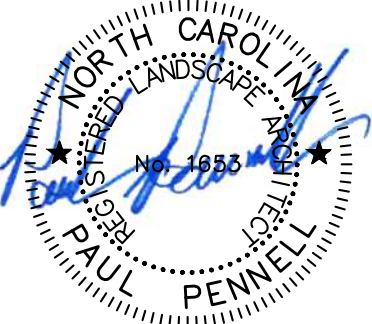


(IN FEET)
1 inch = 100 ft.



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charlotte, nc 28208
P 704.334.3303
urbandesignpartners.com
nc firm no: P-0418 sc coa no: C-03044



05.15.2023

Bi-Part Development, LLC

Jake Palillo

18611 Starcreek Drive
Cornelius, NC 28031

Lagoona Bay Beach Club

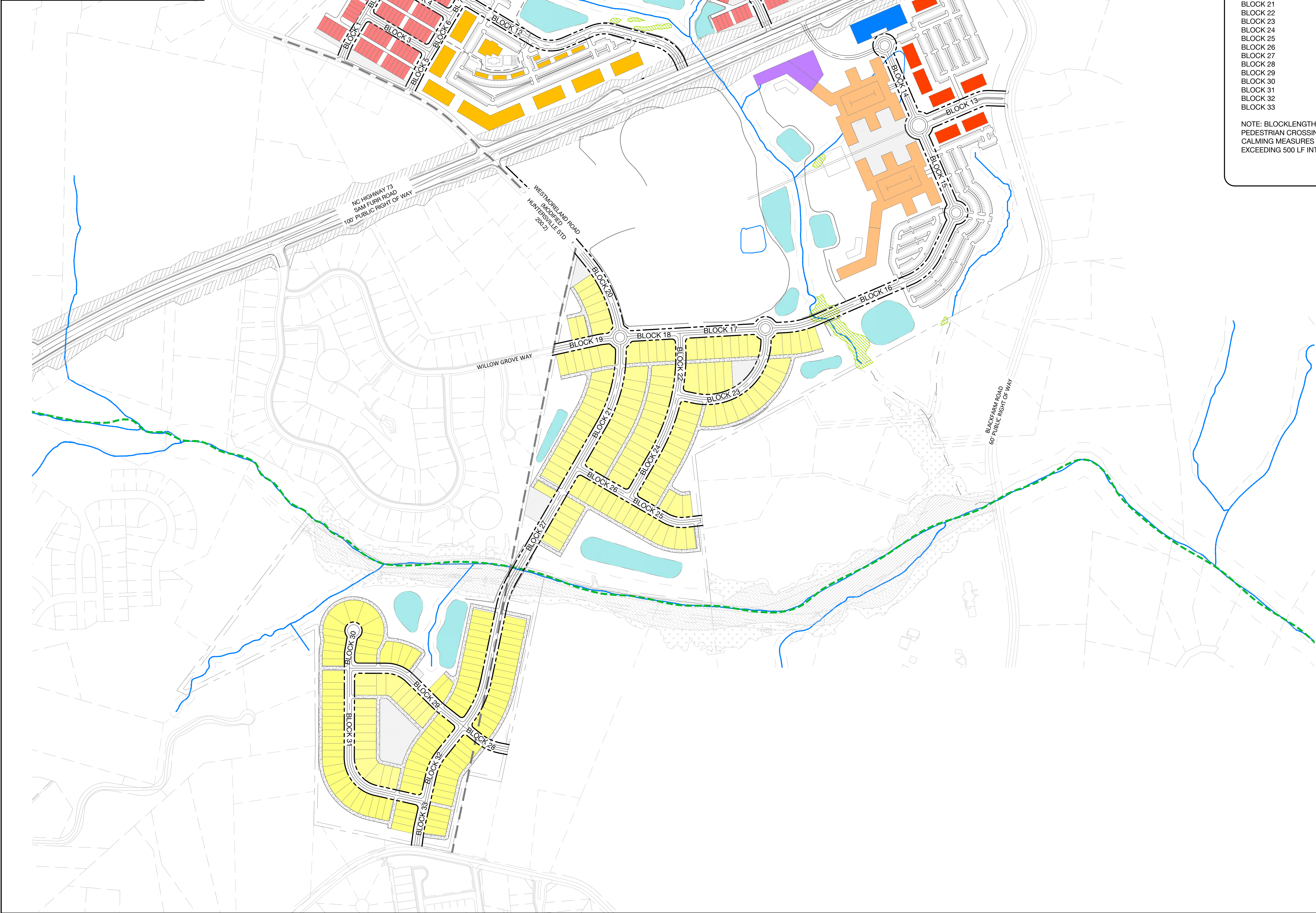
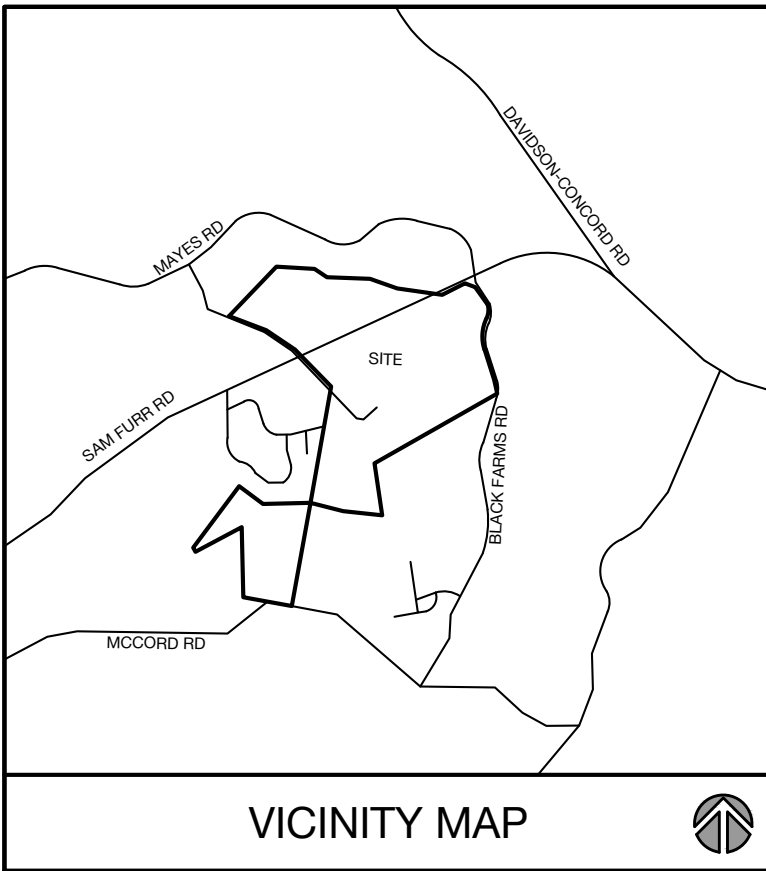
Site Plan E

Sam Furr Road, Huntersville, NC 28078

NO. DATE: BY: REVISIONS:

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-3.5

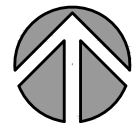


BLOCK LENGTHS:	
BLOCK #:	LENGTH:
BLOCK 1	299 LF
BLOCK 2	249 LF
BLOCK 3	442 LF
BLOCK 4	442 LF
BLOCK 5	495 LF
BLOCK 6	249 LF
BLOCK 7	125 LF
BLOCK 8	436 LF
BLOCK 9	396 LF
BLOCK 10	810 LF
BLOCK 11	1,026 LF
BLOCK 12	1,484 LF
BLOCK 13	488 LF
BLOCK 14	423 LF
BLOCK 15	468 LF
BLOCK 16	1,324 LF
BLOCK 17	466 LF
BLOCK 18	314 LF
BLOCK 19	361 LF
BLOCK 20	517 LF
BLOCK 21	786 LF
BLOCK 22	365 LF
BLOCK 23	759 LF
BLOCK 24	673 LF
BLOCK 25	460 LF
BLOCK 26	359 LF
BLOCK 27	1,693 LF
BLOCK 28	304 LF
BLOCK 29	799 LF
BLOCK 30	224 LF
BLOCK 31	1,098 LF
BLOCK 32	511 LF
BLOCK 33	264 LF

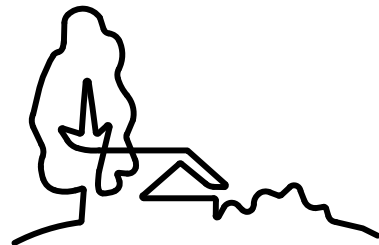
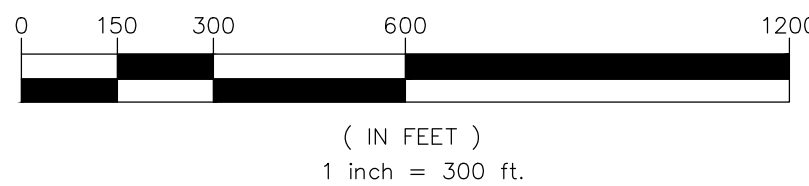
NOTE: BLOCKLENGTH MEASURED ALONG CENTERLINE. ENHANCED PEDESTRIAN CROSSINGS, SPEED TABLES, & OTHER TRAFFIC CALMING MEASURES WILL BE USED TO BREAK UP AREAS EXCEEDING 500 LF INTERNAL TO SITE.



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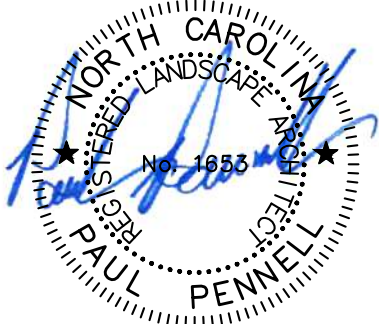


GRAPHIC SCALE



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charlotte, nc 28208
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urbandesignpartners.com
nc firm no: P-0418 sc coa no: C-03044



05.15.2023

Bi-Part Development, LLC

Jake Palillo

18611 Starcreek Drive
Cornelius, NC 28031

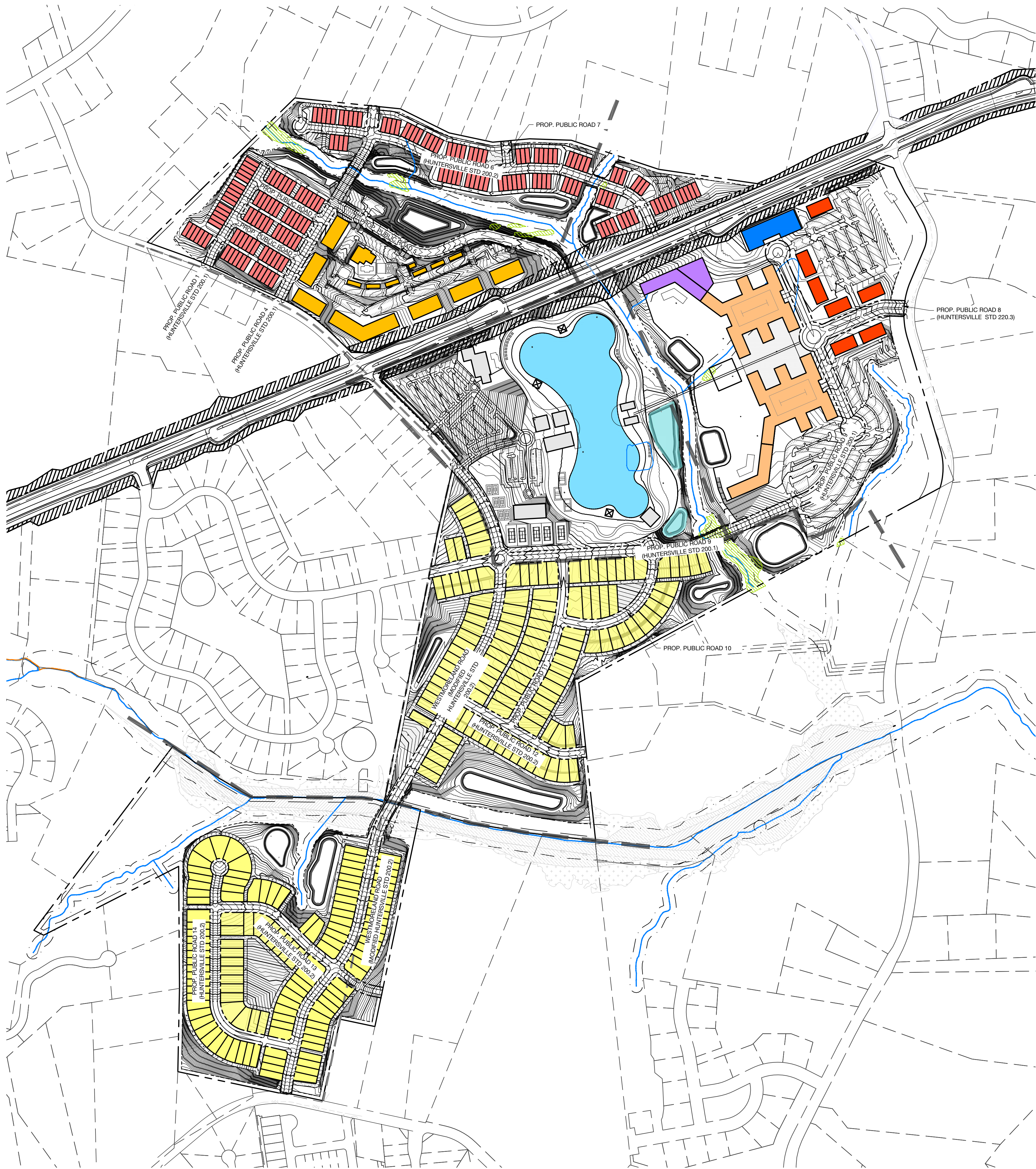
Lagoona Bay Beach Club

Connectivity Plan
Sam Furr Road, Huntersville, NC 28078

NO. DATE: BY: REVISIONS:

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-3.7

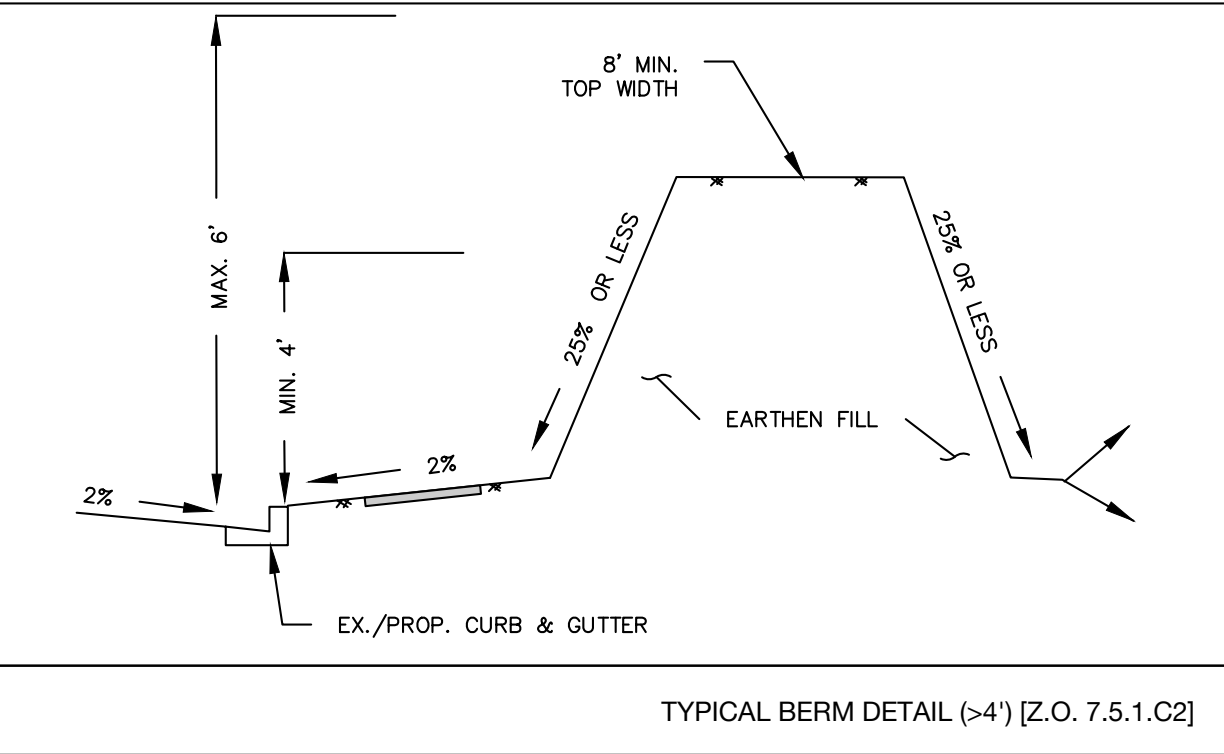
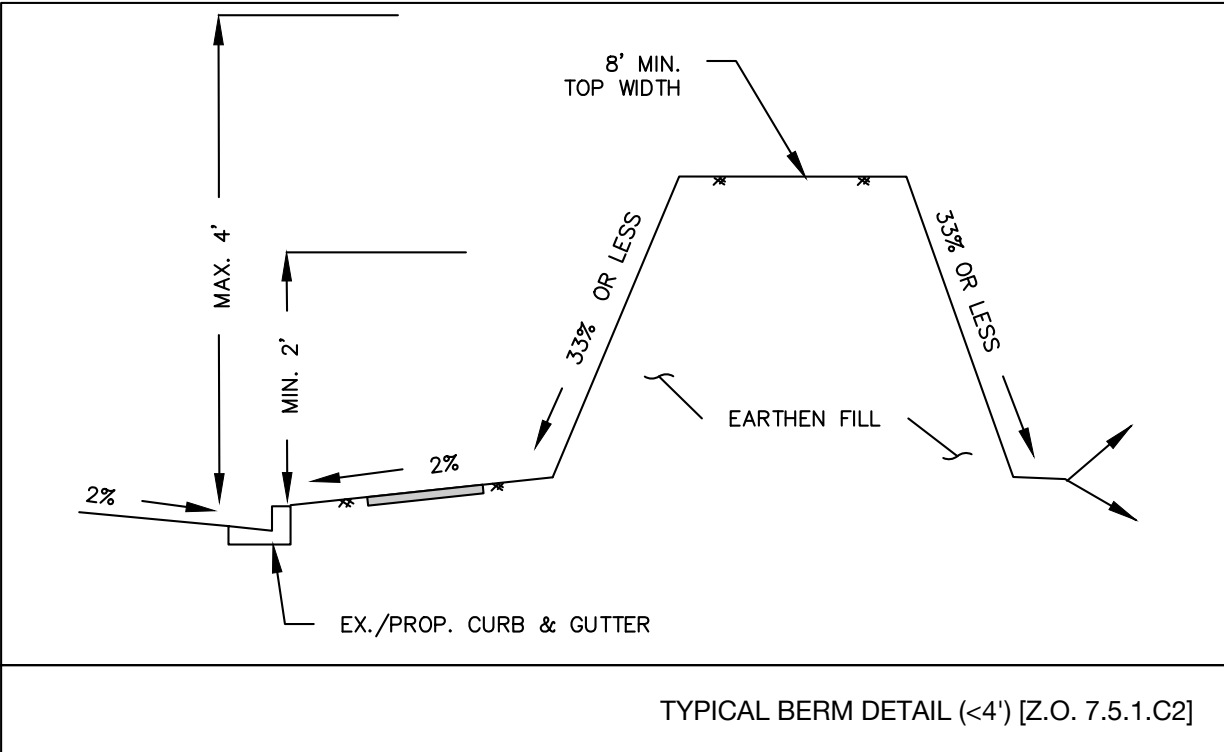


LEGEND:

- WETLANDS
- POTENTIAL INTERMITTENT TRIBUTARY
- GREENWAY

LEGEND:

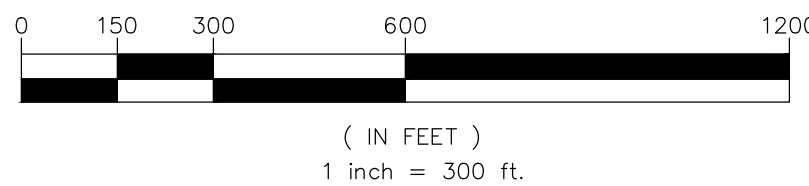
- RETAIL
- CONDOS
- TOWNHOMES
- APARTMENTS
- SINGLE FAMILY
- CONVENTION CENTER
- HOTEL
- BMP
- URBAN OPEN SPACE



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CHARLOTTE, NC 28208
P: 704.334.3303
urbanpartners.com
nc firm no: P-0418 sc coa no: C-03044

Professional Engineer Seal for Jake Paillo, State of North Carolina, License No. 7986, dated 05.15.2023.

Bi-Part Development, LLC
Jake Paillo
18611 Starcreek Drive
Cornelius, NC 28031

Lagoona Bay Beach Club

GRADING CONCEPT - OVERALL

Sam Furr Road, Huntersville, NC 28078

NO.	DATE	BY	REVISIONS

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-4.0



A circular professional seal for the North Carolina Registered Landscape Architect. The outer ring contains the text "NORTH CAROLINA" at the top and "REGISTERED LANDSCAPE ARCHITECT" at the bottom, separated by two stars. The inner circle contains the text "No. 18535". The seal is signed with a blue ink signature, which appears to be "Paul Pennell", written across the center and over the registration number.

BI-Fair Development, LLC

Jake Paillo

18611 Starcreek Drive
Cornelius, NC 28031

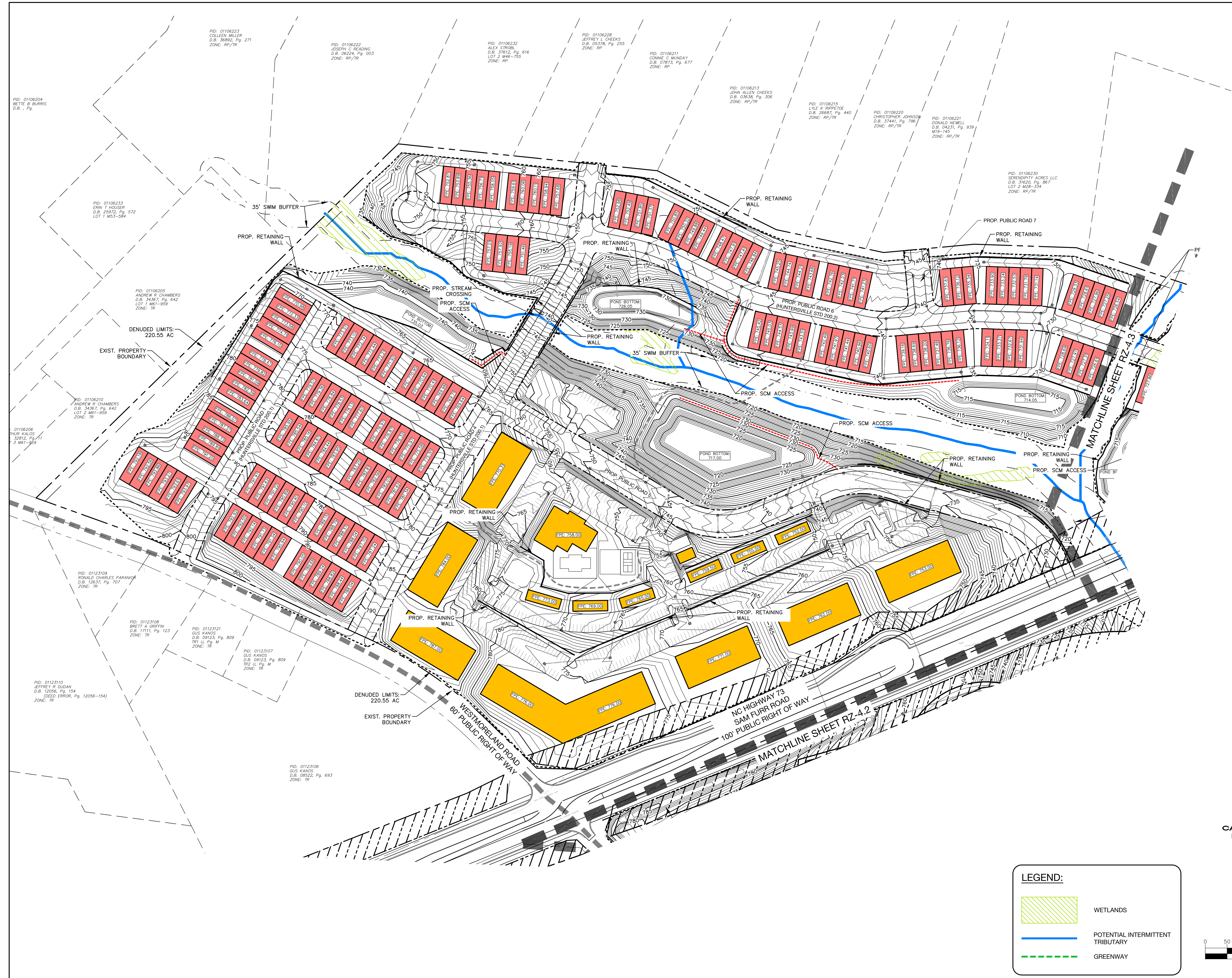
Lagoona Bay Beach Club

Grading Concept A
Sam Furr Road, Hutersville, NC 28078

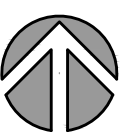
	NO:	DATE:	DT:	REVISING:
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Project No: 22-CLT-142
Date: 03.03.2023
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Checked By: UDP
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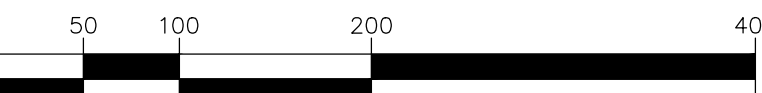
RZ-4.1



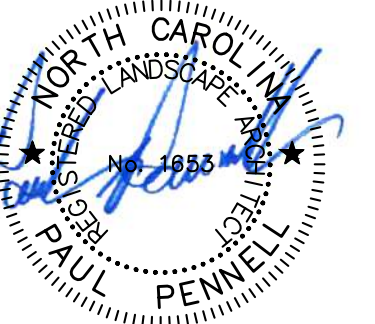
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GRAPHIC SCALE



(IN FEET)
inch = 100 ft.



