

Members

Chair: Jeff Sny
Vice-Chair: Frank Gammon
Greg Baber
Christopher Boyd
Scott Hensley
Jay Henson
Trina Loomis
Stephen Swanick
Jodi Wright



Town Staff

Jack Simoneau
Director
Planning Department

Tracy Barron
Executive Assistant
Planning Department

Jacob Glass
Staff Attorney

AGENDA

Planning Board Meeting

July 25, 2023 - 6:30 PM

TOWN HALL (101 Huntersville-Concord Road)

**Live Stream available via YouTube
@townofhuntersvillenc28078**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
 - 2.A. Consider approval of the June 27, 2023 regular meeting minutes.
- 3. Public Comments** - *Speakers are limited to 3 minutes. The Chairperson reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers*
- 4. Action Agenda**
 - 4.A. Consider recommendation on Petition #R23-01, Foundry - Everette Keith Road, a request by Foundry Commercial, LLC to rezone +/- 59.66-acres generally located east of Everette Keith Road and south of Hambight Road from existing Transitional Residential to Corporate Business - Conditional District for approximately 750,000 sq. ft. of light industrial space. *(David Peete)*
 - 4.B. Make a recommendation on petition #TA23-01 Street Trees, a request by the Town of Huntersville Planning Department in cooperation with the Engineering and Public Works Departments to amend Articles 7.7, 5.5, and 12 of the Zoning Ordinance to provide options for developers to reduce impacts caused by street trees while meeting the guidelines of the Huntersville 2040 Community Plan and the intent of the Zoning Ordinance. *(Lauren Speight)*
- 5. Other Business**
 - 5.A. Consider appointments of the Chair and Vice-Chair for the Planning Board ()
- 6. Adjourn**

GENERAL MEETING INFORMATION

Planning Board:

The Planning Board functions as an advisory board to the Town Board on all requests for changes in the zoning laws, and ordinances of the Town of Huntersville subdivision requests pursuant to the Huntersville Subdivision Ordinance, and is empowered to make recommendations to the Town Board, or other governmental agencies consistent with the Planning Board's charged obligation to provide for proper planning for the future growth of the Town of Huntersville, and its environs. For more information visit www.huntersville.org.

Meeting Time, Place and Agenda:

All meetings of the Board are open to the public and the public is invited and encouraged to attend. The Board meets in the Town Hall at 6:30 p.m. on the fourth Tuesday of each month (unless otherwise posted). Agendas are published Wednesdays before the meeting on our website. The Board reserves the right to deviate from the agenda.

Special Accommodations:

Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact Tracy Barron. She can be reached by phone or fax: 704-766-2215, email: tbarron@huntersville.org or at 105 Gilead Rd, 3rd Floor, Huntersville, NC 28078. We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, June 27, 2023.

Call to Order/Roll Call

Chairman Sny called the meeting to order at 6:30 pm.

Present: J. Sny, F. Gammon, S. Swanick, C. Boyd, J. Wright, T. Loomis, S. Hensley & J. Henson

Absent: G. Baber

Approval of Minutes

Item 2A. Consider approval of the May 23, 2023, Regular Meeting Minutes

Motion: J. Wright made a Motion to Approve the amended May 23, 2023, minutes. J. Henson seconded the motion.

Vote: The motion passed unanimously (8-0).

Public Comments

Held prior to Item 4C

Item 4A: Petition #TA23-03, a request by the Huntersville Planning Department for a text amendment to amend Article 2 of the Subdivision Ordinance and Article 7.5 of the Zoning Ordinance to limit Minor Subdivision to five lots or less and to require a 10' buffer for Minor Subdivisions within the Rural and Transitional Residential zoning districts

N. Farber, Planner I entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the proposed text amendment to limit minor subdivisions and require a 10' buffer within Rural and Transitional Residential zoning district.

S. Swanick asked for confirmation that the buffer would be the external buffer adjacent to neighbors, not internal to the lots. Staff confirmed that is correct.

C. Boyd asked how staff determined five lots or less would be the maximum for minor subdivisions, and how an alley access or rear access design may affect development. Staff stated the five lots or less was based on research of local area municipalities. A development with it's own streets would either become a farmhouse cluster with a maximum of six lots and developed on 10 acres, or a major subdivision.

F. Gammon asked if multiple lots could share a driveway to address the issue of multiple driveways. Staff confirmed that a minor subdivision can be built on an NCDOT road and have a shared driveway easement that accesses the entire subdivision. This must be approved by NCDOT and there is an existing development like this on Beatties Ford Road.

Motion: C. Boyd made a Motion to recommend Approval of TA23-03 based on the amendment being consistent with policies LU7.1, LU9.1, LU11.1, EOS 1.1, EOS 6.1, T4.1, and T4.3 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it

will result in a higher quality development that will protect the character of Huntersville and is safer for the community. S. Hensley seconded the motion.

Vote: The motion passed unanimously (8-0).

Item 4B: Petition #TA23-04, a request by the Huntersville Planning Department to amend Article 9.54 Solar Energy Facilities to further clarify the text for simplicity.

N. Farber, Planner I entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed the proposed text amendment to clarify solar energy facilities.

S. Swanick asked for clarification between a major and minor solar facility, and if scale of the facility should be a determining factor. Staff confirmed that a minor solar facility is an accessory use to the primary use, such as rooftop solar for a single-family home. A major solar facility is industrial in nature built to generate electricity for use off the primary site. Scale of facility was not a consideration because limiting the minor to an accessory use act to limit the scale.

F. Gammon asked if a developer came wanted to create a development that was strictly solar. Staff responded that the developer would be able to if the solar was an accessory use to each home on each lot, or if they developed a major solar facility on 10 acres or more to serve the development. F. Gammon commented that he thinks this will have to be adjusted in the future to address future development needs.

C. Boyd asked if we should be concerned about a minor facility being installed on ground level in the side yard facing a thoroughfare and the possible hazards that could occur because of the glare. Staff stated that the accessory use setbacks would apply and typical applications for freestanding units are a minimum of five feet off the ground. J. Sny followed up that in previous solar discussions it was identified that technology has improved to reduce glare.

Motion: T. Loomis made a Motion to recommend Approval of TA23-04 based on the amendment being consistent with policies 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 encourage the use of solar and clarify language regarding the use of residential solar panels. C. Boyd seconded the motion.

Vote: The motion passed unanimously (8-0).

Public Comments

Bob Baer, 15802 Lavenham Road
Mildred Paranich 12824 Westmoreland Road
Suzanne Villar 17130 Bridgeton Lane
Jennifer Hunt 12838 Lavenham Road
Melanie Griffin 12900 Westmoreland Road

Item 4C: Consider recommendation 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.

D. Peete, Principle Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff requested to enter into the record the documents handed out prior to the meeting by the applicant illustrating the five area breakdowns with an increased buffer. Staff reviewed the proposed project and modification requests.

C. Boyd asked staff to clarify what the buffer requirement is and if the proposed project is meeting that. Staff responded that the zoning ordinances required a 20-foot buffer and were adjusted two weeks after submittal of this project to 40-feet for a by-right development. This is not a by-right development so the recommendation for buffer requirements would be to look at holistic to the project, proposed use, and adjacent land use.

C. Boyd asked staff if the proposed street connection to the existing street is still within the plans. Staff confirmed that the connection to Willow Brook is still proposed.

F. Gammon asked staff if the Planning Department is asking the applicant to make a modification to increase the buffer since the requirement based on when the application submitted was a 20-foot buffer. Staff stated that since this is a conditional rezoning it opens the proposed project up to requests and considerations that would not be considered if the development were being proposed as a by-right development.

S. Swanick asked staff what buffers were finalized and negotiated with the North Creek development at the node. Staff responded that to their knowledge the buffer to the south was 40-feet where the proposed density is 1.5 units per acre. As the density increased to 1.7 units per acre the buffers increased to 50-feet. The apartment buffer was 200 feet but that was a unique feature of this site because there was an existing creek.

S. Hensley asked staff if the North Creek Village is an Activity Center or Mixed-Use node in the Huntersville 2040 Community Plan, and what the differences are between those. Staff confirmed the node is an Activity Center and reviewed the differences between the two types of nodes as outlined in the Huntersville 2040 Community Plan. The Mixed-Use would be more intensified such as a Birkdale.

T. Loomis asked staff to confirm what the applicant is proposing versus what they would be allowed to build by-right. Staff confirmed that the density would support 340 single-family homes and the applicant is proposing 1,100.

F. Gammon asked staff to clarify for the Board the Activity Center node circle denoted on the Future Land Use map in the Huntersville 2040 Community Plan, and the distance of measurement associated with the Activity Center at this intersection which it appears could include this project. Staff stated that it is general indicator intended to center at the intersection of the major thoroughfares within the circle.

F. Gammon followed up with the statement that he doesn't use the circle as a rule, he looks at the area and it's potential.

J. Henson asked staff if the TIA for this project will only be reviewed by NCDOT. Staff confirmed that is correct, the proposed project will only affect NCDOT roads. Staff stated that the Town Board only controls the rezoning so the value of having the TIA information to consider is it paints a complete picture and allows them to see the total impact that the Town will experience when considering approval of the rezoning.

F. Gammon asked staff if the applicant has addressed the buffer concerns and the stub connector to Willow Brook. Staff responded that as of the document provided tonight by the applicant it is staff's understanding that the developer has increased the buffer to 40 feet adjacent to Willow Brook. The proposed project has a connector to the stub in Willow Brook which would be staff's recommendation. F. Gammon followed up with questions regarding recommendations not to connect to the existing stub or installing emergency gating based on concerns of Willow Brook neighbors. Staff confirmed that it is the Planning Board's option to include that in their recommendation.

The applicant, Jake Palillo 17532 Sailview Drive Cornelius NC advised that the buffer has been updated to include a 20-foot undisturbed per the code and a 20-foot disturbed and rebuilt buffer that will be shown. The applicant presented their project and stated that they have addressed all of the 56 conditions, they are requesting 11 modifications and the buffer has been corrected.

F. Gammon disclosed that he met with several members of the opposition present this evening at the end of April with one of the Town Board Commissioners. He stated that he explained the Planning Board process and that the plans had not yet been submitted to them. Also, the applicant requested to meet with the Planning Board members, there were three members present on June 14 at that meeting and the Town Manager appointee, Brian Richards was present. The meeting allowed for Planning Board members to ask questions. He disclosed that he shared with the applicant the importance of meshing with the Planning Department so that a good clean staff report could be presented regarding how this meshed or does not mesh with the Zoning Ordinance and Huntersville 2040 Community Plan. He stated that neither meeting will influence or affect his decision this evening.

The applicant followed up with the statement that the Town encourages developers to either go to the Pre-Development meeting or to go to the Board members directly to explain the proposed projects, entertain questions, and determine if they can support it. They do not make an approval, they give you some guidance prior to investing.

S. Hensley and C. Boyd confirmed they also met with the applicant with Brian Richards present. He stated it is a benefit to allow for more in-depth and thorough understanding of what the developer is proposing and to attempt to bring the best plan forward for the benefit of the Town. He stated he has no reservations about the process, and he thinks it is a positive.

J. Henson confirmed he was at the same meeting as Frank and he agrees, just as Planning Board members read every email that are sent to the Board for/against the goal of the Board is to find as much information as possible to make a good decision.

J. Wright confirmed she was also present at the same meeting as Frank and stated that it will not influence her decision this evening. C. Boyd confirmed it will not influence his decision this evening.

F. Gammon asked the applicant to confirm his plan for the buffers. The applicant confirmed he will do a 20-foot undisturbed and a 20-foot disturbed and relandscaped for a total of 40-feet.

F. Gammon asked the applicant if he will build the connector to the existing stub street. The applicant stated that he will build the connector. F. Gammon commented that not doing this is a subject for another time. The applicant followed up with the comment that they are in discussion with Willow Brook to assist with improving their pool and clubhouse and would accept that as a condition of approval for this project so that their development is a help to the neighboring community as well.

F. Gammon commented on the outstanding comments due to staff. The applicant responded that they have addressed all the outstanding questions and there are only 12 modification requests remaining as part of the proposed project.

S. Swanick asked the applicant when they addressed the comments. The applicant responded that they began immediately following the Town Board Public Hearing. He then continued that they received the Staff Report last minute before the Town Board and they were primarily notes related to the construction process in detail. The applicant identified the document that was submitted identifying the staff note, how it was addressed, and the page that it can be located on.

C. Boyd asked the applicant to confirm that they are stating that someone advised them to keep the hotel in the proposed project, but they are okay with removing it from the proposed project. The applicant confirmed that is correct and stated that he likes to develop unique projects and with the Town not having a unique, luxury, resort style hotel destination there is a need that should be filled. This requires him to have his traveling business investors stay in Charlotte due to the hotels not being full-service (restaurant, cocktail area, and some amenities). The proposed hotel would have a rooftop bar, spa, so it is a really full-service hotel that the Town is lacking. In speaking with Mayor Anarella and Mayor Bales, there has been conversation that there is need for a civic convention center, there is a need for a place to gather. Angels and Sparrows, a local charity, is going to the Peninsula Club, in Cornelius, because they can't find an area big enough to hold a sufficient size group for the fundraising efforts they are trying to achieve.

C. Boyd asked the applicant if he thinks the proposed location is the best location in Town for the 200-room hotel. The applicant replied that it will fit here with a strong amenity associated with it. That could be Birkdale, or this location in the summer would offer a lagoon and tropical pool.

T. Loomis asked what happens in the wintertime. The applicant responded that the lagoon is open year-round and can be used for kayaking, paddleboarding, etc. just like we use Lake Norman during the winter. Activity would slow down similar to a golf course in the winter but the community would also offer a 30,000 square foot full-service fitness club and tennis facility so there are alternate activities.

S. Hensley asked the applicant to review the language for the membership because the currently proposed language does not seem to suffice that the membership will be limited to annual and priced accordingly versus day-use membership. The applicant concurred that is a good point and the wording

can be modified since that is not the intent, it will be modeled like a country club like River Run that is like a larger equity membership that you can sell in the future.

J. Wright asked if there is any other options to cross Highway 73 other than driving or the shuttle given the proposed layout. The applicant reviewed the topography of the land and stated that they will talk with NCDOT about a possible tunnel under Highway 73 because they are in agreement that the community would benefit from it. The timeframe to get that approved with NCDOT is lengthy. The applicant stated that NCDOT will not give them a full signalized intersection but has said they will give them a 10-foot multi-purpose path with signalized crossing to allow golf carts and foot traffic to cross Highway 73.

C. Boyd asked the applicant if the development could be sustained with less than the currently proposed density of 1,200 homes. The applicant stated that it goes back to the development philosophy of rooftops and traffic and the mixture of needing the membership to make the concept work. The applicant stated that he has already eliminated 25 lots which is a reduction of \$5 million dollars of revenue so at a certain point it becomes cost prohibitive. He commented that the more people you have in close proximity the more you increase walkability and reduce traffic with a number of areas available for gatherings and events.

C. Boyd asked staff what existed prior to Birkdale and what was the proposed density for that area prior to that development. Staff responded that the Greens at Birkdale Village were one project that was split between the towns of Huntersville and Cornelius. Birkdale proper there are 330 multi-family units. None of the projects south of 73 were part of those developments, those were separate projects. The land was a dairy farm prior to development. The land would have been identified for a mixed-use area within the long-range plan at that time.

Staff responded to comments that have been made thus far to establish that speaking to the Board versus the Pre-Development group is not a necessity it is an option. The land and future road improvements on Highway 73 each present extensive constraints and creative solutions will need to be presented. At this time the golf cart crossing has not been presented to or reviewed by staff.

C. Boyd asked for further explanation on the sewer capacity comments related to the proposed project. The applicant responded that there is no issue, the capacity is available. Charlotte Water and Sewer currently forecast out capacity for 50 years and stated that they would have to plan sooner than later for more expansion if this project is approved. Staff confirmed that is correct. Charlotte Water reviews the long-range plan in forecasting capacity. They can provide the capacity; this use is just out of character for what they have planned for the last 20 years.

J. Snyder asked how the hotel associated with this project is being submitted without a special use permit. The applicant responded that staff advised them that it can be included in a conditional rezoning request and does not require a separate special use permit request. Staff confirmed that the additional height being requested for the hotel can be included in a conditional rezoning as a modification versus a separate special use permit, which is the path the applicant selected.

J. Sny asked the applicant if they could share how they achieved the \$900k-\$1m price range estimated for the single-family homes, which is relevant to the tax base commentary and overall success of the membership format and project. The applicant commented that they intend to develop and sale the lots to homeowners at \$185-\$225k per lot. There will be an approved Builder List which has already includes Simonini, Classica, Grandfather Homes, Meeting Street, and more that the homeowner can select from. If you look at those builders' current projects in town, you will see 50-60 foot wide lots. Our lots are projected to be longer lots that are rear loaded. Current construction costs on new custom single-family homes are ranging \$250-\$300 square foot price. These homes will average 2,500-3,000 square feet. That is the price point as demonstrated by Classica right off of McCord and Ranson Road. Simonini are doing it right off of Mayes Meadow in Cornelius. Bowman's project in this area is starting in the \$800k range for track-built homes. J. Sny commented that it seems like an average then, and smaller lots might not hit that estimated amount. The applicant responded that Birkdale currently is priced at a premium at \$2.20 a square foot because of the amenities that it offers and those proposed condo's will go in the \$500-600k range.

J. Sny asked for confirmation on the lot size requirements for alley-fed lots. Staff confirmed it is 50 foot or less requires alley-fed. The applicant confirmed that they are looking for the development to have custom home charm. They want porches, 10-foot multi-purpose path on one side, planting strips, parking on one side so there is adequate room with a good streetscape to build the trees up. We want to encourage keeping the cars in the alley with a 20-foot wide alley, and two parking spaces next to the garage.

J. Sny commented on the need to properly craft the note on the project that the applicant will meet any road improvement requirements stipulated as that seems too carte blanche. The applicant stated that the typical TIA process is that the Town will list requirements, then it is submitted to NCDOT, and they will increase the requirements to more than you think the individual project would need so that they do not have to improve that section of the road. The applicant pointed out that another stipulation they included was that they will not begin construction on the retail component (hotel and village) until equipment is on the ground for widening Highway 73.

J. Sny commented on concern over all negotiation being removed from the rezoning discussion with the TIA report not being available and knowing what NCDOT is requiring in advance. He then commented that he also has concerns about this setting any precedent for future projects and what that can create if they are not amenable or do not follow through on completing the required improvements when that information becomes available. The applicant responded that the current state laws remove the ability to negotiate. Additionally, rezoning is a risk with a price tag on it to the developer. From a development side it would be nice to have the staff able to review something in concept and then if there are modifications the applicant can return for Board Approval to request those modifications. J. Sny replied that he was not implying impact fees could be assessed which are illegal, he was referring to negotiations to improve the overall plan.

Motion: S. Swanick made a Motion to Deny R23-05 as the plan is inconsistent with policies LU1, LU2, LU3.1, LU5, LU6, LU7, LU9, LU10.2, LU11, LU12, EOS1, EOS2, EOS3, EOS6. It is not reasonable not in the public interest to approve this plan. These inconsistencies, of which there are numerous, include but are

not limited to, a total transformation of a rural corridor into a fully intensified one. Tonight, we have been nibbling around the edges on minor plan changes and buffers, it doesn't change the overall incredible tripling of overall allowed density. This would be a complete departure from our TIA requirements. In eight years, we have kicked projects for not meeting the TIA, here we don't even have one. There are numerous design insufficiencies, including buildings that don't front public streets or open space, parking lots that don't comply or are missing on street parking, inappropriate or omitted setbacks, excessive block lengths, insufficient open space, failure to meet tree save and mitigation requirements, and so on. This proposal and any pending changes would be a radical departure from the 2040 Plan. Approval of this project would set a realistic precedent to completely disregard that plan and the planning process forever. T. Loomis seconded the motion.

S. Swanick commented that he took notes regarding the items that have been resolved but getting back to one of the main issues raised by one of the speakers, we need to maintain the character and livability of Huntersville. This does not do that, and this application fails in that in every way possible. There has been an immense disregard for that as shown in this process as this is now the fourth submittal. This has been an incredible investment of staff resources and every time something is pushed forward another deal is struck, another concession made, what is handed to staff requires starting over. Most of what has been presented has been negotiated verbally and on social media and not resulted in putting together a coherent plan that makes any effort at addressing the long-range plans. There were six pages of deficiencies but that is 10x more than anything he has seen in eight years on the Planning Board. This is made for somewhere, dropped on this map to try to shoehorn this into Huntersville. The overall design is not how Huntersville design principles work regarding street frontage, open space, and block length. Again, it was drawn up somewhere else and dropped here. This is a total revolutionary departure from the 2040 Plan which is the guiding document for the Planning Board to make decisions. It is unreasonable to expect others to comply with these requirements and then simply toss it out the window because someone doesn't want to do it. The node was held to a standard of thinning density and to be adjacent to that and ignore that principle is clearly unfair. In his opinion no number of deferrals will change this, and the Planning Board needs to do their job and enforce the plan they were selected to defend.

J. Sny commented that there are elements of the motion he agrees with but felt that it would be best to inform the applicant that in the past the Planning Board has typically advised the applicant that they have the option to defer, and he would like to be fair and make sure the applicant understands he has that option as well. The deferral time may allow the process to catch up and for staff to complete their review. He then asked the applicant if they would like to take advantage of one of the deferrals, to move the Planning Board recommendation to the July 2023 meeting and allow staff to complete their review, provide a more proper staff report, and allow the applicant to possibly address some of these things that have been discussed. The applicant commented that if deferring will make the Planning Board like the project better than he will defer. If they do not think that there is the support, then he does not know how many things they can do. They believe in it strongly and believe it adds value to the community. In their opinion they disagree with the 2040 Plan because they believe Highway 73 is a commercial corridor. There are fewer and fewer pieces of land remaining in Town and while you will approve single-family and multi-family, you will end up losing the ability to make it commercial. He

would not be opposed to the Planning Board making their recommendation and keeping this moving forward. F. Gammon asked staff to confirm that the applicant could still utilize his option to defer prior to the Town Board meeting if he so chooses. Staff confirmed that is correct.

T. Loomis commented that she cannot reconcile the by-right density of 340 with the number of proposed residences in this project. This area is not zoned to draw people from outside areas. She commented that she cannot use the 2040 Plan as a guide for other decisions and then ignore it for this project simply because you do not believe in it. The 2040 Plan is intended to guide the development in our community to see what we collectively want for the next 20 years. She commented that she likes portions of the proposed project, but it is too large for that area.

S. Hensley commented that he lives in East Huntersville, and he thinks it would be a welcome addition. Regardless of what he personally thinks, there is a 2040 Plan, and he cannot reconcile this project with that. He understands the argument that Highway 73 will carry a lot of traffic and increased density may make sense. He goes back to policy LU3.1 that says, "growth management was the number one priority for survey response." Just because a road can carry a lot of traffic does not mean that a lot of density must be packed around it. Part of the charm of Huntersville are the rural areas, even if a highway is cutting through it. It's a great idea but in his opinion, it is in the wrong area. Even in the Activity Center that is nearby he cannot reconcile this project since it is not a Mixed-Use Center.

C. Boyd commented that he went back to the by-right uses permitted for this land and how he does not think he would like just single-family homes here as a development. He likes the lagoon idea; it is a cool amenity and if run correctly it could be nice. He does not care for the hotel in this location because he does not think four miles off Highway 77 is the right location despite the adjacent amenities. He also does not think that the currently proposed 1,100 dwellings is correct, maybe something in between would be. In his opinion, a developer could come in and ask for a rezoning to allow 500 or so single-family homes and it would probably be approved and miss out on the amenities all together. So, while he understands that there need to be rooftops to support the restaurants and amenities, he wonders if a lower number could accomplish that and be a better fit for this location. He complimented the applicant for his work on other projects and stated he thinks the applicant would continue to deliver a good project.

F. Gammon commented that he planned to vote against denial this evening, but he relies on the Staff Report as a tool to consistently make his decisions. For this project he cannot do that because of the incompleteness. He has no reason to distrust the applicant regardless of what is on social media, and he trusts what the applicant says that he has addressed every item, but that has not been vetted by the staff. He needs it to be vetted by the staff so that their comments can be taken into consideration as well. The Planning Board and Planning Staff do not have to agree, but the Planning Staff needs to have an opportunity to provide their input and identify how the modifications are and the impact of that as it relates to the Zoning Ordinance. The 2040 Plan is a guide, adjustments have been made before so it can be argued.

F. Gammon asked staff if a new Highway 73 corridor plan has already been funded that will include a review of the land use. Staff confirmed that the plan is funded. He then commented that this is

important and needs to be done because between the boundaries of Highway 77, Interstate 85, and Interstate 485 you have a population of over 100,000 people spanning Huntersville, Cornelius, Davidson, and Mooresville. You have around 160,000 people to the east in Concord/Kannapolis. Then you have the Huntersville population, and 890,000 people in Charlotte. Charlotte is the third fastest growing urban area in the United States which we see daily by the amount of people moving into our area, and they are still coming. That is a major east-west corridor. In his opinion, that study and implementation is a number one priority to make sure that it does not turn into a Independence Boulevard. Prosperity Church Road is slated to connect from Eastfield Road to Highway 73 and be a four-lane highway someday and go right through North Village. When that improvement is done this area will be developed commercially and it will be dense. The intersection at Highway 21 and Highway 73 is identified as high-density and this will be just as important of an intersection for this Town in the future. Maybe we need to look beyond 2040 and identify what this Town will be for our kids if you want them to stay here. The farmers cannot keep their kids here with their land and their selling it, which is their right. The only thing holding him up from supporting this is he does not have a clean staff report to write a clean motion. He likes the project, and he thinks that the lagoon and everything is within arguable distance of the Activity Center.

F. Gammon then commented regarding the applicant, Jake Palillo being a member of the Huntersville Ordinance Advisory Board (HOAB). As the Planning Board representative on the HOAB he meets with them and stated, he has heard only common sense come from him when he is on the HOAB. Jake's appointment to that Board is legal. He cannot serve on any other Board in this Town. Jay Henson, fellow Planning Board member was previously a member of the HOAB. That Board needs a developer perspective.

J. Wright commented that she likes the plan and the creativity of the development, she believes that future developments would have more mixed-use plans when possible. She thinks that a subdivision that allows you to have some way to get out and use amenities, visit a restaurant, without getting in a gas-powered vehicle (walk, bike electric bikes etc.) are a good idea for the community. She commented that there could be some work on the density. For residents to safely access both sides of the project, due to the split in the acreage with 73, possibly with a tunnel to provide safe access for the residents to access amenities would be suggested. In her opinion this could be beautiful and exciting.

J. Henson commented that he thinks it is a great project that is unique and adds something different to the Town. He asked how many long-range plans would have a placeholder for something this unique so there would have to be some variations for that. If you look at most land here 20-years ago it was in a similar situation, it was farmland and someone proposed an idea and it became a subdivision. The Town has obviously grown, and we have a lot of people moving in here, where are they going to move? The plan has a lot of merit and could be a great attraction on Highway 73 which for all intents and purposes is a commercial corridor. There are shopping centers both east and west of this are in close proximity. The TIA we can debate, years ago we debated getting rid of the TIA and eventually adjusted the numbers because NCDOT controls most of the roads it really is their decision what they want to do. If the Town had required additional studies, then it may be a different discussion. The 2040 Plan is a great guide that will change. If we followed it by the book then the Planning Board wouldn't need to be here. He commented that he does not support the motion and he does support the project.

J. Snyder shared with the audience the role of the Planning Board and the reason for explaining their positions on a motion. He then shared that he agrees in many ways with Frank Gammon's comments and the reality is that the 2040 Plan will change. The traffic count supports growth along this corridor and at some point, a plan will come along and the 2040 Plan will change. At this time, plans do not align, and it is too much of a stretch for this project. The spirit of the 2040 Plan is a big thing to consider in this and there are both things that justify and do not justify that in this project. He commented to the applicant that he just appears ahead of his time. He commented that the discussion regarding the project has gone awry over the last year and that has been disappointing as a citizen to witness from both the applicant and community positions. He also commented about the number of petitioners who signed versus the number of votes needed to be elected mayor which highlighted how few voter eligible people pay attention and participate so for all who have been active and participated and are present he thanked them and encouraged them to keep doing so respectfully in person and online in a manner that demonstrates the values of being a small town.

S. Hensley commented to the discussion regarding the many modifications and changes that have occurred to the plans through the process. He commented how the project encompasses 250 acres which is very large. The ordinance is very detailed and there are going to be many modifications to meet those ordinances. That is what we want, compliance. The developer is investing a lot of time and money into investing into our community and that is what we want to get the end product. Let's remain reasonable.

Vote: The motion to deny passed (6-2) with J. Wright and J. Henson opposed.

Other Business

The Planning Board recognized outgoing member S. Swanick and thanked him for his years of service to the Board.

