

**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 5th day of June 2023.