5.15.2023

Bi-Part Development, LLC

Jake Paillo

18611 Starcreek Drive
Cornelius, NC 28031

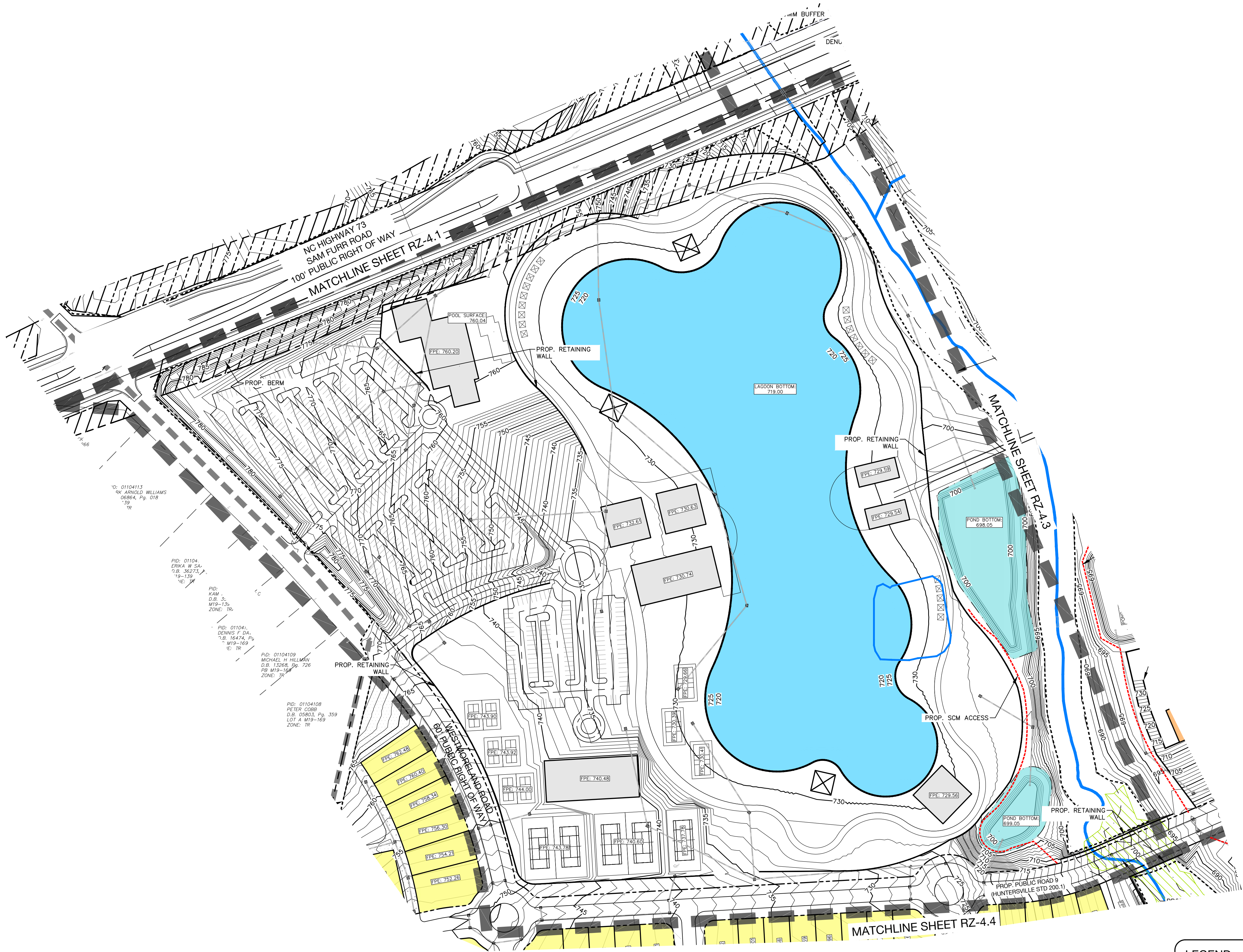
Lagoona Bay Beach Club

Grading Concept B
Sam Furr Road, Hutersville, NC 28078

NO. DIV. DIST. REVISIONS.

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

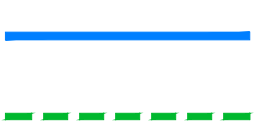
RZ-4.2



LEGEND:



WETLANDS



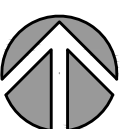
POTENTIAL INTERMITTENT



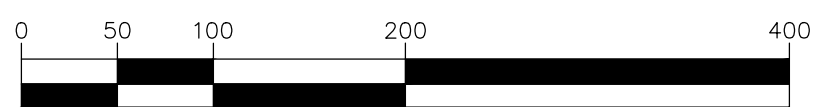
GREENWAY



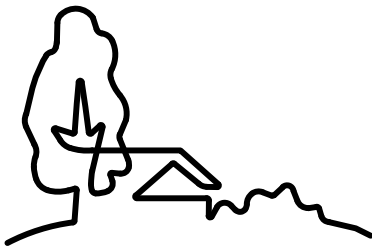
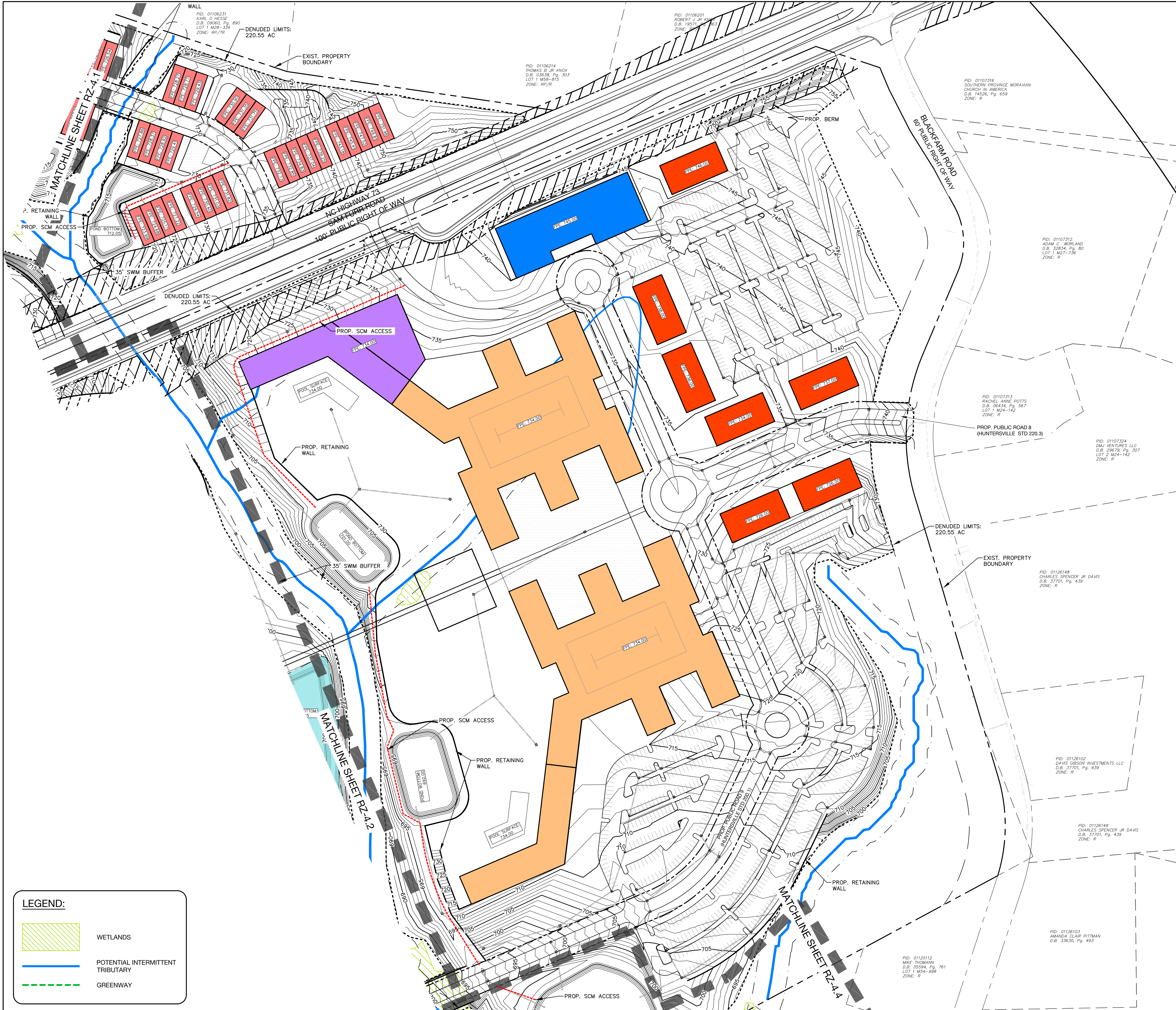
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GRAPHIC SCALE

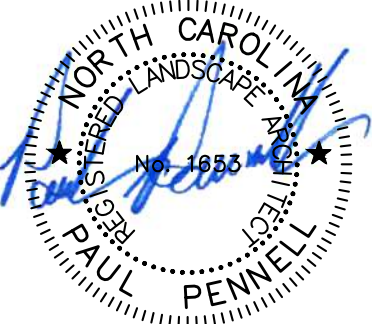


(IN FEET)
inch = 100 ft.



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05.15.2023

Bi-Part Development, LLC
Jake Palillo

18611 Starcreek Drive
Cornelius, NC 28031

Lagoona Bay Beach Club

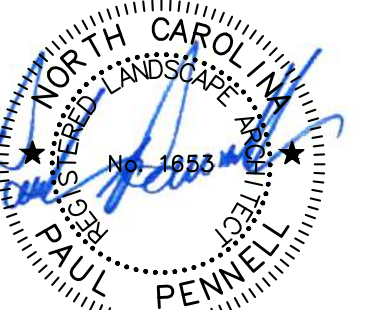
Grading Concept C

Sam Furr Road, Huntersville, NC 28078

NO. DATE: BY: REVISIONS:

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-4.3



5.15.2023

BI-Part Development, LLC

Jake Paillo

18611 Starcreek Drive
Cornelius, NC 28031

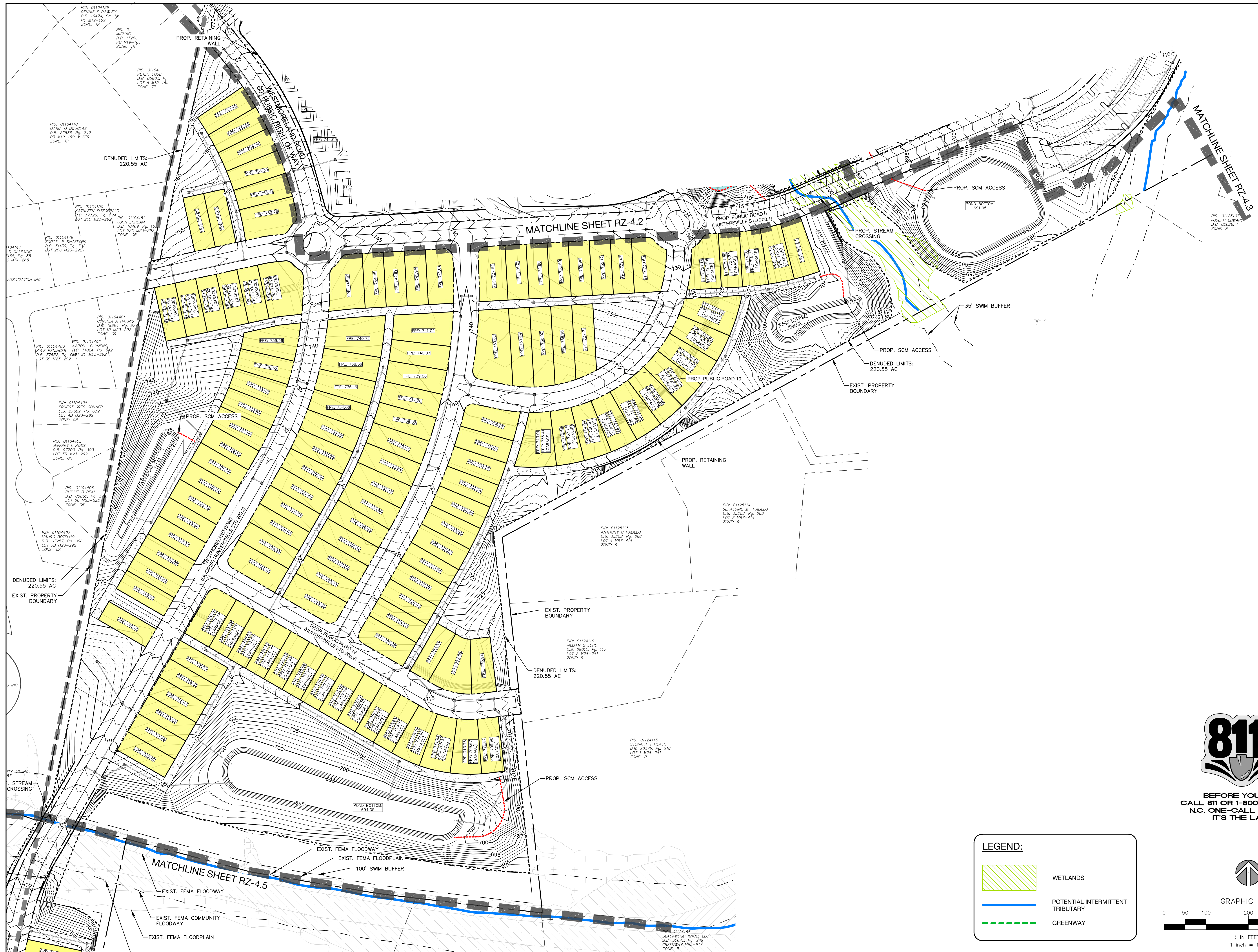
Lagoona Bay Beach Club

Grading Concept D
Sam Furr Road, Hutersville, NC 28078

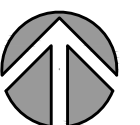
NO. DATE: BY: REVISIONS:

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
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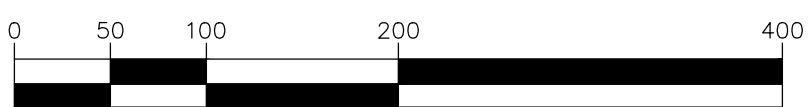
RZ-4.4



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GRAPHIC SCALE



(IN FEET)
inch = 100 ft.



A circular professional seal for a North Carolina Registered Landscape Architect. The outer ring contains the text "NORTH CAROLINA" at the top and "REGISTERED LANDSCAPE ARCHITECT" at the bottom, separated by two stars. Inside the ring, the text "No. 1853" is printed. The seal is signed with a blue ink signature, which appears to be "Paul Pennell", written over the seal.

BI-Fair Development, LLC

Jake Paillo

18611 Starcreek Drive
Cornelius, NC 28031

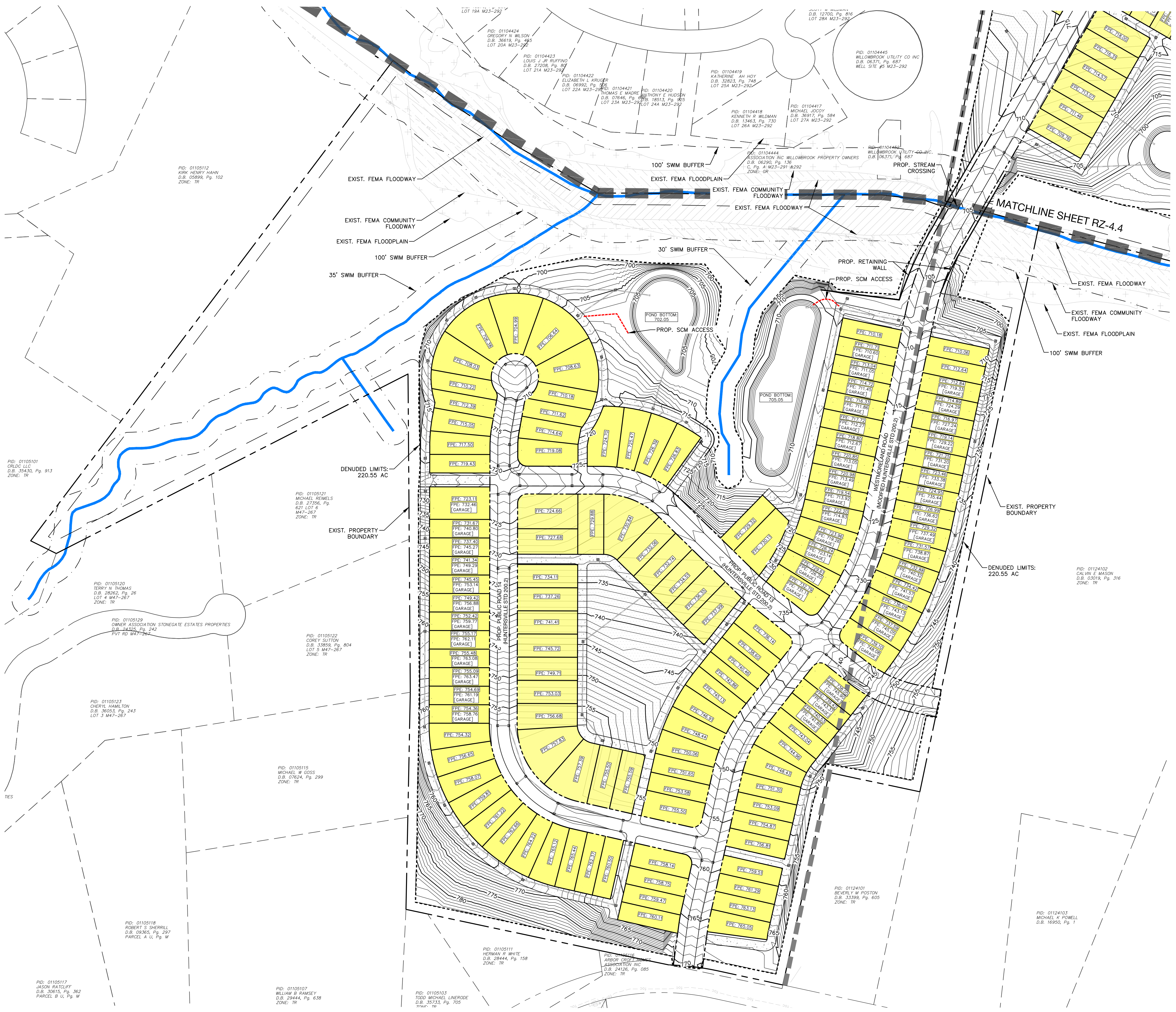
Lagoona Bay Beach Club

Grading Concept E
Sam Furr Road, Hutersville, NC 28078

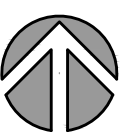
	NO:	DATE:	DT:	REVISING:
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Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

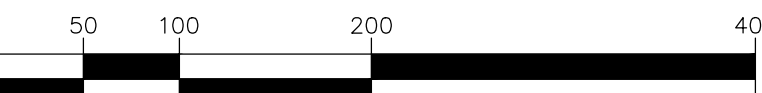
RZ-4.5



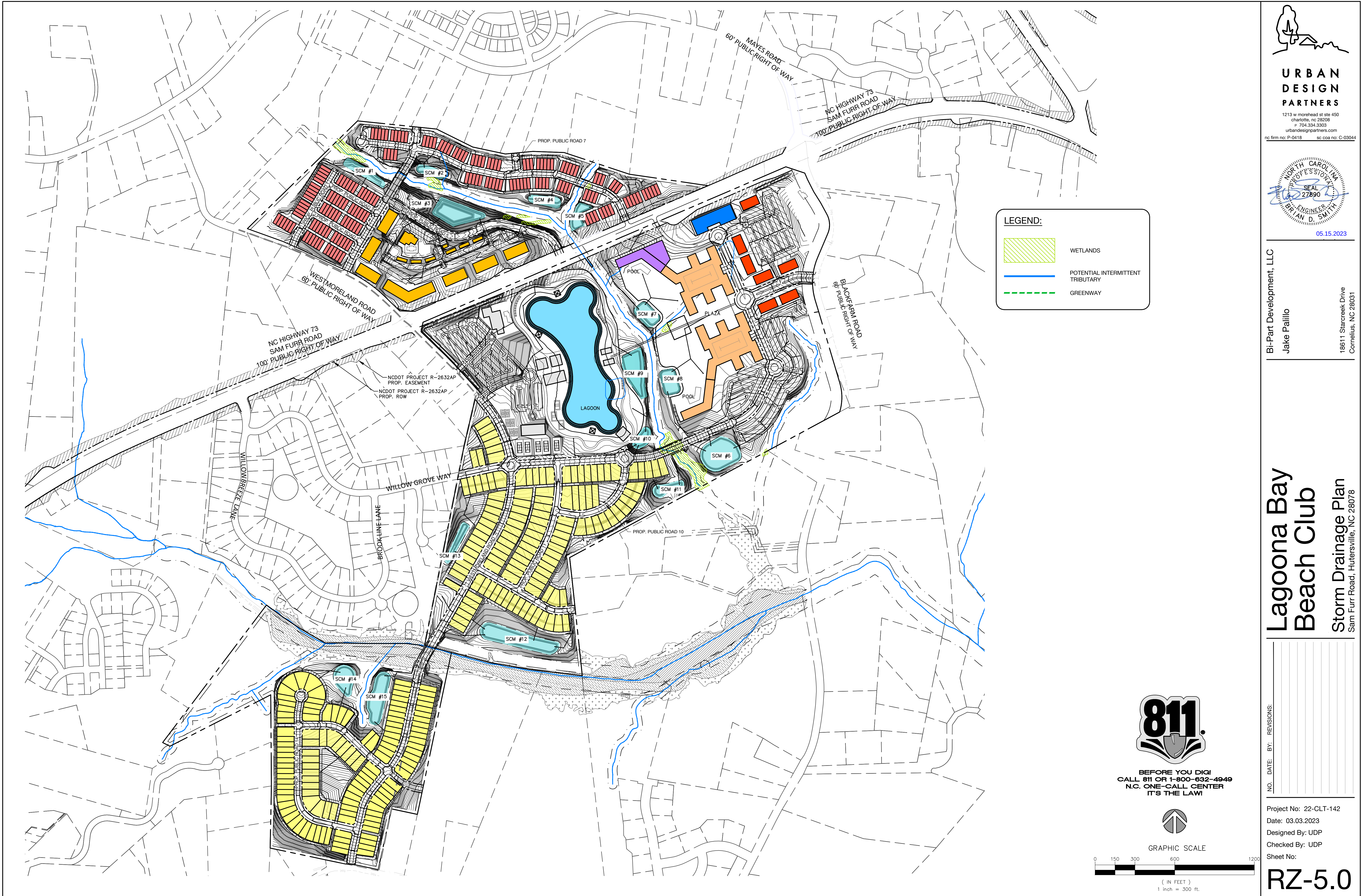
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(IN FEET)
inch = 100 ft.



LEGEND:

- WETLANDS
- POTENTIAL INTERMITTENT TRIBUTARY
- GREENWAY

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GRAPHIC SCALE

0 150 300 600 1200
 (IN FEET)
 1 inch = 300 ft.

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 P: 704.334.3303
 urbandesignpartners.com
 nc firm no: P-0418 sc coa no: C-03044

05.15.2023

Bi-Part Development, LLC
 Jake Palillo

18611 Starcreek Drive
 Cornelius, NC 28031

Lagoona Bay Beach Club

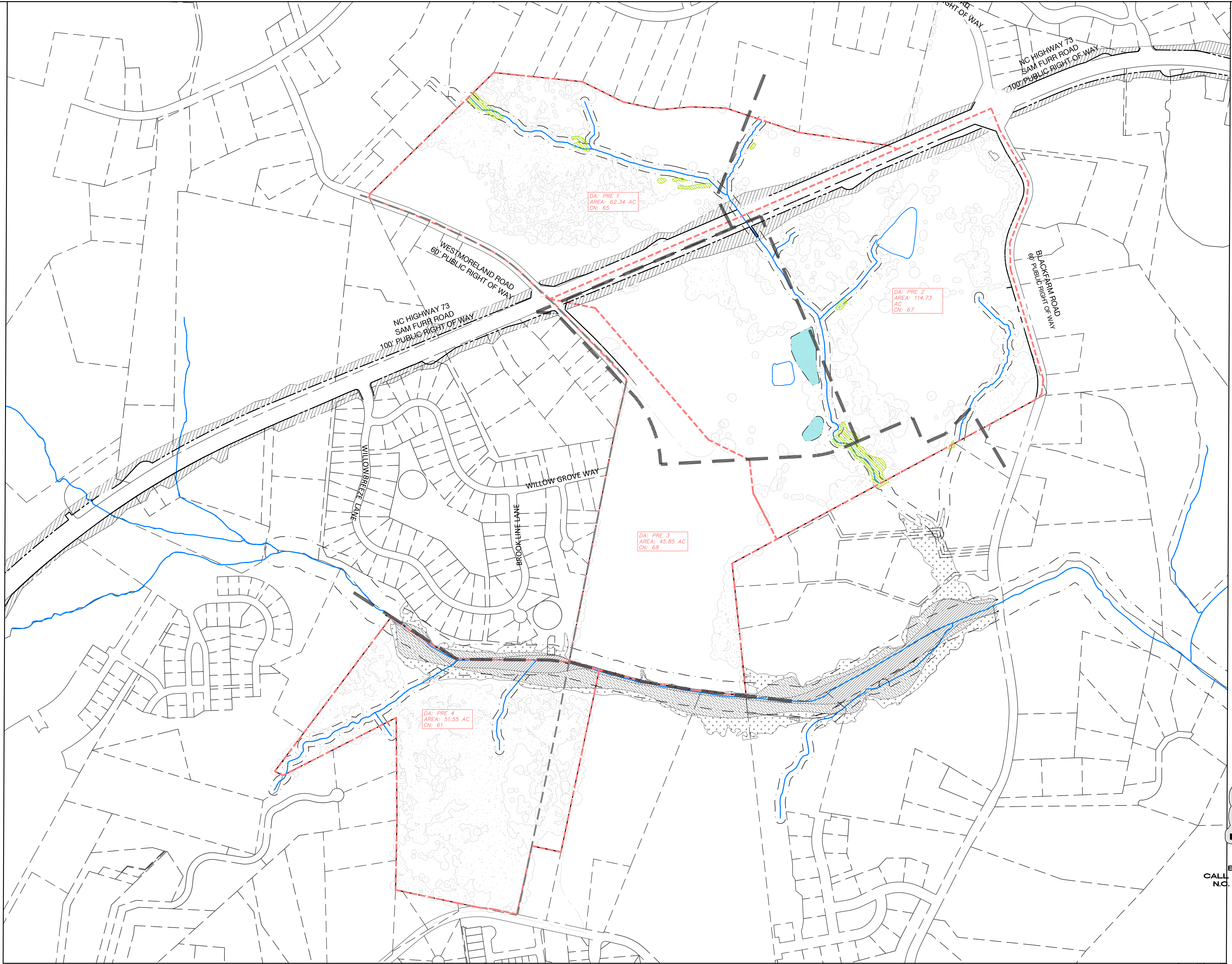
Storm Drainage Plan

Sam Furr Road, Huntersville, NC 28078

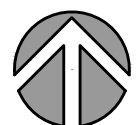
NO.	DATE	BY	REVISIONS

Project No: 22-CLT-142
 Date: 03.03.2023
 Designed By: UDP
 Checked By: UDP
 Sheet No:

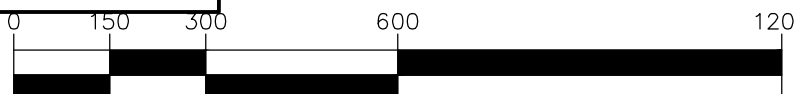
RZ-5.0



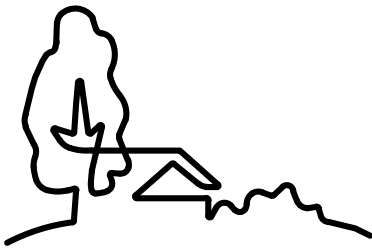
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Jake Palillo

18611 Starcreek Drive
Cornelius, NC 28031

Lagoona Bay Beach Club

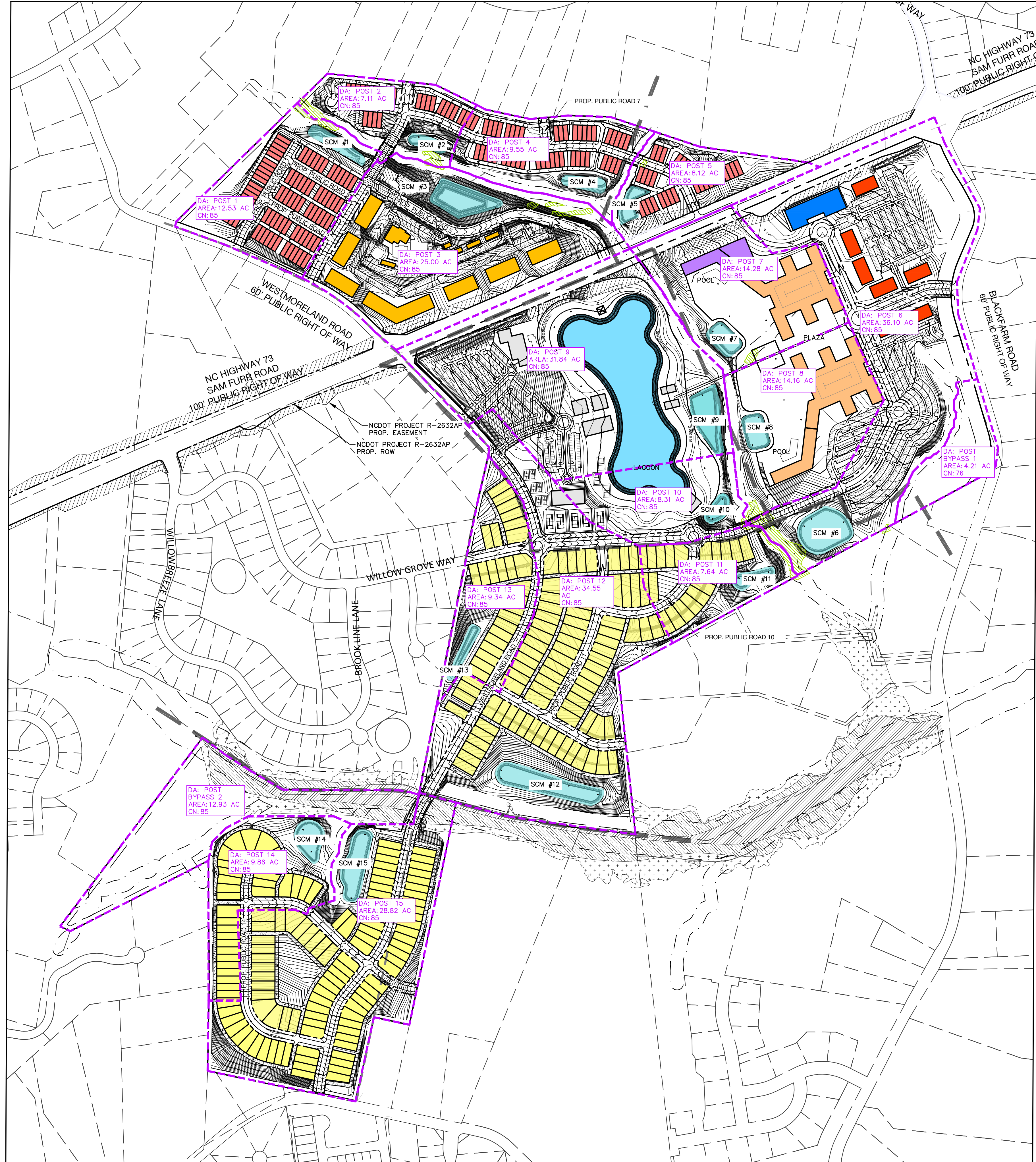
Drainage Area Plan - Pre-Developed

Sam Furr Road, Huntersville, NC 28078

NO. DATE: BY: REVISIONS:

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-5.1



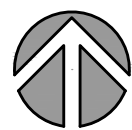
	Post DA #	AREA (AC)	SCM TYPE	REQUIRED 25 YEAR VOLUME (CUBIC FT)	APPROX VOLUME PROVIDED (CUBIC FT)
Pre DA 1 (62.34 AC) CN: 65	1	12.3	WET POND	68,972	70,965
	2	7.11	SAND FILTER	39,869	41,395
	3	25.27	WET POND	141,700	205,000
	4	9.55	SAND FILTER	53,551	55,510
	5	8.12	SAND FILTER	45,533	53,895
Pre DA 2 (114.73 AC) CN: 67	6	36.1	WET POND	187,419	190,000
	7	14.28	WET POND	74,137	86,375
	8	14.16	WET POND	73,514	86,375
	9	31.84	WET POND	165,303	176,815
	10	8.31	SAND FILTER	43,143	49,980
	11	7.64	SAND FILTER	39,664	56,485
Pre DA 3 (45.85 AC) Pre DA 4 (51.55 AC) CN: 61	BYPASS 1	4.21	N/A	N/A	N/A
	12	34.55	WET POND	154,045	200,000
	13	9.34	SAND FILTER	41,643	49,625
Pre DA 4 (51.55 AC) CN: 61	14	9.86	SAND FILTER	55,631	65,000
	15	28.82	WET POND	162,605	173,570
	BYPASS 2	12.93	N/A	N/A	N/A

*CN of 85 assumed for post-developed conditions.
*Bypass areas are areas with no BUA/grading. Areas are bound by existing stream and property lines.

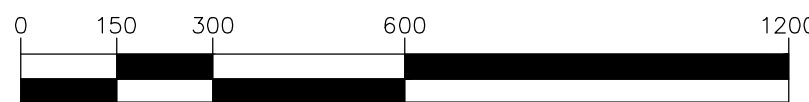
STORM WATER CONTROL MEASURES AND WATER QUALITY HAVE BEEN DESIGNED TO MEET THE 25-YEAR PRE-DEVELOPED PEAK FLOW RATE FOR DETENTION AT THE REQUEST OF THE TOWN OF HUNTERSVILLE.



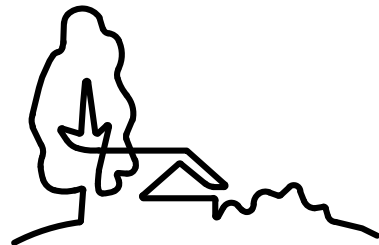
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GRAPHIC SCALE

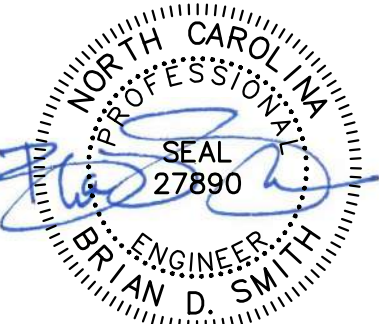


(IN FEET)
1 inch = 300 ft.



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charlotte, nc 28208
P 704.334.3303
urbandesignpartners.com
nc firm no: P-0418 sc coa no: C-03044



05.15.2023

Bi-Part Development, LLC

Jake Paililo

18611 Starcreek Drive
Cornelius, NC 28031

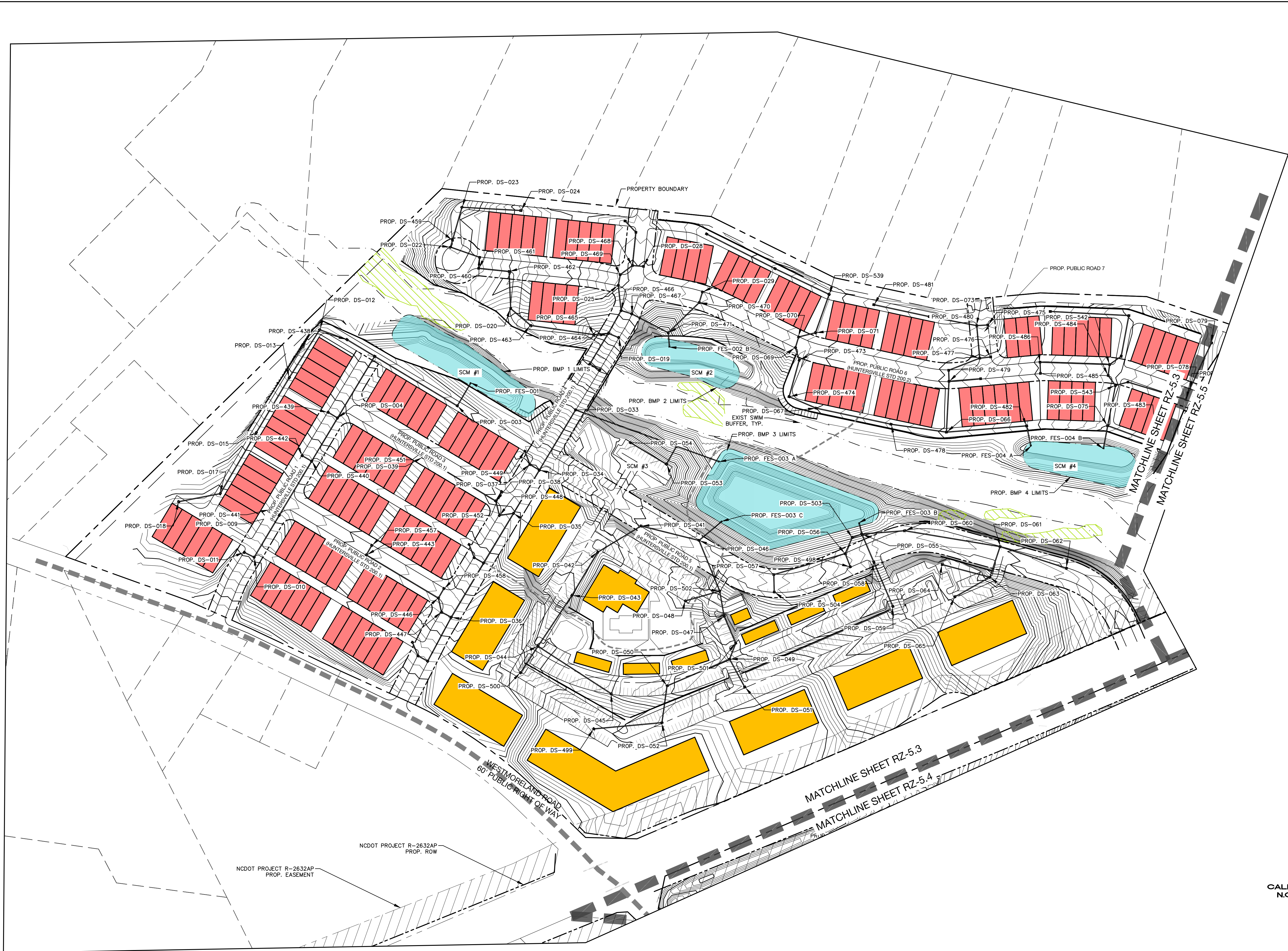
Lagoona Bay Beach Club

Drainage Area Plan - Post-Developed
Sam Furr Road, Huntersville, NC 28078

NO. DATE: BY: REVISIONS:

Project No: 22-CLT-142
Date: 03.03.2023
Designed By: UDP
Checked By: UDP
Sheet No:

RZ-5.2

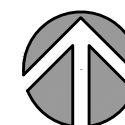


NCDOT PROJECT R-2632AP
PROP. EASEMENT

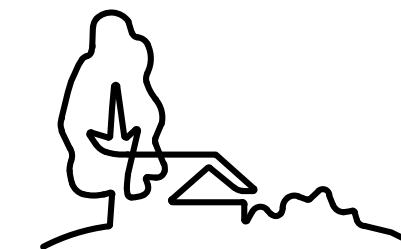
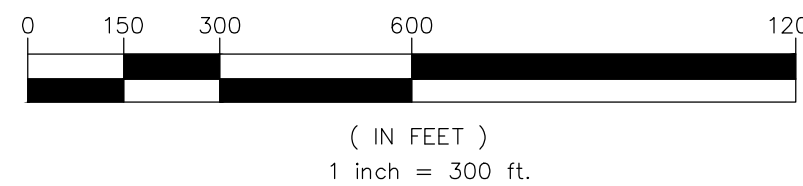
NCDOT PROJECT R-2632AP
PROP. ROW



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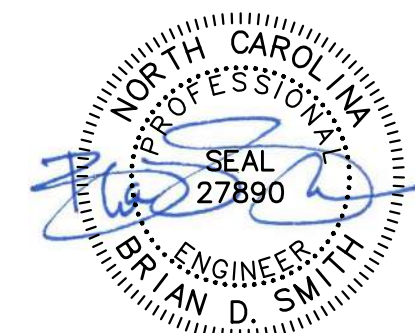


GRAPHIC SCALE



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nc firm no: P-0418 sc coa no: C-03044



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Bi-Part Development, LLC

Jake Palillo

18611 Starcreek Drive
Cornelius, NC 28031

Lagoona Bay Beach Club

Storm Drainage Plan Enlargement

Sam Furr Road, Huntersville, NC 28078

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Project No: 22-CLT-142
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RZ-5.3

DISCARDED WATER FROM LAGOON WILL BE TREATED PRIOR TO RELEASE TO THE CREEK, OR IT WILL BE DIRECTED TO THE SANITARY SEWER SYSTEM.



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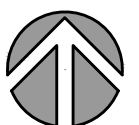
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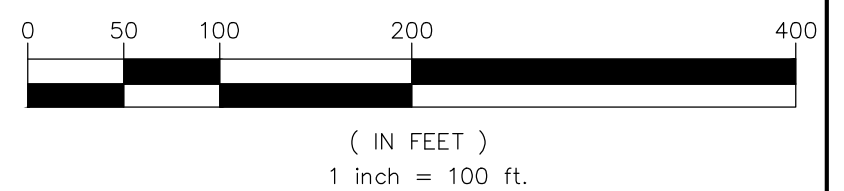
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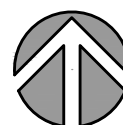
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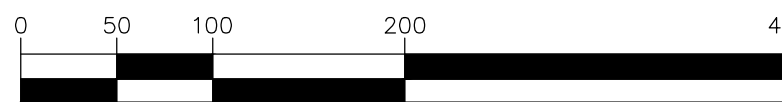
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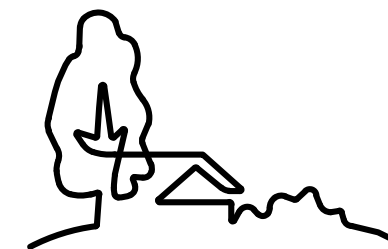
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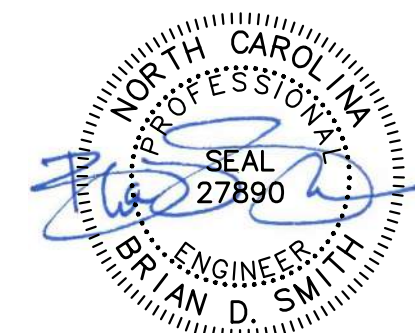


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RZ-5.5



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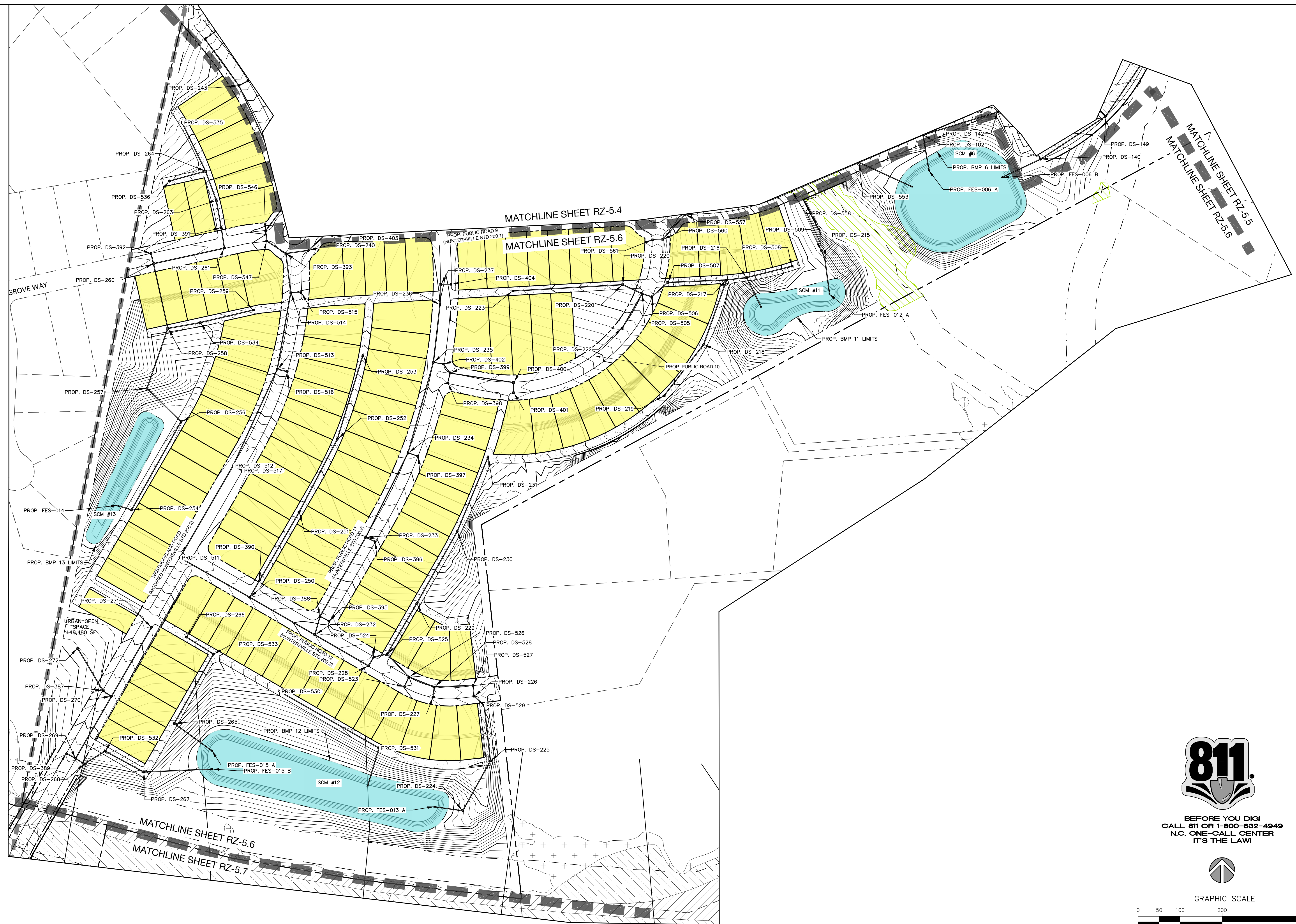
Storm Drainage Plan Enlargement

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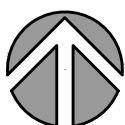
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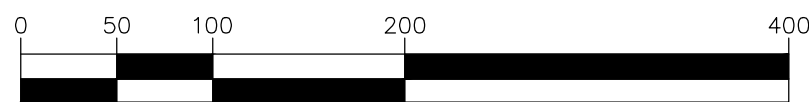
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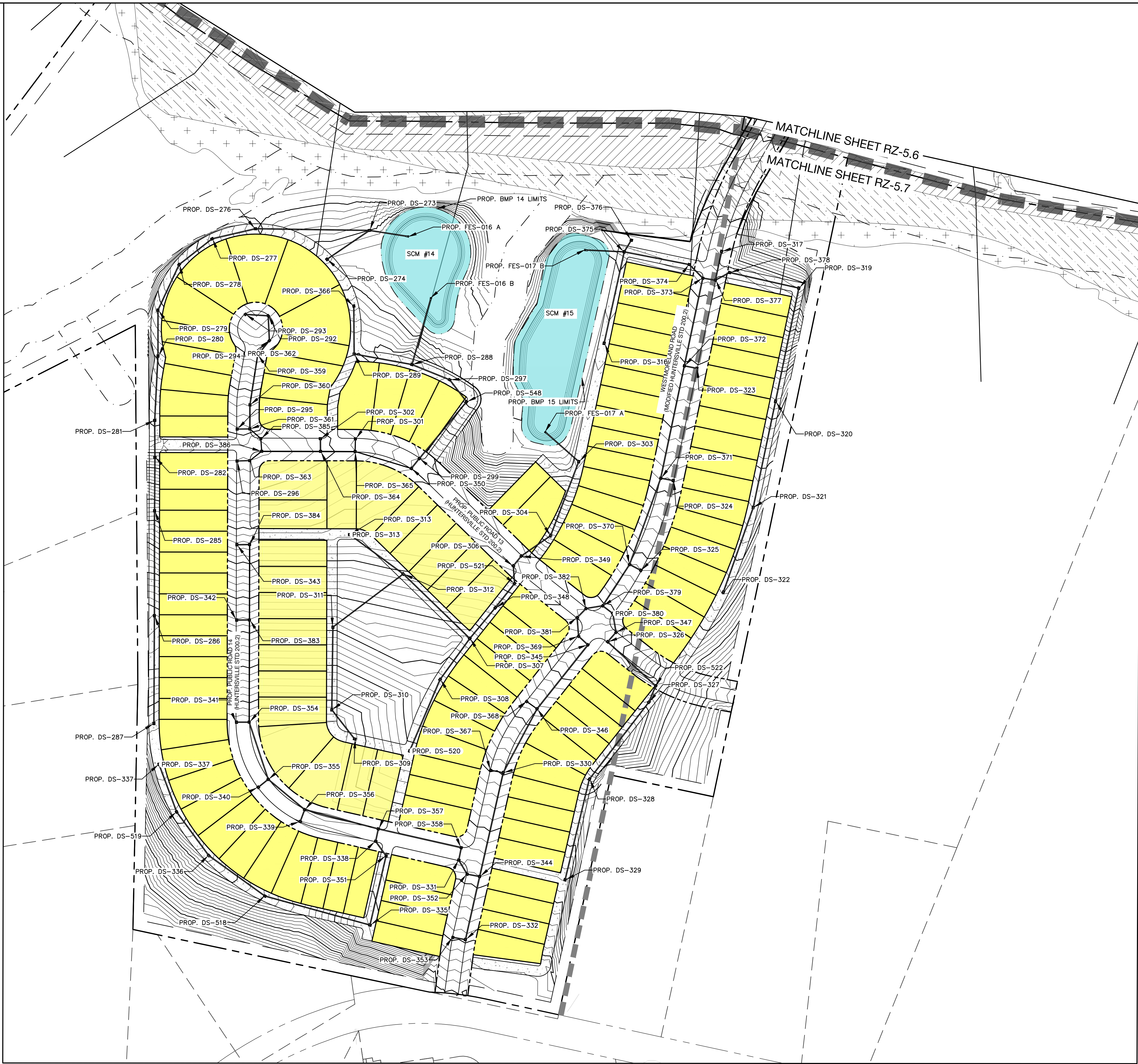
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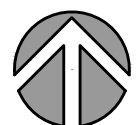
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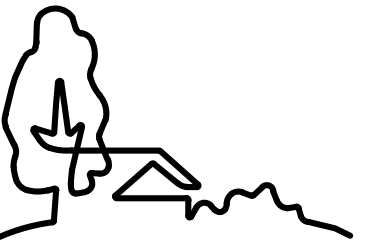
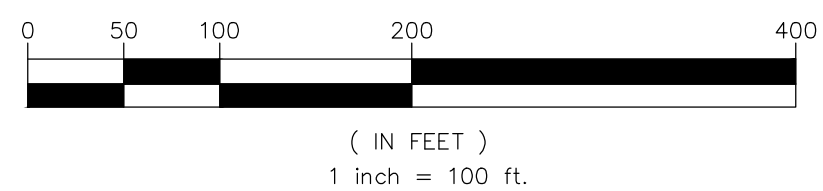
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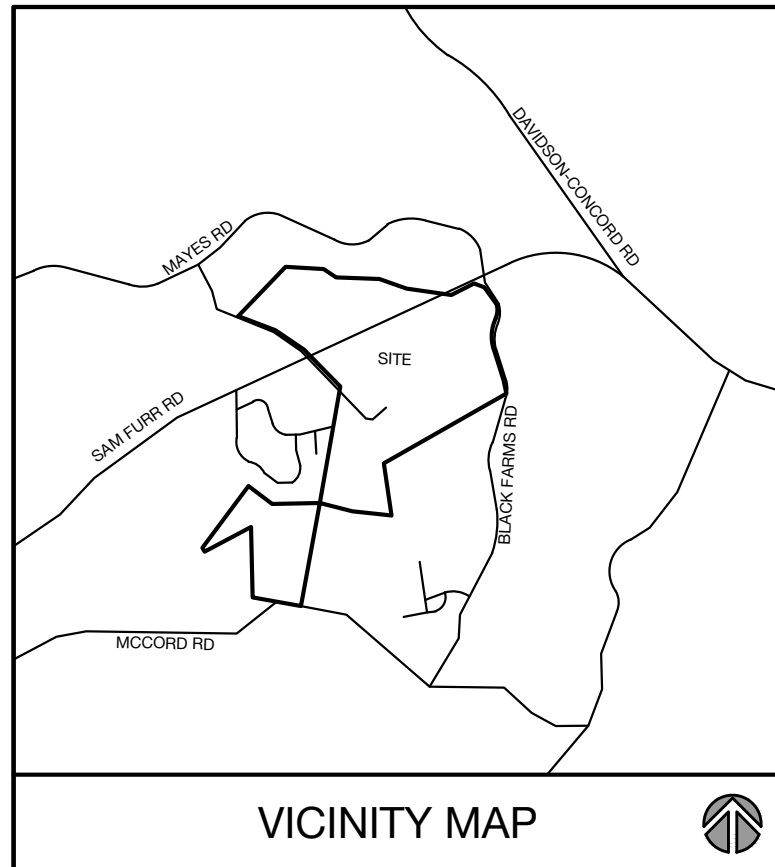
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VICINITY MAP