S. Swanick thanked staff and commented that he entered this role with a low opinion of government and is walking away with a admiration for the Planning Department, staff, everybody. He commented, "if government doesn't function it is because elected officials do not listen enough." He thanked Hal Bankirer and Jennifer Davis, his predecessors for being effective mentors and examples. A lot of what has been set up such as the outgoing Chairman, Chairman Emeritus has helped as an information transfer, and he encouraged Jeff to continue that process with his successor. He also thanked Joanne Miller, Joe Sailors for the long-time service. He thanked all current Board members for their service and the good discussion, debating, agreeing, disagreeing that has occurred and wished them all the best. He concluded by saying, continue to participate but do so with kindness. The only way that this whole thing works is if those who have opinions share them but do it in a way that doesn't alienate people that could be persuaded. As Dale Carnegie said, "It is possible to disagree agreeably. Your opponents do not have to be enemies." We, as a society can and should do better and he hopes that how tonight went can and will be how it continues to occur in the future.

Adjourn

Motion: J. Snyder made a Motion to Adjourn. S. Swanick seconded the motion.

Vote: The motion passed unanimously (8-0).

Approved this ____ day of _____ 2023.

Chairman or Vice Chairman

Board Secretary

**Town of Huntersville
Town Board
July 25, 2023**

To: Town Board

From: David Peete, Principal Planner

Date: July 25, 2023

Subject:

EXPLAIN REQUEST:

Consider recommendation on Petition #R23-01, Foundry - Everette Keith Road, a request by Foundry Commercial, LLC to rezone +/- 59.66-acres generally located east of Everette Keith Road and south of Hambight Road from existing Transitional Residential (TR) to Corporate Business - Conditional District (CB-CD) for approximately 750,000 square feet of light industrial space.

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

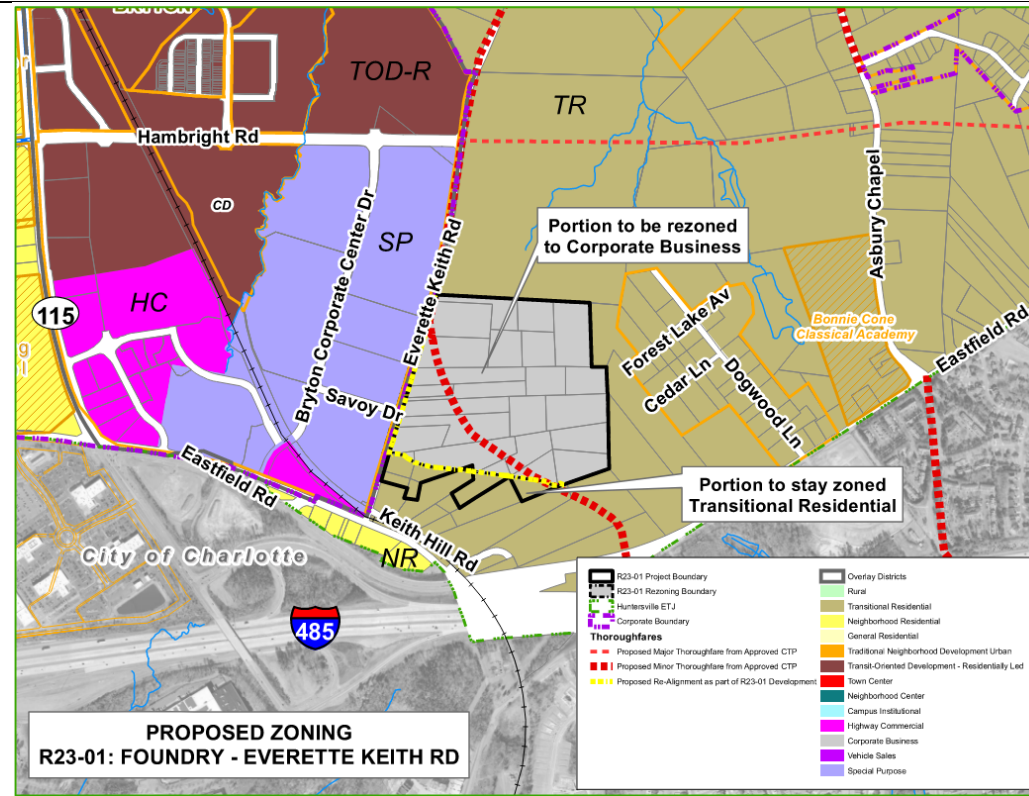
N/A

ATTACHMENTS:

1. R23-01 Public Hearing Staff Report (7-17-23)
2. Attachment A - General Application
3. Attachment B - Foundry - Everette Keith Road CD Rezoning Plan
4. Attachment C - Community Meeting Report (5-24-23)

Petition R23-01 Foundry – Everett Keith Road Conditional District

PART 1: PROJECT SUMMARY



Applicant: Foundry Commercial, LLC.

Property Owner: Various (see Attachment A).

Property Address: 11226 Everett Keith Road

Project Size: (+/-) 63.91-acres
(ONLY 59.66 -acres to be rezoned)

Parcel Number(s):

01915102, 01915103, 01915104, 01915107, 01915121, 01915122, 01915123, 01915124, 01915125, 01915126, 01915127, 01915131, 01915132, 01915134, 01915136, 01915137, 01915138, 01915142, 01915143, 01915144, 01915145, 01915146, portion of 01915105, 01915133 & 01915117.

Current Zoning: Transitional Residential (TR).

Current Land Use: Large-lot, Single-Family Homes & vacant.

Proposed Zoning: Corporate Business —Conditional District (CB-CD).

Proposed Land Use:
750,000 sq. ft. (max.) of manufacturing, warehouse & office.

TR – Transitional Residential
SP – Special Purpose
HC – Highway Commercial
NR – Neighborhood Residential
TOD-R – Transit-Oriented Development - Residential

- Purpose: Of the 64-acres within the project boundary, only 59.66-acres are proposed to be rezoned from Transitional Residential (TR) to Corporate Business - Conditional District (CB-CD), the remaining acreage is to stay Transitional Residential (TR) (see map above). The proposed rezoning is to build 750,000 square feet of light manufacturing, warehouse and office space in 2 – 3 buildings located east of Everett Keith Road and south of Hambright Road. If the proposed rezoning is approved, a Subdivision Sketch Plan will be reviewed by staff for compliance. [NOTE: This petition was submitted in December of 2022 and was on track for an April public hearing, however, CRTPO review was required for the proposed thoroughfare re-alignment, therefore the timeline was extended. The original alignment is shown in red on the above map. The proposed alignment is shown in yellow.]

2. Adjoining Zoning and Land Uses.

North: Transitional Residential (TR) – vacant.

South: Transitional Residential (TR) – large-lot, single-family homes & vacant.

East: Transitional Residential (TR) – electrical substation, large-lot, single-family homes and vacant.

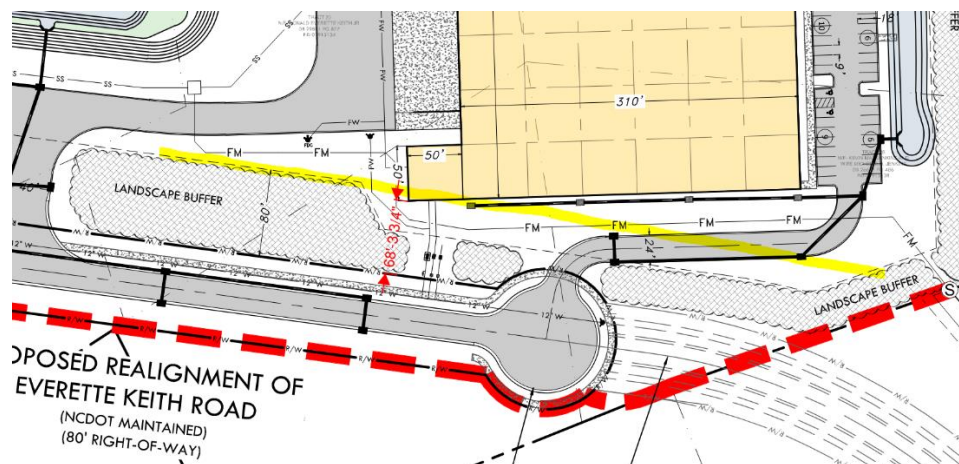
West: Special Purpose (SP) – Light manufacturing (Bryton).

3. One Community Meeting was held on Wednesday, May 24, 2023, at the Huntersville Recreation Center on Verhoeff Drive. A Summary of the meeting is included in Attachment C.
4. Notice for this rezoning petition was given via postcards sent to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property in two (2) locations.

PART 2: REZONING/SITE PLAN ISSUES

This proposed Foundry – Everett Keith Conditional District Rezoning is generally compliant with the Zoning Ordinance and Subdivision Regulations, with significant elements as follows:

- Principal use to be 750,000 square feet of light manufacturing/warehouse/office space.
- The re-alignment and construction of (a portion) of Everett Keith Road (per TIA and NCDOT requirements).
- The proposed buildings and associated parking will be located behind a 40 - 80 ft. wide landscaped buffer parallel to Everett Keith Road.
- The addition of two (2) Urban Open Spaces (plaza & nature trail) on site. The plaza space shown is not located to serve the entire development. Additional recommended spaces are recommended. The nature trail appears to be located within a stream buffer. Will this trail be constructed in an approvable manner (i.e. boardwalks, etc.)?
- The landscape buffer along Everett Keith Road nearest the cul-de-sac is not consistent across the frontage of the property and must be revised (see yellow line below).



The applicant requests the following nine (9) modifications to Ordinance requirements (see CD Rezoning Plan Sheet RZ 4.0. Per highlights below, five out of the nine modifications are not needed.

- a) “Change from Article 7.5.3., which requires an 80-foot-wide buffer, to allow a 40-foot buffer along the northern and eastern boundaries of the property, as shown on the plan. An alternative buffer yard plan that includes a planted landscaped berm shall be provided for the northern and eastern buffers.”

STAFF COMMENT: The request to reduce the buffer along the eastern boundary can be supported, as the 40 feet, in conjunction with the adjacent property owned by Duke Energy will create a substantial transition area. The request to reduce the buffer along the northern boundary is **not supported**, as there is development potential on the adjacent parcel and it is zoned TR, which is residential. An appropriate buffer is needed in this location.

- b) “Change from Article 7.5.8., which requires all buffer yards to remain undisturbed with certain exceptions. Grading shall be allowed in the buffer yards as shown on the Rezoning Plan.”
STAFF COMMENT: Staff can support this modification, as the site is generally clear of trees. Particularly along Everette Keith Road, there is not adequate buffer vegetation. This area is best served by installing new vegetation. There are some areas of trees along the north and east side and those areas should be reviewed for opportunities to save some existing, but the remainder may be re-planted.
- c) “Modification that permits Applicant to ~~decrease or~~ increase the number of buildings to three buildings so long as (i) the building or buildings meet the applicable requirements of the Ordinance, (ii) the amount of impervious coverage and the extent of encroachments into property setbacks and buffers, although not in the specific location shown on the Rezoning Plan, are consistent with the amount of impervious coverage and the encroachment area shown on the Rezoning Plan, and (iii) the square footage does not exceed the footage in the TIA.”
STAFF COMMENT: **No modification needed.** This can be a condition on the rezoning plan.
- d) “Change that allows Planning Staff to approve a multi-building subdivision sketch and site plan in accordance with sub-paragraph c, hereof.”
STAFF COMMENT: Staff has authority to approve subdivisions, **this modification is not needed.**
- e) “Everette Keith Road shall be generally realigned as shown on the Rezoning Plan. Minor changes to the realignment and minor block length variations from the Ordinance may be approved administratively pursuant the TIA and Town and NCDOT approval.”
STAFF COMMENT: **This modification is not needed.** The Charlotte Regional Transportation Planning Organization (CRTPO) has policies governing revisions to the thoroughfare plan. This rezoning plan proposes to “enter and exit” the impacted properties, as currently shown on the adopted thoroughfare plan. The only change is the route the thoroughfare takes through the new development from entry to exit points. If the Town rezones the development and adopts this alignment as part of the rezoning plan, CRTPO will update their thoroughfare plans accordingly.
- f) “No stub street connections are required along the boundaries of the property, except as shown on the Rezoning Plan, due to incompatible uses of adjacent property.”
STAFF COMMENT: Staff and the applicant are continuing to discuss connectivity options.
- g) “To the extent required, block length waivers are permitted as shown in the block chart and on the Rezoning Plan.”
STAFF COMMENT: The measurement used for Everette Keith Road’s block length does not appear to be correct – Staff and the Applicant continue to work on this item.
- h) “The portion of Everette Keith Road beyond the southwest boundary line of the property is not required to be completed as a part of the project.”
STAFF COMMENT: **This modification is not needed.** The referenced portion of Everette Keith Road is not within the project or rezoning boundaries and is not needed to provide access.
- i) “Final recorded easements for utility connections over adjacent property may be recorded at any time prior to construction plan approval.”
STAFF COMMENT: **This modification is not needed.** Easements may be recorded at anytime – subject to easement plat requirements.

PART 3: TRANSPORTATION ISSUES

A TIA for the development was submitted on June 7, 2023, with comments to the applicant provided on June 29, 2023. The TIA is acceptable as submitted. The following improvements are recommended in the TIA as the responsibility of the developer (also see diagram below):

- Eastfield Road at Bryton Corporate Center Drive
 - Construct a second southbound left-turn lane on Bryton Corporate Center Drive with 300 feet of storage. The southbound, Bryton Corporate Center Drive approach would then have a dedicated right-turn lane and dual left-turn lanes with 300 feet of storage.
 - Construct an eastbound left-turn lane extension on Eastfield Road where storage would be extended to 575 feet.
- Everette Keith Road at Site Access 1, 2, 3, and 4
 - Site Accesses 1, 2, 3, and 4 to each have an internal protected stem of 100 feet.

The TIA assumes that the following road improvements will be constructed by other private development when this development is constructed. The timing of those improvements is not guaranteed, as they are not publicly funded projects. It is recommended that these improvements then become the responsibility of this development if they are not completed before construction of this development.

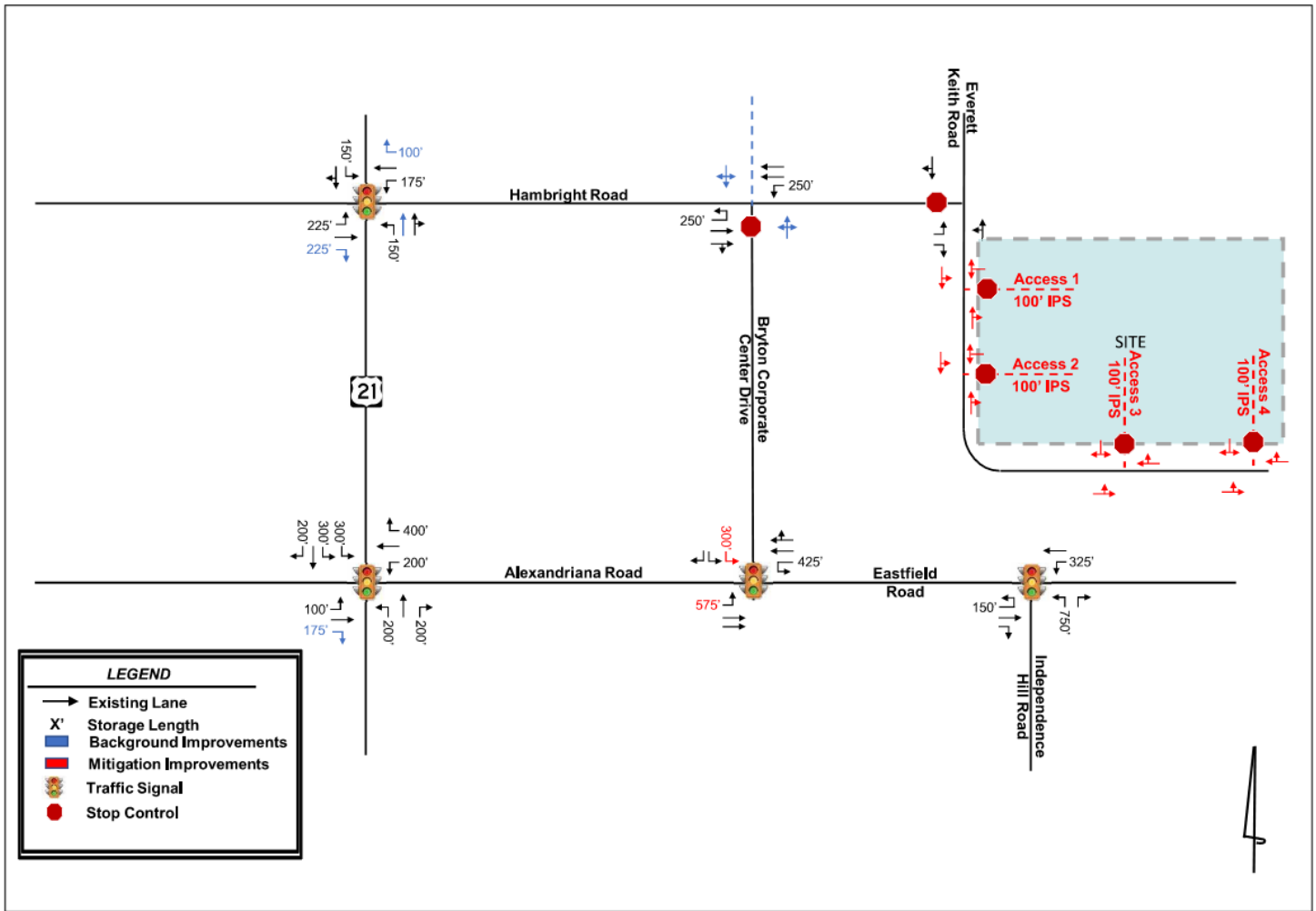
The assumed improvements include:

Statesville Road (US21) at Hambright Road

- Construct a second northbound through lane on Statesville Road with adequate receiving lane.
- Construct a westbound right-turn lane on Hambright Road with 100 feet of storage.
- Construct an eastbound right-turn lane on Hambright Road with 225 feet of storage.

Additional transportation comments:

- Roundabout to be designed to accommodate WB-67 design vehicle.
- 100 ft. internal protected stem lengths not provided at 2 of the 3 site driveways (site layout will need to be altered to provide required stem length).
- Future alignment shown on Sheet RZ3.1 does not properly align with existing intersection and Independence Hill Rd. This future alignment must be shown with appropriate radius and alignment per NCDOT design standards to ensure the connection to the proposed Everette Keith Rd realignment (to be built by developer) is feasible.



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”.

The 2040 Huntersville Community Plan **could support** this project through the following sections:

- **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.
 - LU 5.2: Continue to require a Traffic Impact Analysis for developments that exceed a traffic generation threshold to promote development concurrent with transportation improvements town-wide.

STAFF COMMENT: A traffic impact analysis (TIA) was required and it is summarized in Part 3 of this report. This development is located in close proximity to both Interstate 77 and Interstate 485. Those major corridors, as well as the other major thoroughfares nearby provide varied access to the site. It should be noted that Everett Keith Road will not connect to Eastfield Road, which would provide greater access and distribution of trips to and from the site.

- **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 defined Employment Centers some flexibility in the form-based design principles is allowed, including:
 - Expanded options for frontages including buildings fronting the street or buffered from major or minor thoroughfares.
 - Exceptions to building frontage requirements and public street requirements may be allowable for internal streets in an industrial park or near interstates

STAFF COMMENT: If the Town Board determines to extend the employment center, the proposed site plan will meet all building frontage requirements.

- **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 for employees.

STAFF COMMENT: This site, located to the east of Bryton, is located adjacent to a mix of uses (light manufacturing, retail, restaurants and various residential) and provides walkable access to these uses. The transportation network was previously mentioned and there are recreational amenities nearby, as well. It should be noted that the Town currently has a commercial and industrial tax base that makes up approximately 22% of total property taxes. The 2040 Community Plan indicates that “the Town is actively recruiting businesses to broaden and diversify the tax base” (2040 Community Plan, page 71).

- **Policy T-3: Improve connectivity throughout the study area.**
 - T 3.1: Continue to enhance street connectivity by requiring connections among different uses.
 - Continue to require street connectivity among residential, commercial, employment, recreational and institutional uses.
 - Street connectivity should be emphasized during the review of all development proposals for consistency with the proposed street map and the Zoning Ordinance.
 - Context-sensitive street design should be applied

STAFF COMMENT: The extension of Everette Keith Road will provide enhanced transportation access and provide a multi-modal, 10 ft. side path to provide bicycle and pedestrian access, as well. The project does not provide public street stubs to the north and east. There is a proposed public access easement to connect Forest Lake Avenue to the new section of Everette Keith Road, however, access easements have not been used for this type of connectivity before. This is not recommended. Staff and the Applicant continue to discuss this item.

- **Policy T-5: Facilitate multimodal transportation.**
 - T 5.1: Design street improvements with considerations for the surrounding context and various users.

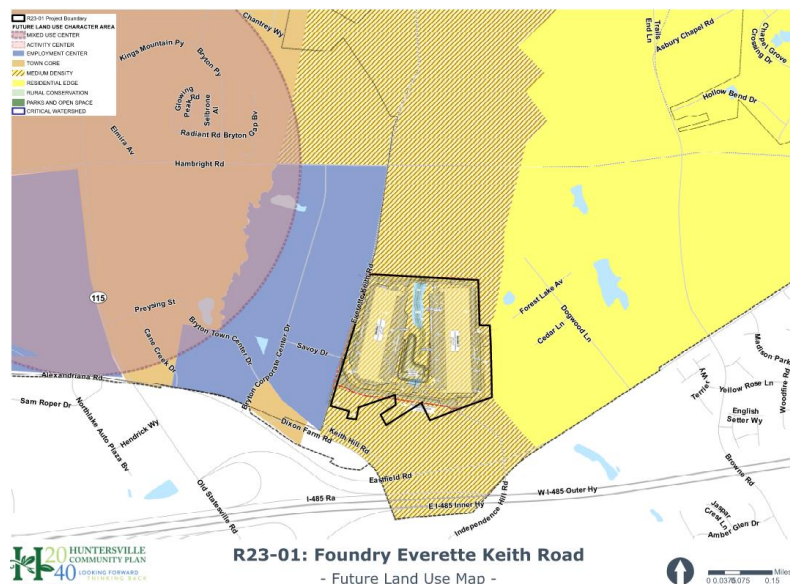
STAFF COMMENT: No new streets within the development are proposed except for the extension of Everette Keith Road – which will have a 10 ft. wide side path on the east side to provide pedestrian and bicycle accommodation.

The 2040 Huntersville Community Plan **does not support** this project through the following sections:

- **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: The Town of Huntersville 2040 Community Plan (see Future Land Use Map, below) calls for this area to be “moderate density”, which is meant to accommodate a mix of conventional residential subdivisions with larger lots and traditional neighborhood development with a mix of lots sizes...”. Therefore, this request is not consistent with the 2040 Community Plan. However, across Everett Keith Road to the west is an Employment Center area (zoned Special Purpose (SP)) that is part of the Bryton Mixed-Use Center. If the Town viewed expansion of the Employment Center as appropriate in this location (i.e. to the Duke Energy properties, as a limiter), the Corporate Business zone could be consistent. It should be noted that while the overall square footage will more than likely be utilized by numerous users, the mix of uses will be limited to light industrial, warehouse and office, which is not the mix encouraged by the 2040 Community Plan. This area was also addressed in the Eastfield Road Small Area Plan (SAP), which is discussed later in this section.



Employment Center

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



Moderate Density

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

Policy LU-11: Protect Existing Housing Stock.

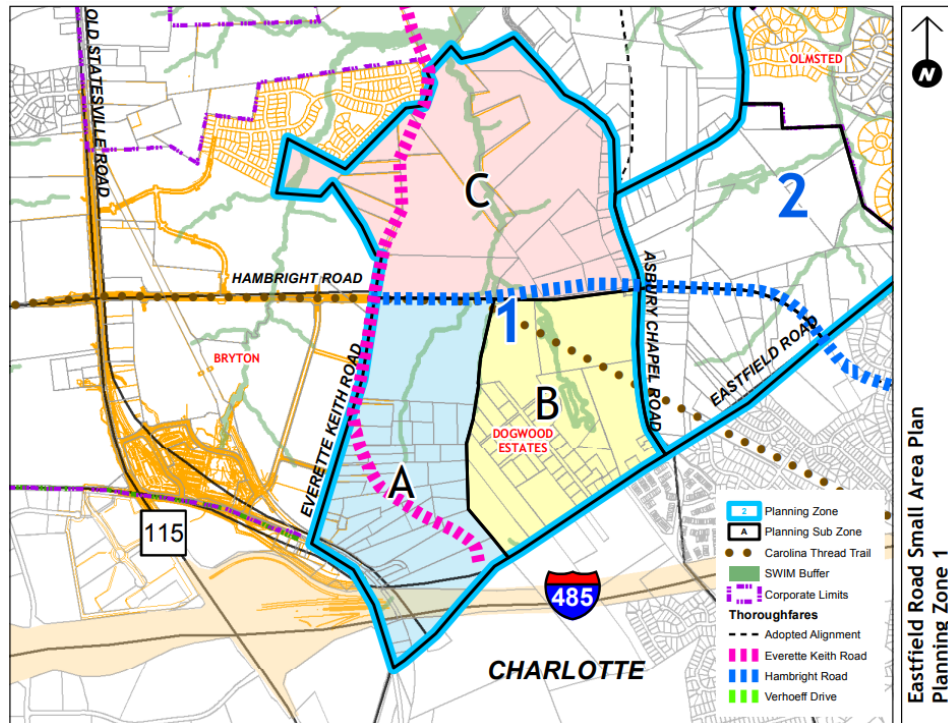
- LU 11.2: Along existing streets, encourage new buildings to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

STAFF COMMENT: The proposed buildings are out of scale with the homes south of Everett Keith Road. The project does propose establishing a visual buffer along the north side of Everett Keith Road. Approval of this rezoning may encourage changes in land use south of Everett Keith Road.

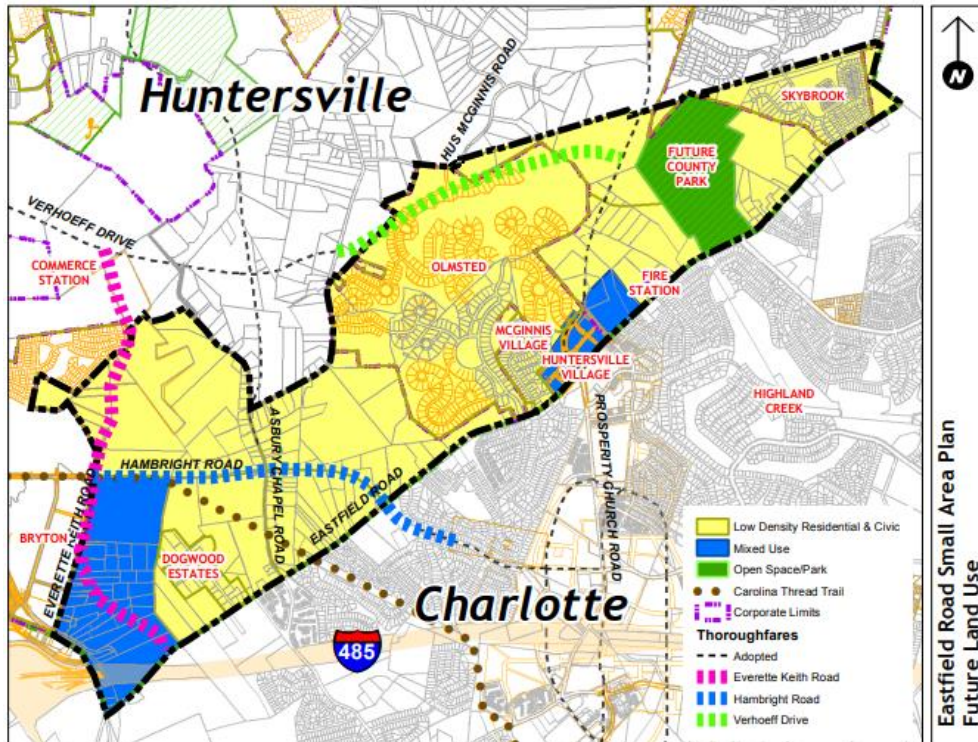
The **Eastfield Road Small Area Plan (SAP)** (adopted 2014) addresses this request as follows:

The proposed Foundry – Everett Keith Road development is located in “Planning Zone 1 - A” of the plan (shown in light blue, below) which states that east of Everett Keith Road and south of the proposed Hambricht Road alignment, office, light industry and multi-family, with limited commercial/retail to support the primary office and light industrial uses, are recommended”.

STAFF COMMENT: The Small Area Plan supports a mix of uses on this property, with the most intense uses located along the thoroughfare. The Small Area Plan indicates the need to provide “appropriate transitions between the existing Dogwood Estates neighborhood and more intensive proposed office/industrial uses to the west”.



The Eastfield Road Small Area Plan Future Land Use Map (shown below) indicates the area of the Foundry – Everett Keith Road development is designated as “mixed-use” (see dark blue area).



Recommendations of the Eastfield Road Small Area Plan for Everette Keith Road:

- **Everette Keith Road is an existing state maintained two-lane road which is proposed to be realigned and extended from Eastfield Road (at intersection with Independence Hill Road) to Verhoeff Drive (see dotted-pink line on above map). While the CTP designates Everette Keith Road as a minor thoroughfare, public funding of improvements to this road (i.e. extension and realignment) are not currently programmed and therefore, improvements are only likely to be made as a result of private funding in conjunction with future development. The proposed new alignment for Everette Keith Road is intended to provide an additional north/south access route east of NC 115. However, the ultimate location of this road may be modified to accommodate and maximize development potential in the area that it will serve.**

STAFF COMMENT: The proposed re-alignment of Everette Keith Road is permitted within the Small Area Plan. It is further suggested that the linkage between existing Everette Keith Road and Eastfield Road will need to be provided by private investment. The transportation improvement package is being discussed by the applicant and Town Staff.