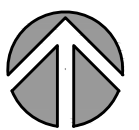


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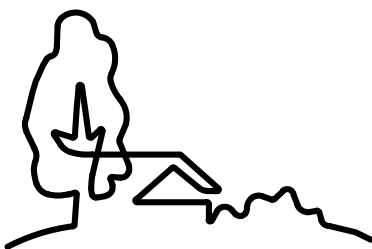
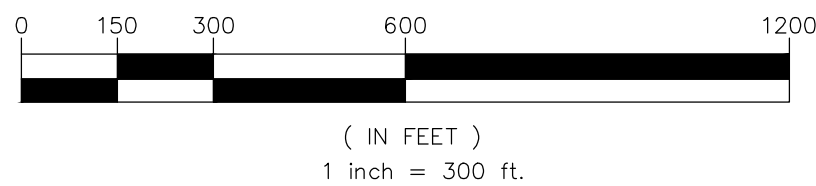
- WETLANDS
- POTENTIAL INTERMITTENT TRIBUTARY
- GREENWAY



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Lagoona Bay Beach Club Overall Conceptual Utility Plan

Sam Furr Road, Huntersville, NC 28078

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Utility Concept Plan A
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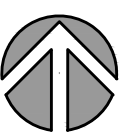
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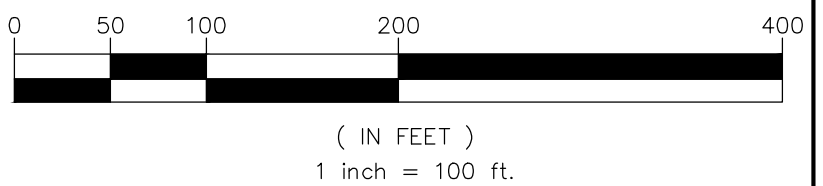
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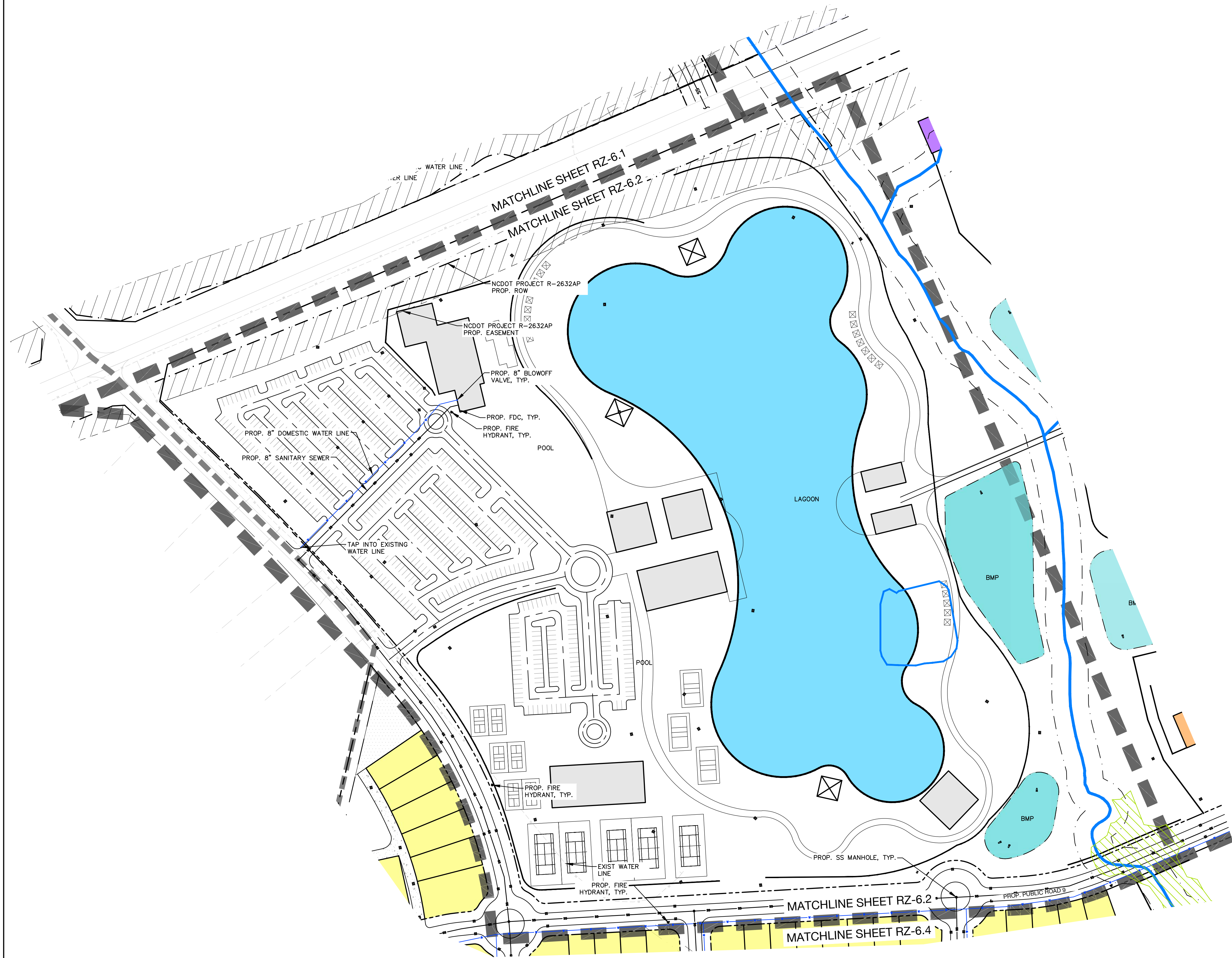


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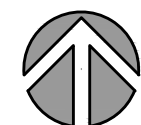


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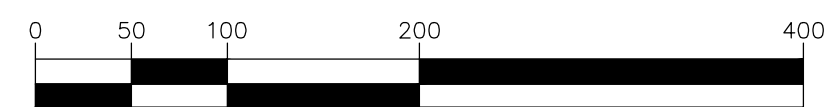




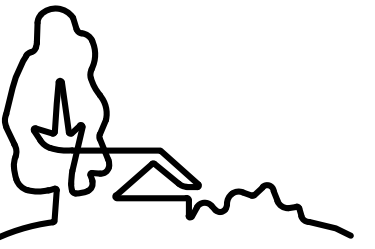
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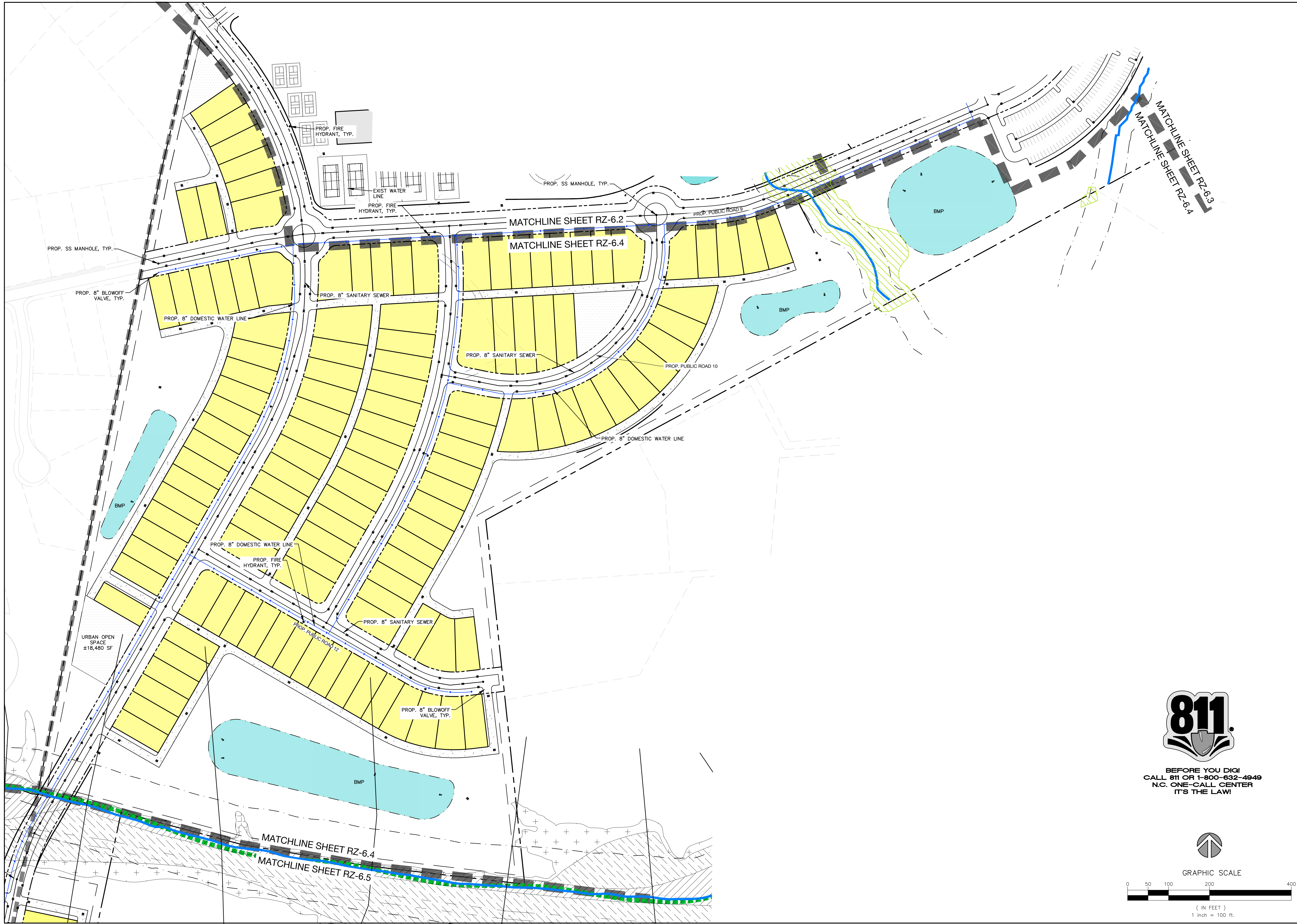
Lagoona Bay Beach Club

Utility Concept Plan B
Sam Furr Road, Huntersville, NC 28078

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**Lagoona Bay
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Utility Concept Plan D
Sam Furr Road, Huntersville, NC 28078

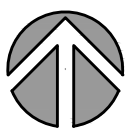
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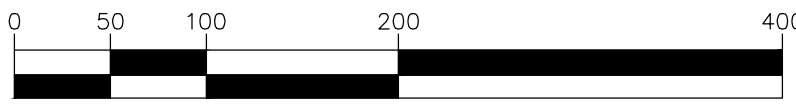
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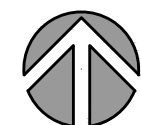
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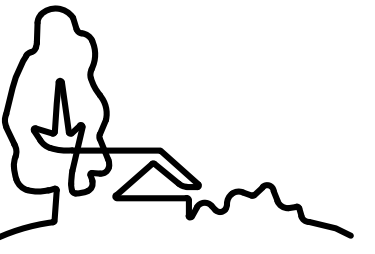
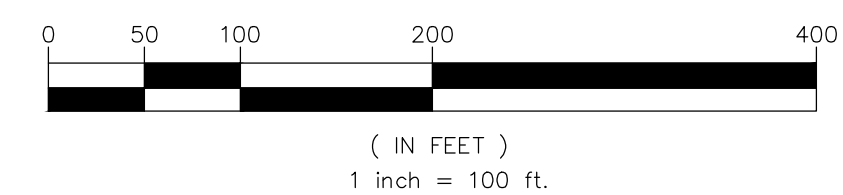
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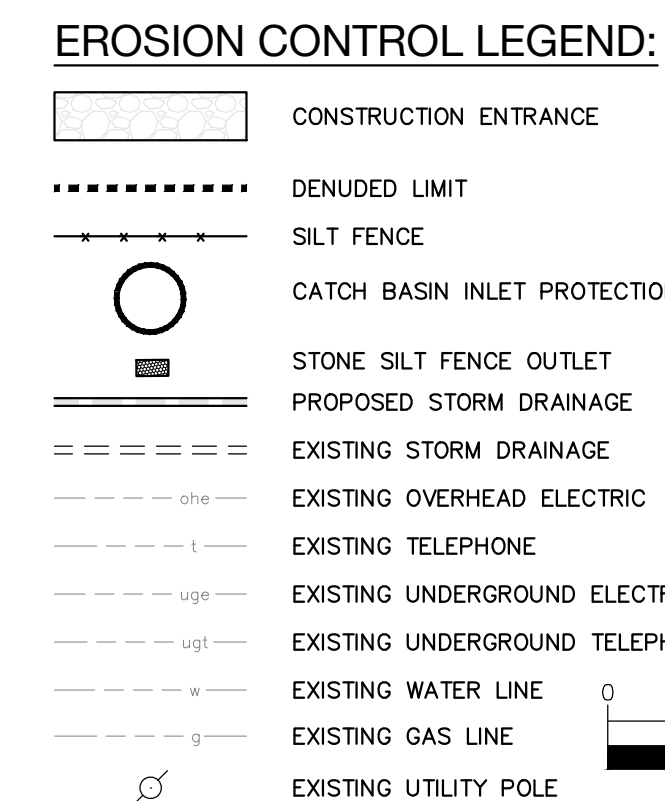
Utility Concept Plan E

Sam Furr Road, Hutersville, NC 28078

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Date: 03.03.2023
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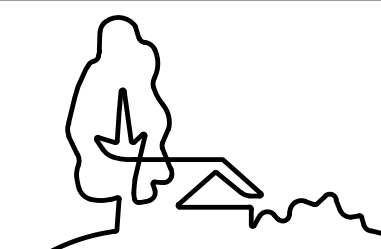
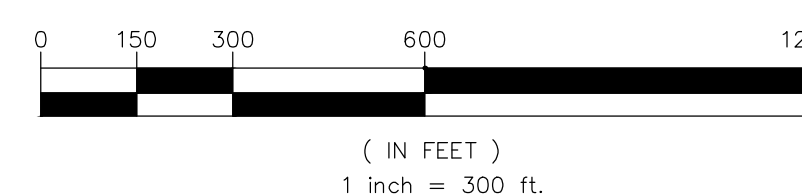
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Erosion Control Ph 1 Overall