- **Protect right-of-way for approved thoroughfare alignment, through the subdivision/rezoning process.**
- **For future subdivision development adjoining proposed thoroughfare alignment, require reservation/dedication/construction of thoroughfare as required to serve proposed development (page 37).**

STAFF COMMENT: All required right-of-way for the expanded Everette Keith Road thoroughfare will be provided.

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 Foundry – Everette Keith Road - Conditional District Rezoning could be supported by the 2040 Community Plan if it is determined that the expansion of “Employment Center” development east of Everette Keith Road is an appropriate use. Support is clearer with the Eastfield Road Small Area Plan, as the proposed use is identified as a possible future use (see page 8 of this report). While the mass and scale of the buildings do not represent preferred transitions from an Employment Center to the adjoining “moderate density/residential edge” land uses that are called for, Staff can recommend approval of the plan if appropriate buffers are provided to the north and east, and the mass of Building 2 is broken-up by utilizing the “three building option”. Appropriate transitions are key to approval of development at this level of intensity. The Small Area Plan recommends to “maintain the approved development pattern within” the project. Therefore, the key question is whether the expansion of the Mixed-Use Center boundaries, to this degree, is supported by the Huntersville 2040 Community Plan and the Eastfield Road Small Area Plan.

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

STAFF COMMENT:

- A Transportation Impact Analysis was required for this rezoning – see Part 3 of this report.
- A Willingness-to-serve letter from Charlotte Water was issued by Charlotte Water on 12-6-21, however, this letter is not current and must be updated.
- A Conceptual Storm Water Drainage Plan (PCO-1) is under review and must be approved by staff.

- The CD Rezoning Plan was not sent to Charlotte-Mecklenburg School (CMS) for consideration, as no residential units are proposed within this development.

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

STAFF COMMENT:

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

PART 5: STAFF RECOMMENDATION

The Foundry – Everette Keith Road Conditional District Rezoning Plan from TR to CB-CD could be supported by staff for the reasons outlined in Part 5 of this report, and with the following conditions:

- Staff CAN SUPPORT a portion of modification “a” – (reduce buffers). Reduction of buffer along east side is ok. The buffer along the north should not be reduced nor should the 80’ buffer along the extension of Everette Keith Road..
- Staff CAN SUPPORT modification “b” as requested (allow disturbed buffers).
- Staff CAN SUPPORT modification “c” as requested (number of buildings). As long as the rezoning plan and TIA-supported square footage is not exceeded and all other Ordinance requirements are met, there is no issue with this request.
- Modification “d” is not needed.
- Modification “e” is not needed.
- Modification “f” (street stubs) is still being discussed by Town Staff and the Applicant.
- Modification “g” (block length) is still being discussed by Town Staff and the Applicant.
- Modification “h” is not needed.
- Modification “i” is not needed.
- Clarification required for how remnant parcels are being handled south of the proposed thoroughfare (outside of the proposed rezoning).
- The 80-ft. buffer along Everette Keith Road near the cul-de-sac is not complete and must be extended the full frontage of the development.
- Clarify if the nature trail shown in the stream buffer will be constructed to accommodate the stream or be relocated outside the buffer.
- Provide 10 ft side paths along Everette Keith Road along their frontage.
- Notes on Sheet RZ4.0 to be discussed with Staff.
- Tree save and tree mitigation to be discussed with Staff.
- Provide a current Willingness to Serve letter from Charlotte Water;
- All outstanding redline comments must be addressed.
- RECOMMEND – urban open spaces (plazas) should be better distributed throughout the development.
- RECOMMEND – the extension (full construction) of Everette Keith Road to connect with Eastfield Road.

PART 6: PUBLIC HEARING COMMENTS

Public Hearing scheduled for Monday, July 17, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board scheduled to review on July 25, 2023.

PART 8: SCHEDULED FINAL TOWN BOARD ACTION

Final Action scheduled for August 21, 2023.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A – General Application (Rezoning).
- B – Foundry – Everette Keith Road CD Rezoning Plan.
- C - Community Meeting Report from May 24, 2023.

PART 10: CONSISTENCY STATEMENT - R 23-01 Foundry – Everette Keith Road Conditional District Rezoning.

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning application R23-01; Foundry – Everette Keith Road Conditional District Rezoning, if Town Board extends the Employment Center designation to this property, Town Staff COULD RECOMMEND APPROVAL of the rezoning as it is consistent with Implementation Goals LU-5, LU-7, EV-1, T-3 & T-5 of the 2040 Community Plan, as well as the Recommended future land uses for Planning Zone 1 of the Eastfield Road SAP. Recommendation of approval is also based on <u>all conditions outlined in Part 5 being addressed, as indicated.</u> <u>With those conditions, it is reasonable and in the public interest to extend the Employment Center designation and rezone these 59.66-acres from Transitional Residential (TR) to Corporate Business – Conditional District (CB-CD) BECAUSE it would then be consistent with the 2040 Community Plan. The request is already consistent with the Eastfield Road SAP (as outlined above) and the applicable provisions of the Zoning Ordinance can be adequately addressed, with staff's recommendations in Part 5 of this report.</u>	APPROVAL: In considering the proposed rezoning application R23-01; Foundry – Everette Keith Road CD Rezoning, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u> <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	APPROVAL: In considering the proposed rezoning application R23-01; Foundry – Everette Keith Road CD Rezoning, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference).</u> <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
	DENIAL: In considering the proposed rezoning application R23-01; Foundry – Everette Keith Road CD Rezoning, the Planning Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	DENIAL: In considering the proposed rezoning application R23-01; Foundry – Everette Keith Road CD Rezoning, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



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 12/27/22

Name of Project Eastfield Industrial Phase # (if subdivision) _____

Project Address Everette Keith Road, Huntersville

Parcel Identification Number(s) (PIN) See Attached

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

Property Size (acres) 59.66 acres Street Frontage (feet) see Rezoning Plan

Current Land Use Residential

Proposed Land Use(s) Corporate Business, including those uses shown on the Rezoning Plan

Is the project within Huntersville's corporate limits?

Yes _____ 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.

Applicant proposes to develop an industrial project in accordance with the attached Rezoning Plan.

4. Site Plan Submittals

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

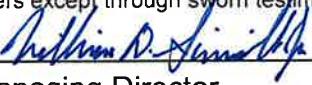
5. Outside Agency Information

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

6. Applicant

Printed Name Foundry Commercial, LLC Phone 704-523-0272
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature  Printed Name: Bill Simerville
Title Managing Director Email bill.simerville@foundrycommercial.com

Address of Applicant 2151 Hawkins St. Suite 1000, Charlotte, NC 28203

7. Property Owner (if different than applicant)

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

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

Signature _____ Printed Name _____
Title _____ Email _____

Address of Property Owner _____

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

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

8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
<u>Oak Engineering</u>	<u>Greg Welsh</u>	<u>704-989-4046</u>	<u>gregatoak@gmail.com</u>
Design Firm	Name of Contact	Phone	Email

Contact Information

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

EASTFIELD INDUSTRIAL JOINDER AND CONSENT LIST

- Nelson Britt Jenkins: 019-151-45
- Laura S. Keistler: 019-151-24
- Richard S. Keith & Angela T. Keith: 019-151-03
- Gypsy F. Keith: 019-151-33 (Portion of. See preliminary plat attached)
- Timothy Neal Keith & Diane J. Keith: 019-151-25
- Edmond Barnette Keith: 019-151-27 & 019-151-42
- Ronald Everette Keith, Jr.: 019-151-36 & 019-151-34 (Portion of. See preliminary plat attached)
- NTC Holdings LLC: 019-151-26
- Barry Gene Shaw & Dana Archer Shaw: 019-151-02
- Nelson H. Jenkins & Patricia Keith-Jenkins: 019-151-37, 019-151-43 & 019-151-21
- Kevin Max Jenkins & Michelle B. Jenkins: 019-151-38
- Furman B. Keith: 019-151-32
- Earl Bryan Jenkins and Sandra Dee Jenkins: 019-151-07
- Cornelison Trust (dated 1/24/2003): 019-151-04
- Joshua Scott Shoun & Bethany Anne Shoun: 019-151-46
- Alan Mark Matthews and Lena M. Matthews: 019-151-31
- Robert Cordell Perry & Jody Perry: 019-151-23
- James Michael Smith & Sandi Hager Smith: 019-151-44
- Furman B. Keith & Barbara A. Keith: 019-151-22
- Earl Max Jenkins: 019-151-17 (Portion of. See preliminary plat attached)

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 10 day of March, 2022, by Shirley P. Cornelison, as Trustee of the CORNELISON TRUST DATED JANUARY 24, 2003 ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everett Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-04 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

Shirley P. Cornelison

Printed Name: Shirley P. Cornelison, Trustee
Address: 2564 Trotters Trail, Cocoa, FL 32926

Date: 11-30-22

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 21 day of Nov., 2022, by Earl Max Jenkins ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-17 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

- **Joinder.** The Owner does, on behalf of themselves and their successors and assigns hereby join in and consent to the Application.
- **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
- **Modification.** The Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
- **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
- **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:



Printed Name: Earl Max Jenkins

Address: 12825 Keith Hill Road, Huntersville, NC 28078

Date: 11-21-2022

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 12th day of July, 2022, by JOSHUA SCOTT SHOUN and BETHANY ANNE SHOUN, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-46 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

Joshua Scott Shoun

Printed Name: JOSHUA SCOTT SHOUN

Address: 11124 Everette Keith Road, Huntersville, NC 28078

Date: 7/12/2022

Bethany A Shoun

Printed Name: BETHANY ANNE SHOUN

Address: 11124 Everette Keith Road, Huntersville, NC 28078

Date: 7/12/2022

JOINDER OF AND CONSENT TO APPLICATION

23rd This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this day of September, 2022, by ALAN MARK MATTHEWS and LENA M. MATTHEWS, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-31 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

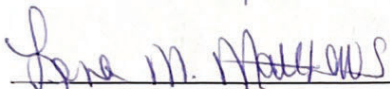
OWNER:



Printed Name: ALAN MARK MATTHEWS

Address: 12921 Keith Hill Road, Huntersville, NC 28078

Date: 9/23/22



Printed Name: LENA M. MATTHEWS

Address: 12921 Keith Hill Road, Huntersville, NC 28078

Date: 9/23/22

JOINDER OF AND CONSENT TO APPLICATION

23rd This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this day of September 2022, by GYPSY F. KEITH, an unmarried widow ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-33 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** The Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

Gypsy Keith

Printed Name: GYPSY F. KEITH

Address: 10926 Everett Keith Road, Huntersville, NC 28078

Date: 9/23/2022

JOINDER OF AND CONSENT TO APPLICATION

20th This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this day of July, 2022, by KEVIN MAX JENKINS and MICHELLE B. JENKINS, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everett Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-38 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. Joinder. The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. Ratification. The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. Modification. Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. Governing Law. This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. Authority. The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

Kevin Max Jenkins
KEVIN MAX JENKINS
Address: 12933 Keith Hill Road, Huntersville, North Carolina 28078
Date: 7/20/2022

Michelle B. Jenkins
MICHELLE B. JENKINS
Address: 12933 Keith Hill Road, Huntersville, North Carolina 28078
Date: 7/20/2022

JOINDER OF AND CONSENT TO APPLICATION

20th This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this day of July, 2022, by EARL BRYAN JENKINS and SANDRA DEE JENKINS, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everett Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 014-151-07 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

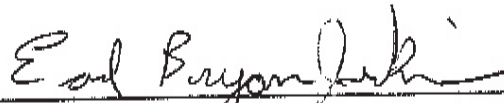
NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

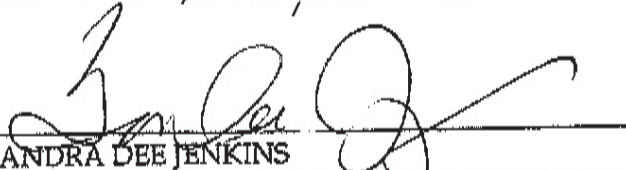
OWNER:



EARL BRYAN JENKINS

Address: 12929 Keith Hill Road, Huntersville, North Carolina 28078

Date: 7/20/22



SANDRA DEE JENKINS

Address: 12929 Keith Hill Road, Huntersville, North Carolina 28078

Date: 7/20/22

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 24 day of Sept, 2022, by FURMAN B. KEITH ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-32 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

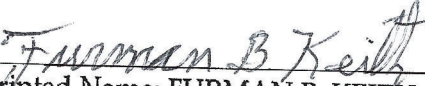
NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:


Printed Name: FURMAN B. KEITH
Address: 11226 Everette Keith Rd., Huntersville, North Carolina 28078
Date: 9-24-22

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 24 day of SEPT, 2022, by FURMAN B. KEITH and BARBARA A. KEITH, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-22 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

Furman B Keith
Printed Name: FURMAN B. KEITH

Address: 11226 Everette Keith Rd., Huntersville, North Carolina 28078

Date: 9-24-12

Barbara A. Keith
Printed Name: BARBARA A. KEITH

Address: 11226 Everette Keith Rd., Huntersville, North Carolina 28078

Date: September 24, 2022

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 24 day of Sept, 2022, by NELSON BRITT JENKINS ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-45 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** The Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

A handwritten signature in cursive script, appearing to read "Nelson Britt Jenkins", is written over a horizontal line.

Printed Name: NELSON BRITT JENKINS

Address: 202 Butch Branch Road, Union Grove, NC 28689

Date: 9/24/22

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 24th day of ~~September~~ 2022, by BARRY GENE SHAW and DANA ARCHER SHAW, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-02 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

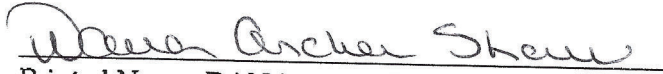
OWNER:



Printed Name: BARRY GENE SHAW

Address: 13225 Mount Holly-Huntersville Road, Huntersville, North Carolina 28078

Date: 9/24/22



Printed Name: DANA ARCHER SHAW

Address: 13225 Mount Holly-Huntersville Road, Huntersville, North Carolina 28078

Date: 9/24/22

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 24 day of SEPT., 2022, by RICHARD S. KEITH and ANGELA T. KEITH, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-03 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

Richard S. Keith - Angela S. Keith POA

Printed Name: RICHARD S. KEITH

Address: 5970 Tall Tree Lane, Harrisburg, NC 28075

Date: 9-24-22

Angela S. Keith

Printed Name: ANGELA T. KEITH

Address: 5970 Tall Tree Lane, Harrisburg, NC 28075

Date: 9-24-22

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 24 day of Sept, 2022, by NELSON H. JENKINS and PATRICIA KEITH-JENKINS, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the properties identified as Parcel Numbers 019-151-37, 019-151-43, and 019-151-21 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

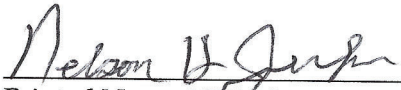
NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** The Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:



Printed Name: NELSON H. JENKINS

Address: 202 Butch Branch Road, Union Grove, NC 28689

Date: 9-24-2022



Printed Name: PATRICIA KEITH-JENKINS

202 Butch Branch Road, Union Grove, NC 28689

Date: Sept. 24, 2022

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 29 day of June, 2022, by TIMOTHY NEAL KEITH and DIANE J. KEITH, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-25 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** The Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:



Printed Name: TIMOTHY NEAL KEITH

Address: 11046 Everett Keith Road, Huntersville, NC 28078

Date: 6/29/22



Printed Name: DIANE J. KEITH

Address: 11046 Everett Keith Road, Huntersville, NC 28078

Date: Diane J Keith 6/29/22

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 5 day of July, 2022, by LAURA S. KEISTLER ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-24 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** The Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

Laura S. Keistler

Printed Name: LAURA S. KEISTLER

Address: 11040 Everett Keith Road, Huntersville, NC 28078

Date: 07-05-22

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 7 day of July, 2022, by NTC HOLDINGS LLC, a Virginia limited liability company ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-26 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

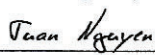
1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** The Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

NTC HOLDINGS LLC, a Virginia limited liability company

DocuSigned by:

By: E4EA95DF5D88422Tuan Nguyen
Title: Manager/Member NTC Holdings LLC
Address: 1307 Charidge Lane, Charlotte, NC 28262
Date: 7/7/2022

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 11 day of July 2022, by ROBERT CORDELL PERRY and JODY PERRY, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-23 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

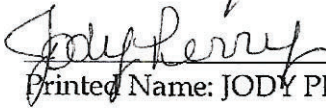
[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:


Printed Name: ROBERT CORDELL PERRY
Address: 11050 Everette Keith Road, Huntersville, NC 28078

Date: 7/11/22


Printed Name: JODY PERRY
Address: 11050 Everette Keith Road, Huntersville, NC 28078

Date: 7/11/22

JOINDER OF AND CONSENT TO APPLICATION

29 This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this day of **SEPT**, 2022, by RONALD EVERETTE KEITH, JR. ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the properties identified as Parcel Numbers 019-151-36 and 019-151-34 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** The Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:



Printed Name: RONALD EVERETTE KEITH, JR.
Address: 108 Condor Court, Woodstock, GA 30188

Date: 9 29 22

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 12 day of July, 2022, by JAMES MICHAEL SMITH and SANDI HAGER SMITH, husband and wife ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the property identified as Parcel Number 019-151-44 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

James M. Smith

Printed Name: JAMES MICHAEL SMITH

Address: 11100 Everette Keith Road, Huntersville, NC 28078

Date: 7-12-2022

Sandi Smith

Printed Name: SANDI HAGER SMITH

Address: 11100 Everette Keith Road, Huntersville, NC 28078

Date: 7-12-2022

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the "Joinder") is executed this 25 day of Sept., 2022, by EDMOND BARNETTE KEITH ("Owner") in connection with that one certain General Application for a Conditional Rezoning ("Application"), for the Everette Keith Road Industrial Development filed, or to be filed, by Foundry Commercial Acquisitions, LLC ("Applicant") in connection with the properties identified as Parcel Numbers 019-151-27 and 019-151-42 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

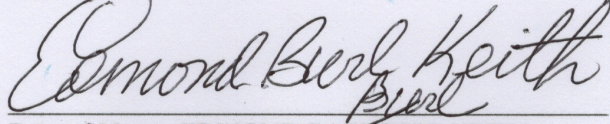
NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** The Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

A handwritten signature in cursive script that reads "Edmond B. Keith". The signature is written in dark ink and is positioned above a horizontal line.

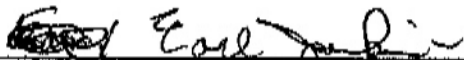
Printed Name: EDMOND BARNETTE KEITH

Address: 41A W. Saddleback Mesa, Santa Fe, NM 87508

Date: 25 Sept 2012

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

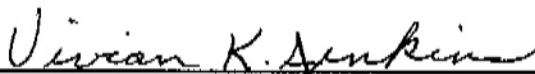
OWNER:



Printed Name: Earl Jenkins

Address: 12825 Keith Hill Road, Huntersville, NC 28078

Date: 1-20-23



Printed Name: Vivian K Jenkins

Address: 12825 Keith Hill Road, Huntersville, NC 28078

Date: 1-20-23

LEGEND

- ▲

CALCULATED POINT
- AXF ■

AXLE FOUND
- RBF ●

IRON REBAR FOUND
- PROPERTY LINE
- - -

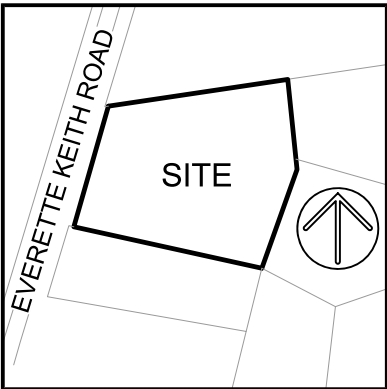
ADJOINING PROPERTY LINE

NOTES

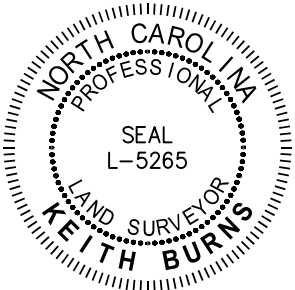
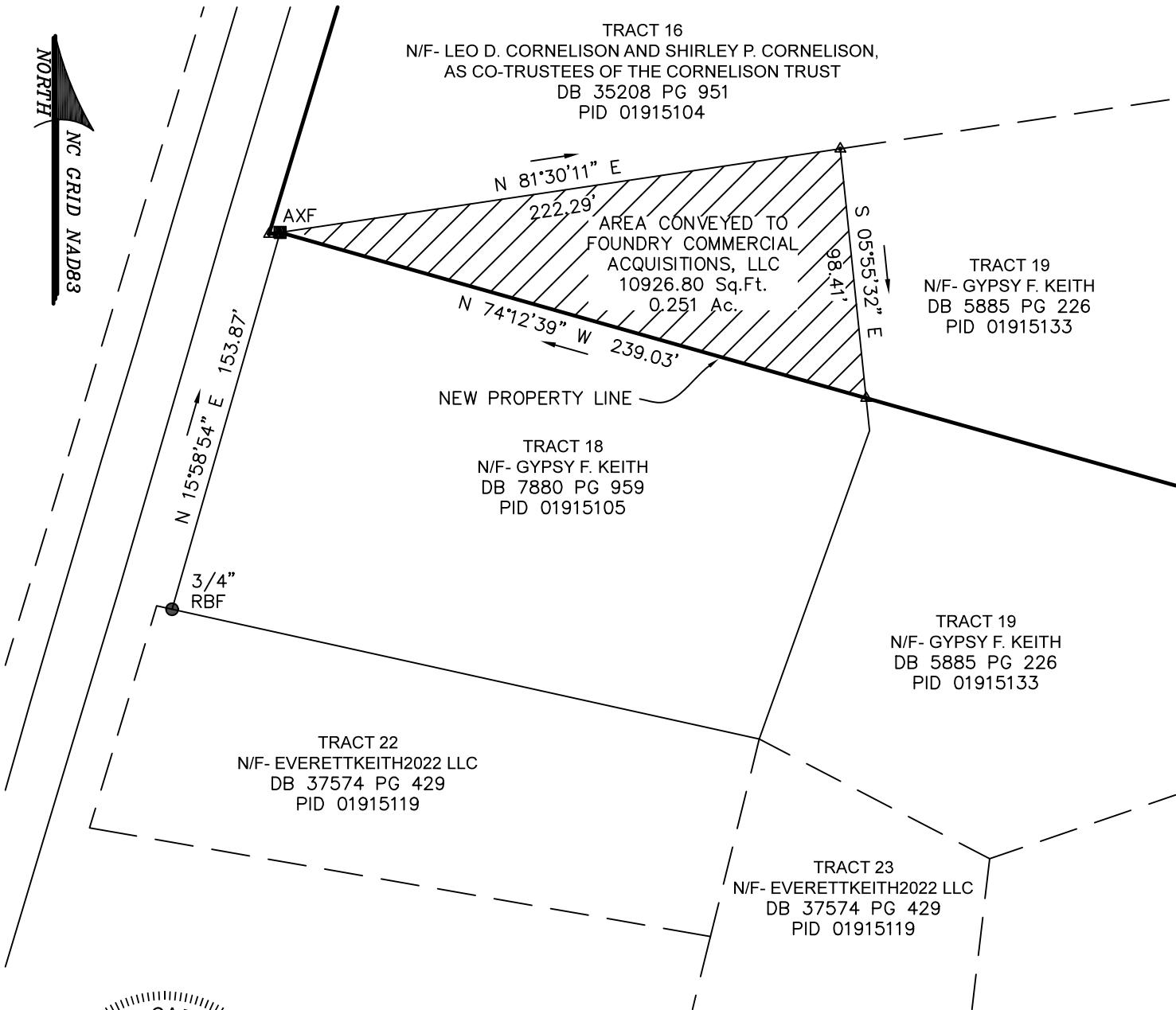
1. COORDINATES ARE BASED ON NC GRID NAD 83(2011).
2. PROPERTY IS SUBJECT TO ALL RECORDED OR UNRECORDED EASEMENTS, RIGHTS OF WAY AND ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.

REFERENCES

1. DB 5885 PG 226
2. DB 7880 PG 959



VICINITY MAP NOT TO SCALE



GRAPHIC SCALE

A LAND SWAP EXHIBIT PREPARED FOR:
**FOUNDRY COMMERCIAL
ACQUISITIONS, LLC**

PID: 01915105

MALLARD CREEK TOWNSHIP
MECKLENBURG COUNTY, NORTH CAROLINA

FIELD WORK:

FIELD CHECK:

DRAWN BY:

DATE:

SCALE:

PROJECT No.:

FILE:

JHR

RKB

RM

01-18-2023

1"=60'

CLT-22131

CLT-22131 LAND SWAP.DWG

**ATLAS
SURVEYING, INC.**

ATLAS SURVEYING CLT, P.C. No. C-4370
13331 YORK CENTER DRIVE, SUITE E
CHARLOTTE, NC 28273
PHONE: (980) 949-8475
WEBSITE: WWW.ATLASSURVEYING.COM

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. (G.S.47-30(N))

FOR REVIEW ONLY

KEITH BURNS P.L.S. No. L-5265

LEGEND

- 

CALCULATED POINT
- 

IPF IRON PIPE FOUND
- 

RBF IRON REBAR FOUND
- 

PROPERTY LINE
- 

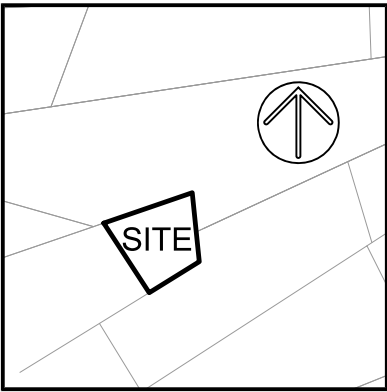
ADJOINING PROPERTY LINE

NOTES

1. COORDINATES ARE BASED ON NC GRID NAD 83(2011).
2. PROPERTY IS SUBJECT TO ALL RECORDED OR UNRECORDED EASEMENTS, RIGHTS OF WAY AND ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.

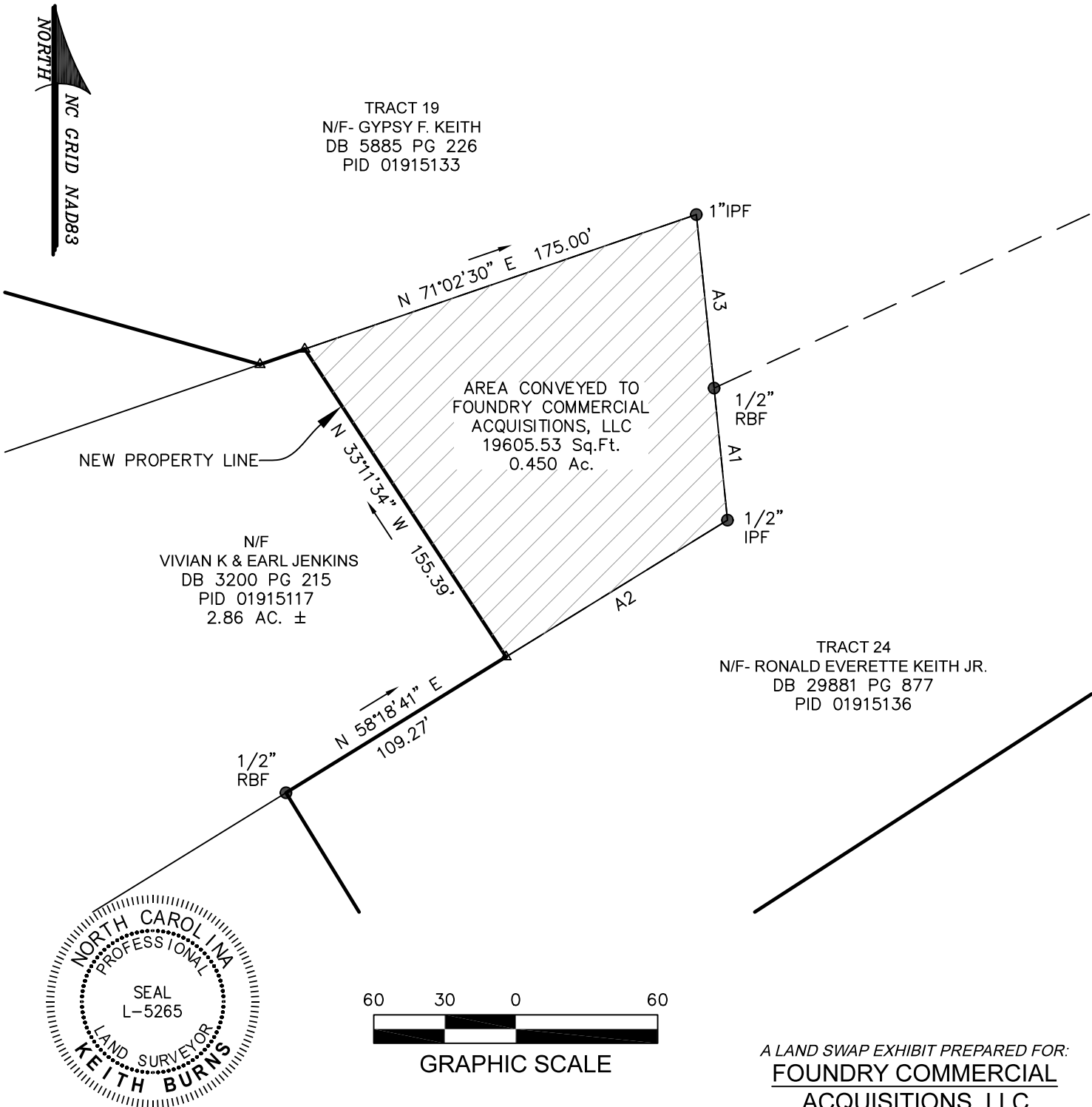
REFERENCES

1. DB 5885 PG 226
2. DB 3200 PG 215
3. DB 29881 PG 877



VICINITY MAP NOT TO SCALE

LINE TABLE		
LABEL	BEARING	DISTANCE
A1	S 05°46'15" E	56.07'
A2	S 58°18'41" W	110.00'
A3	S 05°51'41" E	73.71'



A LAND SWAP EXHIBIT PREPARED FOR:
**FOUNDRY COMMERCIAL
ACQUISITIONS, LLC**

PID: 01915117

MALLARD CREEK TOWNSHIP
MECKLENBURG COUNTY, NORTH CAROLINA

FIELD WORK:

FIELD CHECK:

DRAWN BY:

DATE:

SCALE:

PROJECT No.:

FILE:

JHR

RKB

RM

01-18-2023

1"=150'

CLT-22131

CLT-22131 LAND SWAP.DWG

ATLAS

SURVEYING, INC.