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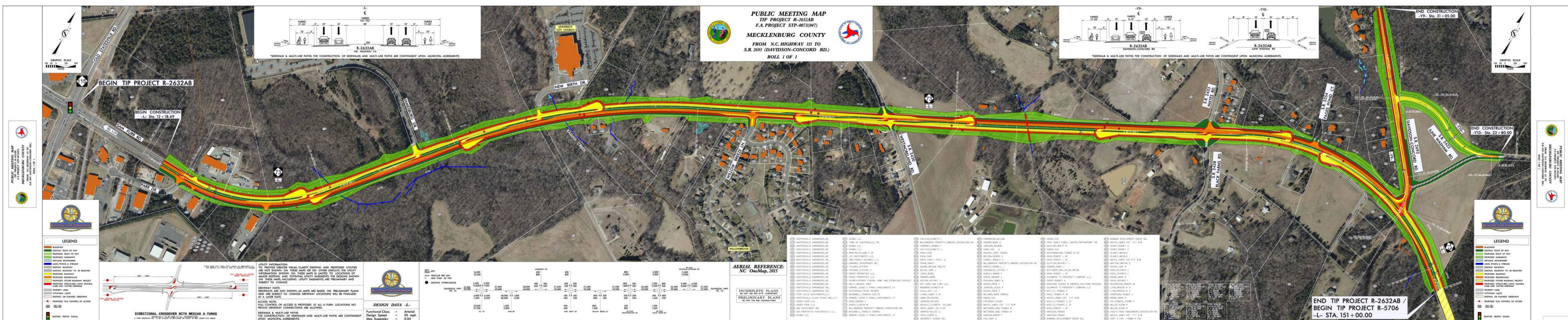
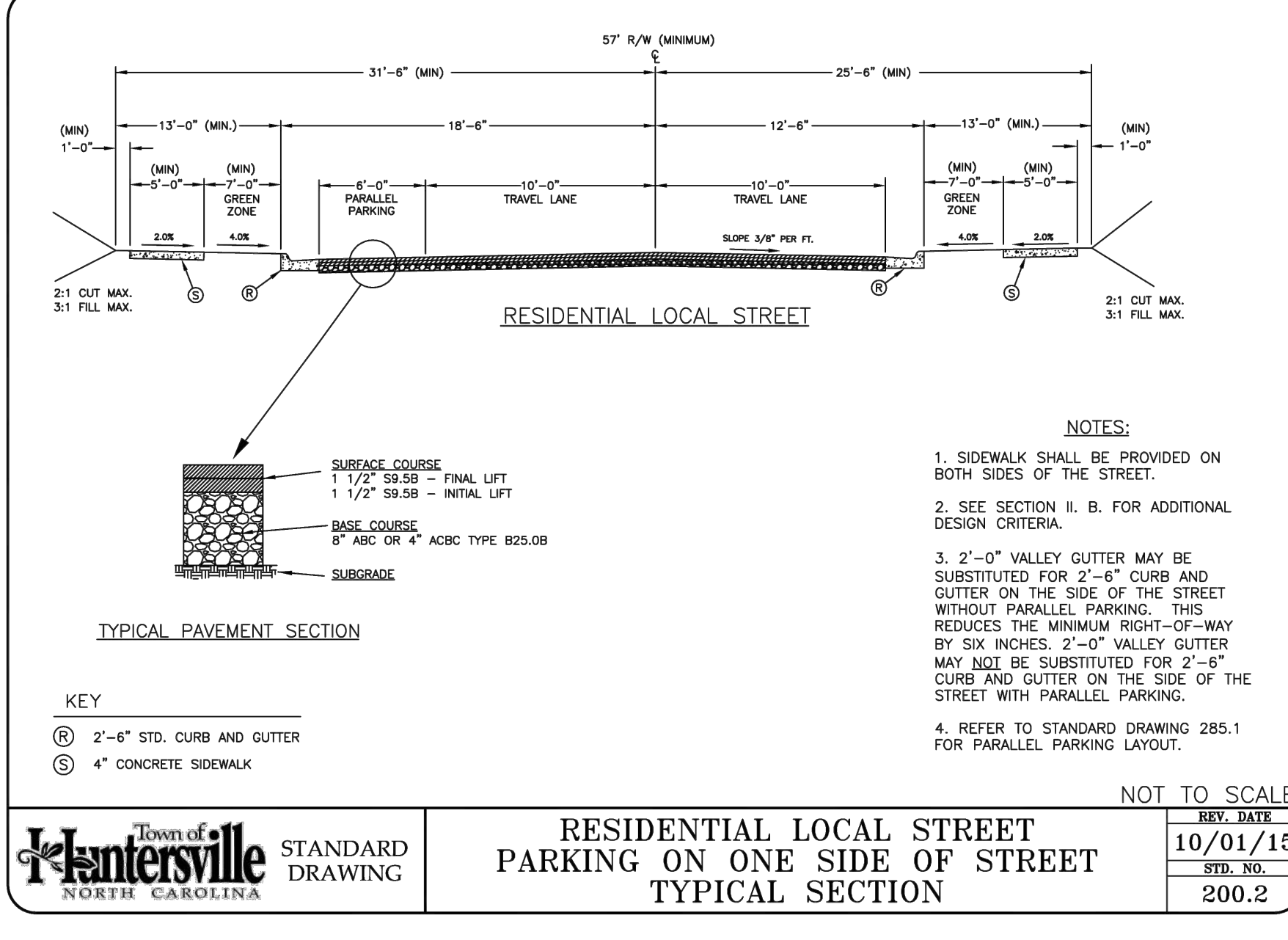
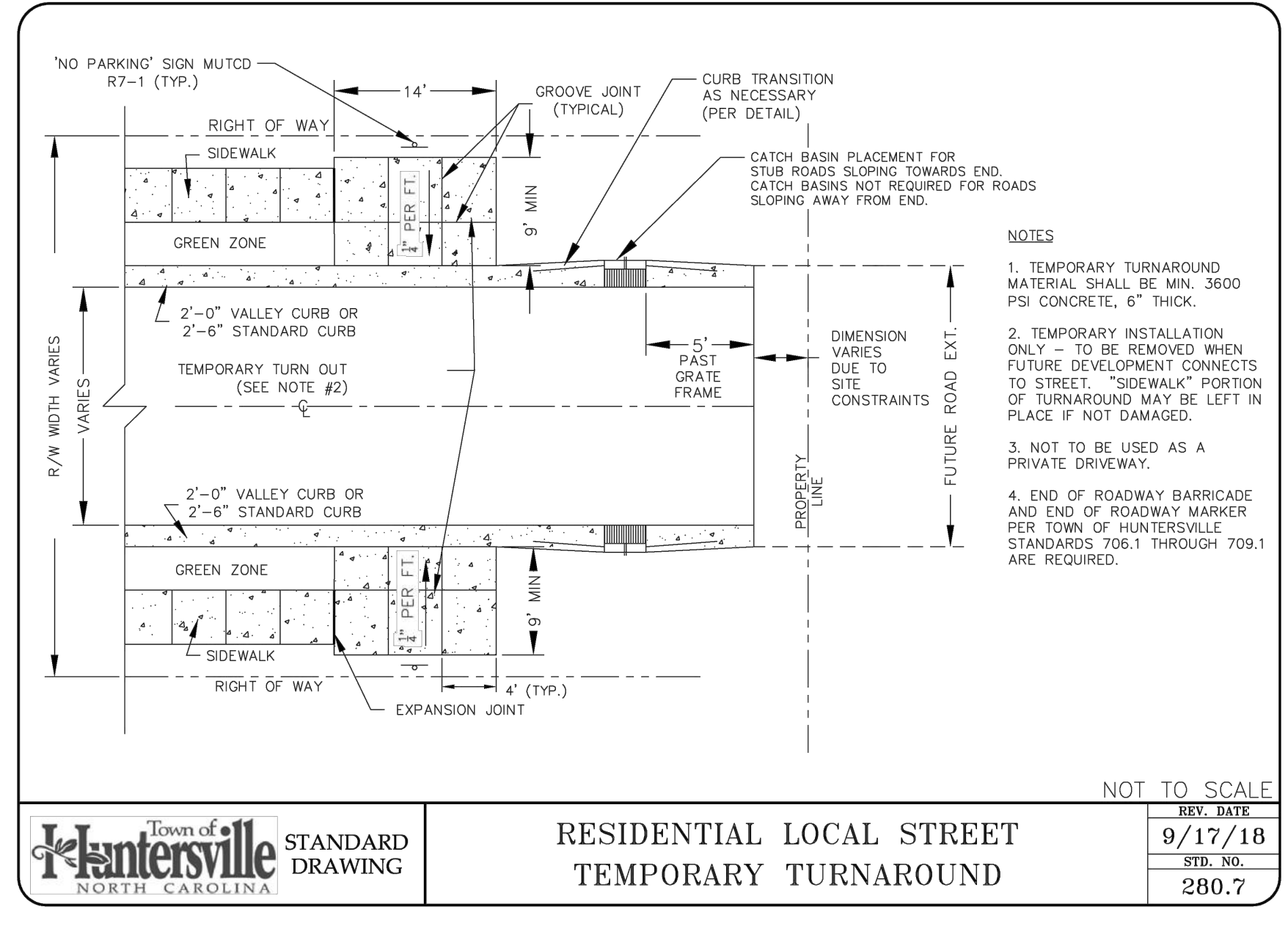
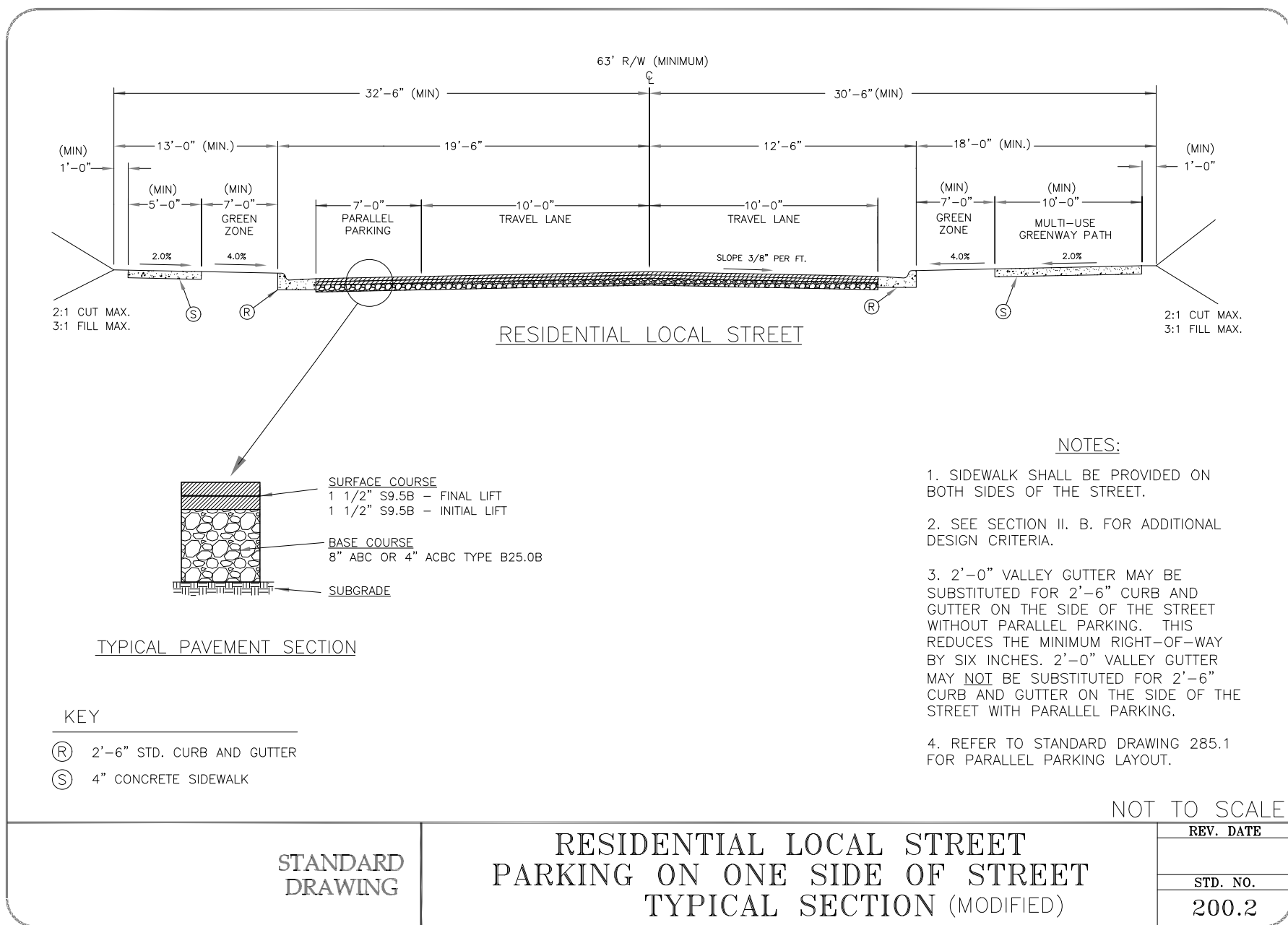
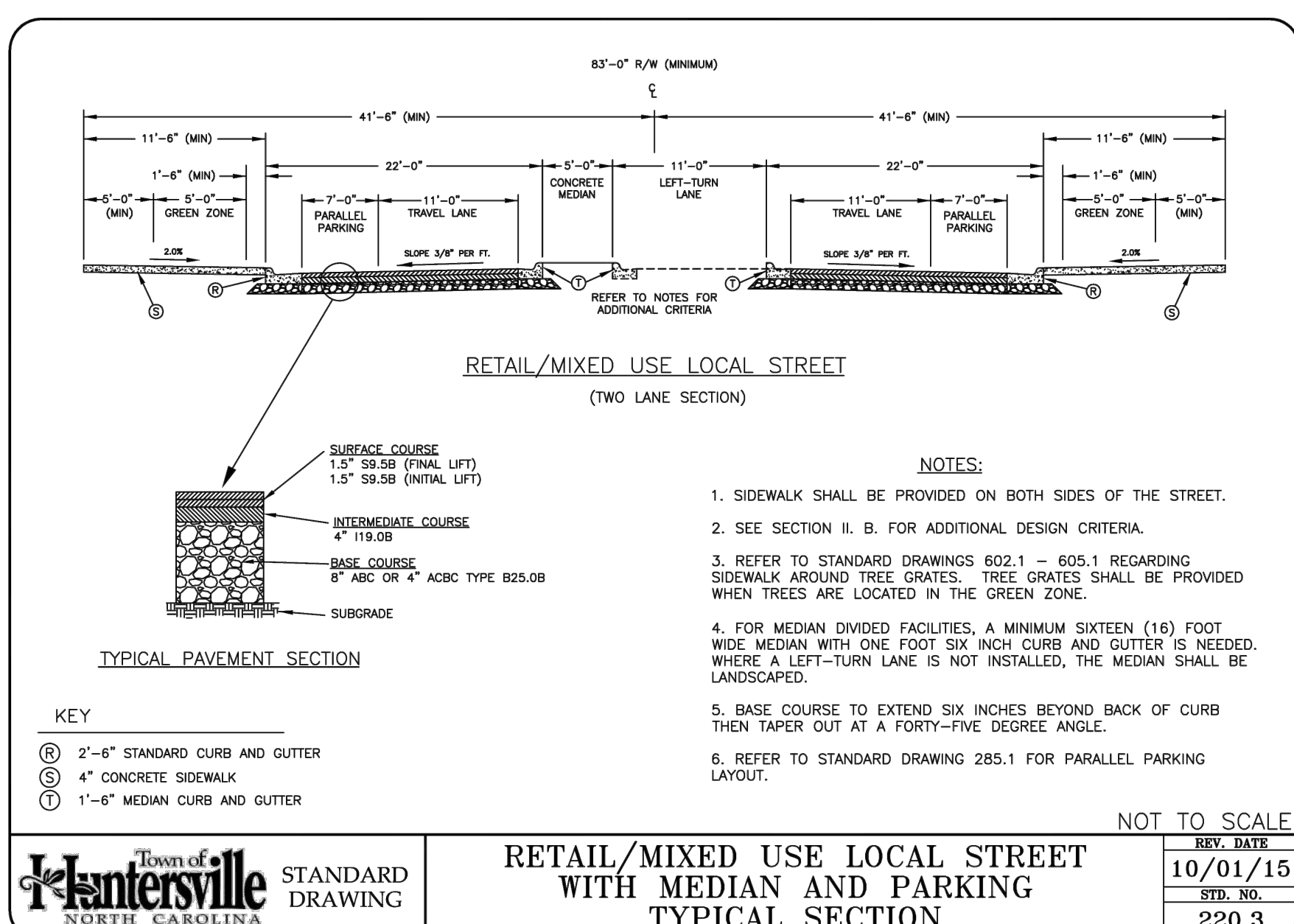
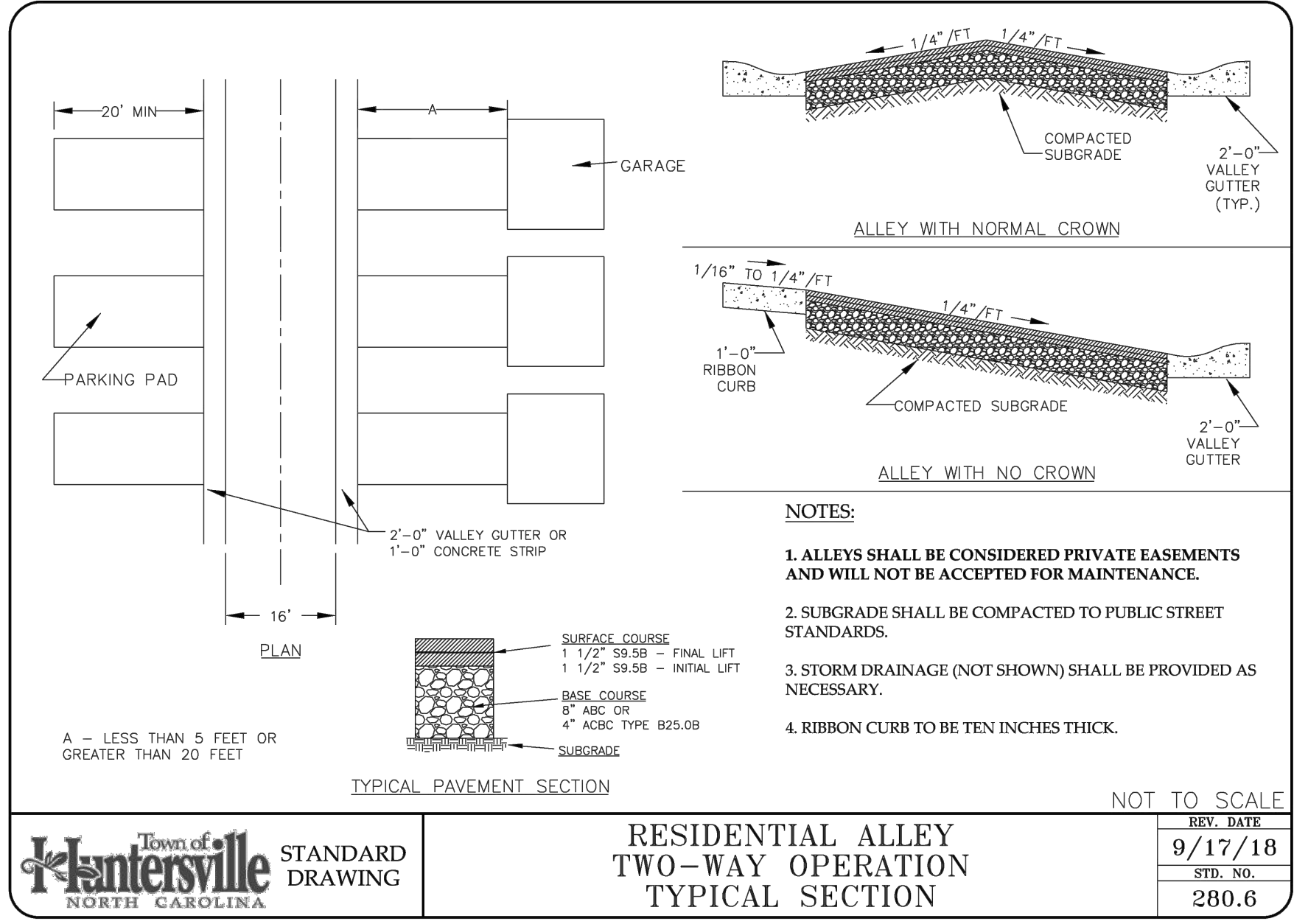
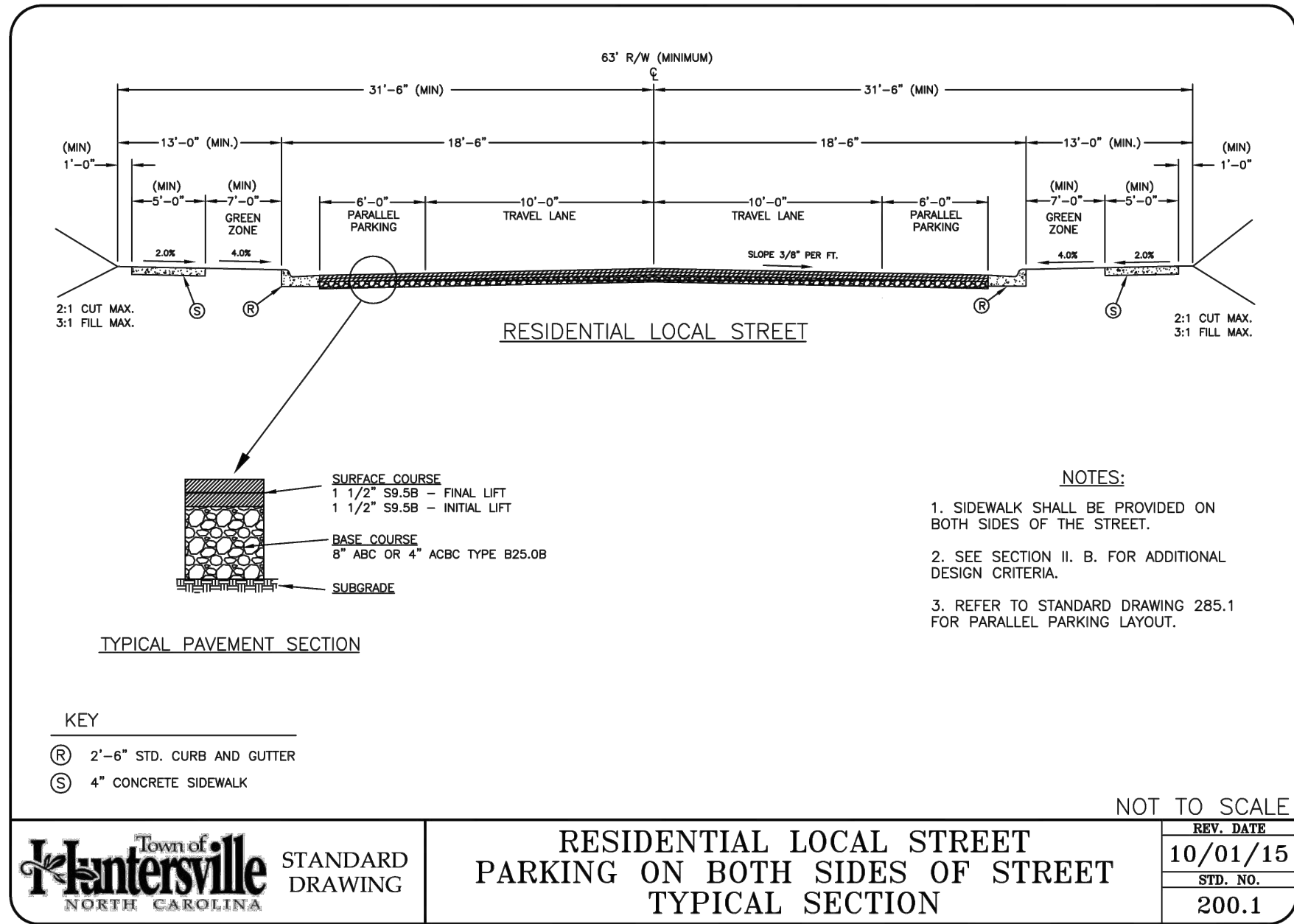
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STREET TYPES:	
RESIDENTIAL LOCAL STREET PARKING ON BOTH SIDES OF STREET (HUNTERVILLE STD 200.1):	PROP. PUBLIC ROADS 1, 3, & 9
RESIDENTIAL LOCAL STREET PARKING ON ONE SIDE OF STREET (HUNTERVILLE STD 200.2):	PROP PUBLIC ROADS 2, 5, 6, 7, & 8
RETAIL/MIXED USE LOCAL STREET WITH MEDIAN AND PARKING (HUNTERVILLE STD 220.3):	PROP. PUBLIC ROAD 4
RESIDENTIAL TWO-WAY ALLEY (HUNTERVILLE STD: 280.6)	

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PAUL PENWELL
Professional Engineer
No. 7996
State of North Carolina

05.15.2023

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Jake Palillo

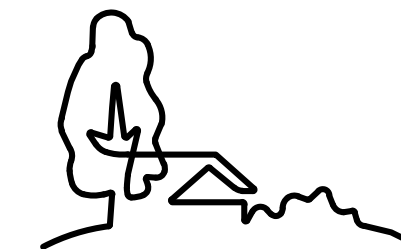
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**Lagoona Bay
Beach Club**

Street Section Details
Sam Furr Road, Huntersville, NC 28078

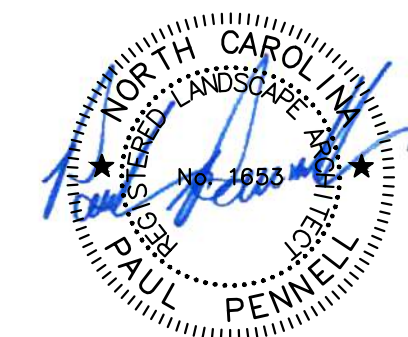
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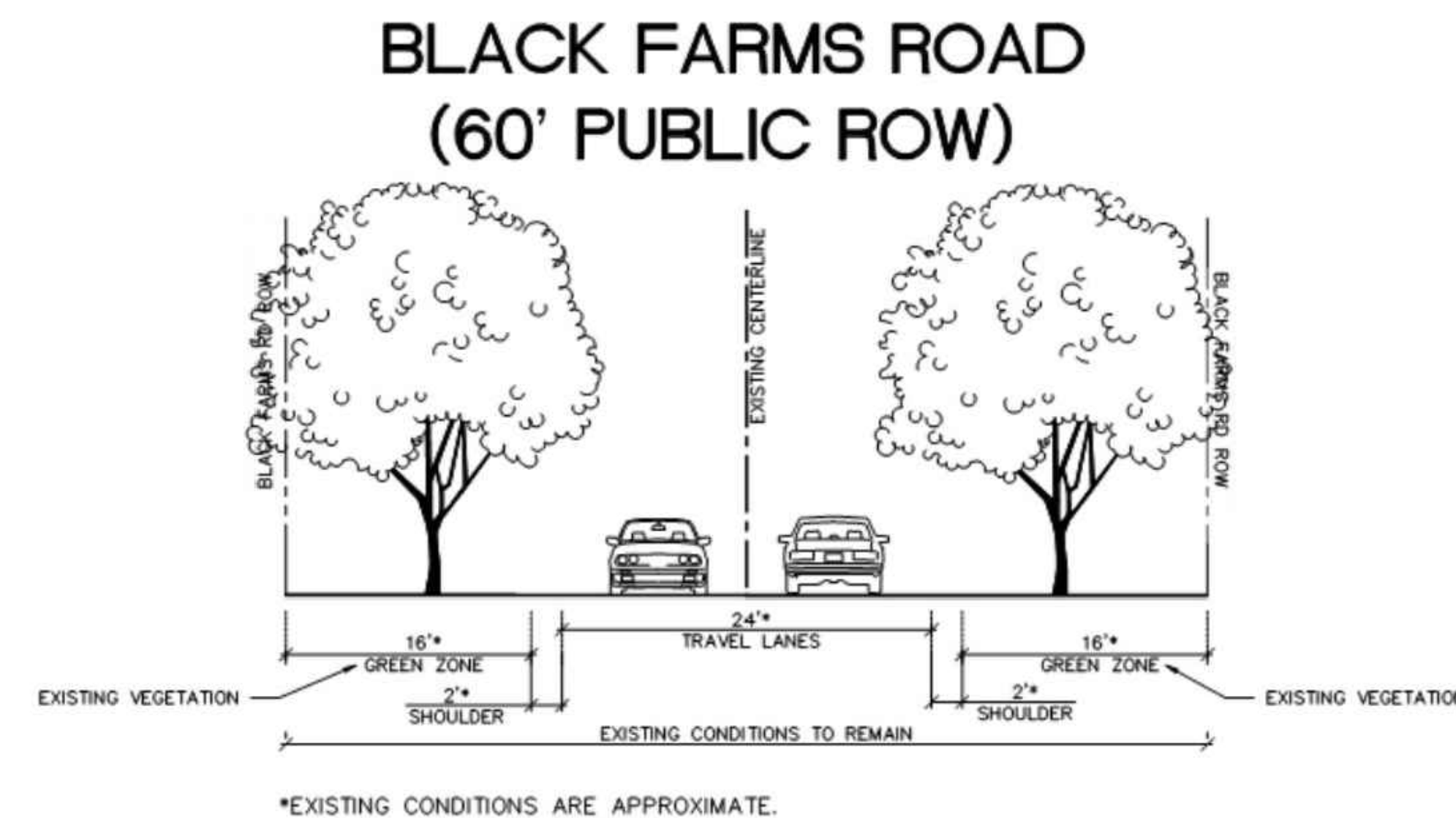
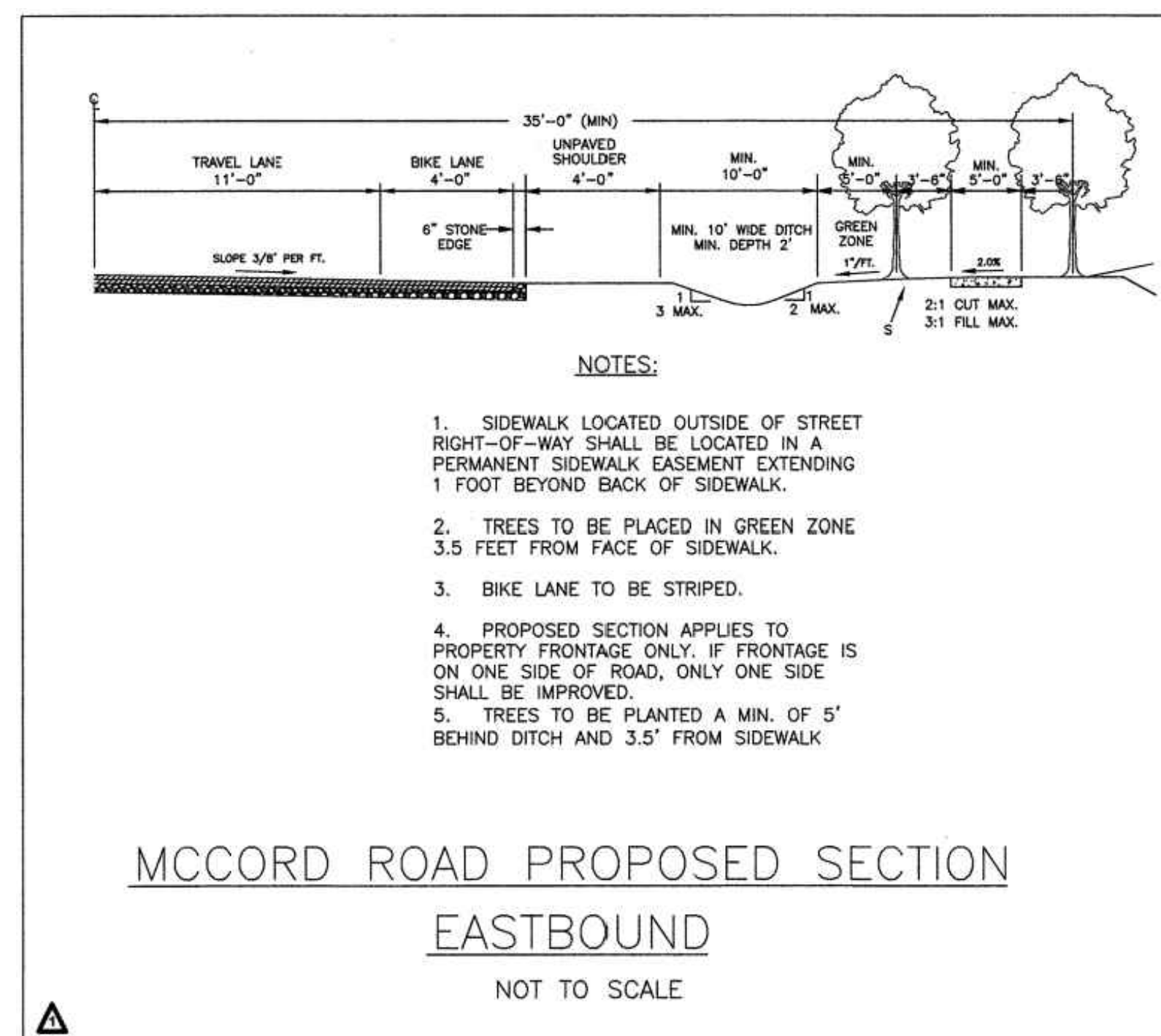
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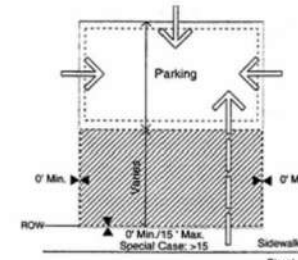
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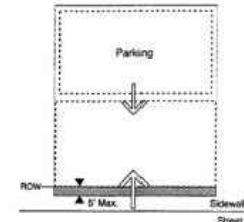
Lot Type / Shopfront Building

4.3 Lot Type / Shopfront Building
Building Placement/Parking/Vehicular Access.



- Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
- Building facades shall be generally parallel to frontage property lines.
- Parking shall be located to the rear of the building; sideyard parking shall occupy no more than 25 percent of the primary frontage line and shall not be placed in an established sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified.
- Points of permitted access to the parking indicated by arrows.
- Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
- Parking areas on adjacent lots shall be connected wherever practicable.
- Trash containers shall be located in a rear parking area (see Parking Regulations).
- Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principal structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.

Encroachment/Pedestrian Access to Building.



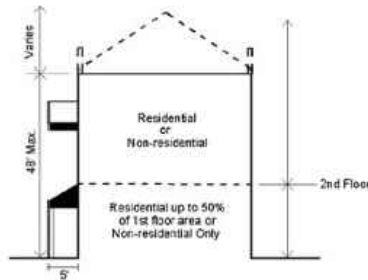
- Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height are permitted within the sidewalk as shown by the hatched area. Encroaching arcades should cover entire sidewalk.
- Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

Special Conditions.

- The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
- Drive-through customer services, if permitted in the district, must be located at the rear of the building or on a side which does not abut a street.
- Setbacks at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
- Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. Squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

Description. The shopfront building is a small-scale structure which can accommodate a variety of uses. The structure is typically a maximum of 15,000 square feet. A group of shopfront buildings can be combined to form a mixed-use neighborhood center. Individual shopfront buildings can be used to provide some commercial service, such as a convenience food store, in close proximity to homes. Traditional commercial buildings in the old town provide good examples. Hotels, inns, and conference centers may be placed in shopfront or mixed-use buildings. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

4.4 Building Type / Shopfront Building
Permitted Height and Uses.



- Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
- The height of parapet walls may vary depending upon the need to screen mechanical equipment.
- Building height to the ridge may vary depending on the roof pitch.
- Permitted uses are indicated above, and are further controlled by district regulations.
- Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential.

Architectural Standards.

Principles.

- To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.
- Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Decorative metal panels such as Aluminum Composite Material (ACM) panels may be used as an accent or trim material and as cladding for building accent elements such as column wraps, entablature, canopies, and their supporting structure. Decorative metal panel accents, however, may not exceed 30% of any facade visible from the street.
- The front elevations facing the street, and the overall massing shall communicate emphasis on the human scale and the pedestrian environment.
- Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
- Shopfront Building Architectural Standards Principles A-D shall not apply to the residential portion of development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
- Trailers (mobile units) may not be used as permanent shopfront buildings.

Configurations.

- Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and can cover the first floor only (i.e. brick below wood siding).
- Street level windows should be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location.
- Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.

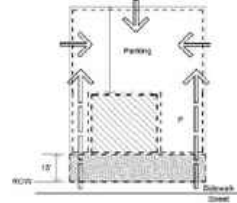
Techniques.

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



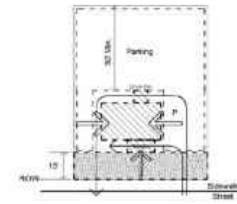
Lot Type / Highway Commercial

4.5 Lot Type / Highway Commercial
Building Placement/Parking/Vehicle Access.



- Buildings shall be placed on the lot within zone represented by the hatched area. In most cases, the build to line will be 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
- Setbacks may vary according to setting within limits indicated.
- Building facades shall be generally parallel to frontage property lines.
- Parking shall be located to the rear and/or side of the building. Except in the VS District, sideyard parking may occupy no more than 45% of the principal frontage line. In the VS District, sideyard parking may occupy 50% of the principal frontage line. Parking shall not be placed in any sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified.
- Points of permitted access to the parking indicated by arrows.
- Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
- Parking areas on adjacent lots shall be connected wherever practicable.
- Trash containers shall be located in a rear parking area (see Parking Regulations).
- Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principal structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.

Vehicular Circulation/Pedestrian Access.



- Main pedestrian access to the building may be from the side (indicated by the larger arrows). Secondary access must be from the street frontage (indicated by the smaller arrow).
- Drive-throughs shall be located to the rear of the building.
- Entrance canopies (for motels, etc.) shall face the street.
- Typical vehicular circulation movement is indicated by thin line arrows.

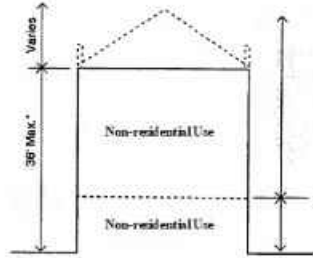
Special Conditions.

- Buildings in all locations should relate a principal facade to the sidewalk and public space of the street.
- Setback at street corners will generally replicate frontage conditions.

Description.

- This building type generally comprises fast food retail, drive through banks, motels and other highway dependent uses. These regulations are designed to bring these building types into a framework of town streets. This building type shall be limited to the Highway Commercial, Campus Business, and Special Purpose Districts. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

4.6 Building Type / Highway Commercial
Permitted Height and Uses.



- Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
- The height of parapet walls may vary depending upon the need to screen mechanical equipment.
- Building height to the ridge may vary depending on the roof pitch.
- Permitted uses are indicated above, and are further controlled by zoning district standards.
- Hotels in the Highway Commercial (HC) zoning district may exceed the maximum building height (shown above), not to exceed six (6) stories, subject to the provisions of Article 9.45.

Architectural Standards.

Principles.

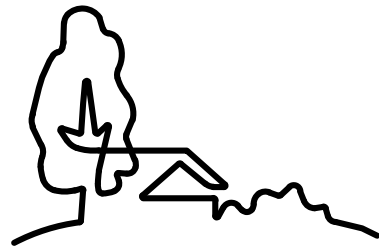
- Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face. Decorative metal panels such as Aluminum Composite Material (ACM) panels may be used as an accent or trim material and as cladding for building accent elements such as canopies and their supporting structure. However, decorative metal panel accents may not exceed 30% of any facade.
- All walls not visible from a public right-of-way may be constructed of cinder block, bricks, wood or vinyl siding, or approved metal paneling but shall be painted to match the overall color scheme of the rest of the building.
- Trailers (mobile units) may not be used as permanent highway commercial buildings.

Configurations.

- Two wall materials may be combined horizontally on one facade. The "heavier" material should be below (i.e. brick below wood siding).
- Street level windows should be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location.

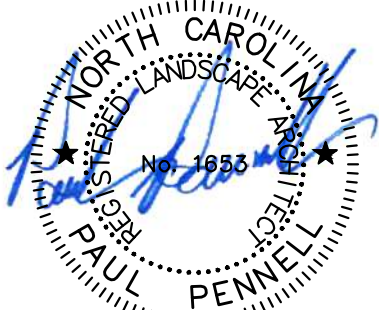
Techniques.

- All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.



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05.15.2023

Bi-Part Development, LLC

Jake Palillo

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Lagoona Bay
Beach Club
Building and Lot Types
Sam Furr Road, Hutersville, NC 28078

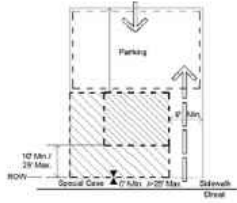
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Project No: 22-CLT-142
Date: 03.03.2023
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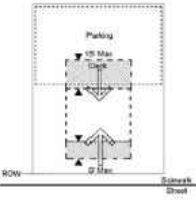
Lot Type / Apartment Building

4.7 Lot Type / Apartment Building
Building Placement/Parking/Vehicle Access.



- Buildings shall be placed on the lot within the zone represented within the hatched area.
- In most cases, the build to line will be 10' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback. In urban conditions, apartments may be set up to the property line at the sidewalk, including corner conditions.
- Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street, unless specifically exempted by one of the provisions of Section 8.1.
- Parking shall be located to the rear of the building.
- Points of permitted access to the parking indicated by arrows.
- Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
- Trash containers shall be located in the rear parking area (see Parking Regulations).
- Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principal structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the

Encroachment/Pedestrian Access.



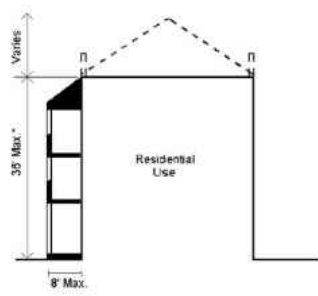
- For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback area up to 8'.
- Attached decks are permitted to encroach into the rear setback up to 15 feet.
- For buildings set up to the sidewalk, upper level balconies, bay windows and their supports at ground level may encroach a maximum of 50" over the sidewalk.
- Main pedestrian access to the building and to individual units is from the street (indicated by larger arrow), unless specifically exempted by one of the provisions of Section 8.1. Secondary access may be from parking areas (indicated by smaller arrow).

Description. The apartment building is a residential building accommodating several households. In traditional towns, this building type coexists with a variety of other building types. A successful contemporary design permits its integration with other residential type through the coordination of site and building design (see Architectural Regulations). Apartment complexes should be one or more separated buildings similar in their scale on the public street to large detached housing. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

Special Conditions:

- The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
- Corners Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
- Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. Squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

4.8 Building Type / Apartment Building
Permitted Height and Uses.



- Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, or, if alternate frontage conditions from the constructed portion of a greenway along or within the project boundary, are provided, as permitted under Section 8.1.4, height may be measured from the highest finished grade of the side of the building opposite the greenway alternative frontage, up to the eaves. If building height is measured from the highest finished grade of the side of the building opposite the greenway alternative frontage, no more than one (1) additional story on the greenway side of the building may result from this arrangement.
- The height of parapet walls may vary depending upon the need to screen mechanical equipment.
- Building height to the ridge may vary depending on the roof pitch.
- Permitted uses are indicated above.

Architectural Standards.

Principles.

- To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.
- The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
- Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
- Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings.
- Apartment Building Architectural Standards Principles A-D shall not apply to the residential portion of development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
- Porches should form a predominant motif of house designs and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building.
- Front loaded garages, if provided, shall meet the standards of Section 8.16.
- At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

Configurations.

- Main roofs on residential buildings shall either be flat or symmetrical gables or hips with a pitch of between 4:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch shall be less than 4:12. All accessory buildings shall have roof pitches that conform to those of the main building.
- Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
- Two wall materials may be combined horizontally on one facade. The "heavier" material should be below.
- Exterior chimneys should be finished in brick or stucco.

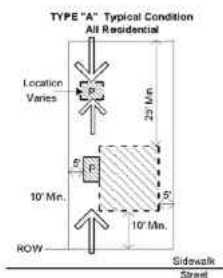
Techniques.

- Overhanging eaves may expose rafters.
- Flush eaves should be finished by profiled molding or gutters.



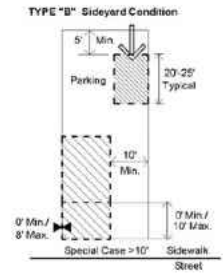
Lot Type / Detached House

4.9 Lot Types / Detached House
Building Placement/Parking/Vehicle Access.



- Buildings shall be placed on the lot within zone represented by the hatched area except in R & TR zone, where min. front setback is 20'.
- Along new streets, the build to line shall be a minimum of 10' behind street ROW.
- Along existing streets, front build-to-lines of new buildings shall be equal to the average setbacks of existing buildings on the same side of the street within 300'. Where the average setback of existing buildings within 300' exceeds 50' the setback of any new building may vary up to 20' from the setback of an adjacent building, existing or proposed, in order to negotiate a gradual transition to a different building setback. Only in the most exceptional circumstances having to do with extreme topography or very special design composition may these rules of residential building placement be varied.
- Garages may be detached (entered from front or rear), or attached to the main dwelling, with or without habitable rooms above. Front loaded garages, if provided, shall meet the standards of Section 8.16.
- A detached garage may be located only in the rear yard.
- Points of permitted front or rear access to parking indicated by arrows. On corner lots, sideyard access is also permitted.
- Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
- For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and, and awnings are permitted to encroach into the front setback area up to 8'.
- Sideyard setback is 12' in the R zone & 6' in the TR zone.

Building Placement/Parking/Vehicle Access.



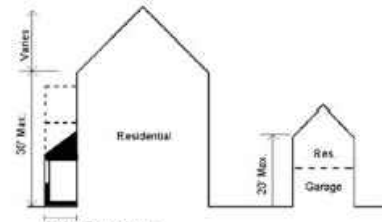
- Generally, buildings shall be placed on the lot within zone represented by the hatched area. The build to line will range from 0' to 10' behind street ROW. Special site conditions such as extreme topography may require a larger setback. Sideyard houses are not permitted on in-40 sites abutting existing all-yard houses.
- A detached garage may be located only in the rear yard. Attached garages are not permitted on sideyard houses.
- Points of permitted rear access to parking indicated by arrow.
- Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
- For buildings set up to the sidewalk, balconies and upper level bay windows may encroach over the sidewalk up to 8'.
- For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and, and awnings are permitted to encroach into the front setback area up to 8'.
- Commercial Use in a Detached House (NR district) shall comply with the following:
 - Parking shall be located in the side or rear yards only. If provided in the side yards, the parking area shall not exceed 25% of the frontage line and shall not be in the yards adjacent to a street.
 - Parking areas on adjacent mixed use lot shall be connected whenever practical.
 - Trash containers shall be located in the rear yard. If adjacent to existing single-family residential uses, trash containers shall be limited to residential rollout containers only (no dumpsters).
 - Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by an opaque screen.
- Mechanical equipment shall not encroach into any required setback.

Description. The detached house may coexist with other, similarly scaled buildings along town streets. When other building types are integrated with the detached house, the scale of the detached house type and lot shall control. Civic buildings, however, may exceed the scale of the detached house. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

Special Conditions.

- The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
- Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
- Within the limits described, these regulations apply to all houses built on public streets. For detached homes on large lots accessed by a private drive in Rural Neighborhoods, building placement and site planning will be dictated by landscape features and landscape preservation.

4.10 Building Type / Detached House
Permitted Height/Uses/Encroachments.

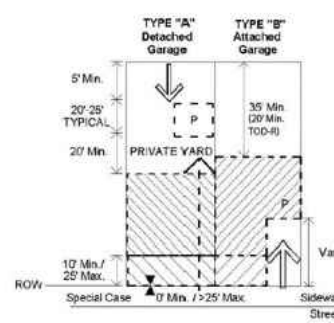


- Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
- Building height of main dwelling to ridge may vary depending on the roof pitch.
- Permitted uses are indicated above.
- Maximum footprint for a building housing a detached accessory dwelling is 650 square feet or 50% of first floor area of principal residence, whichever is greater.
- Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback area up to 8'.
- Decks, balconies, and porches are permitted to encroach into the rear yard setback as provided in Section 8.8.9.



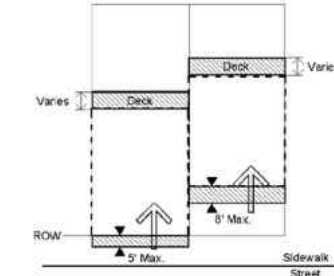
Lot Type / Attached House

4.11 Lot Type / Attached House
Building Placement/Parking/Vehicle Access.



- Buildings shall be placed on the lot within zone represented by the hatched area.
- Along new streets, the build to line will range from 10' to 20' behind street ROW. Special site conditions such as topography or lot widths permit a larger setback. Along existing streets, front build-to-lines shall typically be equal to the average setbacks for buildings on the same side of the street within 300 feet. However, in more urban conditions, dwellings may be set up to the property line at the sidewalk.
- Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street.
- Front loaded garages, if provided, shall meet the standards of Section 8.16.
- Points of permitted access to parking indicated by arrows.

Encroachment/Pedestrian Access.



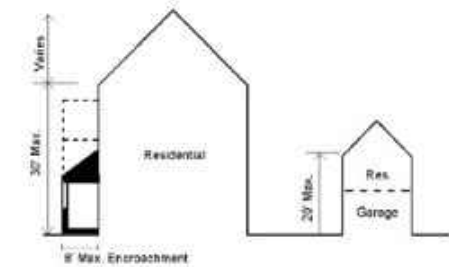
- For buildings set up to the sidewalk, balconies and upper level bay windows are permitted to encroach over the sidewalk area up to 8'.
- For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
- Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).
- Decks must be constructed only in an established rear yard and are permitted to encroach into the rear setback up to 15'.
- Mechanical equipment shall not encroach into any required setback.

Description. The attached house is a rowhouse, a townhouse, or a duplex. Traditional southern homes in Savannah and Charleston provide the historic model. Dilworth Crescent in Charlotte provides a good contemporary example. Generally, building plans will have narrow frontages with the plan depth being greater than its width. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

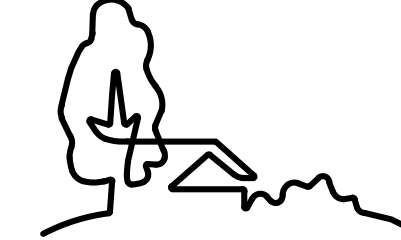
Special Conditions.

- The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
- Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
- Front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity.

4.12 Building Type / Attached House
Permitted Height and Uses.



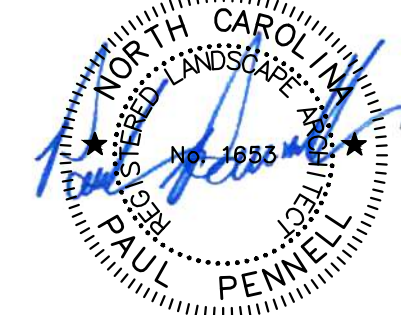
- Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
- Building height to ridge will vary depending upon the roof pitch.
- Permitted uses are indicated above.
- Maximum footprint for a building housing a detached accessory dwelling is 650 square feet.



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05.15.2023

Bi-Part Development, LLC

Jake Palillo

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Cornelius, NC 28031

Lagoona Bay
Beach Club

Building and Lot Types

Sam Furr Road, Hutersville, NC 28078

NO. DATE: BY: REVISIONS:

Project No: 22-CLT-142

Date: 03.03.2023

Designed By: UDP

Checked By: UDP

Sheet No:

RZ-8.3

COMMUNITY MEETING REPORT

Petitioner: Bi-Part Development, LLC

Meeting Date: April 26, 2023

Project: Lagoon Bay Beach Club, R23-05

Mtg. Location: 1994 University City Church Dr. Huntersville, NC 28078

Meeting Time: 6:30PM

Attendees: Jake Palillo – Bi-Part Development, LLC
Paul Pennell, Miller Snyder, Nolan Groce – Urban Design Partners
Chuck Travis, Alberto Cevallos – Housing Studio
Brian Richards, David Peete – Town of Huntersville

The Community Meeting was coordinated, scheduled, and offered to the public as provided by Town of Huntersville Zoning Ordinance guidelines. Adjacent residents attended the petition community meeting as noted on the Attendance Log.

Purpose: To present the Conditional Rezoning Petition R23-05 to any neighboring residents or homeowners who were in the rezoning mailer radius or who spoke to the Petitioner or Petitioner’s representatives and were invited.

This Community Meeting Report is being filed with the Town of Huntersville Planning Department pursuant to the provisions of the Town of Huntersville Zoning Ordinance.

Minutes: The following items were discussed in the presentation:

Jake Palillo began the presentation by welcoming those in attendance and explaining the reason for the community meeting. Jake then asked several questions, related to development, nearby projects, and the general location where attendees reside. He then described Lagoon Bay as a 10-acre crystal clear body of water, with technology created and patented by Crystal Lagoons. This is the first project of its kind in North Carolina. Jake then discussed Bi-Part development projects Bailey’s Glenn and Symphony Park. An overview of the rezoning plan was shown, providing context of the site location. Lagoon Bay was then described as a high-end lifestyle resort. The proposal includes a mixed-use area, primarily filled with restaurants, condos and apartments. 250 single family custom homes on the southern end of the project, with 200 townhomes and 320 apartments north of Sam Furr Road. There will also be a 6-story hotel and convention center central to the project. Jake transitioned to a discussion focused on roadways and traffic in the area. He described NC 73 as a major thoroughfare, noting the communities and interstates which it connects. He provided context for traffic based on previous developments in the area and discussed ongoing growth. NCDOT’s roadway improvement process was explained and key projects in the area were highlighted. The roadway project with most direct impact to Lagoon Bay was described as STIP R-2632 AB. The project will increase travel lanes along NC 73 from two, to four, utilizing a superstreet design. Right of way acquisition is underway with construction expected to begin in FY 2026.

Jake provided an overview of recent development projects in the area, including Publix, a project off Mayes Rd, Northbrook subdivision, McConnell subdivision and Camden. Jake then mentioned a project of similar scale in Kannapolis that is located on NC 73. The project consists of 229 acres, includes 900,000 square feet of retail, and 600 residential homes and apartments. These were used to elaborate growth in the area and along NC 73. Jake then displayed a report from Charlotte Mecklenburg Schools noting additional students from the development, explained how new schools are planned, and showed future school sites in the area. Jake then transitioned into statistical data from the census bureau per generational group. Following statistical data, he provided cost and detailed information about the housing options of Lagoona Bay and the Lagoona Village commercial space. He mentioned different events and businesses that are expected to take place. Parking was then described, noting ample spaces with the ability to build parking decks in the future. The hotel and need for a convention center were then described. Jake then described the membership component of Lagoona Bay, and detailed the amenities provided, including a trolley system to shuttle people to and from Lagoona Bay. Following the presentation, a question-and-answer session was held.

QUESTIONS/COMMENTS BY ATTENDEES:

1. Question related to wetlands on site.
 - A. Jake said that a wetland study has been conducted and any development must be permitted.
2. As a developer, how much are you contributing for roadway improvements?
 - A. Jake mentioned that symphony park roadway improvements cost 1.2 million dollars. The state will be widening NC 73 and improvements will be coordinated with NCDOT.
3. What are bonus allocations?
 - A. Jake explained that they are additional funds for road projects, incentivizing local contributions to a project.
4. When will the STIP project begin?
 - A. Jake responded, 2026.
5. NCDOT is widening the road because there is an existing issue?
 - A. Jake responded, NC 73 will be widened from NC 16 to Concord.
6. Is the school study just for Lagoona Bay or all developments in Huntersville?
 - A. Jake responded, just Lagoona Bay.
7. Do you have a statistic on how many cars the project will add to our roadway?
 - A. Jake responded, yes, we had to conduct a traffic study as part of this project. I will share the information with you if you reach out to me.
8. How much is the rent of apartments?
 - A. Jake responded, apartments will be on the higher end, average rental price is currently \$2.00 - \$2.50 per square foot.
9. Who is going to own the convention center?
 - A. Jake responded, I will.
10. Is Lagoona Bay a club?
 - A. Jake responded, this is a Country Club.
11. Do you have to live there to have a membership?
 - a. A. Jake responded, no anyone is eligible to purchase a membership.
12. How many memberships are available?
 - A. Jake responded, 1,500 memberships are available.
13. How many entrances are there?
 - A. Jake responded, there entrances off of Westmoreland, Black Farm, and McCord Roads. The main access to the Lagoon is off Westmoreland.
14. Why are you connecting to Willowbrook?
 - A. Jake responded, that's a Town requirement, I'll install a gate if allowed.
15. Is there a fireman here that can speak to response times to Willowbrook?
 - A. Jake responded, there's currently one way in and out, but there will be an additional entrance and exit as proposed.
16. What type of environmental studies, traffic studies, emergency response, and land will be left for animals, and tree canopy?
 - A. Jake responded, a wetland study has been completed and the traffic study is underway.
17. How will this project effect existing businesses?
 - A. Jake responded, jobs will be added to the community. This allows additional opportunity and facilities for events.
18. Where through Willowbrook are you putting a road?
 - A. Jake responded, we're connecting to the stub road, because it's a Town requirement. If the Town allows a guard rail or gate, it will be installed.
19. What will happen to the Lagoon if you cannot keep it occupied?
 - A. Jake responded, once the project starts, it will be fully financed.
20. How will you keep this upscale and prevent decline?

- A. Jake responded, we're building this to maintain an upscale facility, we will not build this and abandon it.
21. Can you prove this is sustainable and won't become a dump like Northlake Mall?
- A. Jake responded, the Lagoon is not open to the public and we will maintain the facility.
22. What will keep properties from becoming VRBO rentals?
- A. Jake responded, there will be HOA's in place and covenants to prevent that.
23. Will the Lagoon be fenced in?
- A. Jake responded, yes.
24. How will you keep people out of the Lagoon that don't have passes?
- A. Jake responded, the lagoon will be fenced in and maintained.
25. Are there day passes available?
- A. Jake responded, the hotel will be able to sell day passes for a private area by the hotel.
26. How will the area be secure from human trafficking?
- A. Jake responded, we need to support our police department. If you know of human trafficking, please report it to the police.
27. Why are you connecting to Willowbrook, won't it increase traffic?
- A. Jake responded, the Town requires the connection to a stub road. Most traffic will come to Westmoreland, but there's the ability for people to use the cut through connection.
28. Do you see me being at Lagoona Bay?
- A. Jake responded, I see everyone that wants to be part of this there.
29. Will teachers be able to use this?
- A. Jake responded, if you can convince the Town to raise taxes, I'll be happy to pay more taxes to pay police officers and teachers more money.
30. Do apartments and townhouses have access to the Lagoon?
- A. Jake responded, if a membership is purchased, yes. Memberships will be reserved for each lot, but they aren't required to be purchased. Memberships are transferable.
31. Why does a hotel make sense here?
- A. Jake responded, hotels found in lifestyle centers are some of the highest grossing and gave the example of Kingsley in Fort Mill, SC.
32. Can't we keep the zoning the same?
- A. Jake responded, not for this project. Even if I don't develop this project, greater density is required due to the cost of available acreage.
33. Are you providing places for low-income housing?
- A. Jake responded, no, low-income housing is not provided as part of this project.
34. Will you provide childcare centers?
- A. Jake responded, yes, a daycare center is proposed as part of Lagoona Bay.
35. Will childcare be discounted for your workers?
- A. Jake responded, costs have not been determined at this time.
36. Have you spoken to adjacent property owners at proposed road 7?
- A. The Town requires the stub for future connectivity. I own the adjacent property, but do not have plans for additional development.
37. Why do you have to have apartments and high density?
- A. Jake responded, there will continue to be apartments as long as they stay 94% occupied. Younger generations prefer renting and the freedom it provides.
38. What distance around the entire development will have environmental studies? My neighborhood has increased water runoff due to impervious surfaces.
- A. Paul responded, all proposed runoff will be collected and maintained on site. Stormwater collects in ponds, settles, and is slowly released into the creek system.
39. How can you improve my watershed?
- A. Jake recommended the individual call Mike MacIntyre with the Town of Huntersville for assistance.
40. Why are you putting apartments and townhomes on the north end and not million-dollar homes?

A. Jake responded, the area is better fit for density being along NC 73.

41. What is the noise level going to be from the Lagoon and how will lighting affect homes on Westmoreland Road?

A. Jake responded, the Town has lighting restrictions and requirements.

42. There was a general question about the trolley system.

a. Jake pointed out potential trolley stops throughout the development and mentioned proposed locations with stops in the community.

The formal meeting adjourned at 8:54 p.m. Members of the public and media remained and spoke with Jake informally.