ATLAS SURVEYING CLT, P.C. No. C-4370

13331 YORK CENTER DRIVE, SUITE E

CHARLOTTE, NC 28273

PHONE: (980) 949-8475

WEBSITE: WWW.ATLASSURVEYING.COM

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. (G.S.47-30(N))

FOR REVIEW ONLY

KEITH BURNS P.L.S. No. L-5265

LEGEND

- ▲

CALCULATED POINT
- IPF ●

IRON PIPE FOUND
- RBF ●

IRON REBAR FOUND
- PROPERTY LINE
- - -

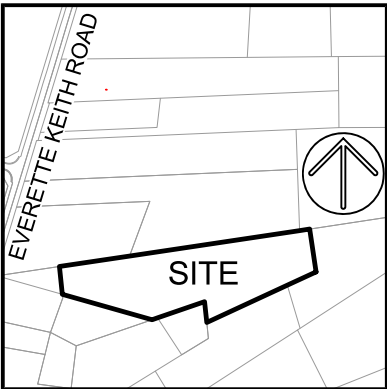
ADJOINING PROPERTY LINE

NOTES

1. COORDINATES ARE BASED ON NC GRID NAD83(2011).
2. PROPERTY IS SUBJECT TO ALL RECORDED OR UNRECORDED EASEMENTS, RIGHTS OF WAY AND ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.

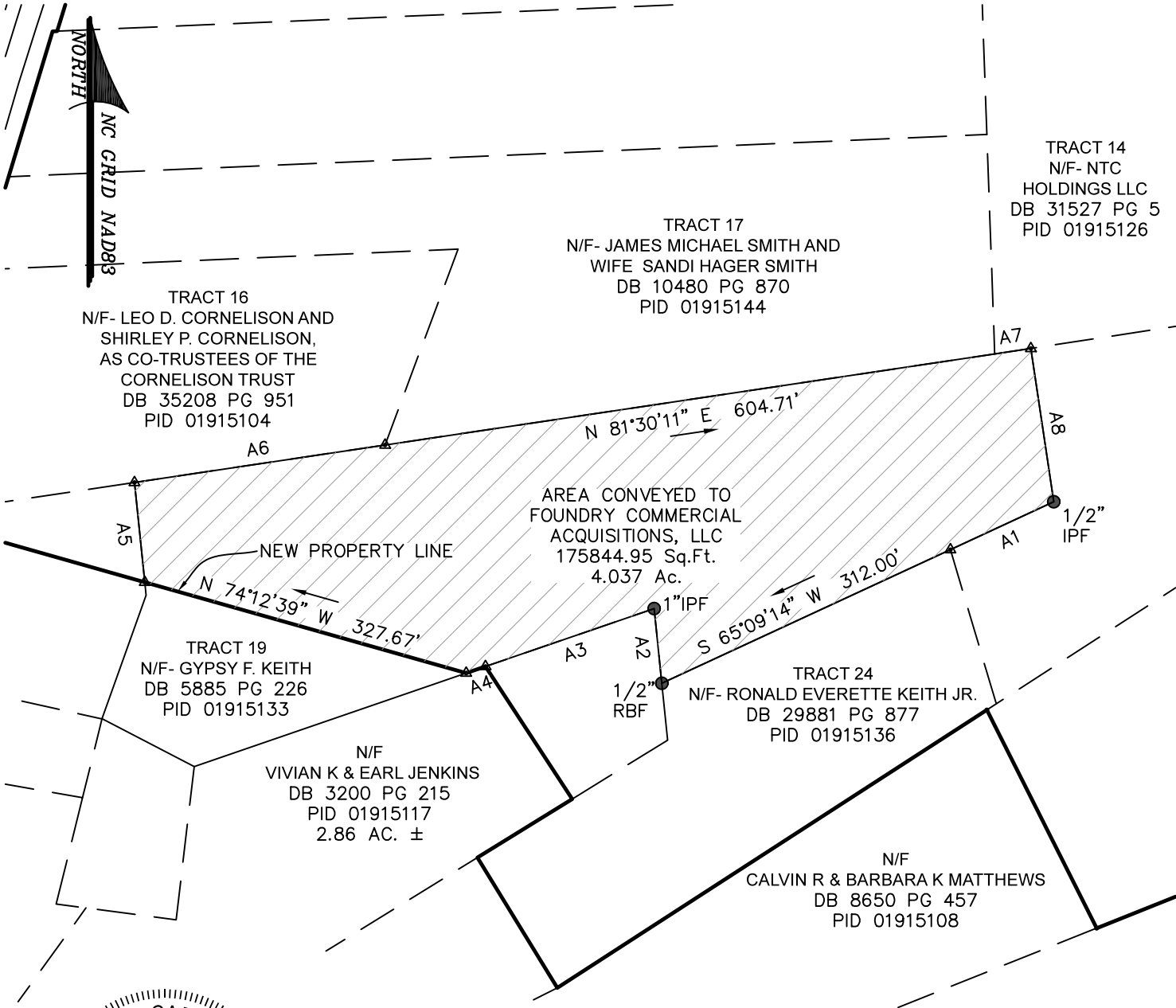
REFERENCES

1. DB 5885 PG 226
2. DB 35208 PG 951
3. DB 10480 PG 870
4. DB 29881 PG 877
5. DB 31527 PG 5



VICINITY MAP NOT TO SCALE

LINE TABLE		
LABEL	BEARING	DISTANCE
A1	S 65°08'11" W	111.78'
A2	N 05°51'41" W	73.71'
A3	S 71°02'30" W	175.00'
A4	S 71°02'30" W	20.00'
A5	N 05°55'32" W	98.41'
A6	N 81°30'11" E	248.65'
A7	N 81°19'54" E	35.91'
A8	S 08°29'45" E	152.08'



GRAPHIC SCALE

A LAND SWAP EXHIBIT PREPARED FOR:
FOUNDRY COMMERCIAL ACQUISITIONS, LLC

PID: 01915133

MALLARD CREEK TOWNSHIP
MECKLENBURG COUNTY, NORTH CAROLINA

FIELD WORK: JHR

FIELD CHECK: RKB

DRAWN BY: RM

DATE: 01-18-2023

SCALE: 1"=150'

PROJECT No.: CLT-22131

FILE: CLT-22131 LAND SWAP.DWG

ATLAS SURVEYING, INC.

ATLAS SURVEYING CLT, P.C. No. C-4370
13331 YORK CENTER DRIVE, SUITE E
CHARLOTTE, NC 28273
PHONE: (980) 949-8475
WEBSITE: WWW.ATLASSURVEYING.COM

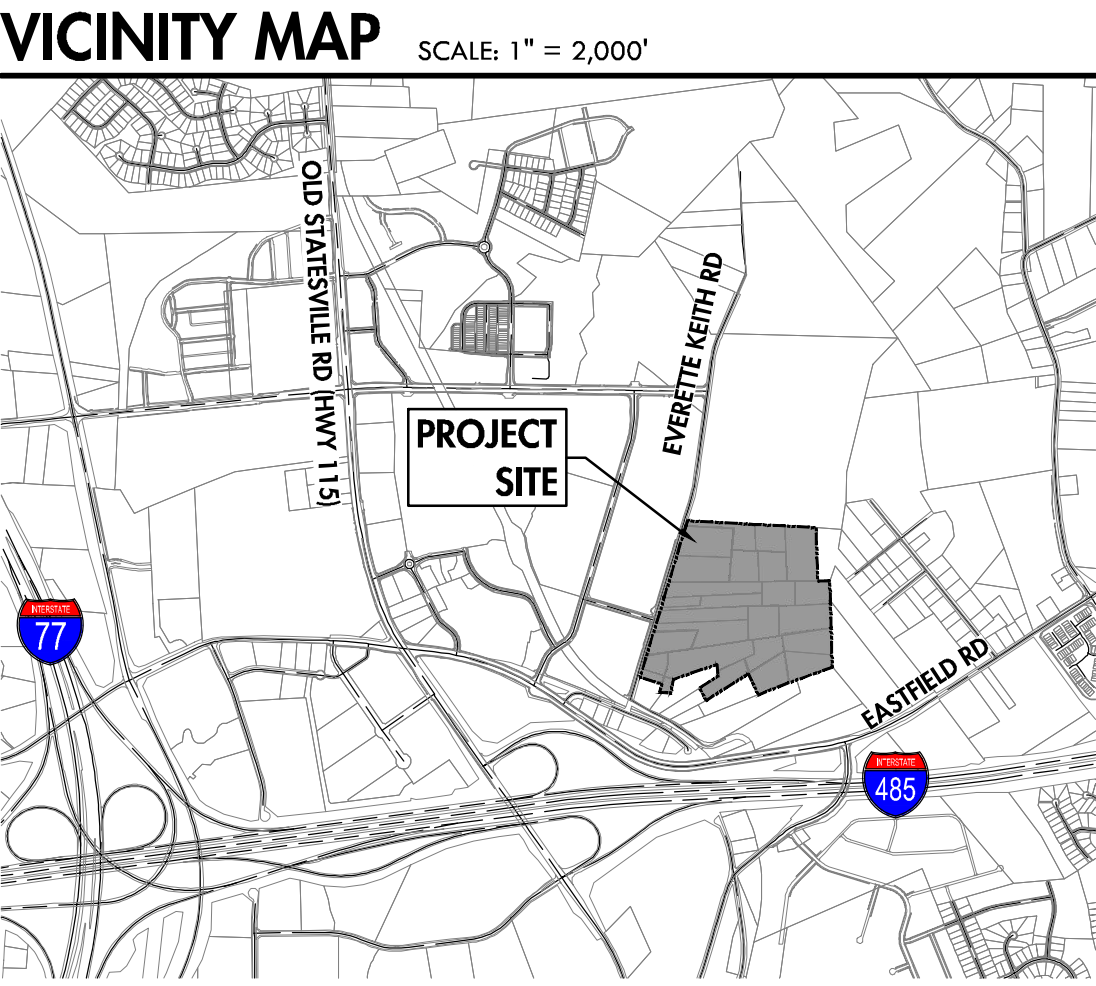
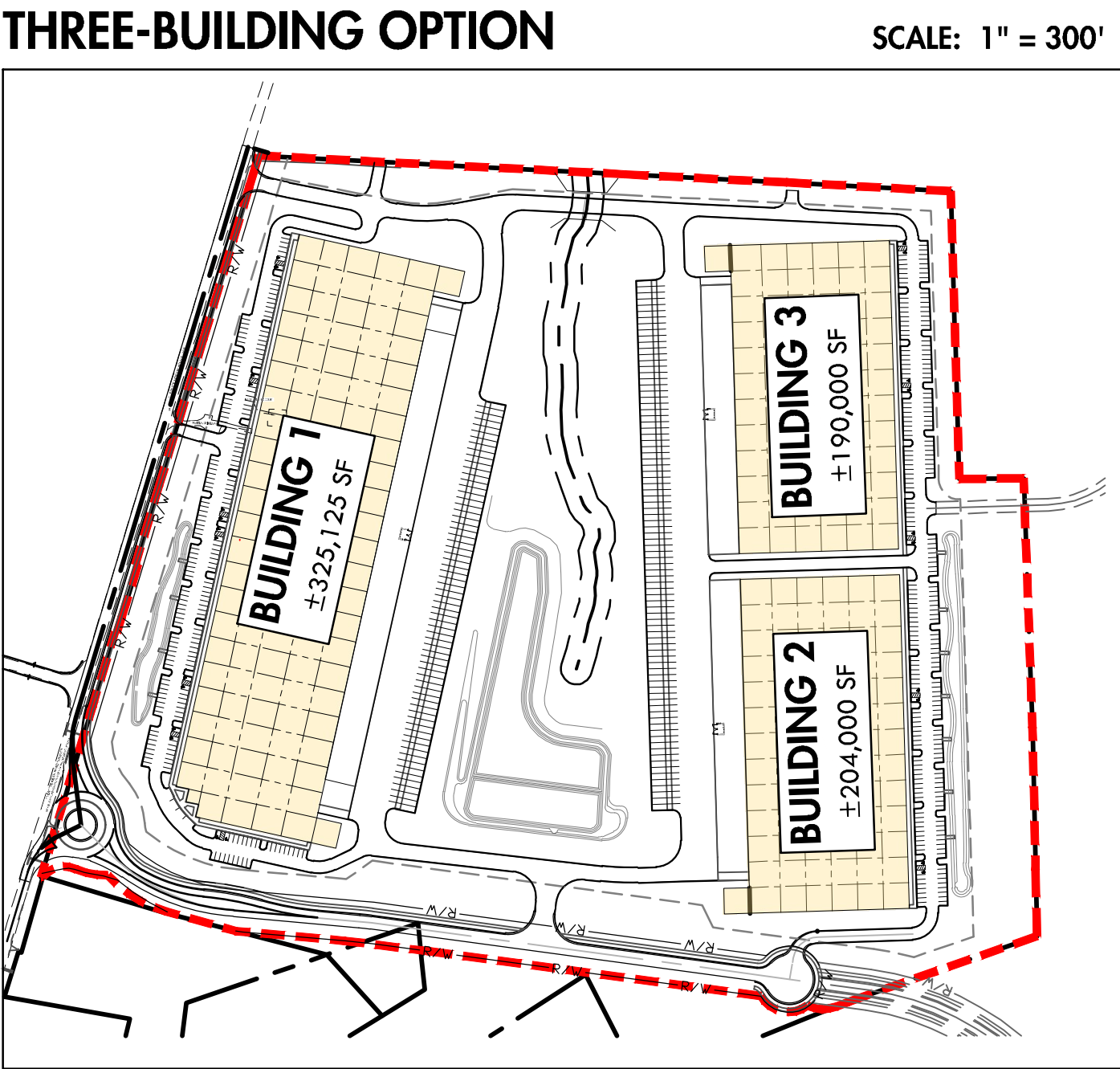
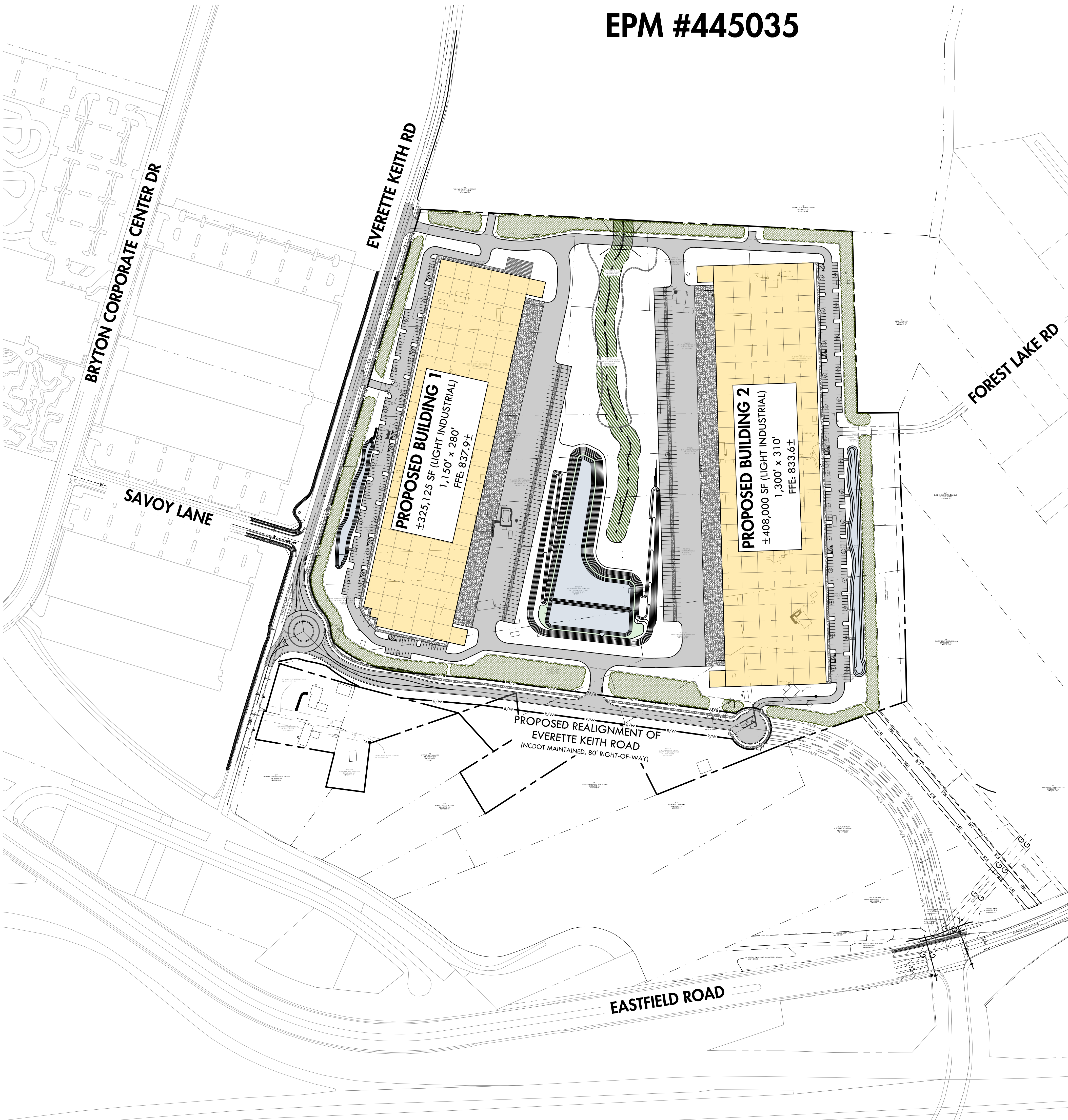
THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS. (G.S.47-30(N))

FOR REVIEW ONLY

KEITH BURNS P.L.S. No. L-5265

EASTFIELD INDUSTRIAL
CONDITIONAL DISTRICT REZONING / SKETCH PLAN

11226 EVERETTE KEITH ROAD
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA
FOUNDRY COMMERCIAL
EPM #445035



PROJECT SUMMARY

PROJECT NAME: EASTFIELD INDUSTRIAL (FINAL NAME OF PARK TO BE DETERMINED)
DEVELOPER: FOUNDRY COMMERCIAL
2151 HAWKINS STREET, SUITE 1000
CHARLOTTE, NC 28203
OAK ENGINEERING, PLLC
019-151-02, 03, 04, 07, 21, 22, 23, 24, 25, 26, 27, 31, 32,
34, 36, 37, 38, 42, 43, 44, 45, 46, P/O 019-151-05, P/O
019-151-33, AND P/O 019-151-17

PLANS PREPARED BY: OAK ENGINEERING, PLLC
TAX PARCEL NUMBERS: 019-151-02, 03, 04, 07, 21, 22, 23, 24, 25, 26, 27, 31, 32,
34, 36, 37, 38, 42, 43, 44, 45, 46, P/O 019-151-05, P/O
019-151-33, AND P/O 019-151-17

JURISDICTION: TOWN OF HUNTERSVILLE ETJ
EXISTING ZONING: TRANSITIONAL RESIDENTIAL (TR)
PROPOSED ZONING: CORPORATE BUSINESS (CB)
WATER SUPPLY WATERSHED: N/A
RECEIVING WATERS: TRIBUTARY TO CANE CREEK
RIVER BASIN: CLARKE WATERSHED
DENSITY: HIGH
FEMA INFORMATION: MAP NO. 3710455900K
MAP DATE: 09/02/2015
FLOOD ZONE: OUT
PROJECT SIZE: ±59.66 ACRES
PRINCIPAL USE: LIGHT MANUFACTURING / WAREHOUSING
BUILDING SIZE: 750,000 SF (MAX)
BUILDING TYPE: URBAN WORKPLACE (MULTI-BUILDING)
BUILDING USE: LIGHT MANUFACTURING / WAREHOUSE / OFFICE

BUILDING SETBACKS: 40' MIN (THERE IS NO BUILD-TO-LINE OR BUILD-TO-RANGE)
FRONT: 40'
SIDE YARD: 40'
REAR YARD: 40'
NUMBER OF LOTS: 1
CONSTRUCTION DATES: 04/01/2024 - 06/30/2025
EXISTING BUA: ±141,100 SF
EXISTING BUA TO REMAIN: 0 SF
PROPOSED NEW BUA: ±1,420,000 SF
PROPOSED % BUA: 54.6%
TOTAL POST-PROJECT BUA: ±1,420,000 SF
PARKING REQUIRED: 1 SPACE / 4,000 SF OF WAREHOUSE PLUS
1 SPACE / 500 SF OF OFFICE

PARKING PROVIDED:
BUILDING 1: ±224 SPACES CAN SUPPORT UP TO 25% OFFICE
BUILDING 2: ±238 SPACES CAN SUPPORT UP TO 19% OFFICE

DRAWING INDEX

SHEET	SHEET TITLE	ORIGINAL DATE	LATEST ISSUE	LATEST REV.
RZ1.0	COVER SHEET	12/30/22	06/01/23	1
RZ2.0	EXISTING FEATURES PLAN	12/30/22	06/01/23	1
RZ2.1	EXISTING TREE SURVEY	06/01/23	06/01/23	1
RZ3.0	REZONING / SKETCH PLAN	12/30/22	06/01/23	1
RZ3.1	EVERETTE KEITH - ROADWAY TYPICAL SECTIONS	06/01/23	06/01/23	1
RZ4.0	REZONING / SKETCH PLAN DEVELOPMENT STANDARDS	12/30/22	06/01/23	1
SP1.0	UTILITY CONCEPT PLAN	12/30/22	06/01/23	1
SP2.0	GRADING & DRAINAGE CONCEPT PLAN	12/30/22	06/01/23	1
SP3.0	LANDSCAPING CONCEPT PLAN	12/30/22	06/01/23	1

PROJECT CONTACTS

PROPERTY OWNER FOUNDRY COMMERCIAL 121 W TRADE ST., STE 2500 CHARLOTTE, NC 28202 704.523.0272	DEVELOPER FOUNDRY COMMERCIAL 121 W TRADE ST., STE 2500 CHARLOTTE, NC 28202 704.523.0272	ENGINEER OAK ENGINEERING, PLLC 4929 MONROE ROAD CHARLOTTE, NC 28205 704.985-0446 greg@oak.engineering
CONTRACTOR TBD	SURVEYOR KEITH BURNS, PLS ATLAS SURVEYING, INC 13331 YORK CENTER DR SUITE E CHARLOTTE, NC 28273 980.949.8475	ARCHITECT NICKY NANJ, AIA MERRIMAN SCHMITT ARCHITECTS 605 LEXINGTON AVE, STE 300 CHARLOTTE, NC 28203 704.870.3101

MUNICIPALITY CONTACTS

PLANNING/ZONING DAVID PETTE TOWN OF HUNTERSVILLE 105 GLEAD RD, 3RD FLOOR HUNTERSVILLE, NC 28078 704.875.7000 dpette@huntersville.org	ENGINEERING (TOWN) MIKE MACINTYRE TOWN OF HUNTERSVILLE 101 HUNTERSVILLE-CONCORD RD HUNTERSVILLE, NC 28070 704.766.2220 mmacintyre@huntersville.org	EROSION CONTROL INSPECTOR ANNIE LOFTIN TOWN OF HUNTERSVILLE 101 HUNTERSVILLE-CONCORD RD HUNTERSVILLE, NC 28070 704.379.1090 aloftin@huntersville.org
NC DOT MALIK HASSAN DIVISION 10, DISTRICT 2 7605 DISTRICT DRIVE CHARLOTTE, NC 28213 980.523.0000 hamalik@ncdot.gov	LAND DEVELOPMENT INSPECTOR CECIL TALBOT TOWN OF HUNTERSVILLE 101 HUNTERSVILLE-CONCORD RD HUNTERSVILLE, NC 28070 704.579.1163 ctalbot@huntersville.org	ZONING INSPECTOR AUDARIUS BLACKWOOD TOWN OF HUNTERSVILLE 101 HUNTERSVILLE-CONCORD RD HUNTERSVILLE, NC 28070 704.301.9969 ablackwood@huntersville.org

OAK ENGINEERING
4929 MONROE ROAD - CHARLOTTE, NC 28205
NORTH CAROLINA LICENSE #17142
oak.engineering

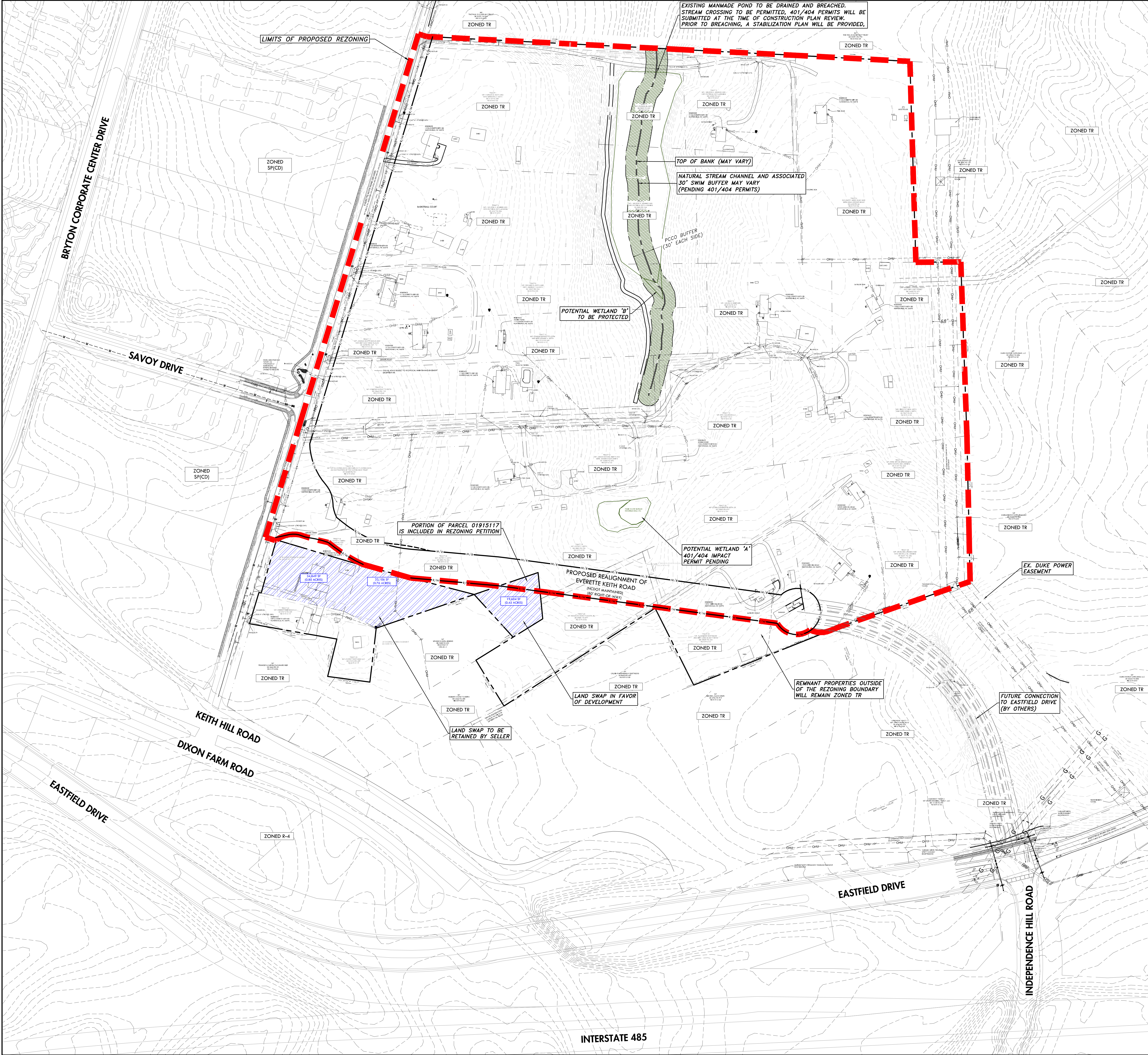
PE SEAL:
NORTH CAROLINA PROFESSIONAL SEAL 33996
GREGORY T. WELSH
06/01/2023

150 0 150
SCALE: 1" = 150'

EASTFIELD INDUSTRIAL
EVERETTE KEITH ROAD
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA
FOUNDRY COMMERCIAL
COVER SHEET

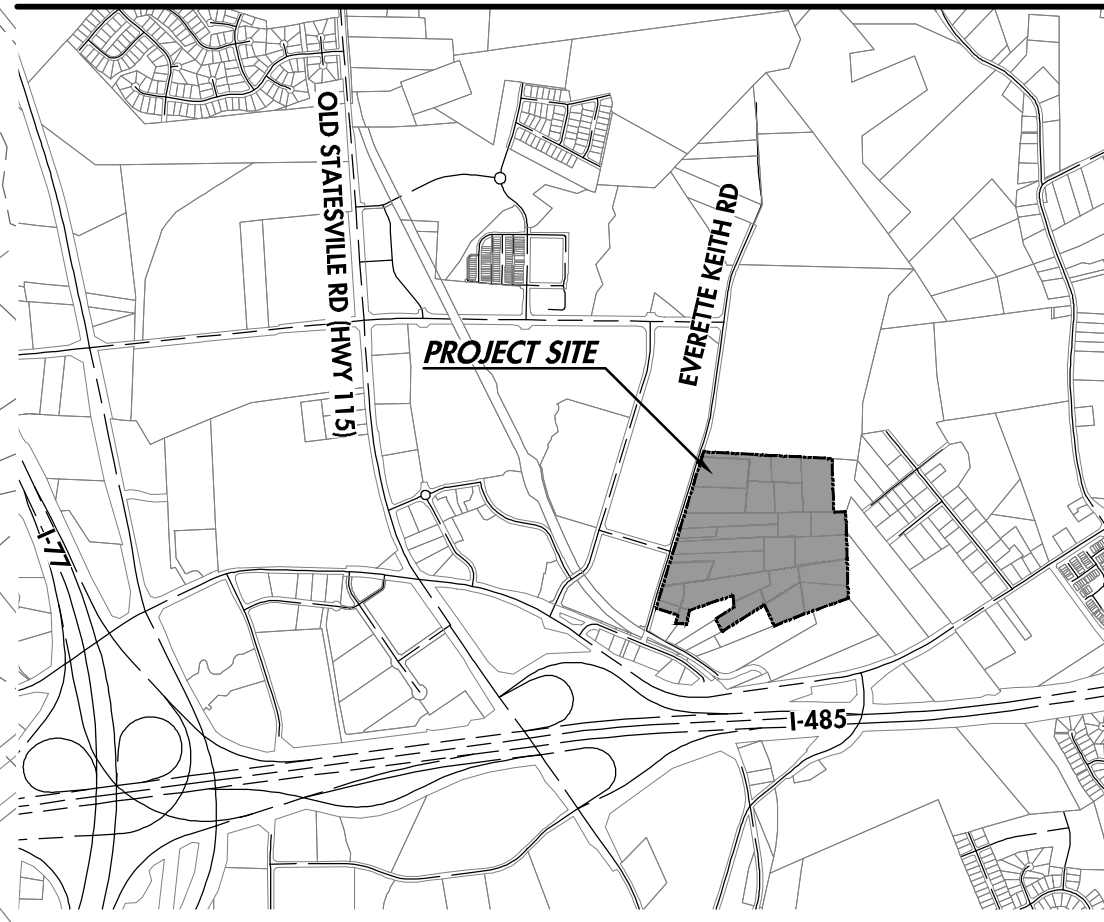
ENGINEER: GTW
DRAWN BY: ERT
CHECKED BY: LIB
PROJECT #: 022.021
SHEET
RZ1.0
SHEET 1 OF 9

REVISIONS:
1. 06/01/23 - PER STAFF COMMENTS



VICINITY MAP

SCALE: 1" = 2,000'



PROJECT SUMMARY

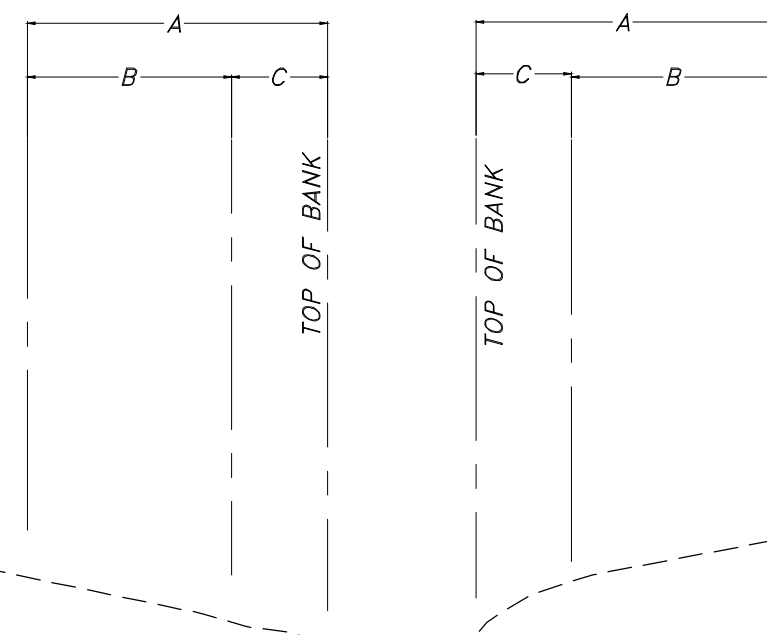
PROJECT NAME: EASTFIELD INDUSTRIAL (FINAL NAME OF PARK TO BE DETERMINED)
DEVELOPER: FOUNDRY COMMERCIAL
2151 HAWKINS STREET, SUITE 1000
CHARLOTTE, NC 28203
OAK ENGINEERING, PLLC
019-151-02, 03, 04, 07, 21, 22, 23, 24, 25, 26, 27, 31, 32, 34, 36, 37, 38, 42, 43, 44, 45, 46, P/O 019-151-05, P/O 019-151-33, AND P/O 019-151-17
TOWN OF HUNTERSVILLE ET AL
TRANSITIONAL RESIDENTIAL (TR)
CORPORATE BUSINESS (CB)
WATER SUPPLY WATERSHED: N/A
RECEIVING WATERS: TRIBUTARY TO CANE CREEK
RIVER BASIN: CLARKE WATERSHED
DENSITY: HIGH
FEMA INFORMATION: MAP NO. 3710455900K
MAP DATE: 09/02/2015
FLOOD ZONE: OUT
PROJECT SIZE: ±59.66 ACRES
PRINCIPAL USE: LIGHT MANUFACTURING / WAREHOUSING
BUILDING SIZE: 750,000 SF (MAX)
BUILDING TYPE: URBAN WORKPLACE (MULTI-BUILDING)
BUILDING USE: LIGHT MANUFACTURING / WAREHOUSE / OFFICE
BUILDING SETBACKS:
FRONT: 40' MIN (THERE IS NO BUILD-TO-LINE OR BUILD-TO-RANGE)
SIDE YARD: 40'
REAR YARD: 40'
NUMBER OF LOTS: 1
CONSTRUCTION DATES: 04/01/2024 - 06/30/2025
±141,100 SF
EXISTING BUA TO REMAIN: 0 SF
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PROPOSED % BUA: 54.6%
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1 SPACE / 500 SF OF OFFICE
PARKING PROVIDED:
BUILDING 1: ±224 SPACES CAN SUPPORT UP TO 25% OFFICE
BUILDING 2: ±238 SPACES CAN SUPPORT UP TO 19% OFFICE

SLOPE 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%	100.00%	

CONSTRAINING FEATURES

FEATURE	AREA
WETLANDS	0.27 ACRES
STREAM BUFFERS	1.37 ACRES



STREAM BUFFER SECTION NTS

- A 30' UPLAND ZONE STREAM BUFFER
B 20' VEGETATED BUFFER. DISTURBANCE WITHIN THIS AREA MUST BE REVEGETATED.
C 10' BANK STABILIZATION BUFFER. ANY DISTURBANCE WITHIN THIS AREA SHALL REQUIRE STREAM BANK STABILIZATION USING BIOENGINEERING TECHNIQUES AS SPECIFIED IN THE DESIGN MANUAL

EASTFIELD INDUSTRIAL

EVERETTE KEITH ROAD
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA
FOUNDRY COMMERCIAL

EXISTING FEATURES PLAN

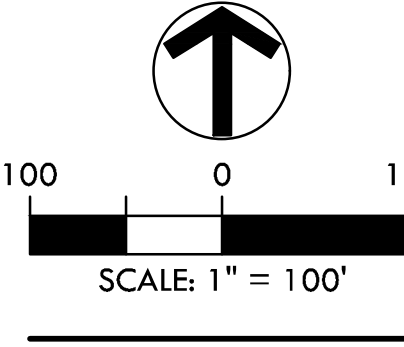
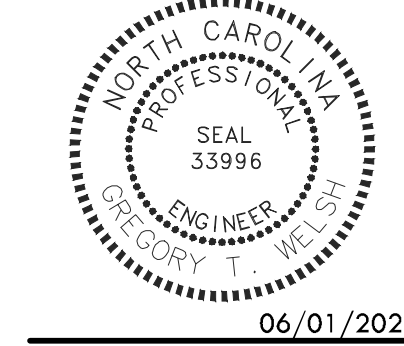
EPW #445033

REVISIONS:
1. 06/01/23 - PER STAFF COMMENTS

ENGINEER: GTW
DRAWN BY: ERT
CHECKED BY: LJB
PROJECT #: 022.021

SHEET
R22.0
SHEET 2 OF 9

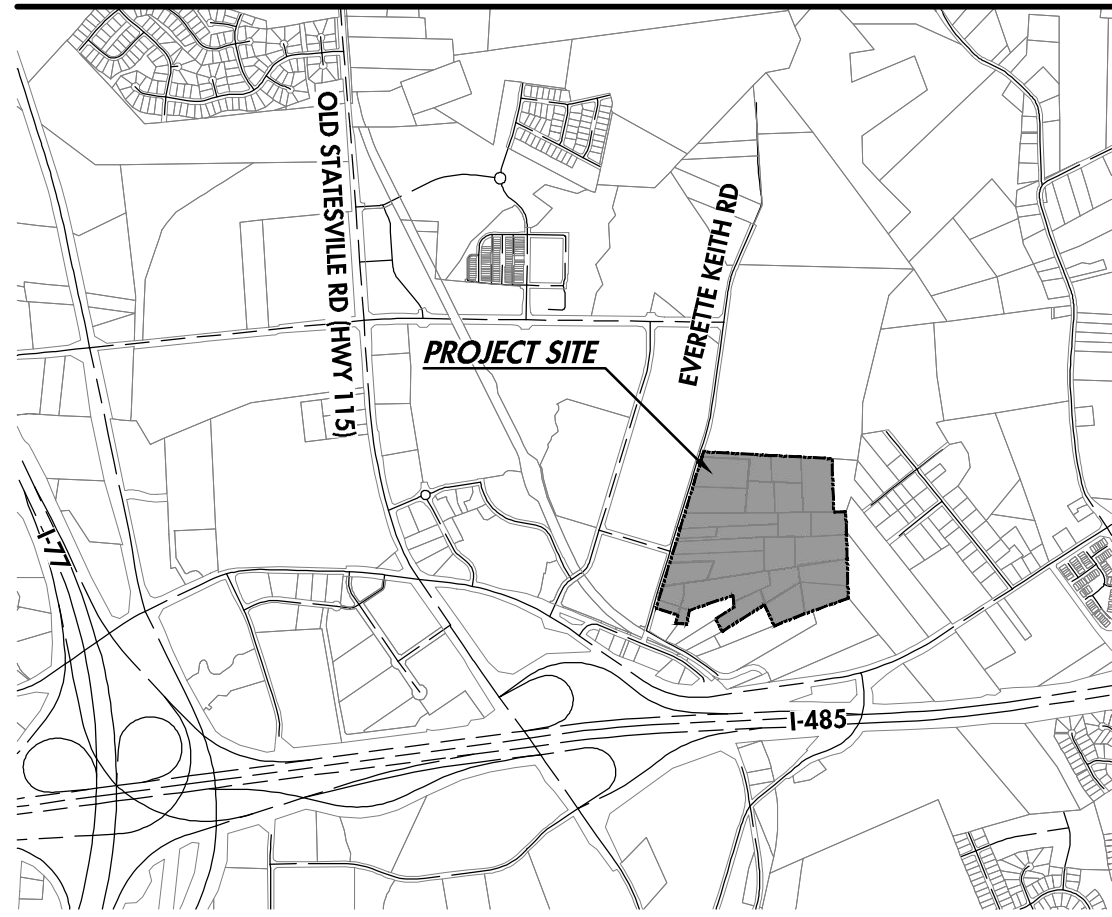
PE SEAL:



OAK
ENGINEERING
4929 MONROE ROAD - CHARLOTTE, NC 28205
NORTH CAROLINA LICENSE #17142
oak-engineering.com



VICINITY MAP SCALE: 1" = 2,000'



HERITAGE TREES

NUMBER OF HERITAGE TREES ON SITE:	11
NUMBER OF HERITAGE TREES SAVED:	0
PERCENTAGE OF HERITAGE TREES REQUIRED TO SAVE:	100%
PERCENTAGE OF HERITAGE TREES ACTUALLY SAVED:	0%

NOTE: ON SITE MITIGATION AND/OR FEE IN LIEU SHALL BE INCORPORATED AS ALLOWED BY TOWN ORDINANCE

SPECIMEN TREES

NUMBER OF SPECIMEN TREES ON SITE:	67
NUMBER OF SPECIMEN TREES SAVED:	0
PERCENTAGE OF SPECIMEN TREES REQUIRED TO SAVE:	30%
PERCENTAGE OF SPECIMEN TREES ACTUALLY SAVED:	0%

NOTE: ON SITE MITIGATION AND/OR FEE IN LIEU SHALL BE INCORPORATED AS ALLOWED BY TOWN ORDINANCE

TREE CANOPY

PERCENTAGE OF SITE COVERED BY TREE CANOPY:	22%
% OF TREE CANOPY PRESERVATION REQUIRED:	0% (CB)
% OF TREE CANOPY ACTUALLY SAVED:	0%

NOTE: THE CB ZONING DISTRICT DOES NOT REQUIRE TREE CANOPY PRESERVATION

EASTFIELD INDUSTRIAL

EVERETTE KEITH ROAD
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA
FOUNDRY COMMERCIAL

EXISTING TREE SURVEY

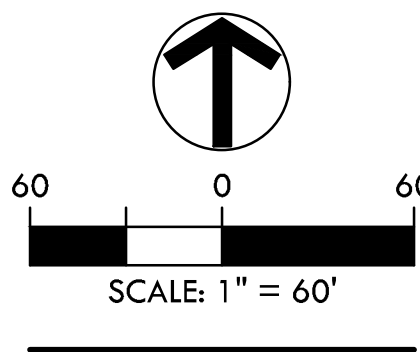
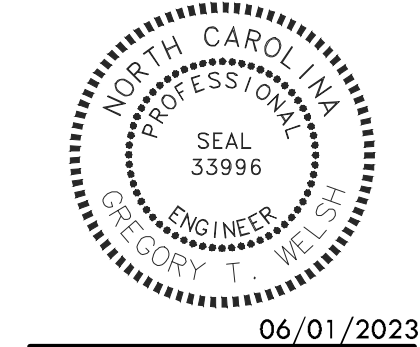
EPW #445033

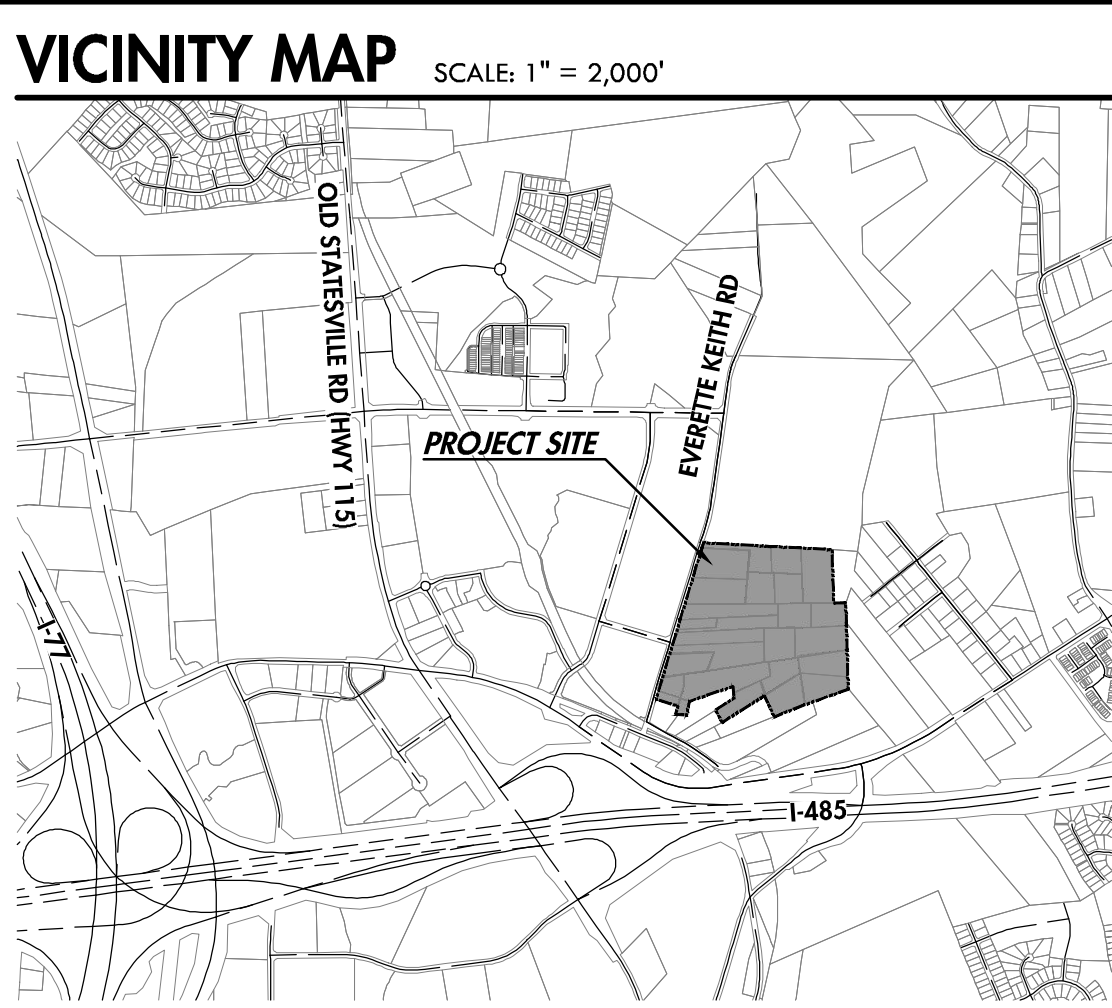
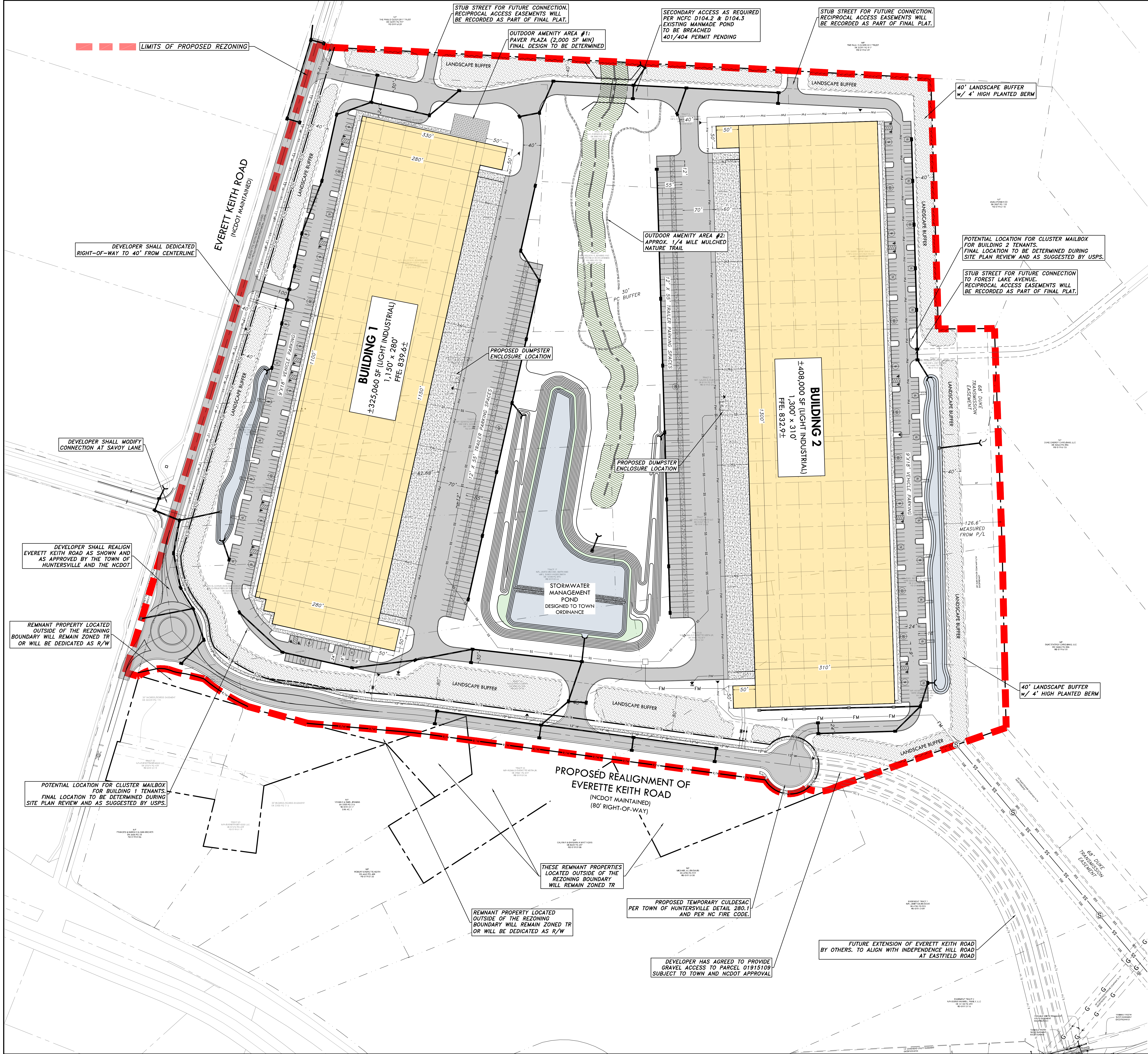
REVISIONS:
1. 06/01/23 - PER STAFF COMMENTS

ENGINEER: GTW
DRAWN BY: ERT
CHECKED BY: LIB
PROJECT #: 022.021

SHEET
R22.1
SHEET 3 OF 9

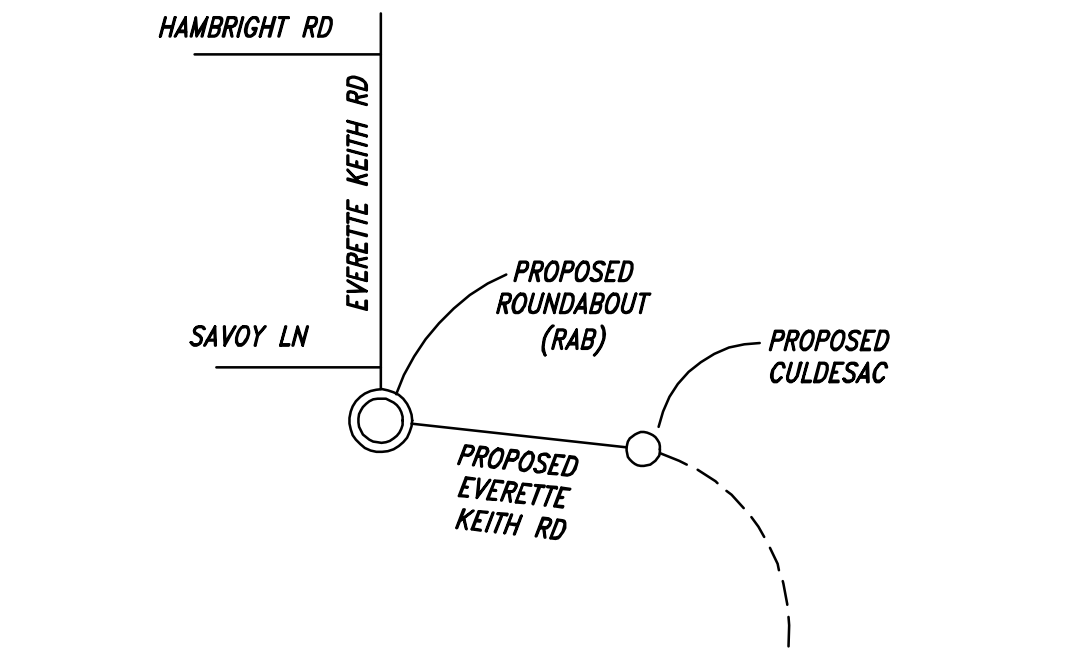
PE SEAL:





PROJECT SUMMARY	
PROJECT NAME:	EASTFIELD INDUSTRIAL (FINAL NAME OF PARK TO BE DETERMINED)
DEVELOPER:	FOUNDRY COMMERCIAL 2151 HAWKINS STREET, SUITE 1000 CHARLOTTE, NC 28203
PLANS PREPARED BY:	OAK ENGINEERING, PLLC
TAX PARCEL NUMBERS:	019-151-02, 03, 04, 07, 21, 22, 23, 24, 25, 26, 27, 31, 32, 34, 36, 37, 38, 42, 43, 44, 45, 46, P/O 019-151-05, P/O 019-151-33, AND P/O 019-151-17
JURISDICTION:	TOWN OF HUNTERSVILLE ETJ
EXISTING ZONING:	TRANSITIONAL RESIDENTIAL (TR)
PROPOSED ZONING:	CORPORATE BUSINESS (CB)
WATER SUPPLY WATERSHED:	N/A
RECEIVING WATERS:	TRIBUTARY TO CANE CREEK
RIVER BASIN:	CLARKE WATERSHED
DENSITY:	HIGH
FEMA INFORMATION:	MAP NO. 3710455900K MAP DATE: 09/02/2015 FLOOD ZONE: OUT ±59.66 ACRES
PROJECT SIZE:	LIGHT MANUFACTURING / WAREHOUSING
PRINCIPAL USE:	750,000 SF (MAX)
BUILDING SIZE:	URBAN WORKPLACE (MULTI-BUILDING)
BUILDING TYPE:	LIGHT MANUFACTURING / WAREHOUSE / OFFICE
BUILDING SETBACKS:	FRONT: 40' MIN (THERE IS NO BUILD-TO-LINE OR BUILD-TO-RANGE) SIDE YARD: 40' REAR YARD: 40'
NUMBER OF LOTS:	1
CONSTRUCTION DATES:	04/01/2024 - 06/30/2025
EXISTING BUA:	±11,100 SF
EXISTING BUA TO REMAIN:	0 SF
PROPOSED NEW BUA:	±1,420,000 SF
PROPOSED % BUA:	54.6%
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PARKING REQUIRED:	1 SPACE / 4,000 SF OF WAREHOUSE PLUS 1 SPACE / 500 SF OF OFFICE
PARKING PROVIDED:	BUILDING 1: ±224 SPACES CAN SUPPORT UP TO 25% OFFICE BUILDING 2: ±238 SPACES CAN SUPPORT UP TO 19% OFFICE

BLOCK LENGTH CHART		
START / END	MAX LENGTH	PROPOSED LENGTH
HAMBRIGHT / SAVOY	1,500 FEET	2,473 FEET
SAVOY / RAB	1,500 FEET	274 FEET
RAB / CULDESAC	1,500 FEET	1,439 FEET



URBAN OPEN SPACE		
TYPE	SIZE	PARKING PROVIDE
PAVER PLAZA	2,000 SF (MIN)	0
NATURE TRAIL	1/4 MILE ±	0

OAK
ENGINEERING
4929 MONROE ROAD • CHARLOTTE, NC 28205
NORTH CAROLINA LICENSE #17142
oak-engineering.com

PE SEAL:

SCALE: 1" = 80'

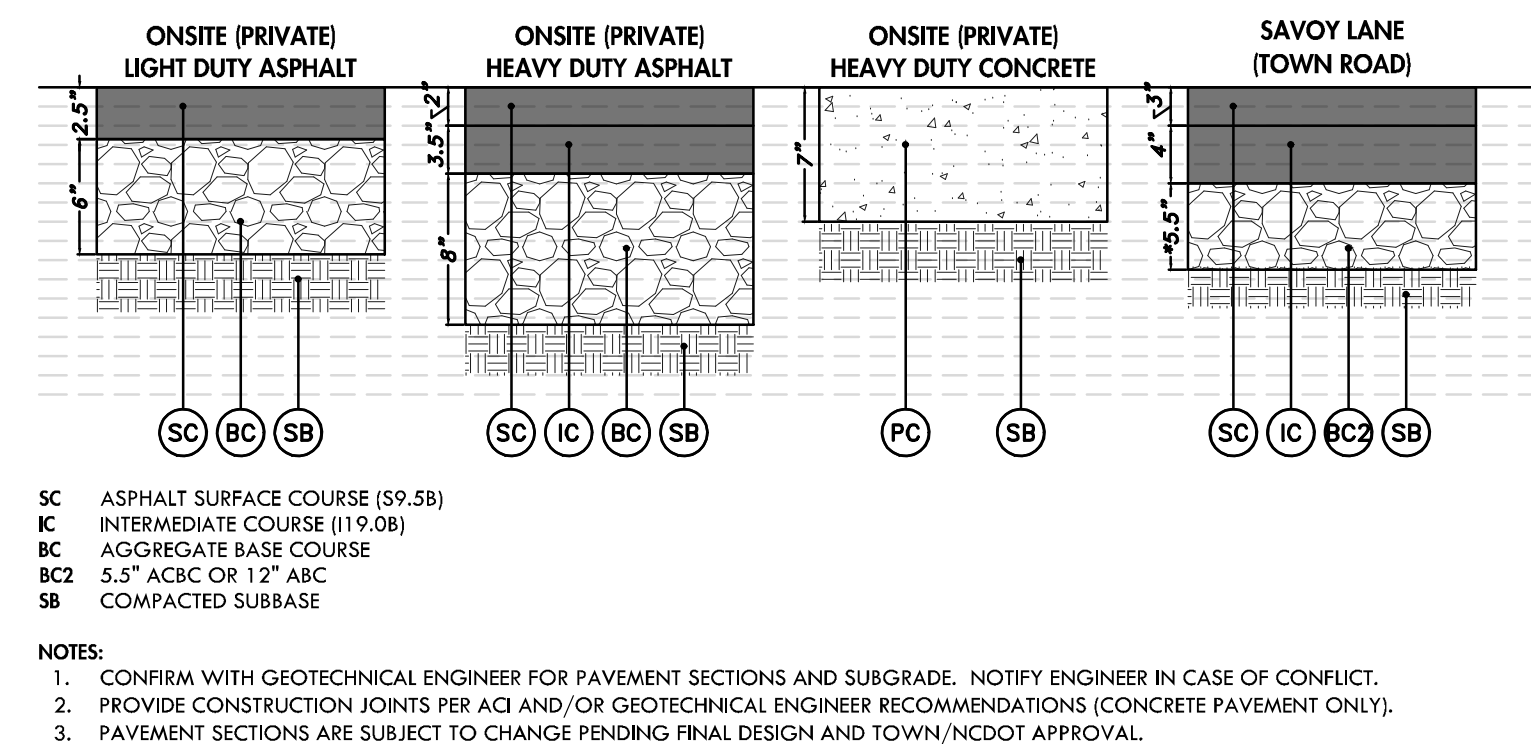
EASTFIELD INDUSTRIAL
EVERETTE KEITH ROAD
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA
FOUNDRY COMMERCIAL

REZONING / SKETCH PLAN

ENGINEER: GTW
DRAWN BY: ERT
CHECKED BY: LIB
PROJECT #: 022.021
SHEET
RZ3.0
SHEET 4 OF 9

EPW #445033
REVISIONS:
1. 06/01/23 - PER STAFF COMMENTS

PROJECT LOCATION.
THERE ARE NO PROPOSED GREENWAY, BIKEWAY,
OR PEDESTRIAN PLANS WITHIN OR ADJACENT TO
THE PROJECT BOUNDARY.