Community Meeting Notices

Project Name	Lagoona Bay Beach Club				
Pursuant to Huntersville Subdivision Ordinance 6.320.3 a list of all persons and organizations contacted about the meeting shall be submitted to the Planning Department and incorporated into the application for this project.					
The following persons and organizations were sent notices of the community meeting (first and last name or business name only):					
First and Last Name	Parcel ID	Date Sent	Method Sent	Reason Sent	
KATHERINE AH HOY and/or JACKO AH HOY	01104419	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
AMH 2015-1 BORROWER LP	1133627	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
ARBOR CROFT HOMES ASSOCIATION INC	01133629	4/13/2023	First Class USPS	Neighborhood association, property owner association, and homeowner association within 2000 feet of any portion of subdivision (SO 6.320.3(f))	
MUSA ATEs and/or ZARINA ATEs	01133112	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
JOSEPH EDWARD BLACK and/or TRUST JOHN STEVENSON BLACK	01126104	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
BLACKWOOD KNOLL COMMUNITY ASSOCIATION INC C/O ASSOCIATION	01124154	4/13/2023	First Class USPS	Neighborhood association, property owner association, and homeowner association within 2000 feet of any portion of subdivision (SO 6.320.3(f))	
BLACKWOOD KNOLL LLC	01124155	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MAURO BOTELHO and/or KAZUKO ADACHI	01104407	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
DAWN SHOEMAKER BRADFORD and/or WILLIAM O JR BRADFORD	01105104	4/13/2023	First Class USPS	Property Owner (SO 6.320.3(a))	
DANILO D CALLUNG and/or JANICE W CALLUNG	01104147	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
CAMDEN BOWMAN LLC	01124104	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
BRETT R CANOSA and/or ANNE CANOSA	01104413	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
ANDREW R CHAMBERS and/or MELISSA W CHAMBERS	01106210	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
JEFFREY L CHEEKS	01106228	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
JOHN ALLEN CHEEKS and/or CAROLYN CHEEKS	01106213	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
VICTORIA SUE CIOCH and/or DAVID CONSTANTINE CIOCH	01104427	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
BEVERLY T. CLAYTON and/or JUDITH H. CLAYTON	01107326	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
AARON CLYMENS and/or KIMBERLY CLYMENS	01104402	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
PETER COBB and/or PENNY K COBB	01105122	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
ERNEST GREG CONNER	01104404	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
CRDLC LLC	01105209	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
CHARLES SPENCER JR DAVIS and/or FAYE MCQUEEN DAVIS	01125111	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
CHARLES SPENCER JR DAVIS	01126148	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
DAVIS GIBSON INVESTMENTS LLC	01126102	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
DENNIS F DAWLEY and/or CAROL A DAWLEY	01104126	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
PHILLIP B DEAL and/or PAMELA H DEAL	01104406	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
DANIEL D DEWEY and/or VIRGINIA M DEWEY	01133113	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
DMJ VENTURES LLC	01107324	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MARIA M DOUGLAS	01104110	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
JEFFREY R DUDAN and/or TRACI G DUDAN	01123110	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
STEVEN J EDELMAN and/or MELANIE LAWRENCE EDELMAN	01104415	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
JOHN EHRSAM and/or SUSAN A EHRSAM	01104151	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
KATHLEEN FITZGERALD	01104150	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
R SCOTT GIBSON and/or MARY K DAVIS GIBSON	01125110	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MICHAEL W GOSS and/or AMANDA M GOSS	01105115	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MARY ELISABETH GREEN	01104425	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
BRETT A GRIFFIN and/or MELANIE J GRIFFIN	01123108	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
PETER FREDERICK GUERTIN and/or DANA LYNN GUERTIN	01123129	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
KIRK HENRY HAHN and/or ROBYN HARRIS	01105112	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
CHERYL HAMILTON and/or ERNHARD KUHN	01105123	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
CYNTHIA A HARRIS	01104401	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
STEWART T HEATH and/or MICHELLE M HEATH	01124115	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
KARL O HESSE	01106231	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MICHAEL H HILLMAN and/or SUSAN O HILLMAN	01104109	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
ANTHONY E HUDSON and/or THERESA A HUDSON	01104420	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
BRANDI HULLINGER and/or BROCK HULLINGER	01125115	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MICHAEL JOCOY and/or PATRICIA JOCOY	01104417	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
CHRISTOPHER JOHNSON and/or CAROLINE MARIA PANNOZZO	01106220	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
ARTHUR KALOS and/or CHRISTINE KALOS	01106206	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
KAM PROPERTIES LLC	01104111	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
GUS KANOS and/or CHRISOULA P KANOS	01123106	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
ROBERT KELEMEN	01133626	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
ROBERT J JR KNOX and/or CYNTHIA L KNOX	5101, 0110	4/13/2023	First Class USPS	Property Owner (SO 6.320.3(a))	
THOMAS B JR KNOX and/or FRANCES KNOX	01106214	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
ROBERT J JR KNOX and/or CYNTHIA L KNOX	01106219	4/13/2023	First Class USPS	Property Owner (SO 6.320.3(a))	
ELIZABETH L KRUGER	01104422	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
SUSAN LAPASNICK and/or BRIDGET C MILLER	01104114	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
TODD MICHAEL LINERODE and/or DENISE LINERODE	01105103	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
WILLIAM S LORD and/or BRENDA LORD	01124116	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
GAUTAM MADIMAN and/or PRETI MADIMAN	01104429	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
THOMAS E MADRE and/or RUTH A MADRE	01104421	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MAGNOLIA HUNTERSVILLE II LLC	01126113	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
SHERRY MARSHALL	01133628	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
DAVID A MASHBURN and/or RITA C MASHBURN	01122106	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
CALVIN E MASON and/or JOANN M MASON	01124102	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
BOBBY MITCHEL MASTEN and/or PATRICIA M MASTEN	01104414	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MAYES HALL HOMEOWNERS ASSOCIATION INC	00716465	4/13/2023	First Class USPS	Neighborhood association, property owner association, and homeowner association within 2000 feet of any portion of subdivision (SO 6.320.3(f))	
MAYES HALL HOMEOWNERS ASSOCIATION INC	00716468	4/13/2023	First Class USPS	Neighborhood association, property owner association, and homeowner association within 2000 feet of any portion of subdivision (SO 6.320.3(f))	
DEBORAH A MCCORD	01133103	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
COLLEEN MILLER	01106223	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
SOUTHERN PROVINCE MORAVIAN CHURCH IN AMERICA	01107316	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
CONNIE C MUNDAY and/or RODNEY D MUNDAY	01106211	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
DONALD NEWELL and/or GAIL NEWELL	01106221	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
NORTHBROOK PROPERTY OWNERS ASSOCIATION	01122286	4/13/2023	First Class USPS	Neighborhood association, property owner association, and homeowner association within 2000 feet of any portion of subdivision (SO 6.320.3(f))	
NORTHSTONE HOMEOWNERS ASSOC OF	01133105	4/13/2023	First Class USPS	Neighborhood association, property owner association, and homeowner association within 2000 feet of any portion of subdivision (SO 6.320.3(f))	
MICHAEL JOSEPH ORLANDO	01104426	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
PAGE'S POND HOMEOWNERS ASSOCIATION INC	00731125	4/13/2023	First Class USPS	Neighborhood association, property owner association, and homeowner association within 2000 feet of any portion of subdivision (SO 6.320.3(f))	
PAGES POND HOMEOWNERS ASSOC	00731104	4/13/2023	First Class USPS	Neighborhood association, property owner association, and homeowner association within 2000 feet of any portion of subdivision (SO 6.320.3(f))	
ANTHONY C PALILLO and/or CAROL PALILLO	01125113	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
JACOB JOSEPH PALILLO and/or GERALDINE PALILLO	01125106	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
GERALDINE M PALILLO	01125114	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
RONALD CHARLES PARANICH and/or MILDRED LORRAINE PARANICH (H/W	01123109	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
KYLE PENINGER and/or KARA L PENINGER	01104403	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
AMANDA CLAIR PITTMAN and/or ROBERT LEE III PITTMAN	01126103	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
BEVERLY M POSTON	01124101	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
RACHEL ANNE POTTS	01107313	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MICHAEL K POWELL and/or KIMBERLY M POWELL	01124103	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
PROGRESS RESIDENTIAL BORROWER 4 LLC	01104428	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
RM Westmoreland Family LP	01106218	4/13/2023	First Class USPS	Property Owner (SO 6.320.3(a))	
INC RAMAH OAKS HOMEOWNERS ASSOC	01126132	4/13/2023	First Class USPS	Neighborhood association, property owner association, and homeowner association within 2000 feet of any portion of subdivision (SO 6.320.3(f))	
WILLIAM B RAMSEY and/or LOUISE A ZULLO	01105107	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
JOSEPH C READING and/or MARTHA E READING	01106222	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MICHAEL REIMELS and/or CATHERINE G REIMELS	01105121	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
LYLE K RIPPETOE and/or AIMEE L RIPPETOE	01106215	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
JEFFREY L ROSS and/or CATHY R ROSS	01104405	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
LOUIS J JR RUFFINO	01104423	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
ERIKA W SAADAOUI	01104112	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
SERENDIPITY ACRES LLC	01106230	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
OWNER ASSOCIATION STONEGATE ESTATES PROPERTIES	01105129	4/13/2023	First Class USPS	Neighborhood association, property owner association, and homeowner association within 2000 feet of any portion of subdivision (SO 6.320.3(f))	
OWNERS ASSOCIATION INC STONEGATE ESTATES PROPERTIES	01105128	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
ALEX STROBL and/or ELIZABETH A STROBL	01106232	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
COREY SUTTON	01105122	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
SCOTT P SWAFFORD	01104149	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
MIKE THOMANN and/or REBECCA MARY DARBY	01125112	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
TERRY N THOMAS and/or JILL C THOMAS	01105120	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	
CALVIN WYNNE WESTERLAND, MARY ELLEN A	01105100	4/13/2023	First Class USPS	Within 250 ft of petitioned property (SO 6.320.3)(b,c,d,e))	

Community Meeting Attendance Log

Project Name:	Lagoona Bay Beach Club
Location of Meeting:	1994 University City Church Drive, Huntersville, NC 28078
Date:	26-Apr-23
Time:	6:30 PM

Pursuant to Huntersville Subdivision Ordinance 6.520.3 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project

For the record of attendance, please list your first and last name:

1	Scott Hamilton	26	Ken Wildman
2	Steven Edelman	27	Amanda Shuford
3	Lou Cevetello	28	Melissa Davis
4	Patsy Shirn	29	Patrick Sills
5	Venkata Srikanth	30	Martin Davis
6	Andrew Mashburn	31	Antoinette Wilson
7	Mike Alexander	32	Chris Hermans
8	Matt King	33	Rebecca White
9	Sherry Truesdale	34	Erica Baird
10	Ron Julian	35	Laura Cedrone
11	Teresa Julian	36	Bill Pugh
12	Leshia Cortese	37	Kelly Rude
13	John Cunningham	38	John O'Neil
14	Mark Waldeisen	39	Anna Maria O'Neil
15	Patti Waldeisen	40	Ashley Wiley
16	Colleen Manno	41	Lisa Tardo-Green
17	Kevin McCabe	42	Catherine Ivester-Cervo
18	Louise Zullo	43	John Ivester
19	Trish Kowalchyk	44	Janice Calilung
20	Rachel Cunningham	45	Brant Waldeck
21	Jack Cunningham	46	Greg Conner
22	Steve Kowalchyk	47	Lydia Conner
23	Sheryl Semmes	48	Ryan Conner
24	Carrie Davis	49	Linda Petry
25	Shanler Helderman	50	Rodney Mayhew

Community Meeting Attendance Log

Project Name:	Lagoona Bay Beach Club
Location of Meeting:	1994 University City Church Drive, Huntersville, NC 28078
Date:	26-Apr-23
Time:	6:30 PM

Pursuant to Huntersville Subdivision Ordinance 6.520.3 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project

For the record of attendance, please list your first and last name:

51	Christina Beattie	76	John Novak
52	Jeff Shoemaker	77	Cheryl Novak
53	Renee Shoemaker	78	Deanna Wolfe
54	Holly Bernier	79	Maggie Khan
55	Andrew Chambers	80	Michelle Mills

56	Jacob Parra
57	Valerie Reynolds
58	John Sheets
59	Dasha Walker
60	Linda Farrell
61	Shaun Klann
62	Kazuko Adachi
63	Elizabeth Kruger
64	Ruth Madre
65	Cynthia Knox
66	Reese Golchin
67	Scott Swafford
68	Errol Genoio
69	Connie Munday
70	Diana Ruso
71	Luis Salinas
72	Nancy Barry
73	Bridgett Baxter
74	Doug Baxter
75	John Quinn

81	Claudia Ogrizek
82	Bridgett Miller
83	Susan Lapasnick
84	Lee Gendreau
85	Matt Carder
86	Willie Brownlee
87	Richard Stonehouse
88	Nancy Stonehouse
89	Brian Watkins
90	Judy Watkins
91	Stacy Davis
92	Luke Davis
93	Rohit Gupta
94	James Schettiozo
95	Tammy Merck
96	Jamie Osborn
97	Mark Osborn
98	Jason Westmoreland
99	Linda Deaver
100	Martha Jenkins

Community Meeting Attendance Log

Project Name:	Lagoona Bay Beach Club
Location of Meeting:	1994 University City Church Drive, Huntersville, NC 28078
Date:	26-Apr-23
Time:	6:30 PM

Pursuant to Huntersville Subdivision Ordinance 6.520.3 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project

For the record of attendance, please list your first and last name:

101	Robert Bowman
102	Melanie Griffin
103	Warren Dragen
104	Becky Darby
105	Lily Tu-Boranian
106	Lynnette Krentz
107	Darrel Krentz
108	Chris Noessner
109	Rachel Kirk
110	John Weaver
111	Allison Smith
112	Michael Cortese
113	Margaret Kuhn
114	James Letts
115	Lyle Rippetoe
116	Frank Gammon
117	Todd Linerode
118	Jenna Inabinet

126	Lawrence Helfrich
127	Kevin Hansen
128	Karen Tomidy
129	Karen Wood
130	Karyn Jackson
131	James Jackson
132	Robyn Hahn
133	Kathryn D'andrea
134	Jay Knox
135	Jennifer Cunninham
136	Nick O'shaughnessy
137	Brad Cleary
138	Avery Market
139	Annie Moker
140	Molly Gerwe
141	Spencer Charlet
142	Stephen Moker
143	Amanda Barrett

119	Barb Weis
120	Richard Weis
121	Aimee Rippetoe
122	Brian Stump
123	Kate Wilson
124	John Tomidy
125	Dyan Coker

144	Ro Lawsin
145	Robert Knox
146	Kelsey Gritt
147	Jeanette Charlet
148	Serendipity Acres LLC
149	Matt Westmoreland
150	Barbara Meeks

Community Meeting Attendance Log

Project Name:	Lagoona Bay Beach Club
Location of Meeting:	1994 University City Church Drive, Huntersville, NC 28078
Date:	26-Apr-23
Time:	6:30 PM

Pursuant to Huntersville Subdivision Ordinance 6.520.3 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project

For the record of attendance, please list your first and last name:

151	Jay Lewis
152	Shelly Lewis
153	JoLynn Williams
154	Taj Haynes
155	Danna Whitman
156	Terry Dew
157	Riley Pennell
158	Micaela Pennell
159	Kari Barrentine
160	Jason Earnhardt
161	James Anding
162	Erica Duke
163	Anne Clifford
164	Kristen Kosicki
165	Ben Linerode
166	Camille Linerode
167	Henry Furches
168	Alisia Bergsman
169	Kristen O'Malley
170	Tracie Hoagland
171	Tina Caldwell
172	Thomas McCullough
173	Patty Worrell
174	Penny Cobb
175	Roy Highberg

176	Scott Sittler
177	Stephanie Sittler
178	Jeff Ross
179	Jonelle Flynn
180	Brittany Wisebeck
181	Sandra Mueller
182	Alfred Corrieri
183	Joe Simmons
184	Austin Wrench
185	Suzie Chelcun
186	Lindsay Foess
187	Xiaoxi Lu
188	Rob O'Connor
189	Virginia Dewey
190	Carey Gordon
191	Allison Holter-Soerensen
192	Peder Holter-Soerensen
193	Bonnie Estrada
194	Kathy Feezor
195	Teri Cooper
196	Amanda Jorgensen
197	Joel Jorgensen
198	Mike Kayes
199	Jennifer Griffin
200	Brandon Schlesinger

Community Meeting Attendance Log

Project Name:	Lagoona Bay Beach Club
Location of Meeting:	1994 University City Church Drive, Huntersville, NC 28078
Date:	26-Apr-23

Time:	6:30 PM
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Pursuant to Huntersville Subdivision Ordinance 6.520.5 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project

For the record of attendance, please list your first and last name:

201	MaryLynn Kayes	226	Bill Bradford
202	Diana Roggenbauer	227	Dawn Bradford
203	Hans Schmidt	228	Susan Ehram
204	David Puck	229	John Ehram
205	Kim Yingst	230	John Hoyt
206	Bill Yingst	231	Stacy Hensley
207	Dave Casavecchia	232	Anjali D
208	Mary Akins	233	Brenda Schooley
209	Cynthia Pinter	234	Carey Buffington
210	Gary Knox	235	Mildred Paranich
211	John McLellon	236	Terry Mayes
212	Kate Ah Hoy	237	Tracy Nelson
213	Jacko Ah Hoy	238	Claudia Thuring
214	Collin Huguley	239	Kandy Estep
215	Martha Readling	240	Ed Donaldson
216	Joe Readling	241	Karen Donaldson
217	Brenda Lord	242	Paul Aiken
218	Bill Lord	243	Teresa Bragg
219	Cindy Harris	244	David Peete
220	Patricia Torre	245	Dee Jones
221	Pam Deal	246	Roberto Lorusso
222	Brent Deal	247	Nancy Crane
223	Iuliia Ageeva	248	Nick Bisho
224	Brian Gladys	249	Elaine Kerns
225	Paul Finke	250	Amber Kovacs

Community Meeting Attendance Log

Project Name:	Lagoona Bay Beach Club
Location of Meeting:	1994 University City Church Drive, Huntersville, NC 28078
Date:	26-Apr-23
Time:	6:30 PM

Pursuant to Huntersville Subdivision Ordinance 6.520.5 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project

For the record of attendance, please list your first and last name:

251	Gatewood Campbell	276	
252	Lee Hallman	277	
253	Amy Hallman	278	
254	Linda Sherrill	279	
255	Scott Munday	280	
256	Victoria Cevetello	281	
257	Elva Edmonds	282	
258	Louis Cevetello	283	
259	Christina Saladino	284	
260	Louis Schwartz	285	

261	Leslie Schwartz
262	Ashley Maylott
263	Miss Maylott
264	Heather Canipe
265	Paula McClean
266	Bob McClean
267	Joe Marusak
268	Lisa Woodson
269	Sue Harrington
270	Erin Houser
271	Merna Hesse
272	Ellen Brandt
273	Kayren Black
274	Lucy Wise
275	Srinivas Reddy

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Planning Services

4421 Stuart Andrew Blvd.

Charlotte, NC 28217

Phone: 980-343-6246

Email: planning@cms.k12.nc.us

Town of Huntersville: Lagoona Bay Beach Club Sam Furr Road, Huntersville, NC 28078

IMPACT OF THE PROPOSED DEVELOPMENT

Proposed Housing Units: 250 single family detached, 501 single family attached and 432 multi-family units

CMS Planning Area: North

Average Student Yield per Unit: 0.5118 (single family detached) = 128

0.1812 (single family attached) = 91

0.1225 (multi-family units) = 53

This development may add 272 students to the schools in this area.

The following data is as of 20th Day of the 2022-23 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
J V WASHAM ELEMENTARY	46.50	39	810	679	119%	127	135%
FRANCES BAILEY MIDDLE	66.5	57	1326	1137	117%	67	122%
WILLIAM AMOS HOUGH HIGH	120.3	100	2518	2093	120%	78	124%

The total estimated capital cost of providing the additional school capacity for this new development is \$10,229,000; calculated as follows:

Elementary School: **127** x \$34,000 = \$4,318,000

Middle School: **67** x \$37,000 = \$2,479,000

High School: **78** x \$44,000 = \$3,432,000

RECOMMENDATION

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

Town of Huntersville Rezoning Petition: R23-05 Lagoon Bay Beach Club; Sam Furr Road, Huntersville, NC 28078

Summary: Water and sanitary sewer infrastructure are accessible for this rezoning boundary. If Charlotte Water services are expected throughout the boundary, this development will need to donate pipeline infrastructure to Charlotte Water. There will need to be a design review and operational considerations for public water connectivity and active filling of the lagoon (e.g., when initially filling). There is no anticipated discharge from the lagoon into the public sanitary sewer collection system.

Table 1: Assumed sanitary sewer discharge (gallons per day, GPD) according to NC-DEQ estimates (15A NCAC 02T .0114).

Use Type	Unit of Measure	Total Flow
Residential	3180 bedrooms	206,700 GPD
Commercial w Convention Center	246,000 sq. ft	30,900 GPD
Resort Hotel	200 room	40,000 GPD
Resort/Clubhouse Facility	2000 members	70,000 – 120,000 GPD*
Total Proposed Sanitary Sewer Flow		347,600 – 397,600 GPD

* = more information is necessary to make final determination

Existing Collection System

The rezoning boundary drains into the Ramah Creek trunk sanitary sewer system that eventually discharges at the county border for treatment at the Rocky River Regional Wastewater Treatment Plant owned and operated by Water and Sewer Authority of Cabarrus County (WSACC) (See Figure 1). In 2022, Charlotte Water renewed an agreement with WSACC for an increase in treatment capacity from six MGD (million gallons per day) to nine MGD. This is a capacity increase for all of Charlotte Water's WSACC service area of three MGD. Charlotte Water's WSACC service area includes properties that are in the Towns of Huntersville, Cornelius, and Davidson as well as certain areas of the City of Charlotte.

For comparison, current projections of wastewater flow from this rezoning boundary developing under existing Huntersville Rural (R) and Transitional Residential (TR) zoning range from 19,941 to 59,823 GPD. The proposed development represents a multi-fold increase ranging from 347,600 to 397,600 GPD.

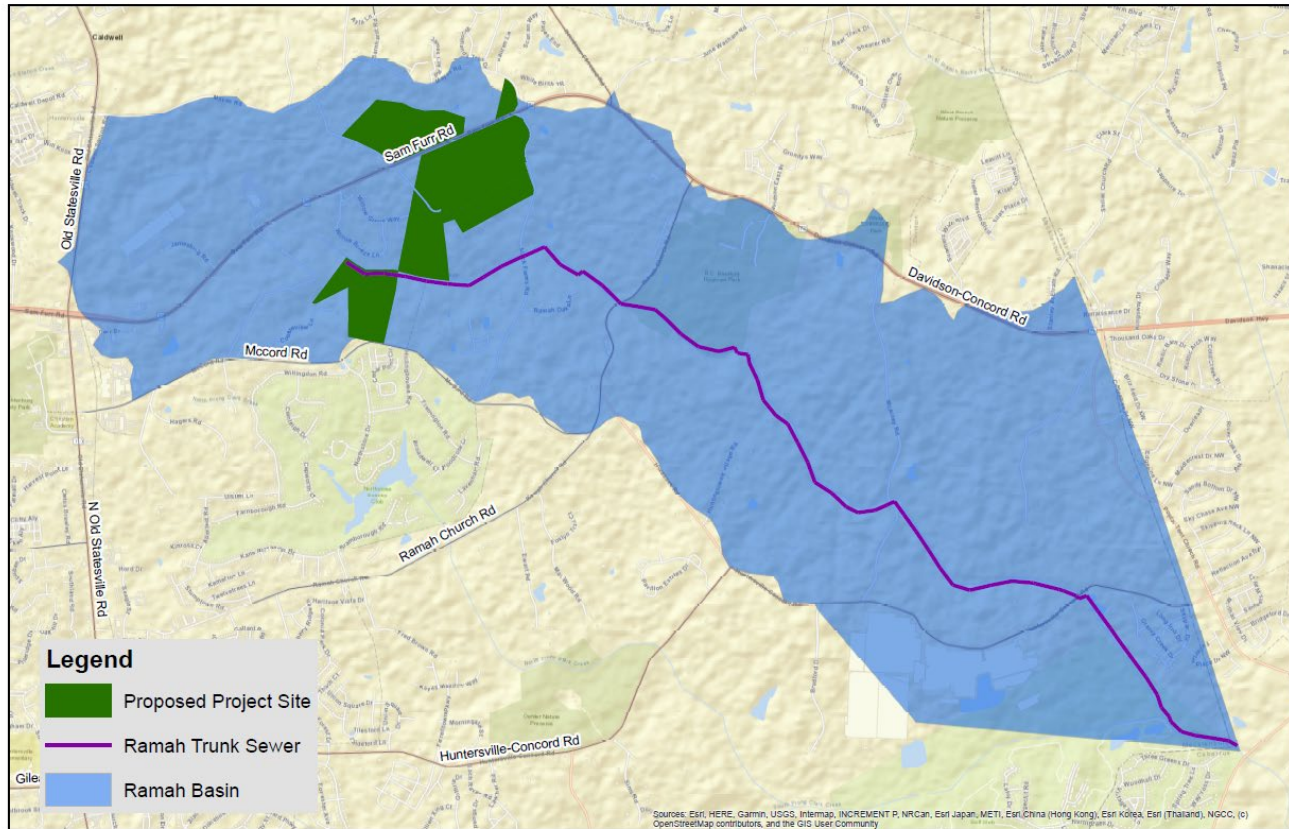


Figure 1: Service area of the Ramah Creek trunk sanitary sewer system.

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Nathan Farber, Planner I

Date: June 5, 2023

Subject: Petition #TA23-03 Minor Subdivisions Public Hearing

EXPLAIN REQUEST:

Conduct a public hearing on Petition #TA23-03, a request by the Huntersville Planning Department to amend Article 2 of the Subdivision Ordinance and Article 7.5 of the Zoning Ordinance to limit Minor Subdivisions to five lots or less and to require a ten-foot buffer for Minor Subdivisions within the Residential and Transitional Residential zoning districts.

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Staff Report TA 23-03
2. TA23-03 Proposed Ordinance PH
3. HOAB Minutes

TA23-03 – Minor Subdivisions

PART 1: DESCRIPTION

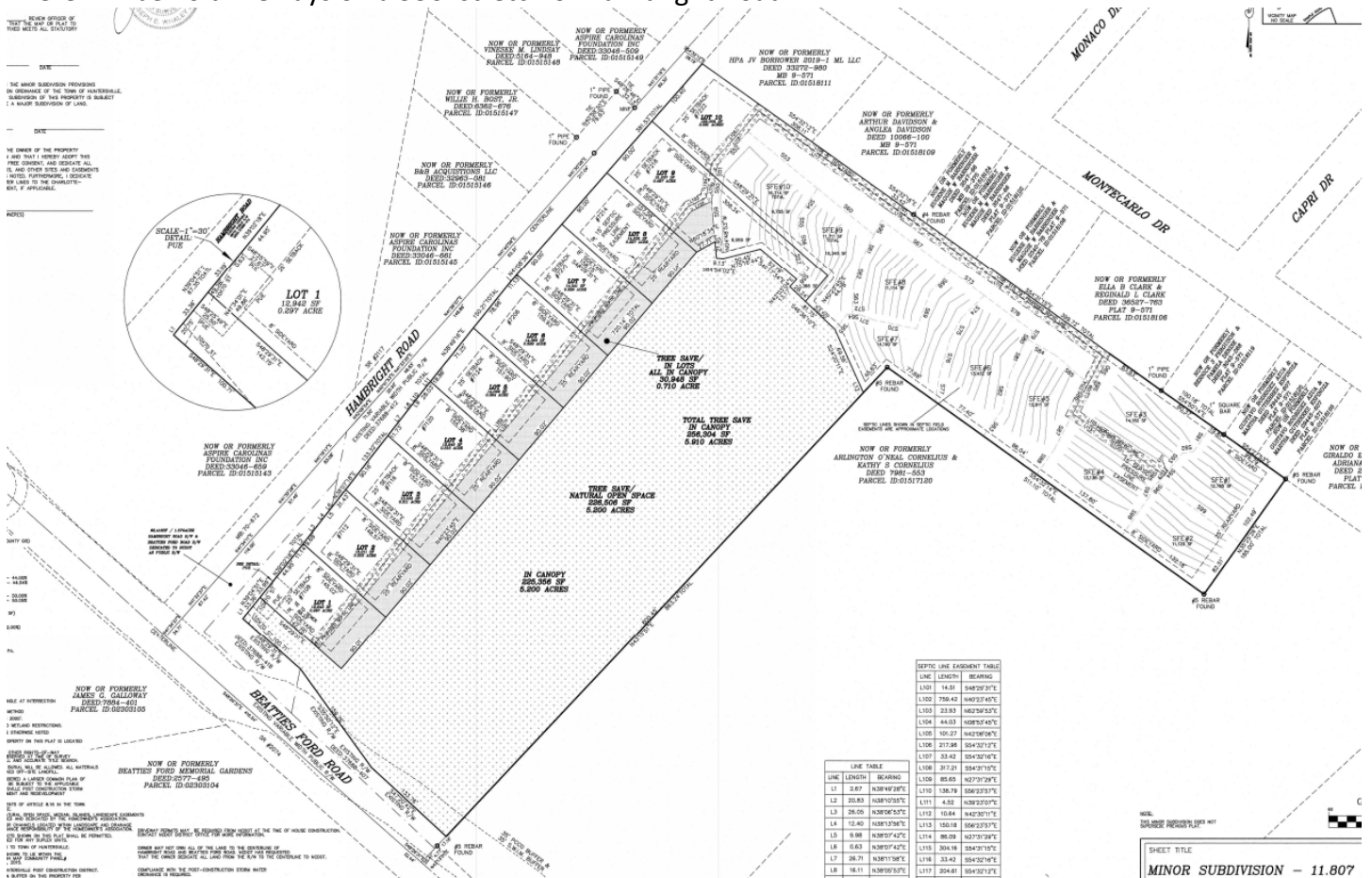
TA23-03 is a text amendment request by the Town of Huntersville Planning Department to amend Subdivision Ordinance Article 2 “Definitions: Subdivision, Minor” and Zoning Ordinance Article 7.5 “Buffer Yards”. Staff proposes limiting minor subdivisions to five lots or less and requiring minor residential subdivisions within the rural (R) and transitional residential (TR) zoning districts to provide a minimum ten-foot buffer.

PART 2: BACKGROUND

A Minor Subdivision is anything that does not qualify as a major subdivision. Importantly, a minor subdivision cannot involve the creation of any new public streets. Therefore, minor subdivisions involve the creation of new lots along existing streets. In the past, this has typically involved the creation of a few lots along a public street.

However, recently staff has seen larger tracts of land being subdivided under minor subdivision provisions resulting in multiple lots created along thoroughfares. The concern is that there will be multiple driveway cuts on thoroughfares with lot layouts based on minimizing development costs versus the creation of a quality subdivision.

Below is an example of an 11.8-acre tract at the northeast corner of Hambricht Road and Beatties Ford Road. There will be 10 driveways on a 950’ stretch of Hambricht Road.



Staff recommends a limit of 5 lots for a minor subdivision to provide higher quality development and to better align with recommendations from Huntersville 2040 Community Plan. Below is a review of minor subdivision lot limits from other Mecklenburg County towns.