REZONING NOTES
EASTFIELD INDUSTRIAL

1. Rezoning Petition. These rezoning notes comprise the development standards ("Development Standards") associated with the rezoning petition (the "Rezoning Petition") filed by Foundry Commercial ("Petitioner") on December 1, 2022 (the "Filing Date") as Rezoning Petition R23-01& Sketch Plan (the "Rezoning Plan") for that approximately 59.66 acre tract of land, identified on this Site Plan as Eastfield Industrial (the "Project") in connection with part of tax parcel numbers 019-151-02, 03, 04, 07, 21, 22, 23, 24, 25, 26, 27, 31, 32, 34, 36, 37, 38, 42, 43, 44, 45, 46, p/o 019-151-05, p/o 019-151-33, and p/o 019-151-17 (the "Property"). The purpose of the Rezoning Petition is to convert the zoning classification of the Property from Transitional Residential (TR) to Corporate Business-Conditional District (CB-CD) classification in accordance with the provisions of the Town of Huntersville Zoning Ordinance (the "Ordinance").
2. Development Standards. Development of the Property will be governed by these Development Standards, which are part of the Rezoning Petition, and the applicable provisions of the Ordinance in place on the date of the filing of the Rezoning Plan. Unless the Rezoning Plan establishes a more stringent standard(s), or unless otherwise noted on the Rezoning Plan or in these Development Standards, the regulations established under the Ordinance in place on the date of the filing of the Rezoning Plan govern development of the Property as shown on the Rezoning Plan.
3. Schematic Nature of Rezoning Plan. The lots and proposed improvements and architectural renderings shown on and included with the Rezoning Plan are schematic in nature and exact locations, architectural details, style and materials, size, number or quantity and configurations of lots and buildings may be modified, with Planning Staff approval, during design, engineering and construction phases of the development so long as such modification does not exceed the square footage in the TIA, meets the applicable requirements of the Zoning Ordinance and the Modifications. The exact alignments of the internal drives and internal public streets have not been determined and are subject to final design and engineering plans, and minor modifications or alterations of these alignments may take place during design development and construction phases.
4. Phasing. The development of the Property as generally depicted on the Rezoning Plan may be phased as shown on the Rezoning Plan. Any proposed phasing must align with required TIA, infrastructure and stormwater improvements; provided, however, any mitigation required by NCDOT will be coordinated with NCDOT and each phase or sequence of improvements in the Project will meet all applicable Ordinance requirements. Utilities, infrastructure, and grading shall be delivered to each individual Phase as each is developed.
5. Vested Rights. This Rezoning Plan is a site-specific development plan and approval thereof constitutes vested rights in the Rezoning Plan pursuant to the provisions of the Ordinance. Notwithstanding any other provisions of these Development Standards, if, at some point, modifications are made to the Ordinance by the Town Board, Petitioner may voluntarily agree to apply such modifications to the Rezoning Plan in a manner consistent with the Rezoning Plan and the Ordinance as it changes from time to time, and without pursuing a rezoning. Such modifications to the Ordinance shall in no way impact the Petitioner's vested rights. Approval of this conditional rezoning shall constitute establishment of vested rights in the landowner (and its successors or assigns) for a period of five years pursuant to N.C. Gen. Stat. §160D-108.1.
6. Permitted Uses. The Property may be developed for any uses (including accessory uses) permitted in the Corporate Business Zoning District; provided, however, inns, hotels and motels, wind energy facilities, schools, home occupation, single-family and multi-family uses shall be prohibited and all permitted uses shall be subject to the development standards associated with such uses. Any labelling on the Rezoning Plan may be an indication of the current intention on the part of Petitioner but shall not restrict the Property in a manner that conflicts with the provisions of these Development Notes. Retail, restaurant, personal services, branch banks, conference facilities, clinics, indoor recreation and similar "workplace support uses", as referenced in 3.2.9(c) of the Ordinance, up to 10% of gross floor area within the development or 70,000 SF, whichever is less, are permitted.

1

7. Access. The number of site access points, driveways and connections to roads are schematic in nature. To the extent permitted by applicable driveway permit requirements, future driveways, access points and road connections may cross the setback and shall not require a rezoning of the Property but shall otherwise comply with applicable driveway permit requirements.
8. Subdivision. The Property is one development and may be subdivided without a rezoning to allow separate owners of individual parcels so long as such subdivision is consistent with the general design of the Rezoning Plan, in compliance with applicable law, including subdivision regulations and consistent with the Ordinance. However, recombination, condominiumization, or reduction in the number of parcels may occur in accordance with the regulations of the Ordinance without amendment to the Rezoning Plan. Requirements that are met by the Project as a whole, such as open space, tree save and impervious requirements, need not be met by individual parcels.
9. Street Improvements. Petitioner shall be required to install sidewalks, street trees, planting strips, bicycle lanes or other street improvements as a condition of the approval of this Rezoning Plan as specifically shown on the Rezoning Plan and as required by the Zoning Ordinance, Subdivision Ordinance, applicable Huntersville/NCDOT TIA, or driveway permit requirements. Second row street trees may be placed in a landscape easement if required by Petitioner.
10. Grading. As more particularly described in the Rezoning Plan and the Modifications, grading in the buffer shall be allowed in accordance with the modifications set forth herein.
11. Amendment. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner of owners of the Property in accordance with the provisions of the Ordinance; provided, however, in the event any portion of the Property is conveyed to a third party, Petitioner may request an amendment to the Rezoning Plan without the written consent of any other owner of all or any portion of the Property unless such amendment constitutes a change in the building or use of the portion of the Property owned by such owner, provided Petitioner provides for such amendment right in the recorded private restrictive covenants that govern the Project. All requirements in connection with the amendment will be calculated on the Property as a whole in the same manner such requirements were calculated at the time of the initial approval. This note shall be shown on the final plat when recorded.
12. BMP Design. The designs for the BMPs shown on the Rezoning Plan shall be finalized during the construction phase and shall be completed as a part of the infrastructure improvements.
13. Lightning. The lighting will be in compliance with Article 8.26 of the Ordinance.
14. Parking Lots. Except as shown on the Rezoning Plan and as described in the Modifications, parking lots will be in compliance with Article 6 of the Ordinance.
15. Garbage collection areas and Fire Apparatus. Garbage collection (dumpsters) areas shown are conceptual and will comply with the Ordinance's screening requirements. The final location will be determined during construction documentation. Fire apparatus locations will be as generally depicted on the Rezoning Plan and final location will be determined during construction documentation.
16. Mail. Group/cluster boxes will be located in a central location and coordinated with USPS. Final locations and sizes will be determined during construction documentation.
17. Water and Sewer. Water and Sewer will be provided to the site by Charlotte Water.
18. Sketch Plan. At the election of the Applicant, any modifications to the Sketch Plan, including multi-building site plans, may be reviewed administratively by Planning Staff as permitted by the Ordinance as long as the sketch plan/ multi-building site is consistent with the Rezoning Plan.

2

19. Binding Effect of the Rezoning Documents and Definitions. If this Rezoning Application is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
20. Requested Changes to Standards. Pursuant to Section 11.4.7(k) of the Ordinance, the standards of the Ordinance are modified to permit the following (the "Changes"):
- a. Change from Article 7.5.3, which requires an 80-foot-wide buffer, to allow a forty-foot (40') buffer along the northern and eastern boundaries of the Property as shown on the Rezoning Plan. An alternative buffer yard plan that includes a planted landscaped berm shall be provided for the northern and eastern buffers.
- b. Change from Article 7.5.8, which requires all buffer yards to remain undisturbed with certain exceptions. Grading shall be allowed in the buffer yards as shown on the Rezoning Plan.
- c. Modification that permits Applicant to decrease or increase the number of buildings to three buildings so long as (i) the building or buildings meet the applicable requirements of the Ordinance, (ii) the amount of impervious coverage and the extent of encroachments into property setbacks and buffers, although not in the specific location shown on the Rezoning Plan, are consistent with the amount of impervious coverage and the encroachment area shown on the Rezoning Plan, and (iii) the square footage does not exceed the square footage in the TIA.
- d. Change that allows Planning Staff to approve a multi-building subdivision sketch and site plan in accordance with subparagraph c. hereof.
- e. Everett Keith Road shall be generally realigned as shown on the Rezoning Plan. Minor changes to the realignment and minor block length variations from the Ordinance may be approved administratively pursuant the TIA and Town and NCDOT approval.
- f. No stub street connections are required along the boundaries of the Property, except as shown on the Rezoning Plan, due to incompatible uses of adjacent property.
- g. To the extent required, block length waivers are permitted as shown in the block chart and on the Rezoning Plan
- h. The portion of Everett Keith Road beyond the southeast boundary line of the Property is not required to be completed as a part of the Project.
- i. Final recorded easements for utility connections over adjacent property may be recorded at any time prior to construction plan approval.

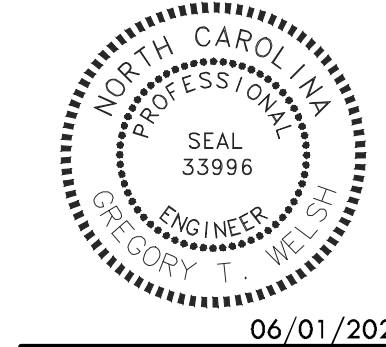
3

TOWN OF HUNTERSVILLE REQUIRED NOTES:

1. ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
2. THE PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
3. ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE DEVELOPER OR THEIR ASSIGNEE AND SHALL BE DEDICATED FOR PERPETUITY.
4. ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THE SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING RIGHT-OF-WAY) AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MAY RESULT.
5. LARGE MATURING TREES WILL BE PLANTED 40' ON CENTER WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS. TREE SPECIES SHALL COMPLY WITH TOW APPROVED TREE LIST.
6. SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
7. MAIL KIOSKS, INTERNAL TO THE DEVELOPMENT, WILL BE PROVIDED FOR EACH BUILDING. DELIVERY METHOD AND FINAL KIOSK LOCATION WILL BE COORDINATED WITH THE LOCAL USPS. THE KIOSK WILL BE LOCATED AS TO NOT IMPEDED PUBLIC TRAFFIC OR INTERNAL CIRCULATION.
8. COMMON GARBAGE RECEPTACLES (DUMPSTERS) WILL BE PROVIDED FOR EACH BUILDING. DEPENDING ON TENANT DEMAND, MULTIPLE DUMPSTER LOCATIONS MAY BE WARRANTED. ALL DUMPSTERS WILL BE SHIELDED FROM VIEW IN OPAQUE DUMPSTER ENCLOSURES.
9. DIRECT ACCESS FROM LOTS TO A THOROUGHFARE IS PROHIBITED. PROPOSED ACCESS POINTS ARE DEPICTED ON THE REZONING SITE PLAN.
10. THE SUBJECT PROPERTY IS LOCATED ENTIRELY OUTSIDE OF ALL FEMA FLOOD PLAINS AND FLOODWAYS.
11. THERE ARE NO PROPOSED BUILD-TO-LINES OR BUILD-TO-RANGES PROPOSED FOR THIS SITE.
12. A TIA MITIGATION PLAN SCOPING DOCUMENT HAS BEEN SUBMITTED AND IS BEING REVIEWED BY THE TOWN OF HUNTERSVILLE AND THE NCDOT. UPON ACCEPTANCE, A TIA WILL BE SUBMITTED FOR REVIEW AND APPROVAL.



PE SEAL:



EASTFIELD INDUSTRIAL

EVERETTE KEITH ROAD
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA
FOUNDRY COMMERCIAL

EPW #445033

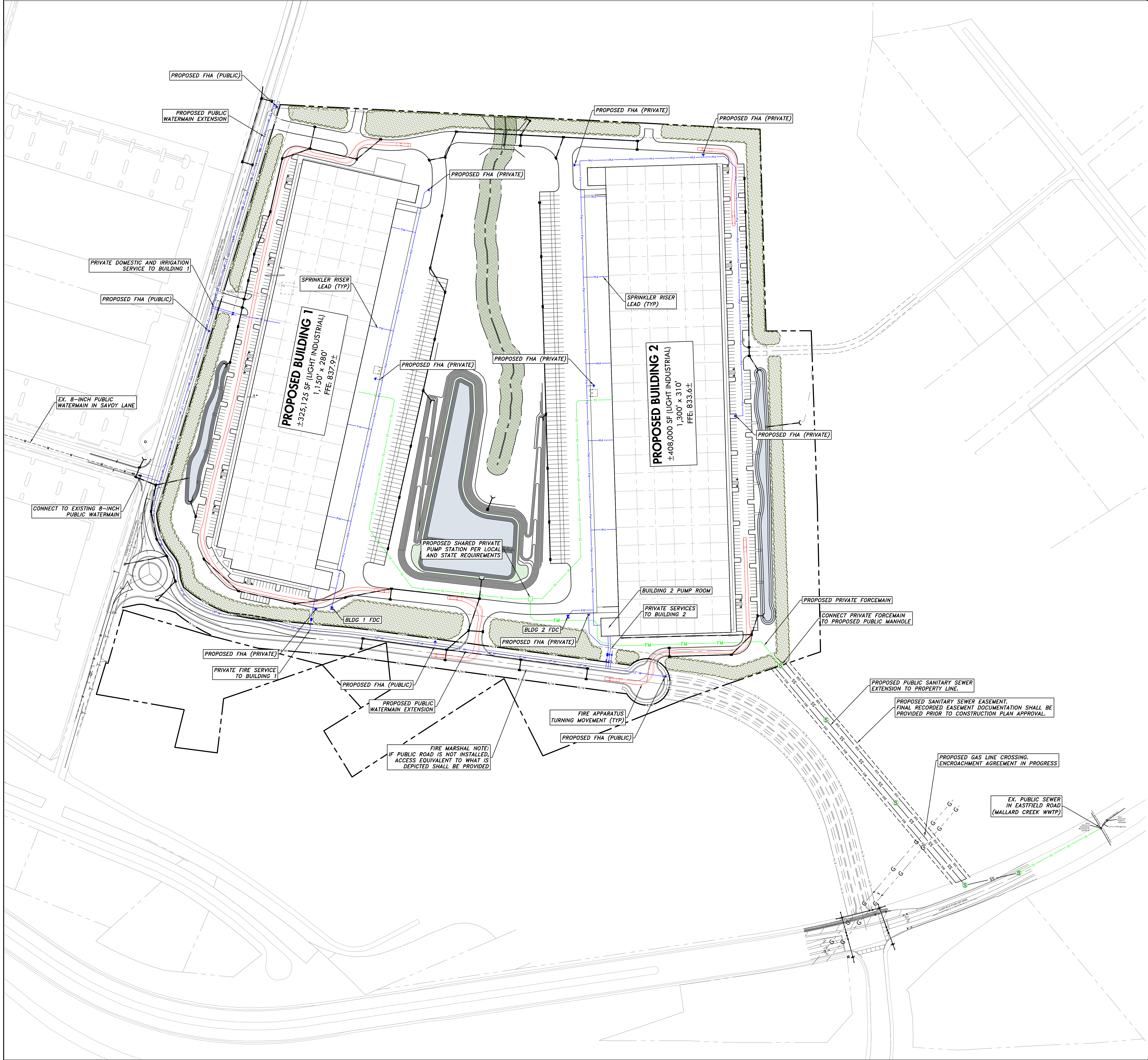
REVISIONS:
1. 06/01/23 - PER STAFF COMMENTS

ENGINEER: GTW
DRAWN BY: ERT
CHECKED BY: LJB
PROJECT #: 022.021

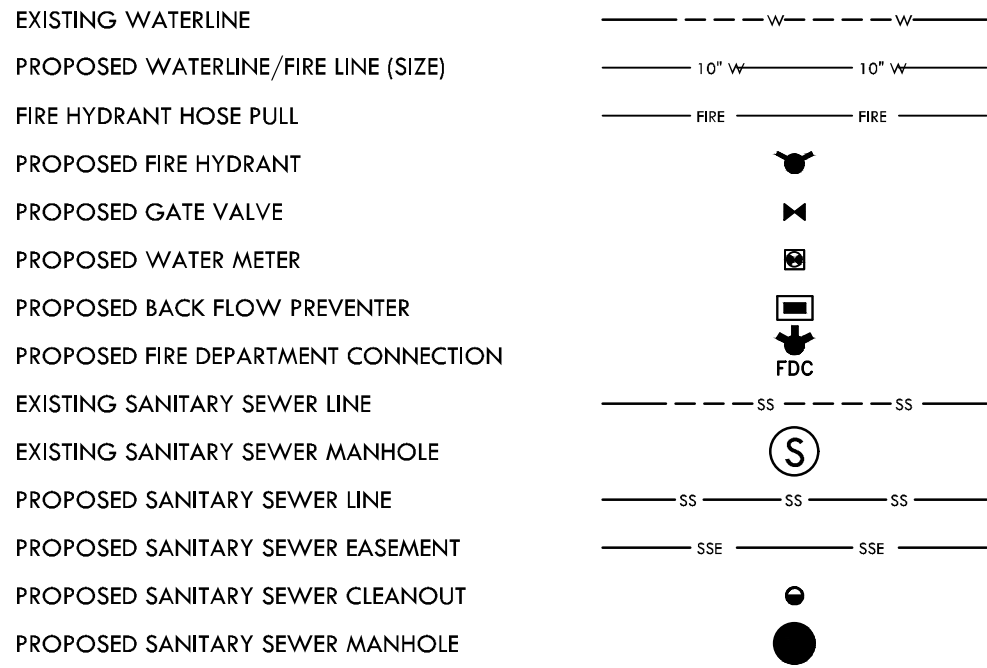
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SHEET 4 OF 9

REZONING / SKETCH PLAN DEVELOPMENT STANDARDS



UTILITY LEGEND



UTILITY NOTES

1. PROJECT WATER AND SEWER SERVICE WILL BE SUPPLIED BY CITY WATER.

FIRE ACCESS NOTES

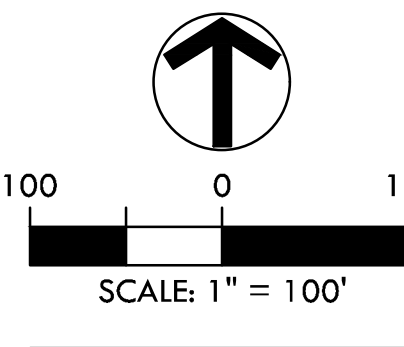
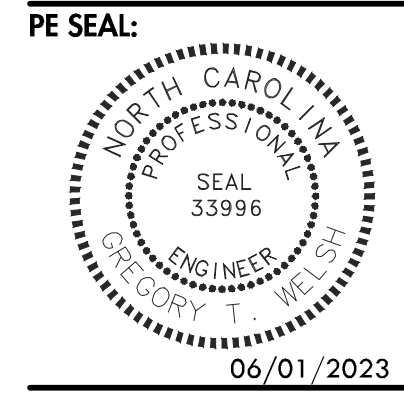
1. THE MOST REMOTE POINT OF THE BUILDING SHALL BE WITHIN 600' OF A FIRE HYDRANT AS A TRUCK TRAVELS (400' WHEN NO SPRINKLER SYSTEM IS PRESENT). ALL POINTS OF THE BUILDING SHALL BE WITHIN 200' OF A FIRE TRUCK ACCESSIBLE ROUTE.
2. FIRE HYDRANT SHALL BE WITHIN 200' OF FDC AS THE APPARATUS TRAVELS (100' WHEN FDC SERVES STANDPIPES).
3. FIRE ACCESS ROAD AND PARKING LOT SHALL BE ABLE TO WITHSTAND 85,000-LBS OF TRUCK TRAVEL.
4. ALL FIRE ACCESS ROADS REQUIRE A MINIMUM 20' UNOBSTRUCTED CLEAR WIDTH.
5. RADIUS OF CURVES IN THE FIRE ACCESS ROAD SHALL BE 30' MINIMUM (INSIDE) AND 42' MINIMUM (OUTSIDE).

BACKFLOW NOTES

1. NO PERMANENT RESOLUTION MAY BE INSTALLED ON THE RP ASSEMBLY. IT IS RECOMMENDED THAT HEAT BE PROVIDED FOR ALL ABOVE-GROUND DOMESTIC AND COMBINATION SERVICE RP ENCLOSURES TO PREVENT FREEZE DAMAGE. IRRIGATION RPS CAN BE WINTERIZED BY DRAINING ALL WATER FROM THEM. ENCLOSURES FOR ABOVE-GROUND RP INSTALLATIONS ON FIRE LINES ARE REQUIRED BY THE FIRE DEPT. TO BE HEATED (MAINTAIN A MIN. OF 40°F).
2. NO PLASTIC PIPING MATERIAL IS ALLOWED WITHIN 5' OF THE RP ENDS.
3. ALL REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLIES SHALL BE INSTALLED ABOVE-GROUND WITHIN INSULATED ENCLOSURE PER CITY WATER REQUIREMENTS. ENCLOSURE TO INCLUDE DRAIN PORTS FOR DISCHARGE WATER PER CITY WATER REQUIREMENTS.
4. THERE SHALL BE NO TAPS, PIPING BRANCHES, UNAPPROVED BYPASS PIPING, HYDRANTS, FIRE DEPT. CONNECTION POINTS, OR OTHER WATER-USING APPLIANCE/ANCES CONNECTED TO THE SUPPLY LINE BETWEEN ANY WATER METER AND ITS CITY-WATER REQUIRED BACKFLOW PREVENTER.
5. EACH CITY-WATER REQUIRED BPA IS TO BE TESTED BY A CITY-WATER APPROVED CERTIFIED TESTER PRIOR TO PLACING THE WATER SYSTEM IN SERVICE.
6. ALL ABOVE GROUND BACKFLOW PREVENTERS ARE SUBJECT TO 20' MINIMUM BUILDING SETBACKS FROM THE REESE BLVD W RIGHT-OF-WAY.

CHARLOTTE WATER NOTES

1. CUSTOMER IS RESPONSIBLE FOR STAKING SITE AS NECESSARY TO DETERMINE SERVICE LOCATIONS AND ELEVATIONS PRIOR TO CHARLOTTE WATER CONTRACTOR MOBILIZING TO INSTALL SERVICES.
2. ON-SITE CONTRACTOR IS RESPONSIBLE FOR RELOCATING ANY APPLICABLE CONFLICTING UTILITIES NECESSARY TO COMPLETE SERVICE INSTALLATIONS. ADDITIONAL FEES MAY APPLY & CONSTRUCTION TIMELINES EXTENDED IF CONFLICTING UTILITIES ARE NOT SHOWN ON THE PLANS.
3. PAYMENT FOR A QUOTED SERVICE CONNECTION SHALL BE CONSIDERED ACKNOWLEDGEMENT AND APPROVAL OF CHARLOTTE WATER COMMENTS BY THE APPLICANT. PAYMENT DOES NOT INCLUDE ANY ADDITIONAL APPLICABLE FEES REQUIRED DUE TO UNFORESEEN CIRCUMSTANCES THAT ARE NOT DETECTED ON THE APPLICANT PROVIDED SITE PLAN.
4. BACKFLOW PREVENTION REVIEW ENTAILS PLAN SUBMITTAL VIA MECKLENBURG COUNTY'S CODE ENFORCEMENT PERMITTING PROCESS AT THE TIME OF APPLICATION FOR BUILDING PERMITS. BACKFLOW PROGRAM REQUIREMENTS ARE AVAILABLE ONLINE. PLEASE CONTACT MARK KROUSE AT 704.432.5800 FOR MORE INFORMATION. ANY REVISION TO THE SERVICE CONFIGURATIONS AND/OR METER LOCATIONS WILL REQUIRE A RESUBMITTAL TO BACKFLOW FOR REVIEW.



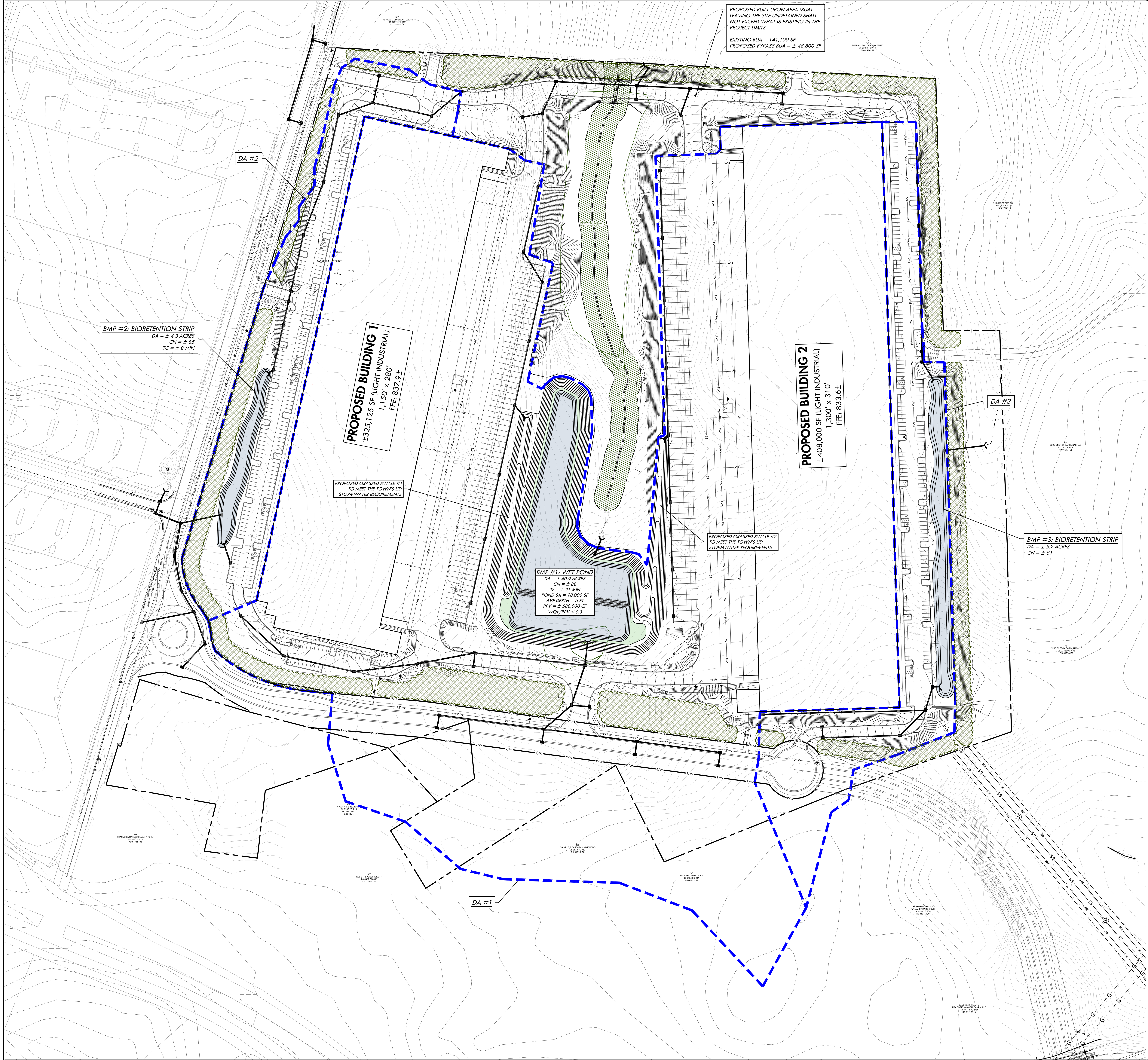
EASTFIELD INDUSTRIAL
EVERETTE KEITH ROAD
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA
FOUNDRY COMMERCIAL
UTILITY CONCEPT PLAN

EPW #445033

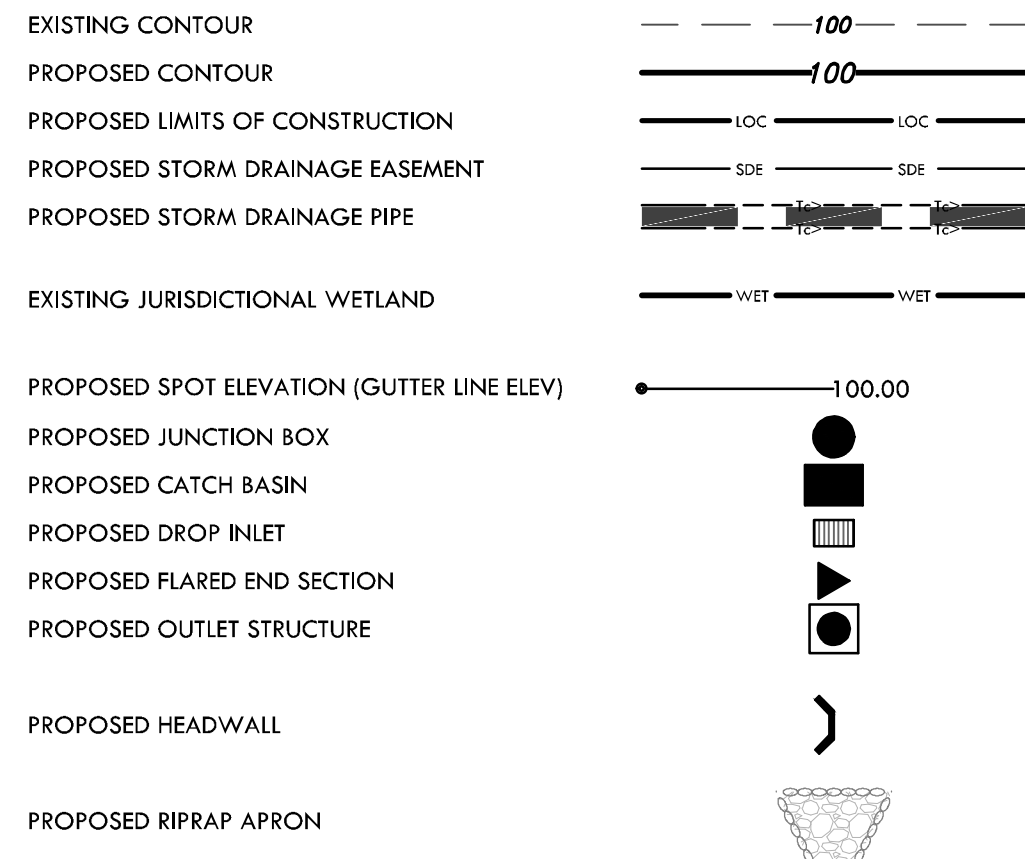
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PROJECT #: 022.021

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SHEET 7 OF 9



GRADING LEGEND

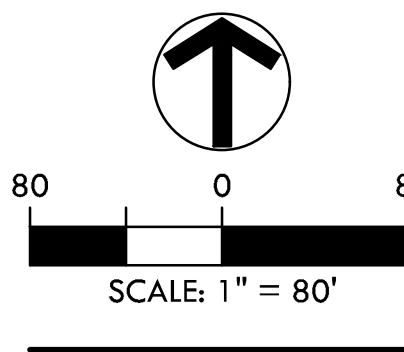
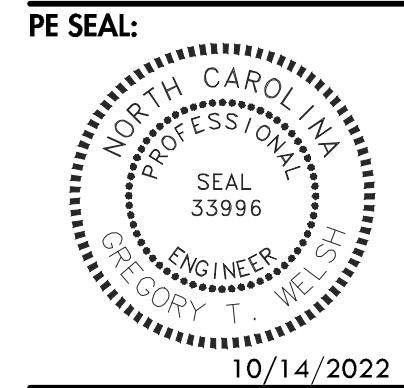


STORM DRAINAGE NOTES

- THE PURPOSE OF THE STORM DRAINAGE EASEMENT (SDE) IS TO PROVIDE STORMWATER CONVEYANCE. BUILDINGS ARE NOT PERMITTED IN THE EASEMENT AREA, ANY OTHER OBJECTS WHICH IMPEDE STORMWATER FLOW OR SYSTEM MAINTENANCE ARE ALSO PROHIBITED.
- "AS-BUILT" DRAWINGS AND PLANS OF THE STORM DRAINAGE SYSTEM, INCLUDING DESIGNED DITCHES, MUST BE SUBMITTED PRIOR TO SUBDIVISION FINAL INSPECTION TO THE TOWN ENGINEERING DEPARTMENT IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE.
- AS-BUILTS FOR ALL APPLICABLE DETENTION STRUCTURES AND BMP MEASURES ARE REQUIRED. AS-BUILTS ARE TO INCLUDE LATITUDE AND LONGITUDE FOR CENTER OF MEASURE, AND INLETS AND OUTLETS OF ALL STRUCTURES. ELEVATIONS ARE REQUIRED FOR ALL MEASURES AS WELL AS DIMENSIONS OF ALL MEASURES.
- PRIOR TO INSTALLATION, PE SEALED SHOP DRAWINGS FOR UNDERGROUND DETENTION SYSTEMS AND OUTLET RESTRICTION DEVICES MUST BE FURNISHED TO THE TOWN FOR APPROVAL.
- THE PROPOSED STORMWATER MANAGEMENT SYSTEM SHALL MEET THE 25-YEAR DETENTION.

HUNTERSVILLE GRADING & EC NOTES

- INSPECTIONS SHALL BE CONDUCTED AS PRESCRIBED BY THE MAINTENANCE COVENANT. ADDITIONAL INSPECTIONS MAY BE CONDUCTED BY THE TOWN OF HUNTERSVILLE ON ANY REASONABLE BASIS, INCLUDING BUT NOT LIMITED TO: ROUTINE INSPECTIONS; RANDOM INSPECTIONS; INSPECTIONS BASED UPON COMPLAINTS OR OTHER NOTICE OF POSSIBLE VIOLATIONS; INSPECTIONS OF DRAINAGE BASINS OR AREAS IDENTIFIED AS HIGHER THAN TYPICAL SOURCES OF SEDIMENT OR OTHER CONTAMINANTS OR POLLUTANTS; INSPECTIONS OF BUSINESSES OR INDUSTRIES OF A TYPE ASSOCIATED WITH HIGHER THAN USUAL DISCHARGES OF CONTAMINANTS OR POLLUTANTS OR WITH DISCHARGES OF A TYPE WHICH ARE MORE LIKELY THAN THE TYPICAL DISCHARGE TO CAUSE VIOLATIONS OF STATE OR FEDERAL WATER QUALITY STANDARDS OR THE NPDES STORM WATER PERMIT; AND JOINT INSPECTIONS WITH OTHER AGENCIES INSPECTING UNDER ENVIRONMENTAL AND SAFETY LAWS. INSPECTIONS MAY INCLUDE, BUT ARE NOT LIMITED TO: REVIEWING MAINTENANCE AND REPAIR RECORDS; SAMPLING DISCHARGES, SURFACE WATER, GROUNDWATER, AND MATERIAL OR WATER IN BMPs; EVALUATING THE CONDITION OF BMPs AND STORM WATER MANAGEMENT PRACTICES.
- RIGHT-OF-ENTRY FOR INSPECTION. WHEN ANY NEW BMP IS INSTALLED ON PRIVATE PROPERTY, THE PROPERTY OWNER SHALL GRANT TO THE TOWN OF HUNTERSVILLE THE RIGHT TO ENTER THE PROPERTY AT REASONABLE TIMES AND IN A REASONABLE MANNER FOR THE PURPOSE OF INSPECTION. THIS INCLUDES THE RIGHT TO ENTER A PROPERTY WHEN THE TOWN OF HUNTERSVILLE HAS A REASONABLE BASIS TO BELIEVE THAT A VIOLATION OF THIS REGULATION IS OCCURRING OR HAS OCCURRED, AND TO ENTER WHEN NECESSARY FOR ABATEMENT OF A PUBLIC NUISANCE OR CORRECTION OF A VIOLATION OF THIS REGULATION.



EASTFIELD INDUSTRIAL

EVERETTE KEITH ROAD
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA
FOUNDRY COMMERCIAL

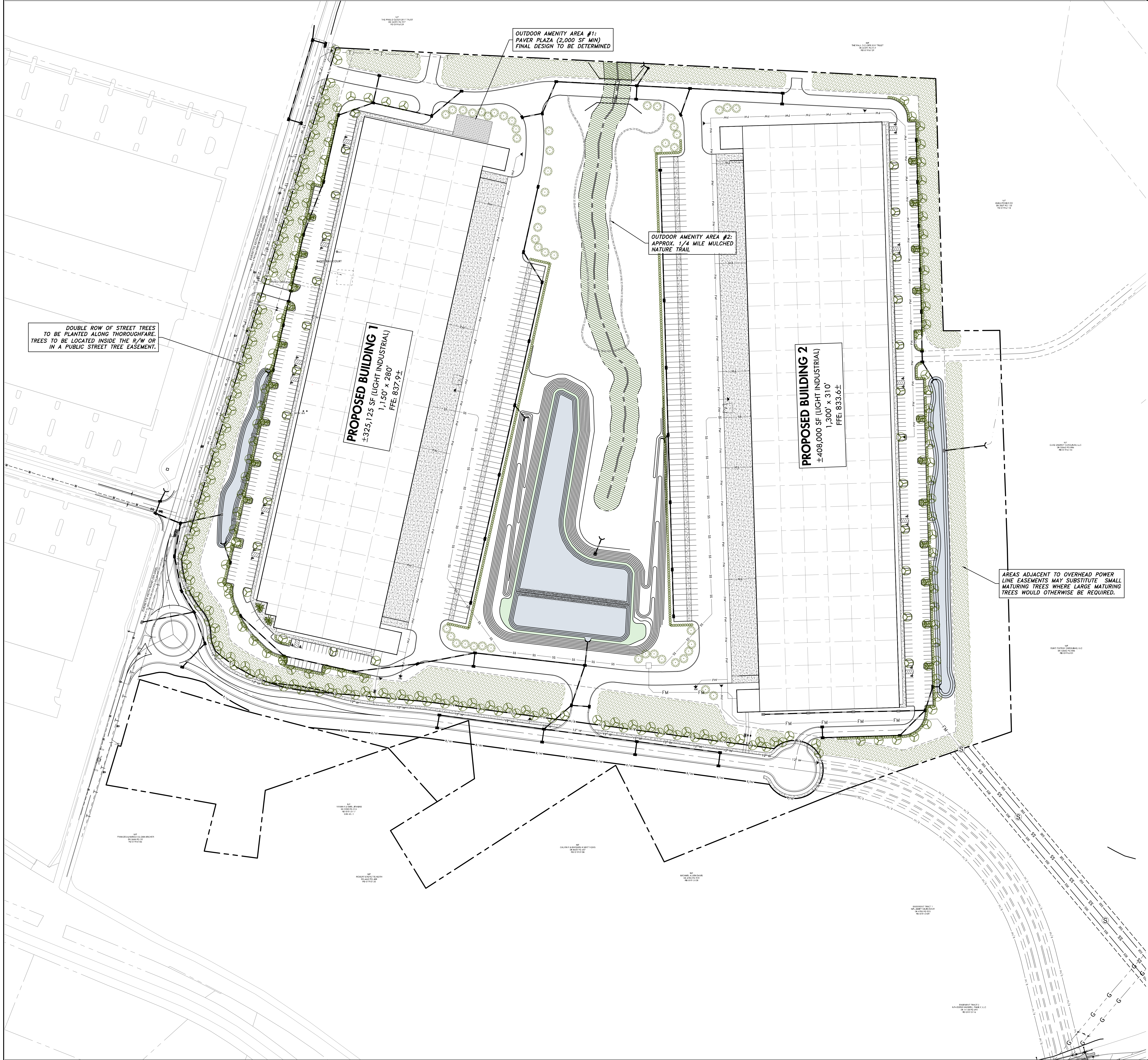
GRADING & DRAINAGE CONCEPT PLAN

EPW #445033

REVISIONS:
1. 06/01/23 - PER STAFF COMMENTS

ENGINEER: GTW
DRAWN BY: ERT
CHECKED BY: LIB
PROJECT #: 022.021

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SHEET 8 OF 9

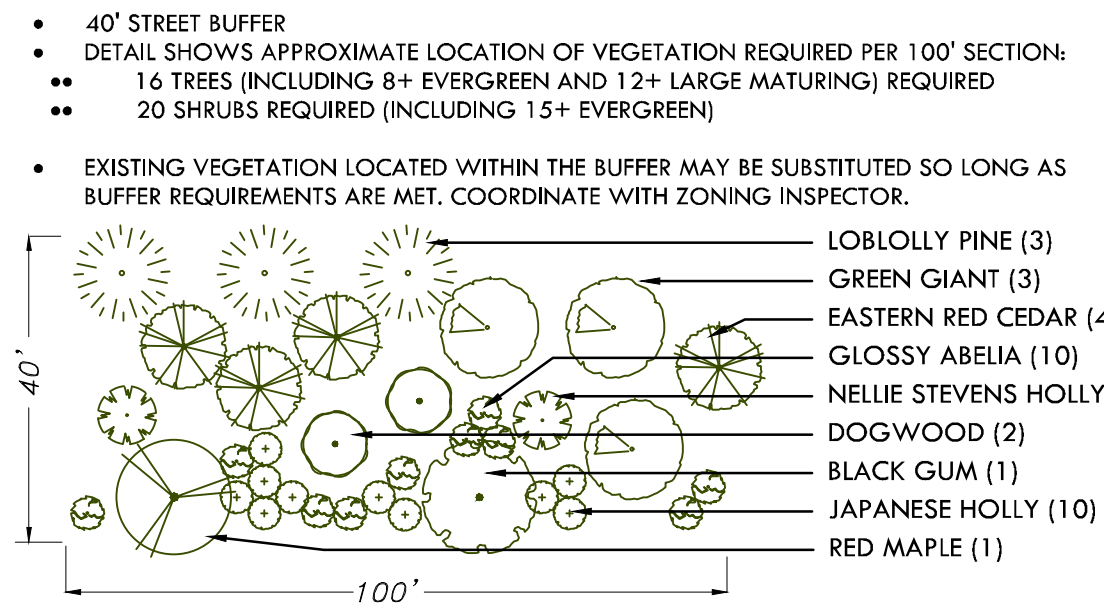


LANDSCAPING CALCULATIONS

BUFFER LANDSCAPING REQUIRED:
EVERETTE KEITH RD STREET BUFFER (2,725' OF FRONTAGE x 40' WIDE)
TREES REQUIRED = (109,000 SF / 1,000 SF x 4 TREES) = 436 TREES
SHRUBS REQUIRED = (109,000 SF / 1,000 SF x 5 SHRUBS) = 545 SHRUBS
TREES: 75% LARGE MATURING, 50% EVERGREEN, 25% SMALL MATURING
(SHRUBS: 75% EVERGREEN)

PARKING LANDSCAPING REQUIRED:
• LARGE MATURING TREES REQUIRED IN INTERIOR OF PARKING (MAX. 35 SPACES APART)
• LARGE MATURING TREES REQUIRED ALONG PERIMETER AT MAXIMUM 40' O.C.
• CONTINUOUS SCREEN OF EVERGREEN SHRUBS AT MAXIMUM 4' O.C.
• SEMI-OPAQUE SCREEN REQUIRED AT TRUCK COURT WITH MAX. 10' SEPARATION OF MATURE TREE CANOPY AND MAX. 4' CLEAR SPACE BETWEEN SHRUBS

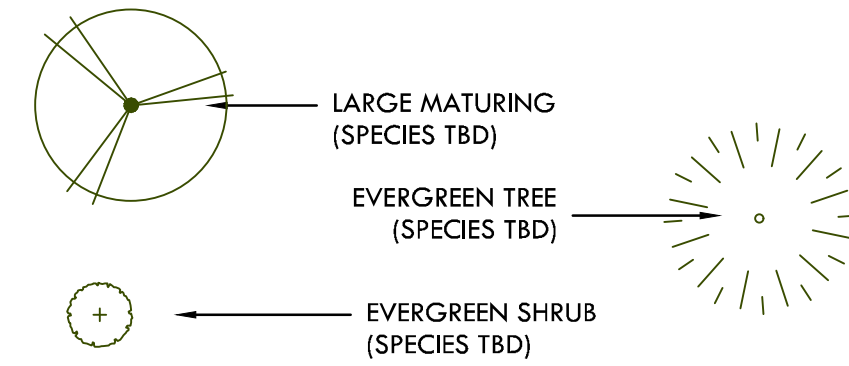
BUFFER DETAIL SCALE: 1" = 30'



TREE REPLANT AREAS
DENOTES AREAS WHERE COMPLETE CLEARING AND GRADING WILL BE REQUIRED. AREAS SHALL BE STABILIZED AND PLANTED PER THE APPROVED PLANS AND AS SPECIFIED BY THE TOWN OF HUNTERSVILLE LANDSCAPING ORDINANCE.

URBAN OPEN SPACE		
TYPE	SIZE	PARKING PROVIDE
PAVER PLAZA	2,000 SF (MIN)	0
NATURE TRAIL	1/4 MILE ±	0

LANDSCAPING KEY

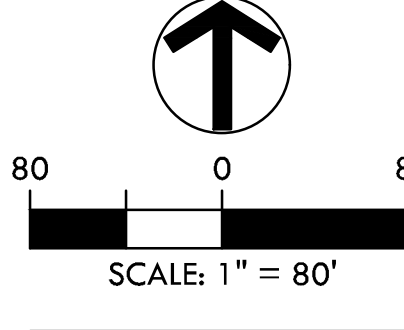


LANDSCAPE NOTES

- EXISTING VEGETATION LOCATED ON SITE MAY BE SUBSTITUTED SO LONG AS URBAN FORESTRY REQUIREMENTS ARE MET. COORDINATE ON-SITE WITH URBAN FORESTER.
- PLANT SPECIES MAY BE SUBSTITUTED DEPENDING ON TIME OF PLANTING, AVAILABILITY, ETC. UPON APPROVAL OF URBAN FORESTER AND AS LONG AS PLANT SELECTION, TYPE, SPACING MEETING TOWN OF HUNTERSVILLE'S LANDSCAPING ORDINANCE.
- STREET TREE LOCATIONS ARE SUBJECT TO CHANGE DURING CONSTRUCTION PHASE TO SATISFY THE TOWN'S ENGINEERING STANDARDS AND PROCEDURES MANUAL.

HUNTERSVILLE LANDSCAPE NOTES

- INSTALLATION GUARANTEE REQUIRED
 - 1.1. A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED PRIOR TO THE INSTALLATION OF TREES AND SHRUBS, EXCLUDING YARD TREES, DURING THE NON-PLANTING SEASON IF A CASH BOND, SURETY BOND OR LETTER OF CREDIT IS ISSUED FOR 150% OF THE COST OF MATERIALS AND INSTALLATION. PLANTING SHALL BE COMPLETED DURING THE NEXT PLANTING SEASON.
 - 1.2. THE PLANTING SEASON SHALL RUN FROM OCTOBER 15 TO MARCH 15, EXCEPT FOR EXTREME WEATHER CONDITIONS AS DETERMINED BY STAFF. A FINAL CERTIFICATE OF OCCUPANCY SHALL NOT BE GIVEN DURING THE PLANTING SEASON UNLESS ALL OF THE LANDSCAPING IS COMPLETELY INSTALLED ACCORDING TO THIS ARTICLE.
- MAINTENANCE SURETY REQUIRED
 - 2.1. DEVELOPERS SHALL ENTER INTO A MAINTENANCE SURETY AGREEMENT WITH MECKLENBURG COUNTY GUARANTEEING THE VIABILITY OF STREET TREES AND TREES AND SHRUBS PLANTED IN BUFFER YARDS FOR A PERIOD OF 1 YEAR FOLLOWING PLANTING. THE AMOUNT OF THE SURETY SHALL BE EQUAL TO 50% OF THE VALUE OF THE NEW TREES OR LANDSCAPE MATERIAL AND THEIR INSTALLATION. THE MAINTENANCE SURETY SHALL BE PROVIDED WHEN ALL OF THE REQUIRED TREES AND SHRUBS HAVE BEEN PLANTED.



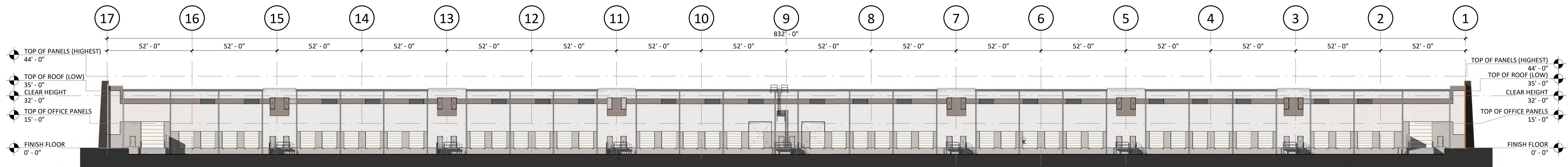
EASTFIELD INDUSTRIAL
EVERETTE KEITH ROAD
HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA
FOUNDRY COMMERCIAL
LANDSCAPING CONCEPT PLAN

EPW #445033

REVISIONS:
1. 06/01/23 - PER STAFF COMMENTS

ENGINEER: GTW
DRAWN BY: ERT
CHECKED BY: LIB
PROJECT #: 022.021

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SHEET 9 OF 9

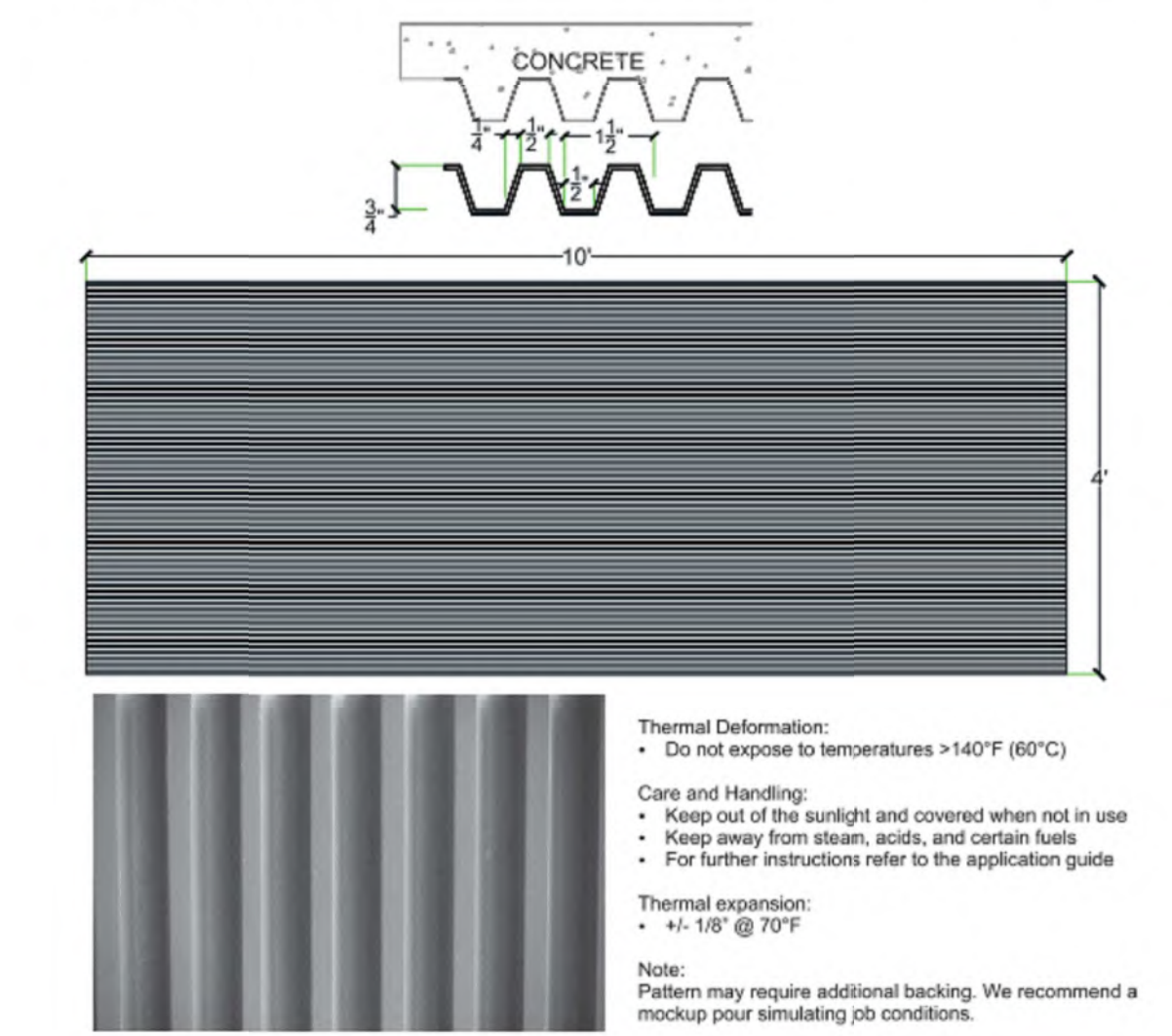


1 COLOR ELEVATION - TRUCK COURT - PLAN NORTH
1" = 30'-0"

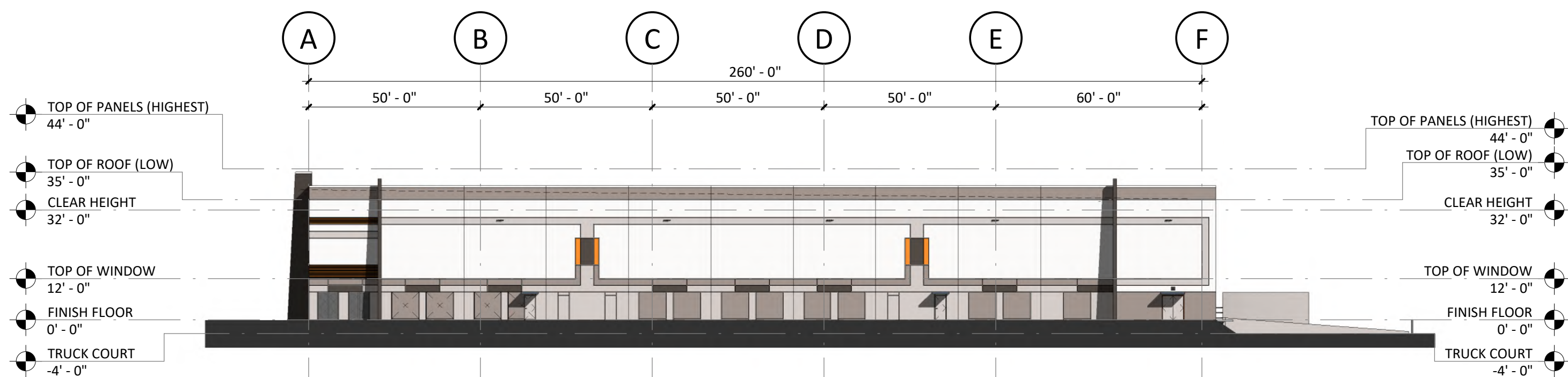
FORMLINER USED ON CORNERS TO ESTABLISH HEIRARCHY OF FEATURES

Pattern# 4004
3/4" Deep Rib 1 1/2"oc (1/2" Peak, 1/2" Valley) **customrock**
FORMLINER

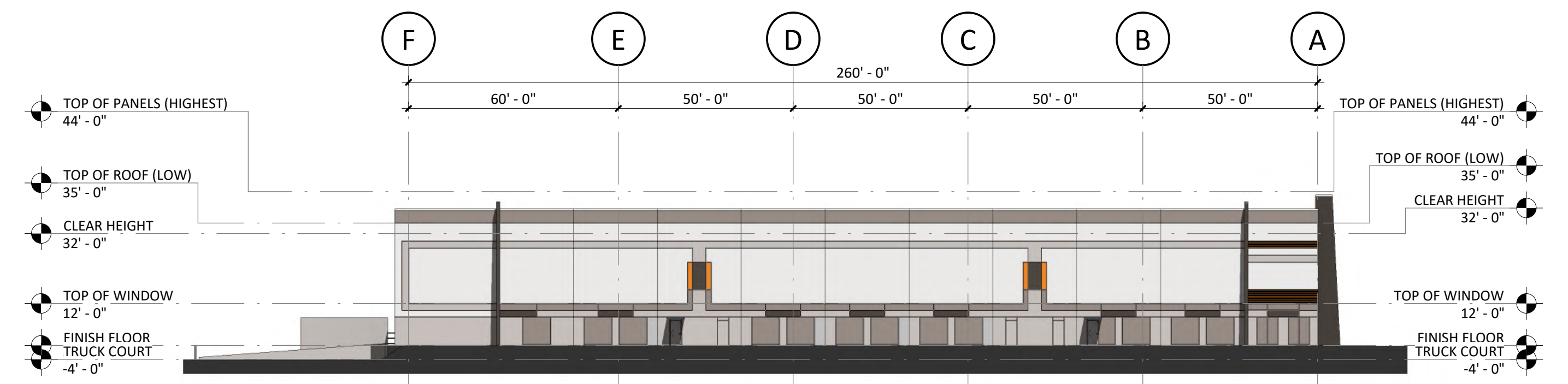
General Information:
Thermofomed ABS and Styrene plastic formliners are an inexpensive alternative for providing architectural concrete. The Styrene single use liner is the least expensive liner option. The ABS plastic formliner properties allows for an up to ten reuse factor depending on the design and handling.



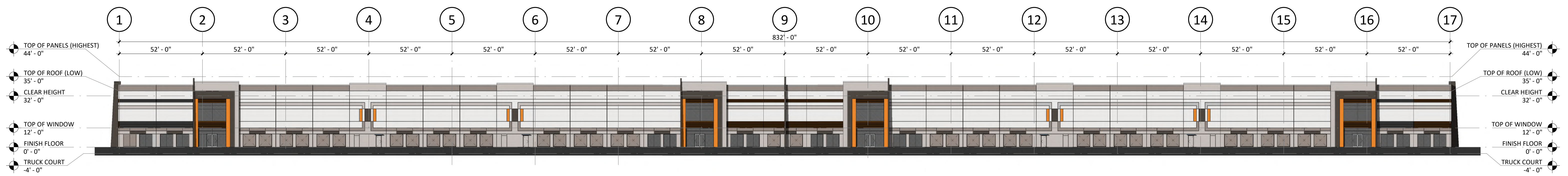
Custom Rock Formliner • 2020 West 7th Street • St. Paul, MN 55116 • (800) 637-2447
www.customrock.com



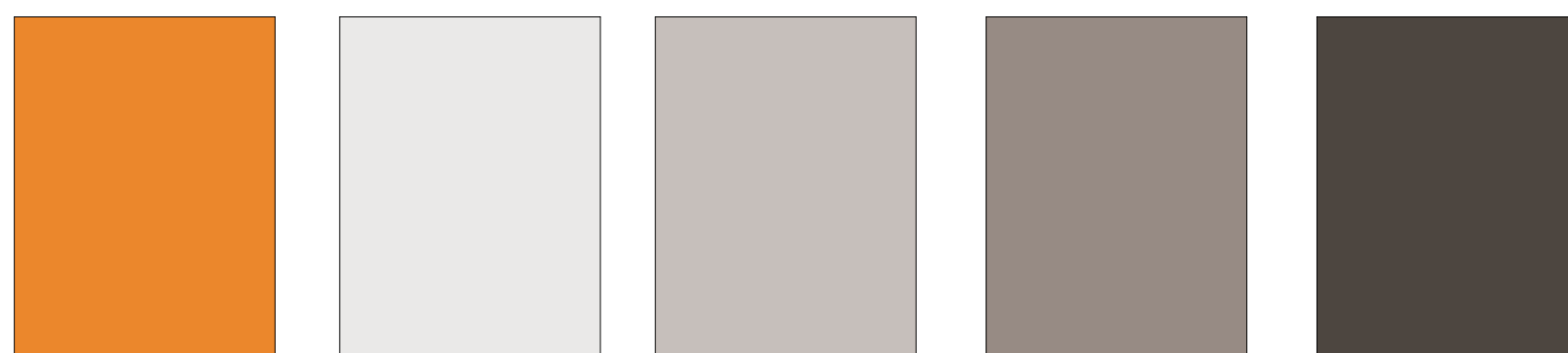
2 COLOR ELEVATION - PLAN EAST
1" = 30'-0"



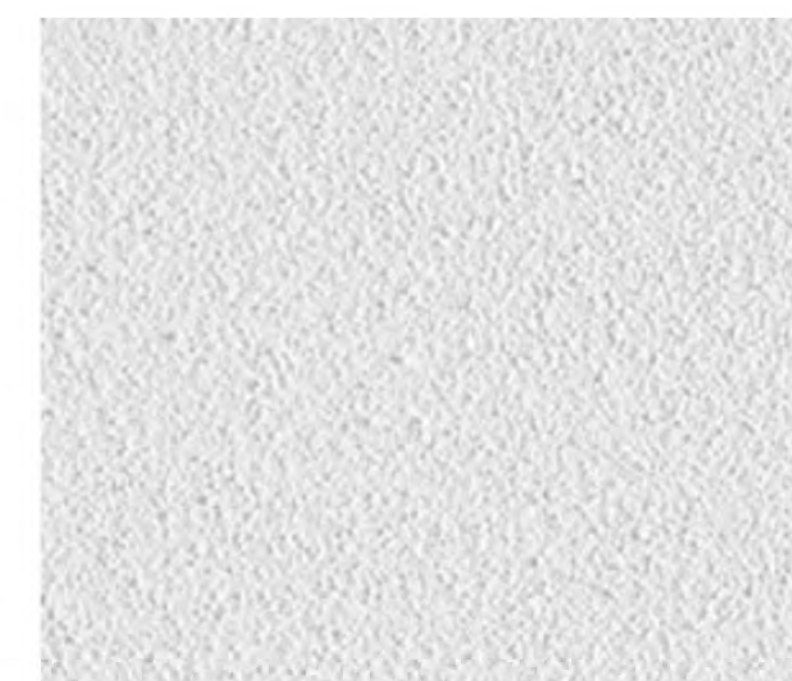
3 COLOR ELEVATION - PLAN WEST
1" = 30'-0"



4 COLOR ELEVATION - PLAN SOUTH
1" = 30'-0"



BESIDES 1 ACCENT COLOR, THE 4 OTHER COLORS ARE CLOSE MONOCHROMES
OF EACH OTHER TO CREATE SUBTLE ELEVATIONAL INTEREST IN THE PATTERNS



MEDIUM TEXTURE PAINT ON CONCRETE WALL PANELS

REPRESENTATIVE BUILDING ELEVATIONS
SHELL BUILDING ONLY

SEALS

REVISIONS		
MARK	DATE	DESCRIPTION

NOTE:
MINIMUM 32 FT. CLEAR HEIGHT UNDER
STRUCTURE, TYPICAL.
PROJECT NUMBER: C21144
PERMIT TRACKING: ...
DRAWING STATUS:
NOT FOR CONSTRUCTION
ISSUED FOR BIDDING
ISSUED FOR CONSTRUCTION

SHEET TITLE:
COLOR ELEVATIONS,
PAINT COLORS, & WALL
FORMLINER
SHEET NUMBER:
TRC 2
©2022 MERRIMAN SCHMITT ARCHITECTS, INC.

CONSULTANTS:

GENERAL CONTRACTOR:

CLIENT:







Community Meeting Report
R23-01 Foundry-Everette Keith Road

Date: May 24, 2023

Time: 6:30 PM to 7:30 PM

Location: Huntersville Recreation Center

1136 Verhoeff Drive, Huntersville, NC, 28078

Attendees: 13-14 neighbors, development team, David Peete and Frank Gammon. Neighbor sign-up sheets are attached.

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

Comments:

- Property owners of the property that is the subject of the rezoning discussed the uses of the property with the Applicant.
- Property owners and Applicant discussed how the proposed use and rezoning is consistent with Eastfield Road Small Area Plan ("Small Area Plan").
- Attendees discussed the history of the property and recommended names for the industrial park. Among the names recommended were Everette Keith and Christenbury.
- General enthusiasm for the project because it aligns with the Small Area Plan and the property owners have tried to develop the property for a very long time.
- Applicant explained the timeline for approval and provided the attendees with meeting dates Applicant reminded attendees that the dates can change and to check the town planning website.

Questions

1. What happens to the property north of this project if the project is approved? *The Small Area Plan and 2040 Comprehensive Plan are guides for development. The Applicant explained that the area the attendee asked about is Area C in the Small Area Plan (north of Hambright Road) which is recommend in the SAP to remain residential (TR).*
2. Will property to the south be zoned commercial along with this rezoning? *The Applicant explained that the property would not be rezoned without an owner's consent.*
3. What does the project timeline look like? *The project is currently on track for a July 17 public hearing and August rezoning vote and permitting and construction document approvals will take at least 12 months.*
4. How much time will the property owners be given to move after the rezoning is approved? *The property owners will be given 180 days from closing to relocate.*
5. Questions were asked about the existing pond and the function of the storm drainage systems. *The Applicant provided a detailed explanation of the pond drainage, storm water system, and pump location.*
6. What can go wrong with the rezoning approval? All 15 families are excited to see the property developed. *The Applicant reminded the attendees that rezoning is a political process.*

**Town of Huntersville
Planning Board
July 25, 2023**

To: Town Board

From: Lauren Speight, Senior Planner

Date: July 25, 2023

Subject: TA23-01 Street Trees

EXPLAIN REQUEST:

Make a recommendation on TA 23-01 Street Trees, a request by the by the Town of Huntersville Planning Department in cooperation with the Engineering and Public Works Departments to amend Articles 7.7, 5.5, and 12 of the Zoning Ordinance to provide options for developers to reduce impacts caused by street trees while meeting the guidelines of the Huntersville 2040 Community Plan and the intent of the Zoning Ordinance.

ACTION RECOMMENDED:

Make a recommendation

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Staff Report TA 23-01 PB 7.25.23
2. Attachment 1 TA23-01 Application
3. Attachment 2 TA 23-01 07.25.23 PH
4. Attachment 3 April 6 2023 Meeting Minutes

TA23-01 – Street Trees

PART 1: DESCRIPTION

Per the directive of the Town of Huntersville Board of Commissioners, TA23-01 is a text amendment request by the Town of Huntersville Planning Department in cooperation with the Engineering and Public Works Departments to amend Articles 7.7, 5.5, and 12 of the Zoning Ordinance to reduce impacts caused by street trees while ensuring high minimum quality of design meeting the intention of the Zoning Ordinance and Huntersville 2040 Comprehensive Plan.

PART 2: BACKGROUND

The regulation of required vegetation, such as street trees, is a standard part of the development codes. Street trees have been required for development in the Town of Huntersville since the adoption of the 1996 Zoning Ordinance. The planting strip for street trees was originally adopted at 5 feet in width for street trees. Over time the minimum planting strip width was increased from 5 feet to 7 feet in 2003 to allow street trees appropriate area for the health of the trees and infrastructure. Major residential subdivisions developed with the requirement for street trees include, but are not limited to, Monteith Park, Skybrook, Tanner’s Creek, and Centennial. As the street trees in these and other developments with Town-maintained roads matured the Town Engineering and Public Works Departments provided feedback that evidence suggest a large portion of sidewalk repairs are the result of damage caused by street trees.

In response to feedback from the Town Engineering and Public Works Departments, the Town Board of Commissioners directed staff to propose a text amendment to resolve the challenges posed by street trees. Planning Staff conducted extensive research of street trees requirements and best practices and reviewed regulations for street trees of dozens of municipalities within North Carolina. Ultimately, staff found half of the largest municipalities in North Carolina allow or require trees in a green zone between the sidewalk and travel lanes. Several municipalities with street tree requirements also have arborists on staff. Best practices from staff research and feedback from those arborists indicate the most successful method to prevent damage to infrastructure evaluation of appropriate tree species and conditions at the plan review level. Staff found, through our research and review of subdivisions in Huntersville, the appropriate species and location of street trees is critical to the longevity of the public right-of-way.

Thus, the included proposal intends to meet multiple goals: 1) reduce impacts of street trees on Town-maintained infrastructure by requiring the most appropriate species in the most appropriate location; 2) comply with the Huntersville 2040 Community Plan, and 3) ensure the appropriate use of plant material in new construction per Article 7 of the Zoning Ordinance. To meet these goals TA 23-01 proposes the following:

Section 1: This section of the text amendment proposes to allow small maturing street trees within a minimum 7-foot-wide planting strip and large maturing trees within a minimum 9-foot-wide planting strip. In response to feedback from the Engineering and Public Works Departments, developers will also have the option to forgo planting a tree within the planting strip and may alternatively provide a 5-foot green zone and one yard tree in addition to the required supplemental landscaping required in Article 7.7, Section 3. Developers may only choose the option to provide a 5-foot green zone with an additional yard tree if the lots in the development meet certain dimensions. The dimension requirements are important for additional trees because lots are already required to include front and rear yard trees and it is important a lot is able to accommodate an additional tree.

Sections 2 and 4: Per feedback from the Huntersville Ordinances Advisory Board, “New Trees” in Article 7.7, Section 3 has been modified to “Required Yard Trees” with a proposed definition in Section 4 of this text amendment. This section also proposes to allow new lots for which the front build-to-range or setback is 25 feet or less to plant small-maturing trees instead of large-maturing trees. Small maturing trees in the front yard would allow a more appropriate tree species within a smaller area.

Section 3: This section of the text amendment is proposed to amend the green zone minimum widths in Article 5.5 of the Zoning Ordinance to correspond with the proposed changes to Article 7.7 of the Zoning Ordinance in Section 1 of this text amendment.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

EOS 4.1 Require street trees and encourage the preservation of heritage trees.

EOS 4.3 Plant more trees and continue to require street trees in new developments.

Staff comment: The proposed text amendment preserves the requirement for street trees in new developments as directed in EOS 4.1 and EOS 4.3 of the Huntersville 2040 Community Plan. The revisions propose to increase the options for developers to provide trees along the public street that are an appropriate species within a sufficient planting area to minimize maintenance of the public right-of-way and ensure the health of the tree canopy for the benefit of the community.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment TA23-01 based on consistency with policies EOS 4.1 and EOS 4.3 of the Huntersville 2040 Community Plan as well as the intent of Article 7 of the Zoning Ordinance.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

On April 6, 2023, The Huntersville Ordinances Advisory Board (HOAB) recommended approval (8-0) with the following text changes and considerations. Text change 1) Article 7.7.3 c be changed to read, “in cases where the front built-to range or setback is 20 feet or less be changed to 25 feet or less. Small maturing trees may be permitted.” Text change 2) In article 7.7.3 c (a) be changed from ‘new trees’ to ‘yard trees.’ Recommendation #3 that a definition of yard trees to the Zoning Ordinance Article 12 Definitions be added. Recommendation #4 that the reference note, “For lots greater than 50 feet in width with the front build to depth of greater than 40 feet, in lieu of providing a planting strip located between the existing street and proposed sidewalk, the development may provide a minimum 5-foot green zone and one front-yard tree in addition to the required supplemental landscaping provisions for residential lots in the following section” be deleted. And that the following items be considered, #1) The wording of proposed draft text of Article 7.7.2(a) be amended to be more in line with the wording of Article 5.5.d(2) to allow more flexibility in the spacing of street trees and removal of street tree plantings near intersections. (See Attachment 3)

PART 6: PUBLIC HEARING

The Public Hearing took place July 15, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for July 25, 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 TA23-01, Planning Staff recommends approval based on consistency with policies EOS 4.1 and EOS 4.3 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will provide developers with multiple options to comply with the street tree guidelines of the Huntersville 2040 Community Plan as well as the intent of Article 7 of the Zoning Ordinance to continue to provide Huntersville with the benefits of a robust tree canopy while reducing maintenance impacts to the public right-of-way.	APPROVAL: In considering the proposed amendment TA23-01, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA23-01, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
DENIAL: N/A	DENIAL: In considering the proposed amendment TA23-01, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)	DENIAL: In considering the proposed amendment TA23-01, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)



Text Amendment Application

Date of Application 01/30/2023

Fee

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

Type of Change

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

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

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): See Attached Article(s): See Attached Section(s): See Attached

See Attached

Current Ordinance

See Attached

Proposed Text

Per Town Board and Staff discussion at 2022 Town Board Retreat

Reason for Proposed Change

Attach additional pages if needed.

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

Applicant

Printed Name Town of Huntersville Planning Department

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

Signature Lauren Speight Date 01/30/2023

Title Lauren Speight, Sr. Planner Email LSPEIGHT@HUNTERSVILLE.ORG

Address of Applicant 105 Gilead Road, 3rd Floor

Property Owner (if different than applicant)

* Printed Name _____

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

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

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

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

Date Received By Planning Department: _____

Staff Initials: _____

**AN ORDINANCE TO AMEND ARTICLE 7, STREET TREE PLANTING STRIPS AND
SMALL MATURING YARD TREE OPTION**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.7, Section 2 of the Zoning Ordinance is hereby amended by modifying the minimum width of planting strips located between the existing street and proposed sidewalk as follows:

2. Spacing and Location of Street Trees. Small maturing sStreet trees are required to be within a minimum 7-foot planting strip located between the existing street and proposed sidewalk **and large maturing street trees are required to be within a minimum 9-foot planting strip between the existing street and proposed sidewalk.**¹ Planting shall be provided as follows:

- a. Large maturing canopy trees shall be planted at a spacing not to exceed 40 feet on center except that spacing may be altered slightly to accommodate driveways.
- b. Small maturing “canopy –like” trees shall be planted 30 feet on center where existing overhead utility lines prohibit the use of large maturing canopy trees.
- c. For property located on a major or minor thoroughfare, excluding the Town Center (TC) zoning district, an additional row of street trees are required to be located behind the proposed sidewalk in a 10-foot landscape easement to be recorded on a plat of record prior to issuance of a building permits. The interior row of trees shall be staggered from the trees provided within the right-of-way.
- d. All street trees must be listed as an approved street tree on The Town of Huntersville Tree and Shrub List.

¹ For lots greater than 50 feet in width with a front build-to-area depth of greater than 40 feet, in lieu of providing a planting strip located between the existing street and proposed sidewalk, the development may provide a minimum 5-foot green zone and one front-yard tree in addition to the required supplemental landscaping provisions for residential lots in the following section.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.7, Section 3 of the Zoning Ordinance is hereby amended by modifying the permitted types of yard trees as follows:

Supplemental Landscaping Provisions for Residential Lot Trees.

1. **New Required Yard Trees.** In order to maintain or replenish the urban tree canopy in areas of new residential subdivision, except when located in the TOD-R zoning district, each lot shall provide canopy trees in accordance with the following schedule:

Lot Size	Required Number of Canopy Trees
Less than 10, 000 sq./ft.	1 Front yard, 1 Rear Yard

10,000 – 15,000 sq./ft.	1 Front yard, 2 Rear Yard
15,001 – 20,000 sq./ft	2 Front yard, 2 Rear Yard
More than 20,000 sq./ft.	3 Front yard, 3 Rear Yard

2. **Existing Trees.** The use of existing trees to satisfy this requirement is encouraged. Supplemental plantings may be required in the addition to native material. Existing canopy trees over 6” in caliper may be counted towards fulfilling this requirement. Required street trees may not be counted towards the fulfillment of this requirement.
3. **Location and Spacing.** All trees required within this section shall be planted within the private lot and must be spaced at a width sufficient to accommodate mature growth. **In cases where the front build-to range or setback is 25 feet or less, small-maturing trees may be permitted.** All trees shall be listed as an approved tree on *The Town of Huntersville Tree and Shrub List*.

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 5.5, Elements of Street Design, d of the Zoning Ordinance is hereby amended as follows:

Tree-grates may be utilized for street trees; however, the grate-area may only count toward 1 foot of the “free and clear” (per ADA standards) sidewalk area. All other material placed at the base of street trees, other than concrete or asphalt, shall not count toward the minimum sidewalk width.

1. Street trees are required on both sides of all public streets except along the undeveloped side of residential-type streets adjacent to open space. Street Trees shall be located within a Green Zone, which is the space between the sidewalk and the back of curb or back of swale where no curb and gutter is present. Typically, Green Zones are a planting strip or hardscaped amenity zone, which serves as a buffer between pedestrians and vehicles. The Green Zone may include street trees and landscaping and often includes street furnishings and utilities. To encourage tree health, Green Zones shall be provided as follows:
 1. Curb and gutter section – 7 feet in width (minimum **for small maturing street trees), 9 feet in width (minimum for large maturing street trees) per Article 7;**
 2. Ditch section – 6 feet minimum outside the swale;
 3. Industrial Streets – 10 feet in width;
 4. Alleys – not required.
2. Generally, street trees shall be planted at a spacing not to exceed 40 feet on center, ~~and shall be a large-maturing type (see Town of Huntersville Approved Tree and Shrub List).~~ Where overhead utility lines preclude the use of large-maturing street trees, small-maturing street trees may be substituted, planted 30 feet on center. Street tree spacing may be “field-adjusted” for driveways or utilities **and to comply with the Town of**

Huntersville Engineering Standards and Procedures Manual, but should generally maintain uniform spacing. Street trees should not be planted within 40 feet of the radius return of an intersection.

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12.2.1, General Definitions, of the Zoning Ordinance is hereby amended as follows:

Yard Tree, Required. A tree or trees required to be planted in the front or rear yard of a lot to satisfy the requirements of Article 7 of the Zoning Ordinance.

Section 5. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: 4/6/2023

PUBLIC HEARING DATE: July 17, 2023

PLANNING BOARD MEETING: July 25, 2023

TOWN BOARD DECISION: August 21, 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.

Call to Order/Roll Call

Chairman Hallman called the meeting to order at 3:30 pm.

Voting Members Present: A. Hallman, K. Jones, M. Jones, H. Whittaker, J. Palillo (arriving at 3:33 p.m.), S. Harrington, M. Pollard, and F. Gammon

Voting Members Absent: J. Kluttz

Non-Voting Members Present: Commissioner Munger, J. Simoneau, T. Barron, E. Sloop, and J. Glass

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the March 2, 2023, Regular Meeting Minutes

Motion: M. Jones made a Motion to Approve the amended March 2, 2023, minutes with the comments added to include that the Board did not receive all material information on Agenda Item 4A which was the reason he voted against that item. K. Jones seconded the motion.

Vote: The motion passed unanimously (7-0).

Public Comments

No public comments.

Action Agenda

Item 4A: Consider a recommendation on petition #TA23-01, a request by the Huntersville Planning Department for a text amendment to Article 7, Part A: Landscaping altering the spacing and location of required street trees and providing greater flexibility for the types of supplemental residential lot trees.

L. Speight, Senior Planner reviewed the three sections of the proposed amendment as included in the attached exhibits.

F. Gammon asked why last installation guarantee was not required. Staff provided the example of major subdivisions and indicated that we would not want to prevent a certificate of occupancy being issued for a home if the developer elects to install all their street trees at the completion of development just prior to handing the streets over to the town.

M. Jones commented that the request to review this text amendment was due to the high cost of sidewalk repairs. He then asked if there has been an analysis to identify how the proposed amendments would create that effect. Staff responded that the Planning Department has

researched how municipalities have mitigated damage and the larger planting strips are the approach taken versus eliminating trees to mitigate the damage.

M. Jones asked if existing streets die or are cut down, could the tree be replaced with something that does create further damage. Staff responded that the department is currently working with an arborist to identify recommended replacement of trees that are dead, diseased, or dying so that the same damage does not occur and to reduce issues with monoculture.

M. Jones asked if there is a meeting of the minds between Planning and Public Works on how to best address this issue. S. Trott, Director of Engineering commented that the more room you can provide and the further the tree is from the sidewalk, the better the results are and less potential maintenance.

S. Trott shared a sample of a site plan to demonstrate the types of utility lines, trees, streetlights, and driveways that occur within or between planting strips.

J. Palillo asked if a better option would be to make one street tree per lot regardless of lot size, widen the planning strip, and make sure the house setback is sufficient so that when you park in the driveway the vehicle does not overlap the sidewalk. Staff replied that using the current method for spacing street trees provides the result of an average of one tree per lot by the time you remove stormwater inlets, streetlights, driveways, etc. Staff also shared the efforts being done to work with an arborist and identify local non-invasive small trees that would be suitable for minimum root sizes, deep tap roots to increase survivability and minimize damage as the trees mature.

H. Whittaker commented that he is concerned about putting the street tree on private property and asked if the trees convey with the deed to the new owner. Staff confirmed that it does convey, and the homeowner is responsible for maintaining and replacing the tree.

S. Harrington asked why a 7-foot planting strip width is proposed if wider has been determined as better. Staff responded that the 7-foot width is included because it is the current zoning requirement and developers would be allowed to pick the width based on the type of trees that would be planted.

J. Palillo commented that the Town may be better off recommended eliminating the 5-foot option so that government does not have to manage telling the homeowner that they have to install the street tree in their yard and

Motion: F. Gammon made a Motion to Approve TA23-01 to move forward for public hearing, Planning Board and Town Board recommendation and decision with the following text changes and considerations. Text change 1) Article 7.7.3 c be changed to read, "in cases where the front built-to range or setback is 20 feet or less be changed to 25 feet or less. Small maturing trees may be permitted." Text change 2) In article 7.7.3 c (a) be changed from 'new trees' to 'yard

trees.’ Recommendation #3 that a definition of yard trees to the Zoning Ordinance Article 12 Definitions be added. Recommendation #4 that the reference note for lots greater than 50 feet in width with the front build to depth of greater Be deleted. And that the following items be considered, #1) The wording of proposed draft text of Article 7.7.2(a) be amended to be more in line with the wording of Article 5.5.d(2) to allow more flexibility in the spacing of street trees and removal of street tree plantings near intersections. H. Whittaker seconded the motion.

F. Gammon commented that he agrees with J. Palillo’s comments, and he would prefer to be responsible for the tree on the street based on the homeowner’s association determination then putting another tree in his yard.

H. Whittaker commented that the concerns of Engineering and Public Works have not been addressed and if the discussion with the arborist will be sufficient to identify tree varieties that do not go wide or deep in root growth. Staff commented that based on conversations with other municipalities experience the arborist will consider the species and planting location of the trees whether that is the street or the yard, in addition to where the utilities are placed to determine where the trees should be planted.

J. Palillo commented that all maintenance issues cannot be avoided but should be reduced through the actions being taken. He then asked if stormwater and utility interference is as large of an issue as the sidewalk damage. K. Fox, Director of Public Works shared that since the Town is not responsible for those repairs, we are not sure how often they are happening but we do know that they happen because these repairs can require sidewalk removal. The sidewalk buckles and trip hazards are the greatest liability and expense that the Town is aware of and looking to address.

Commissioner Munger asked if Staff agreed that the motion would significantly or at least moderately have an impact of expenses related to sidewalk repair and have a negligible impact on any other utilities. K. Fox, Director of Public Works commented that to the best of his knowledge the proposal to lessen the root ball and root spread and widen the planting strip is better than what we currently have. In his opinion the best option is to put trees in yards, but this has a potential to lessen the impact moving forward. This motion is a move in the right direction and only time will tell if it is addressing the issues enough, but it is a good start.

F. Gammon commented that the motion will largely address future development and reduce those issues. Allowing existing street trees to be replaced with small maturing trees seems to be the only part that will help reduce the current issues.

H. Whittaker asked if it would be better to do away with a large tree option and only use small maturing trees for street trees. Staff commented that the option for a large maturing tree seems to be the preference because when done correctly it can create a very majestic result.

J. Palillo presented the concept of a 5-foot planting strip, 5-foot sidewalk, and 5-foot right-of-way with the tree planted at the 15-foot mark so it is on the border of the right-of-way and

yard. Now the tree is pushed 15 feet from the curb. Use the same total width that is currently being proposed but divide it up differently to allow the tree to be placed further from the curb and sidewalk and create the canopy over the sidewalk area. Staff commented that they will take this into consideration.

Vote: The motion passed unanimously (8-0).

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.

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)

Other Business

No other business.

Adjourn

Motion: F. Gammon made a Motion to Adjourn. S. Harrington seconded the motion.

Vote: The motion passed unanimously (8-0).

Approved this ____ day of _____ 2023.

Chairman or Vice Chairman

Board Secretary