Mecklenburg County municipalities with a limit on the number of lots allowed within a Minor subdivision	Number of Lots Allowed
Mint Hill	4 Lots
Cornelius	4 Lots
Mathews	9 Lots
Pineville	5 Lots
Davidson	10 Lots

Staff is also proposing that any new residential minor subdivision within the R and TR zoning district be required to provide a minimum ten-foot buffer. This buffer would require any existing trees and shrubs to remain, while not requiring new vegetation to be planted to not add any unnecessary burdens to the subdivision. This buffer would help ensure that neighbors are protected from losing any existing visual buffers and further preserve elements of rural character and sensitive environmental areas.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- **LU 7.1:** Require all new development to adhere to the following design principles:
 - 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.

STAFF COMMENT: This policy supports the text amendment as minor subdivisions would now only allow a max of five driveway connections and require a buffer along property lines helping to reduce disturbances to the natural resources and protect the rural character of the property and street.
- **LU 9.2:** Within lower intensity areas including Moderate Density, Residential Edge, Rural Conservation, and Critical Watershed areas conservation design & farmhouse clusters are encouraged.
 - Scenic nature of roadways should be preserved
 - Development should be clustered away from key natural features.
 - Site design should minimize grading and maximize preservation of existing stands of mature, native trees.

STAFF COMMENT: This policy supports the text amendment as smaller subdivisions and increased vegetative buffers will allow for further preservation of existing trees and ensure less disruption to the scenic nature of roadways.
- **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.

STAFF COMMENT: This policy supports the text amendment as providing a 10’ buffer will help protect existing developments from the impacts of new developments and preserve existing vegetation.

- **EOS 1.1:** Support and enhance regulations pertaining to open space design and protection.
 - Continue to encourage the preservation of floodplains, wetlands, scenic views, wildlife habitat and prominent natural and historical features
 - Continue to encourage contiguous and interconnected open space in new developments
 - Enhance open space design criteria by prioritizing the following:
 - Water quality protection (land within 100-300 feet of streams, and uplands adjacent to floodplains or sensitive watersheds)
 - Mature forest, especially large tracts of contiguous, native forest cover
 - Future greenway corridors
 - Areas contiguous with surrounding existing or planned open space
 - Historic landscapes and notable structures

STAFF COMMENT: This policy supports the text amendment as smaller subdivisions and increased vegetative buffers help preserve natural land. A max of five lots helps to cut down on the amount of land along rural and scenic roads that will be disturbed for driveway access.

- **EOS 6.1:** Enforce existing standards and evaluate new design standards to preserve the character of scenic country roads.
 - McCauley Road, Black Farms Road, Beatties Farm Road, and Ramah Church Road have been identified as scenic resources and should have corridor-specific design controls that preserve scenic beauty.
 - Current regulations require a preserved buffer of trees in some areas and open space requirements encourage the protection of key features, such as views, fields and historical structures.
 - Additional controls might include viewshed protections, additional landscaping buffers or open space or screening requirements, use restrictions, density restrictions, or higher setbacks along the roadway.
 - Planned roadway improvements should be evaluated for adherence to previous planning efforts
 - For instance, the planned cross-section for Beatties Ford Road includes a 100ft buffer and multi-use trail

STAFF COMMENT: This policy supports the text amendment as smaller subdivisions and increased vegetative buffers help preserve natural land. A max of five lots helps to cut down on the amount of land along rural and scenic roads that will be disturbed for driveway access.

- **T 4.1:** Become a Vision Zero Community
 - Vision Zero is an international road safety initiative that aims to achieve a road system with zero fatalities or serious injuries.
- **T 4.3:** Emphasize access management strategies as part of public and private sector improvements to improve safety and operations.

STAFF COMMENT: This policy supports the text amendment as the possible reduction in the number of driveways will help reduce the number of conflicting interactions between road users.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment TA23-03 based on consistency with policies LU 7.1, LU 9.1, LU 11.1, EOS 1.1, EOS 6.1, T 4.1, and T 4.3 of the Huntersville 2040 Community Plan.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

On April 6, 2023, The Huntersville Ordinances Advisory Board (HOAB) recommended approval with a vote of 7-1 with M. Jones opposed. (See Attachment 3)

PART 6: PUBLIC HEARING

The Public Hearing is scheduled for June 5, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for June 27, 2023.

PART 8: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance
3. HOAB Minutes

PART 9: STATEMENT OF CONSISTENCY – TA23-03

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA23-03, Planning Staff recommends approval based on consistency with policies LU 7.1, LU 9.1, LU 11.1, EOS 1.1, EOS 6.1, T 4.1, and T 4.3 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will result in higher quality development that is safer for the community.	APPROVAL: In considering the proposed amendment TA23-03, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i>	APPROVAL: In considering the proposed amendment TA23-03, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i>
DENIAL: N/A	DENIAL: In considering the proposed amendment TA23-03, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>	DENIAL: In considering the proposed amendment TA23-03, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>

**AN ORDINANCE AMENDING ARTICLE 2 DEFINITIONS; SUBDIVISION, MINOR OF THE SUBDIVISION
ORDINANCE**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 2 “Definitions: Subdivision, Minor” of the Subdivision Ordinance be amended as follows:

Subdivision, Minor. A subdivision that is **five (5) lots or less**, not otherwise exempt from the provisions of this ordinance and that is not a “Major Subdivision” as that term is defined in this Ordinance.

For purposes of these regulations, **notwithstanding the preceding definition of minor subdivisions** Farmhouse Cluster developments are considered a minor subdivision, except as provided below. Farmhouse Cluster developments do not require a Sketch Plan, except as specifically set out hereinbelow. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an “Existing Features (Site Analysis) Plan” as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.5 “Buffer Yards” of the Zoning Ordinance be amended as follows:

TA 23-03: Minor Subdivisions and Misc.

Description	Condition where Buffer required	Width	Trees ¹	Shrubs ¹
I-77 Buffer	Any property abutting I-77 right-of-way	50 feet, greater if required by the district	5 trees per 1000 sq/ft of buffer area; 75% large maturing; 50% evergreen	8 shrubs per 1000 sq/ft 75% evergreen
CI, CB and SP	Any property zoned CI, CB, or SP ²	80 feet abutting street right-of-way and property lines ²	4 trees per 1000 sq/ft of buffer area; 75% large maturing; 50% evergreen; 25% small maturing	5 shrubs per 1000 sq/ft 75% evergreen
Non-residential uses not otherwise listed	Any developing non-residential use abutting a lesser intense use and/or district when not internal to a planned development ^{3, 5}	30 feet ⁶	4 trees per 1000 sq/ft of buffer area; 50% large maturing; 25% small maturing; 50% evergreen	7 shrubs per 1000 sq/ft 100% evergreen
Civic Uses - schools - religious institutions - govn't bldgs. - libraries	Any civic use abutting a property zoned residential or current use is residential ^{3, 5}	30 feet ⁶	4 trees per 1000 sq/ft of buffer area; 50% large maturing ; 25% small maturing; 50% evergreen	7 shrubs per 1000 sq/ft 100% evergreen
Residential	Any major residential subdivision abutting a property zoned residential or developed residential, not internal to a planned community ⁴	20 feet	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
<u>R/ TR</u>	<u>Any minor residential subdivision</u>	<u>10 feet</u>	<u>Preserve any existing trees located within the required buffer</u>	<u>Preserve any existing shrubs located within the required buffer</u>

TA 23-03: Minor Subdivisions and Misc.

Section 3. This ordinance shall become effective upon adoption.

Huntersville Ordinance Advisory Board: April 6, 2023 (Approval)

Public Hearing Date: June 5, 2023

Planning Board Meeting: June 27, 2023

Town Board Meeting: July 17, 2023

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, April 6, 2023.

Item 4B: Consider recommendation on petition #TA23-03 Minor Subdivision Changes, a request by the Town of Huntersville Planning Department for a text amendment to Article 2 Definitions: "Subdivision, Minor" to cap the amount of lots allowed within a minor subdivision and to Article 7.5 "Buffer Yards" to require buffers for minor subdivisions located within the R and TR zoning districts.

N. Farber, Planner II presented the proposed amendment as included in the attached exhibits. The proposed amendment would limit minor subdivisions to a maximum of 5 lots in all zoning districts. The goal of this amendment is to reduce large scale minor subdivisions which can strip out the length of the roads and remove a large quantity of trees and extend curb cuts for driveways. Additionally, a 10-foot buffer would be proposed to provide a separation for minor subdivisions within the Rural (R) and Transitional Residential (TR) zoning districts to assist with the maintain the rural nature of these areas.

M. Jones discussed the current density and open space requirements of R and TR zoning districts and commented that he does not see the need to buffer residential from residential which can increase untaxed property and affect housing affordability. Staff responded that the open space requirement is up to 45% and often times minor subdivisions do not get anywhere near that. The buffer requirement would allow existing vegetation or trees to protect existing adjacent neighbors.

J. Palillo asked why the responsibility to buffer does not fall on the existing land owners to buffer themselves versus the developer to buffer when developing the land. Staff responded that in the example shown here land is not always developed at the same time or under the same ordinances. In this case buffers were not required when the existing land was developed.

Motion: K. Jones made a Motion to Approve TA23-03 Minor Subdivision changes a request by the Town Planning Department for a text amendment to Article 12 definitions, subdivision, minor to cap the amount of lots allowed within a minor subdivision and to Article 7.5 buffer yards to require buffers for minor subdivisions located within the R and TR zoning districts as written by staff. F. Gammon seconded the motion.

Vote: The motion passed (7-1) with M. Jones opposed.

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Nathan Farber, Planner I

Date: June 5, 2023

Subject: Petition #TA23-04 Solar Energy Facilities Public Hearing

EXPLAIN REQUEST:

Conduct a public hearing on Petition #TA23-04, a request by the Huntersville Planning Staff to amend Article 9.54 Solar Energy Facilities to further clarify the text for simplicity.

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Staff Report Updated
2. TA23-04 Proposed Ordinance UPDATED
3. HOAB Minutes

TA23-04 – Solar Energy Facilities

PART 1: DESCRIPTION

TA23-04 is a text amendment request by the Town of Huntersville Planning Department to amend Zoning Ordinance Article 9.54.1(c)1 and 9.54.2 “Major Solar Energy Facilities”. Staff is proposing changes to Article 9.54.1(c)1 that would remove the reference to N.C.G.S § 160D-914(c)(3) to simplify the language as this state statute does not apply to non-residential property. Staff is also proposing changes to Article 9.54.2 “Major Solar Energy Facilities” to create a more precise and clearer ordinance.

PART 2: BACKGROUND

In May of last year, the Town Board approved changes to Solar Energy Facilities Article 9.54 removing Special Use Permit requirements for Minor Solar facilities bringing the ordinance into compliance with State Statute 160D. Planning staff is requesting minor adjustments mainly to the major solar energy facilities section. Currently, the ordinance splits Major facilities into residential and non-residential sections. Since major solar facilities cannot be located on existing residential property, that provision will be dropped. All the previously used general requirements still apply and the SUP process is still required.

The HOAB recommended to further clean up Article 9.54.1(c)1 to remove language that is not necessary to the section. N.C.G.S § 160D-914(c)(3) does not apply to non-residential property so for the sake of simplicity staff has agreed to remove it. The reference was originally provided to make residential and non-residential solar panel locations the same. The new proposed language does not change where a minor solar energy facility can go on a residential or non-residential property.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

EOS-9.1: Promote the use of energy efficient building design and neighborhood design.

Comment: The proposed text amendment serves to further clarify and simplify the ordinance language, therefore, making it easier to interpret and install solar panels throughout the Town.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment TA23-04 based on consistency EOS 9.1 of the Huntersville 2040 Community Plan.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD-

On April 6, 2023, The Huntersville Ordinances Advisory Board (HOAB) recommended approval with a vote of 8-0 with a recommendation to remove the reference to N.C.G.S § 160D-914(c)(3) within Article 9.54.1(c)1. (See Attachment 3)

PART 6: PUBLIC HEARING

The Public Hearing is scheduled for June 5, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for June 27, 2023.

PART 8: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance
3. HOAB Minutes

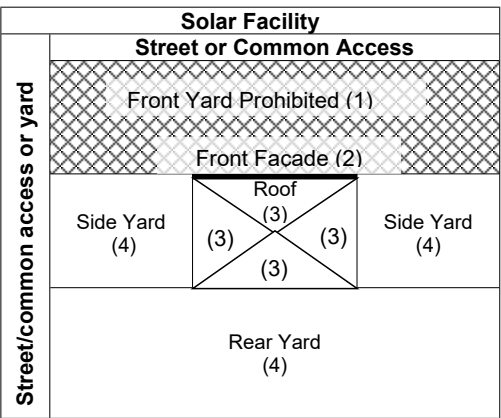
PART 9: STATEMENT OF CONSISTENCY – TA23-03

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA23-04, Planning Staff recommends approval based on consistency with EOS-9.1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will provide further clarification to the language.	APPROVAL: In considering the proposed amendment TA23-04, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i>	APPROVAL: In considering the proposed amendment TA23-04, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i>
DENIAL: N/A	DENIAL: In considering the proposed amendment TA23-04, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>	DENIAL: In considering the proposed amendment TA23-04, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>

AN ORDINANCE AMENDING ARTICLE 9.54 SOLAR ENERGY FACILITIES

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.54 Solar Energy Facilities of the Zoning Ordinance be amended as follows:

Any major or minor solar energy facility shall require approval from all applicable state and federal agencies as well as the affected energy provider.



.1 Minor Solar Energy Facilities (refer to illustration).

a. General Requirements for Minor Solar Energy Facilities.

1. All minor free-standing facilities must comply with accessory structure setbacks and spacing as set forth in Article 8.8.
2. All minor free-standing facilities shall be a maximum of five (5) feet in height as measured from the grade at the base of the structure to the apex of the structure. This provision shall be waived for minor-free standing facilities on residential property if its application would prevent the reasonable use of a solar collector for the residential property.

All minor rooftop solar energy facilities shall not be considered as rooftop equipment on any building type, and therefore, do not require screening and are not subject to any architectural standards that would prohibit reflective materials.

TA 23-04: Solar Energy Facilities

b. Residential Property.

1. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3) when the placement would cause the solar facility to be visible by a person on the ground.
2. Placement on the façade of a structure that faces areas open to common or public access is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.
3. Placement on the roof is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.
4. Side and rear yard placement is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.

Commented [ES1]: Match statute. Leave in

c. Non-Residential Property.

- ~~1. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3) when the placement would cause the solar facility to be visible by a person on the ground.~~
1. Front yard placement, as depicted by area (1) in the above illustration, is prohibited when the placement would cause the solar facility to be visible by a person on the ground.
2. Placement of minor free-standing solar facilities on non-residential property in locations other than the front is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.
3. Minor rooftop solar facilities on non-residential property are allowed on all roof ~~slopes~~ surfaces.

.2 Major Solar Energy Facilities (refer to illustration).

a. ~~General Requirements for Major Solar Energy Facilities~~ Major solar energy shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10

1. The minimum lot size requirement for major solar facilities is 10 acres.
2. Setbacks for major solar energy facilities shall:
 - (1) meet the minimum required setbacks for the underlying zoning district for installations in the R and TR zoning districts.

TA 23-04: Solar Energy Facilities

(2) be a minimum of 20 feet from any property line in the SP zoning district.

3. Free standing major solar facilities shall be a maximum of eight (8) feet in height as measured from the grade at the base of the structure to the apex of the structure. This provision shall be waived for major-free standing facilities on residential property if its application would prevent the reasonable use of a solar collector for the residential property.
4. Town of Huntersville to be given copies of any lease agreement and plan for removal of facility/equipment.
5. Major Solar Energy Facilities shall be exempt from any parking requirements in the Huntersville Zoning Ordinance if there is no commercial or office building component.
6. An existing features plan as described in Article 6.300.1.14 of the Subdivision Ordinance must be submitted with the application for the above-described Special Use Permit. Placement of solar panels shall be based on preserving existing features to the extent practical.

~~b. Residential Property~~

~~Major solar energy facilities on residential property shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10.~~

~~An existing features plan as described in Article 6.300.1.14 of the Subdivision Ordinance must be submitted with the application for the above-described Special Use Permit. Placement of solar panels shall be based on preserving existing features to the extent practical.~~

- ~~1. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3) when the placement would cause the solar facility to be visible by a person on the ground.~~
- ~~2. Placement on the façade of a structure that faces areas open to common or public access is prohibited pursuant to N.C.G.S. § 160D-914(c)(1) when the placement would cause the solar facility to be visible by a person on the ground.~~
- ~~3. Front roof slope placement that slopes downward is prohibited pursuant to N.C.G.S. § 160D-914(c)(2) when the placement would cause the solar facility to be visible by a person on the ground.~~

~~Notwithstanding this subsection, a Special Use Permit shall be granted if the regulations have the effect of preventing the reasonable use of a major solar energy facility on a residential property, except as provided in N.C.G.S. § 160D-914.~~

~~c. Non-Residential Property.~~

TA 23-04: Solar Energy Facilities

~~Major solar energy facilities on non-residential property shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10.~~

~~An existing features plan as described in Article 6.300.1.14 of the Subdivision Ordinance must be submitted with the application for the above-described Special Use Permit. Placement of solar panels shall be based on preserving existing features to the extent practical.~~

Section 2. This ordinance shall become effective upon adoption.

Huntersville Ordinance Advisory Board: April 6, 2023

Public Hearing Date: June 5, 2023

Planning Board Meeting: June 27, 2023

Town Board Meeting: July 17, 2023

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, April 6, 2023.

Item 4C: Consider recommendation on petition #TA23-04, a request by the Huntersville Planning Department for text amendment to Article 9.54 Solar Energy Facilities to clean up the language.

N. Farber, Planner II presented the proposed amendment as included in the attached exhibits. Staff mentioned that the previous amendment TA22-06 brought the solar requirements in compliance with NC State Statute 160d changes. This amendment would address the definition of major and minor solar facilities.

F. Gammon asked if a developer built a green development and installed a major solar farm to provide that development with power, how would the ordinances apply? Staff responded if it is a separate facility on a separate parcel then it would be considered a major solar farm. If it was installed as an accessory use on each parcel, then it would not.

J. Palillo asked how parking lot shelters with solar panels on the roof are addressed. Staff stated that they would be considered an accessory use.

Motion: M. Jones made a motion to Approve TA23-04 with the following changes, part C. 1. delete reference to general statute in the section under non-residential property because that statute only applies to residential and in section C.3. replace the word slope with surfaces. J. Palillo seconded the motion.

E. Sloop responded that the general statute reference in part C.1. are appropriate because we want the same location limitations to apply as there is no limitation to how the non-residential can be regulated. F. Gammon commented that the goal is to make the regulation mirror the statute. E. Sloop recommended removal of the language, 'pursuant to.'

Amendment: F. Gammon proposed an amendment to the motion for staff to study and resolve the use of the general statute in part C.1. M. Jones and J. Palillo accepted the amendment.

Vote: The motion passed unanimously (8-0)

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: June 5, 2023

Subject: Consider adopting the FY 2024 Budget Ordinance.

EXPLAIN REQUEST:

Request to adopt the FY 2024 Budget Ordinance.

ACTION RECOMMENDED:

Approve FY 24 original budget ordinance.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Budget Ordinance - 2023-2024

2023-2024 BUDGET ORDINANCE TOWN OF HUNTERSVILLE

WHEREAS, the Town of Huntersville is required by the North Carolina Local Government Budget and Fiscal Control Act to adopt an annual balanced budget; and

WHEREAS, a balanced budget has been prepared for the Town of Huntersville for the fiscal year 2023-2024 under the provisions set forth in the above referenced legislation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Huntersville adopts the following budget ordinance:

BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina:

Section 1A – The following amounts are hereby appropriated in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Governing Body	\$ 303,516
Lake Norman Reg. Economic Dev. Corp	373,697
Business Investment Grants	44,500
Administration	4,635,565
Capital Projects	8,567,333
Town Center/Parking Deck	299,760
Planning	2,148,890
Police	19,132,451
Engineering	6,772,385
Public Works	8,063,820
Fleet Services	522,045
Parks and Recreation	5,024,965
Fire and Safety	5,876,640
Powell Bill	2,125,000
Storm Water	1,490,000
Tourism Tax	2,260,000
Debt Service	4,166,990
	\$ 71,807,557

Section 1B – It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

	Revenue	
Ad Valorem Taxes	\$	25,090,187
Vehicle Tax		1,533,974
Rental Vehicle Tax		36,000
Penalties & Interest		50,000
Fire Tax		1,502,000
Local Option Sales Tax		8,500,000
Transportation Sales Tax		5,580,000
Utilities Franchise Tax		2,620,000
Tele/Satellite Sales Tax		580,000
Beer & Wine Tax		250,000
ABC Revenue		142,000
Solid Waste Fee		3,002,000
Waste Disposal Fee		37,000
School Resource Officer		625,525
Police Revenue		64,500
Policing ETJ		1,400,000
Recreation Fees		882,500
Rent from Electricities		70,000
Electric Admin. Fund		55,000
HFFA Admin. fees		40,000
Planning & Zoning		50,000
Investment Earnings		897,850
Rental Income		30,001
Misc. Revenue		302,500
Hotel/Motel		720,000
Prepared Food Tax		1,400,000
U Drive it		140,000
Powell Bill		1,700,000
Storm Water		1,200,000
Reimbursement LNREDC		373,697
Mecklenburg County - BIP		67,400
Equity Distribution		150,423
ARP/CSLFRF Grant Funds		12,000,000
Powell Bill Reserve		425,000
Storm Water Reserve		290,000
Total Revenue	\$	71,807,557

Section 1C – There is hereby levied a tax at the rate of eighteen cents (\$0.18) per one hundred dollars (\$100) valuation of the property as listed for taxes as of January 1, 2023, for the purpose of current year property taxes listed under “Ad Valorem Taxes” in the General Fund in Section 1B. This rate is based on an estimated total valuation of property for the purposes of taxation of \$15,432,179,832 and an estimated rate of collection of ninety-eight point five (98.50%).

Section 1D – There is hereby levied a fee of \$144 annually for the purpose of solid waste collection.

Section 2A – The following amounts are hereby appropriated in the Electric Fund for the operation of the Town’s electrical system for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Electrical System Expenditures	\$ 30,365,576
Total Expenditures	\$ 30,365,576

Section 2B – It is estimated that the following revenues will be available in the Electric Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Charges for Electricity	\$ 26,738,372
Other Revenues	3,627,204
Total Revenue	\$ 30,365,576

Section 3A – The following amounts are hereby appropriated in the Huntersville Family Fitness and Aquatics Center Fund for the operation of the Town’s Fitness and Aquatics Center for the fiscal year beginning July 1, 2023 ending June 30, 2024:

Huntersville Family & Aquatics Expenditures	\$ 3,749,386
Total Expenditures	\$ 3,749,386

Section 3B – It is estimated that the following revenues will be available in the Huntersville Family Fitness and Aquatics Center Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Joining/Monthly Fees	\$ 1,778,360
Other Revenues	1,971,026
Total Revenue	\$ 3,749,386

Section 4A – The following amounts are hereby appropriated in the Special Revenue Fund for the operation of the Transportation Reserve Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Transportation Reserve Expenditures	\$ 2,519,881
Total Expenditures	\$ 2,519,881

Section 4B – It is estimated that the following revenues will be available in the Special Revenue Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024 based on a fee of \$20 per vehicle.

Vehicle Registration Fee	\$ 955,000
Transportation Fund balance	1,564,881
Total Revenue	\$ 2,519,881

Section 5A – The following amounts are hereby appropriated in the Special Revenue Fund for the operation of the Commerce Station Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Commerce Station Expenditures	\$ 575,970
Total Expenditures	\$ 575,970

Section 5B – It is estimated that the following revenues will be available in the Special Revenue Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Ad Valorem Tax	\$ 337,500
Commerce Station Fund balance	238,470
Total Revenue	\$ 575,970

Section 6A – The following amounts are hereby appropriated in the Special Revenue Fund for the operation of the Land Development Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Land Development Expenditures	\$ 1,062,700
Total Expenditures	\$ 1,062,700

Section 6B – It is estimated that the following revenues will be available in the Land Development Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Land Development revenue	\$ 1,062,700
Total Revenue	<u><u>\$ 1,062,700</u></u>

Section 7 – The North Carolina Local Government Budget and Fiscal Control Act allows the Board of Commissioners to amend the Budget Ordinance any time during the fiscal year, so long as it complies with the North Carolina General Statutes.

Section 8 – All capital items, (items exceeding \$5,000), are to be approved in accordance with the adopted annual budget. The Finance Officer will maintain a list of approved capital outlay items and any changes must be approved by the Town Manager.

Section 9 – Encumbrances. Appropriations herein authorized and made shall have the amount of outstanding encumbrances as of June 30, 2023 added to each appropriation, as it appears in order to account for the expenditures in the fiscal year they are paid.

Section 10 – A copy of this Budget Ordinance shall be furnished to the Director of Finance for the Town of Huntersville to be kept on file for direction in the disbursement of funds.

Adopted this 5th day of June 2023

**Town of Huntersville
Town Board
June 5, 2023**

To: Town Board

From: Rob Kidwell, Commissioner

Date: June 5, 2023

Subject: CRTPO's Current Weighted Voting Structure Resolution

EXPLAIN REQUEST:

Consider approving Resolution in opposition of CRTPO's current weighted voting structure.

ACTION RECOMMENDED:

Approve Resolution

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. R-2023-28 Resolution to Oppose CRTPOs Current Weighted Voting Structure



RESOLUTION OF THE TOWN OF HUNTERSVILLE TO OPPOSE CRTPO'S CURRENT WEIGHTED VOTING STRUCTURE

WHEREAS, Charlotte Regional Transportation Planning Organization ("CRTPO") is the Metropolitan Planning Organization ("MPO") that is legally responsible for transportation planning in the Mecklenburg metropolitan region; and

WHEREAS, because of the decennial census, CRTPO is legally required to revisit, amend (if desired), and re-ratify its bylaws, including the current voting structure (the redesignation process); and

WHEREAS, CRTPO currently uses a weighted voting structure with Charlotte's vote counting for 46 percent of the total; and

WHEREAS, Charlotte's vote is 15.5 times larger than the second largest voting entity (the "prime-to-second ratio"); and

WHEREAS, 90 percent of North Carolina MPOs have a prime-to-second ratio of two or less; and

WHEREAS, no other North Carolina MPO has a prime-to-second ratio greater than three times; and

WHEREAS, a plurality of North Carolina MPOs has an unweighted voting structure (i.e., every vote counts equally); and

WHEREAS, several comparably sized MPOs nationwide have either unweighted voting (including Buffalo, Tucson, Oklahoma City and Atlanta) or a prime-to-second ratio of less than four.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Huntersville finds the current CRTPO weighted voting structure is an impediment to regional cooperation and governance.
2. It is the position of the Town of Huntersville that, as part of the redesignation process, CRTPO should adopt an unweighted voting structure where every municipal entity's vote is counted equally and singly.

Adopted this 5th day of June, 2023.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney