

Mayor
Melinda Bales

Mayor Pro Tem
Stacy Phillips

Commissioners
Dan Boone
Rob Kidwell
Amber Kovacs
Lance Munger
Derek Partee



Town Manager
Anthony Roberts

Deputy Town Manager
Jackie Huffman

Assistant Town Manager
Bobby Williams

Town Attorney
Emily Sloop

Town Clerk
Janet Pierson

AGENDA
Regular Town Board Meeting
September 5, 2023 - 6:00 PM
TOWN HALL (101 Huntersville-Concord Road)

Live Stream available via YouTube
@townofhuntersvillenc28078

- 1. Pre-meeting - None**
- 2. Call to Order**
- 3. Invocation/ Moment of Silence**
- 4. Pledge of Allegiance**
- 5. Staff Questions**
- 6. Public Comments, Requests, or Presentations**
 - 6.A. Constitution Week Proclamation. *(Mayor Melinda Bales)*
- 7. Agenda Changes/Adoption of Agenda**
- 8. Consent Agenda**
 - 8.A. Approve the minutes of the August 7, 2023 Regular Town Board Meeting. *(Janet Pierson)*
 - 8.B. Approve the minutes of the August 21, 2023 Regular Town Board Meeting. *(Janet Pierson)*
 - 8.C. Adopt Resolution to award the bid for 2024 Road Resurfacing Project and accept and approve the bid proposal as the contract. *(Kevin Fox)*
 - 8.D. Approve Property Tax Refund Report from Mecklenburg County. *(Pattie McGinnis)*

- 8.E. Approve Lake Norman Chamber Business Expo Facility Usage Agreement. (*Michael Jaycocks*)
- 8.F. Call a public hearing for Monday, October 2, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 to receive public input on traffic calming measures on Cambridge Grove Drive. (*Lora Mastrofrancesco*)
- 8.G. Call a public hearing for Monday, September 18, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 on Petition #TA23-05, a request by the Town of Huntersville Planning Department to amend Article 9.51 of the Zoning Ordinance to further clarify non-residential outdoor activities allowed within the Neighborhood Residential zoning district within ¼ mile of the Town Center zoning district. (*Brian Richards*)
- 8.H. Adopt Resolution approving a sole source purchase of police vehicles. (*Barry Graham*)

9. Public Hearings

- 9.A. Conduct public hearing to receive public input on proposed traffic calming measures on Swansboro Lane. (*Lora Mastrofrancesco*)
- 9.B. Conduct public hearing on Petition #R23-08, Dearness Gardens, a request by Ken Forster, to rezone six parcels totaling +/- 10.07 acres generally located at 13501 Old Statesville Road from existing Highway Commercial - Conditional District and Neighborhood Residential to Highway Commercial - Conditional District and Neighborhood Residential for boundary and site amendments. (*Jesse James*)
- 9.C. Conduct public hearing on Petition #R23-09, Golden Cow, a request by H2H Holdings, LLC to rezone approximately 0.6 acres at 14516 S. Old Statesville Road from Town Center to Town Center - Conditional District for a one-story retail building. (*Jesse James*)

10. Other Business

- 10.A. Ratify previous action of the Town Board taken in Closed Session allowed under the North Carolina Open Meetings law to award a 2 percent merit increase effective July 24, 2023, and a \$6,000 bonus for the Town Attorney based on market analysis and performance evaluation. (*Mayor Melinda Bales*)
- 10.B. Discuss possible changes to Zoning Ordinance Article 6.1 Off-Street Parking Design. (*Commissioners Rob Kidwell and Amber Kovacs*)
- 10.C. Discuss creating an Environmental Studies Committee. (*Commissioners Dan Boone and Lance Munger*)

11. Mayor and Commissioner Reports/Closing Comments

12. Adjourn

GENERAL MEETING INFORMATION

Town Board:

The Town of Huntersville Mayor and Board of Commissioners are elected for two-year terms. Huntersville operates under the council-manager form of government, which establishes the Town's policies that are carried out by the Town Manager and staff. 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 6:00 p.m. on the first and third Monday of each month (unless otherwise posted). Agendas are published Thursdays before the meeting on our website. The Board reserves the right to deviate from the agenda.

Public Comment and Public Hearing Policy:

Persons desiring to address the Board during the public comment period or a public hearing shall sign up via the speaker sign-up sheet prior to the beginning of the meeting. Once the meeting has begun, a person may not sign up to speak. Persons who have signed up to speak shall be allowed to speak for up to three (3) minutes. The Mayor shall have the discretion to shorten the allotted speaking time depending on the number persons registered to speak and in consideration of the length of the agenda. (Public Comment and Public Hearing Policy - Adopted April 19th 2021)

Special Accommodations:

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

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

To: Town Board

From: Melinda Bales, Mayor

Date: September 5, 2023

Subject: Constitution Week Proclamation

EXPLAIN REQUEST:

Proclaim September 17 through 23, 2023 as “Constitution Week”.

ACTION RECOMMENDED:

Proclaim September 17 through 23, 2023 as “Constitution Week”.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Constitution Week, 2023



A Proclamation for Constitution Week

WHEREAS, September 17, 2023 marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to read, study, and preach the greatest document of human liberty and to protect the freedoms set forth in the Bill Rights; and

WHEREAS, It is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, It is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim September 17 through 23, 2023 as “**CONSTITUTION WEEK**” in Huntersville, North Carolina and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 5th of September, 2023.

Melinda Bales, Mayor

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

To: Town Board

From: Janet Pierson, Town Clerk

Date: September 5, 2023

Subject: Approval of Minutes - August 7

EXPLAIN REQUEST:

Consider approving the minutes of the August 7, 2023 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**August 7, 2023
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:30 p.m. on August 7, 2023.

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

Mayor Bales called the Pre-meeting to order.

Public Records and Social Media Policy. Emily Sloop, Town Attorney, reviewed public records and social media policy. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on August 7, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Munger requested update on hiring for the victim advocate positions.

Police Chief Barry Graham reported that one started today and interviews for the next three will begin within the next couple of weeks.

Commissioner Kovacs noted a resident reached out to her about a situation where something happened to their car on Mt. Holly-Huntersville Road where you are going from Huntersville to Charlotte and was shocked there were not cameras at that intersection.

Chief Graham confirmed there are not cameras at that intersection. The issue is getting permission from utility companies to put things on their poles. The police department has purchased some poles in order to start putting cameras up.

Commissioner Boone commended the Police Department for a traffic stop that took 19 lbs. of marijuana, a stolen gun and a stolen car off the streets. Congratulated the Finance Director for receiving a Certificate of Achievement for Excellence in Finance Reporting.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Charles Guignard, 407 Sherwood Drive, said I wanted to thank the staff, especially the Public Works and Engineering Department, for what they have done over the last several months, maybe last year, concerning an item that's on your agenda for later this evening, the Mt. Holly-Huntersville Road that was actually First Street when it was first built and divided a lot down there long before I bought it. I just appreciate your diligence over the last year or so concerning this situation, I reckon it's called condemnation. I appreciate your vote to allow that to happen. I don't think the road is of any value the way it sits right now for anyone. The roundabout is working well for what it's intended to do, so I appreciate your allowing that to happen. And again, I want to say thank you to Engineering and Public Works and Electricities. There are still poles on the property down there that will stay active until something else happens.

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda.

Commissioner Partee seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Ordinance – Close Roads for Veterans Day Parade and Event. Commissioner Phillips made a motion to adopt Ordinance to temporarily close certain state-maintained roads for the Veterans Day Parade and Event. Commissioner Kovacs seconded motion. Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 2.

Tax Collector's Settlement/Order of Collection. Commissioner Phillips made a motion to approve Tax Collector's Settlement for Fiscal Year 2023 (Tax Year 2022) and adopt Order of Collection for Fiscal Year 2024 (Tax Year 2023). Commissioner Kovacs seconded motion. Motion carried unanimously.

Tax Collector's Settlement and Order of Collection attached hereto as Exhibit No. 3.

Budget Amendment – Parks & Recreation. Commissioner Phillips made a motion to approve budget amendment recognizing grant revenue received from the North Carolina Recreation and Park

Association in the amount of \$2,856 and appropriate to Parks & Recreation Training to provide for four Parks & Recreation employees to complete a Diversity, Equity & Inclusion Certification through UNC-Charlotte. Commissioner Kovacs seconded motion. Motion carried unanimously.

Town Manager Merit/Bonus. Commissioner Phillips made a motion to ratify previous action of the Town Board taken in Closed Session allowed under the North Carolina Open Meetings law to award a 2 percent merit increase effective August 1, 2023 and a \$10,000 bonus for the Town Manager based on market analysis and performance evaluation. Commissioner Kovacs seconded motion. Motion carried unanimously.

Contract – Underground and Directional Boring Services. Commissioner Phillips made a motion to award contract for underground and directional boring services for FY24 to Lamberts Cable Splicing, LLC. Commissioner Kovacs seconded motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 4.

Contract – Huntersville Police Dispatch Services. Commissioner Phillips made a motion to approve Huntersville Police Dispatch contract with Charlotte-Mecklenburg Police Department. Commissioner Kovacs seconded motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 5.

Call for Public Hearing – Petition #R23-08. Commissioner Phillips made a motion to call a public hearing for Tuesday September 5, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC, on Petition #R23-08, Dearness Gardens, a request by Ken Forster, to rezone six parcels totaling +/- 10.07 acres generally located at 13501 Old Statesville Road from existing Highway Commercial - Conditional District and Neighborhood Residential to Highway Commercial - Conditional District and Neighborhood Residential for boundary and site amendments.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Call for Public Hearing – Petition #R23-09. Commissioner Phillips made a motion to call a public hearing for Tuesday, September 5, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC, on Petition #R23-09, Golden Cow, a request by H2H Holdings, LLC to rezone from the existing Town Center to Town Center - Conditional District for a one-story retail development.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Call for Public Hearing – Traffic Calming on Swansboro Lane. Commissioner Phillips made a motion to call a public hearing for Tuesday, September 5, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 to receive public input on traffic calming measures on Swansboro Lane.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Petition #R23-01 – Beatties Ford Family Entertainment. Mayor Bales called to order public hearing on Petition #R23-01, Beatties Ford Family Entertainment, a request by Jonathan Eury to rezone +/-2.513 acres generally located at the intersection of Beatties Ford Road and Broadway Street from Rural to Highway Commercial - Conditional District for indoor and outdoor recreation and commercial uses.

Nathan Farber, Planner II, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

The applicants are proposing to rezone the property from Rural to Highway Commercial with conditions. The proposed uses include indoor and outdoor recreation, office and meeting space, commercial uses and more specifically an open-air area for a farmer's market and outdoor movies. The existing single-family structure would remain on the property.

The rezoning site is located within the Mountain Island Lake Critical Watershed Area 1, which does have a 5 percent impervious restriction. In order for the site to work, if approved the applicant has proposed a 7,000 sq. ft. impervious transfer from the neighboring property.

The Highway Commercial zoning district requires a 30 percent specimen tree save. The applicant is proposing to keep all but one specimen tree, so they would exceed that requirement and a 30' vegetated buffer that is required will be placed on the southern property line and that will be made up of existing and required vegetation.

Modification 1 is a request to place the parking lot in the front side of the property abutting an intersection. The applicant has told staff that they are going to push the parking lot back in order to comply with that, so they will no longer need this modification.

Modification 2 is a request to use mulch within the parking stalls. The center drive aisle would remain asphalt. Staff does not support this request as it's not consistent with the intent of the Zoning Ordinance.

Modification 3 is a request to not provide sidewalk along Broadway Street. Staff does not support this request as it's not consistent with the Beatties Ford Road Corridor Small Area Plan and the Zoning Ordinance.

The last modification is a request to allow the existing storage shed to encroach within the required 30' buffer on the south side of the property. Staff does support this modification as it is an existing conforming accessory structure and the required buffer would shield the shed from view.

The rezoning site is located within the Rural Conservation and the Critical Watershed districts within the 2040 Community Plan Future Land Use Map.

The 2040 Community Plan does not support this rezoning through Policies LU-6.1, LU-6.2, LU-6.3 and EOS-10.2. The Beatties Ford Road Corridor Small Area Plan also does not support this rezoning as the rezoning is located outside of the designated commercial higher-intensity areas as shown on that plan.

The Beatties Ford Road/Mt. Holly-Huntersville Road Small Area Plan calls for higher intensity commercial development to be focused closer to Hambright Road and then decrease intensity the farther you travel north on Beatties Ford Road. The rezoning site does not fall into the plans, commercial or residential zones for development.

The site does not require a Town TIA and there is also an intersection improvement project that is currently underway at the intersection abutting this rezoning site. Any questions regarding that I can refer that to the Engineering Department.

In considering the proposed rezoning application R23-06, Beatties Ford Family Entertainment, the Planning Department recommends denial based on the plan being inconsistent with the Huntersville 2040 Community Plan Policies LU-6.1, 6.2 and 6.3, as well as EOS-10.2 and with the Beatties Ford Road Corridor Small Area Plan and Beatties Ford Road/Mt. Holly-Huntersville Road Small Area Plan.

Commissioner Kidwell said how are they getting into the site, is that off of Beatties Ford?

Mr. Farber said it would be off of Broadway Street on the north side of the property.

Commissioner Kidwell said this other entrance here, that's.....

Mr. Farber said that is a driveway that is currently there, but it's being removed.

Commissioner Kidwell said regarding the parking stalls and their request for mulch. Besides asphalt, and since this is in a watershed area type thing, what materials are they allowed to use?

Mr. Farber said they are allowed to use pavement, concrete and pavers.

Commissioner Kidwell said are there any other sidewalks?

Mr. Farber said there is a 10' side path along Beatties Ford Road.

Commissioner Kidwell said I know, but are there any other sidewalks where this sidewalk would connect to?

Mr. Farber said not currently.

Commissioner Kovacs said I went to the community meeting and I know that they were talking about having some larger groups come. Can you point out on the map where overflow parking would be.

Mr. Farber said it's not shown on this map, though the applicant has stated that they are looking to add an area on the site for overflow parking.

Commissioner Munger said why was the TIA not required for this development?

Stephen Trott, Director of Engineering, said the short answer is it was below the Town's threshold to require a TIA based on the use and intensities proposed.

Commissioner Munger said do we have any approximate timeline on when a traffic signal will be installed at the Beatties Ford/McCoy intersection?

Mr. Trott said the presentation showed a capture of the plan layout for the intersection improvement project. The general schedule right now, assuming funding is available to do the project and things go well with property acquisition and utility relocation, it would be early 2025.

Commissioner Boone said when the traffic improvement starts, will the applicant lose any property to right-of-way?

Mr. Trott said we haven't finished the right-of-way acquisition needs yet on this project. We are still waiting on utility companies to finalize what they need for utility relocations.

Commissioner Boone said do you think they are going to be losing property?

Mr. Trott said if you are asking will right-of-way need to be acquired, I don't know that specific answer on these specific properties at this time.

Commissioner Boone said I guess this is a legal question. If somebody is in lieu of or donates that property, would the people doing the project be able to do the sidewalk part of this project?

Mr. Trott said this is a Town project. This is not a state project.

Commissioner Boone said would the Town entertain that? Instead of the Town purchasing the right-of-way, he would donate that land if the Town would build the sidewalk.

Emily Sloop, Town Attorney, said a citizen could always choose to donate property to the Town if that's the question.

Commissioner Boone said I guess it's not really donate it. Could they in lieu of let's say swap to that property and use those funds for building the sidewalk that the Planning Department is suggesting.

Ms. Sloop said so you are asking if a developer that was required to purchase right-of-way for an improvement, instead of doing a required improvement would be able to pay for sidewalks.

Commissioner Boone said whatever the easement is, where the utilities have to go, if the Town is going to have to purchase that property, if the applicant donates or in lieu of monetary for that property, can they go ahead and use those funds for the Town to build the sidewalk.

Anthony Roberts, Town Manager, said I think what Mr. Boone is saying is if there's right-of-way and/or utility easements or construction easements that are required for this roadway, if the applicant wanted to donate those easements, property, right-of-way, etc., instead of us paying for it as part of our project, could we use those funds to potentially pay for the sidewalk.

Ms. Sloop said if we no longer needed to purchase the right-of-way, the funds that we had set aside for purchasing right-of-way could be reallocated, yes.

Commissioner Partee said I attended the public hearing that the applicants had for the community because I live on Beatties Ford Road. Their plan is very innovative, especially for that area. I like their plan. The rezoning is not consistent with the existing development patterns. Is there any way the Planning Department can work with the applicant to make or allow that to fit into this zoning possibly.

Mr. Farber said with the current uses being proposed, we couldn't support it.

Commissioner Partee said is there any other zoning it might fit into?

Mr. Farber not that.....

Mayor Bales recognized Planning Board members present: Frank Gammon and Lee Hallman.

Frank Gammon, Vice Chair Planning Board, said I've heard discussion on the sidewalk, what is that Broadway. If this were approved, when is the applicant required to put the sidewalk in?

Brian Richards, Assistant Planning Director, said at the time of the certificate of occupancy.

Mr. Gammon said will this improvement to this roadway be done before he has to build a sidewalk and will this road construction go in and tear up the sidewalk? We are asking the applicant to build a sidewalk at occupancy, but at occupancy the improvements to the intersection will not be done, so when you do those, we'll come back in and tear sidewalks up.

Mr. Roberts said could they escrow the sidewalk instead of putting it in?

Ms. Sloop said we do not have legal authority to take fees in lieu for sidewalks. It's only for street improvement projects. If the sidewalk is already installed and in place, for at least state projects, then the state would have to reinstall it.

Mr. Trott said if it were a state project, then there would be no cost to the town. If the applicant puts the sidewalk in the same spot, correct elevation, then that would be less cost that the town would have to go put that in.

Mr. Roberts said maybe I used the wrong term. Could they bond it?

Ms. Sloop said we don't have legal authority to take fees in lieu for sidewalks.

Mayor Bales called on the applicant.

Catherine Carpenter and Jon Eury, 9339 Beatties Ford Road addressed the Board.

Mr. Eury said we do have quite a few supporters in the crowd. We appreciate you guys considering this project. We are excited about it. This is a dream to both of us that we've shared for a long time.

Ms. Carpenter said I know that the Town is saying that staff is not proposing or our plan is not in the 2040 Plan, but as you guys can see here, we are just slightly outside of it. We are asking for Highway Commercial Conditional District because it's the only zoning that allows for what we want to do which is to provide this club space, this indoor and outdoor recreation space for the community. As you go up and down Beatties Ford corridor, the 2040 Plan is all about rural. It's all about outdoor. It's all about bringing communities together and that's what our intent and our plan is. Across the street from us a big development is coming. You guys are all familiar with the D. R. Horton development. They are going to have nowhere but a small little place to bring their families together and they would be able to do that across the street at our place.

Mr. Eury said there are no pools, no clubhouse.

Ms. Carpenter said I know there's another developer here today to speak as well about a place that they want to put up on Beatties Ford. Another great group of people, love your idea as well.....another great group of people in the community that's going to need some more space to bring people together. We are proposing to have volleyball in the backyard. We are proposing to have yard games. A place where children, people of our age, as well as parents, grandparents, everybody just coming together and hanging out and being outside which is true to what both of us want to do, as well as allow us the freedom and flexibility to spend a lot more time in our community and not in our corporate jobs that we are currently living right now. I know it's not consistent, but at the same time you guys just saw the big intersection that's about to come in and when I think about where would somebody want to live and raise a family, it's not where the house currently is on that intersection. We also have plans.....you guys know that we have the other piece of property as well and our plans are to build a home on that side up on the northwest corner. We've already been working with a developer to figure out plans for building a small home there for us since we won't be able to live in this house since it will be Highway Commercial zoned. We plan to be right here in this neighborhood and this means so much to us.

Mr. Eury said keeping the rural feel, as you go up Beatties Ford, as you guys know there's plenty of other businesses that are rural and the outdoor feel that are already existing. Between Latta, Rural Hill, Sweetwater, and all the way up to the rock store at the end of the road that gives you that old school country feel. That's what Huntersville was, that's what Huntersville is and all we are proposing to do is put a parking lot out there and let people play in the backyard. If that doesn't fit a 2040 Plan then I'd like to be a part of the 2080 Plan, if that's a thing. I'm not sure if it goes in 40 year increments, but I would like to be a part of it.

Commissioner Kovacs said other than the house that you will be building on the northwest of this on that other property, you will not be building anything else on that property, but you own.....how big is that?

Ms. Carpenter said 4.5 acres.

Mr. Eury said we are transferring the impervious rights from that because right now that property does not perk, so we are working with our developers on how to come up with alternate septic systems, things like that, so we can be there. The rest of that land will be used for 2.0 which I'm sure we'll be up here at some point to talk about another rezoning that has to do with large tortoise rescues and all that kind of fun stuff.

Commissioner Kovacs said are you planning on building any structures on the current property?

Mr. Eury said there's only one place that we are proposing that we do any additions to the actual house or to build on it, but to be over top of the existing driveway where that food truck is, we would like to extend a little bit.....almost like another carport, because that's a three bay carport that's underneath the house there. We would probably just put like a little simple outdoor seating cover out there.

Commissioner Kovacs said it's interesting that usually when we are getting requests to go from Rural to something more intense, we see we're going from having one house on a big piece of property to having apartments or all these different things, but we're going from Rural and we're going to keep the footprint the same, we're just going to change what we use it for. I think that's why you might not fit

into that 2040 Plan because you are living in 2080. I think it's really innovative and it's a neat idea in the grand scheme of things.

Ms. Carpenter said we had worked with these gentlemen here to say as you guys asked earlier what other.....I mean we didn't necessarily want Highway Commercial zoning. We just wanted to be able to bring this idea to life and because we have the outdoor recreation, we didn't fit in any of the other buckets.

Commissioner Kovacs said do you have an answer for my question about overflow parking?

Mr. Eury said the overflow parking would be to the left of the parking lot.

Mayor Bales said while you've got recreational amenities going on, what's happening inside the space? What are you doing in there?

Mr. Eury said with Covid, a lot of people are now working from home, home-based businesses, small businesses. We are proposing that we use the inside of the house as rentable meeting spaces. A place where you can come in, sit down. If you work from home and need to entertain guests from out of town, you need a place to sit down to do a presentation, come in, we'll have projectors, we'll have the internet, we'll have things of that nature so you as a home-based business will have a spot. If you have kids at home, if you didn't want to clean that day, come use our spot. More of a co-working space.

Mayor Bales said are you going to be offering food, selling food, anything like that?

Mr. Eury said yes. We are not putting in a commercial kitchen, we are going to rely on food trucks and things like that, other small businesses that would like to serve. But we will have a concession stand.

Commissioner Munger said I just wanted to follow up on the thought process behind serving food. Will any alcohol be served there?

Mr. Eury said yes, we will have alcohol along with other things on our menu. We plan on doing coffee, milkshakes, smoothies, things along that line.

Commissioner Munger said in regards to the parking situation, is there any specific reason why you want to do mulch rather than so something like pavers?

Mr. Eury said we are in Critical Watershed 1 which allows for 6 percent. We are requesting to transfer over 70,000 sq. ft. to cover that. We do have additional, but we would like to not impact it. We really want to keep the rural look, the rural feel.

Commissioner Munger said I guess one of my concerns with mulch in general and I can say this for my own backyard, is those weeds come up everywhere in mulch as opposed to a more permanent surface. That may be one of the reasons why the Town staff is driving in that direction. Would you be open to considering possibly pavers?

Mr. Eury said absolutely, we could consider those. There are pervious type pavers and things like that. Budgetary it hurts a little bit, but there are other options we could consider, but we would like to request something a little bit of maintenance, I know weeds are a problem.

Commissioner Munger said hopefully I'm not stealing any thunder from Dan. I will credit Dan with the thought process on this, but I know the sidewalk situation seems impractical for you to actually build it because we are going to tear it down. Would you be willing to commit to ceding that land to the Town, at our own cost because I can't charge a fee in lieu, so that at an appropriate time we could build the sidewalk there.

Mr. Eury said 100 percent. I want to work with you guys. What we're trying to do, this just makes sense. I know there's the back and forth of can we put it in, can we not, can you bond it. We'll work with you 100 percent on getting this done. I don't think a sidewalk.....if you want a 10' wide sidewalk across the front of my yard, that's fine, but we're going to be out back.

Commissioner Munger said what most likely would happen if and when a motion came at an appropriate time, we would ask to put that in the motion. I just wanted to make sure you would be comfortable with us saying that.

Mr. Eury said right, I guess that's something that's further down, let's talk about the language and how that works, explain it to me because this is still new to us, but we would absolutely work the Town.

Mayor Bales said I have a question for you Commissioner Munger. Are you referencing the sidewalk that goes down Beatties Ford or are you referencing the sidewalk on Broadway.

Commissioner Munger said on Modification 3, applicant is requesting not to have to install sidewalks along Broadway Street. This is specifically the portion I am referencing because it was something that the Town said, and I think if we find a middle ground.

Mr. Eury said then we are talking about two different things. I misunderstood. The front yard, by all means, yes. If we need to do something, if there's going to be a sticking point to where if you guys feel like that needs to happen, would we work with the state. Absolutely, of course, the Town, whoever it would be if we needed to donate that land so the improvements could be made to fit, absolutely.

Mayor Bales said but to be clear, you're not interested in the sidewalk down Broadway.

Mr. Eury said we are requesting to not put the sidewalk down Broadway because that would be a sidewalk to nowhere and take up additional impervious surfaces and things like that. Broadway is a very slow road. I think that there's four houses that it serves on the back side of that.

Mayor Bales said I was just thinking as a walking path from your overflow parking up into the space your customers would be able to access it a little easier than walking through the yard. It's just a question that I wanted clarification to make sure I understood what they were asking. I have a question for Mr. Farber. If this is approved and this venture is unsuccessful, does the Highway Commercial – Conditional zoning still apply moving forward.

Mr. Farber said yes.

Mayor Bales said what would be allowed in Highway Commercial – Conditional District. I want you all to be successful. If this moves forward, I really want that tremendously. I think it's a great idea, but I do think the Board has to understand what that looks like.

Mr. Farber said whatever uses are approved as a part of this with the conditions, that would be what is allowed on the property going forward.

Mayor Bales said could you give us some examples.

Mr. Farber said indoor and outdoor recreation, office, and commercial uses.

Commissioner Partee said right on the same side of the street not far we have Hornets Nest and Trillium Springs school structures. Is that a commercial zoning area on that side or does school get special exemption because we have that structure and they want to build not a structure, but they want to put in a commercial establishment and we have restrictions. Explain the difference.

Mr. Farber said that area just happens to be zoned Rural currently. Because of that and where it's located within the critical watershed that's why staff is recommending not approving because commercial is not allowed in the Rural zoning district. Schools are allowed within the Rural zoning district.

Commissioner Kidwell said I'm going to piggyback off of Commissioner Partee's question. In communication with Commissioner Kovacs up here, right across the street 540' away from their property as the crow flies as I like to say, is Lancaster's BBQ, Highway Commercial. This in a sense does fit the area.

Mr. Farber said it is close. The small area plans do happen to have that as the edge of that commercial use and then beyond staying low intensity residential uses, but it is near it.

Mr. Eury said 200' away is a gun range and a martial arts place as well, so there's other businesses that are closer.

Ms. Carpenter said I just wanted to reference the 2040 Plan as well. There's a portion in there that says the development plan allows for the southern end of Huntersville to primarily foster residential, industrial and recreational activities. I just wanted to cite that and also EOS-6 said preserve elements of the rural character in this area and I believe our project is planning on doing both of things. Again, I realize it's Highway Commercial that we are asking for, but that's to allow for the recreational activities that we want to do.

Mayor Bales called for public comments.

Brittany Richert, 7845 Ballentrae Place, Stanley, NC, said I have been a resident in North Carolina for five years now. I moved down here with an opportunity to advance my career, but I was leaving behind all my family and friends. From day one the local volleyball community took me in and opened up their doors and their hearts to me, and now I consider them part of my North Carolina family. They provided me with a safe, fun, and welcoming environment. That is what they are looking to build here and expand on with this property. They want to have a safe, fun community open for clubs for a place to be able to meet and create a home environment for those clubs. Volleyball is what brought us together, but it's so much more that keeps us together. One passion of mine is gardening. That's something I'm really into. I grew up on a small hobby farm, had a big garden, and as you know with a lot of subdivision properties nowadays, they are pretty small and some HOA's don't even allow for gardening. There's an opportunity here for us to have a garden club where we can exchange plants and seeds, be able to exchange what we're able to grow in our gardens where we could pick and choose. Recently I joined a

local UCER club with over 400 members. Currently they meet in areas like Fort Mill, Denver, and Matthews. This would be a great alternative location kind of in the middle that kind of opens up to a lot of different people that may not be able to make those commutes to those locations. I just wanted to say that I'm in full support of this family-friendly community space.

Richard Jacob Wnuk, 9401 Broadway Street, said I live directly across the street from the property in question. My primary concern is traffic. The parking lot actually would go down a residential road where the rest of our homes are and it also would directly compete with school traffic. There are two schools in the area and the traffic will consistently back-up from the beginning of Broadway all the way down to Overhill and sometimes even overflowing into Beatties Ford. The primary concern there would be over time the congestion might be an ongoing problem and we already have problems getting into our driveway sometimes with traffic. School start in the morning and they start after school and you know it's kind of just a continuous need of the community. In addition to that, as everyone has mentioned, the new neighborhoods are being built nearby further increasing congestion and maybe even driving more traffic into the school area. That intersection is just as everyone kind of understands not quite safe. Those are the primary concerns, and the secondary concern would be the longevity of the community. As people have mentioned when the lot is rezoned, if the venture were to change to something else over time, anything that the rezoning allowed for could then be built on that property if it was sold. At the current time I really like the plan, I really like the idea, but as a homeowner, as someone who is trying to start a family in the area, as someone who selected a house because it's near a school and we feel safe there, it's a really big concern for us that maybe one day we could be living across from office spaces. They plan to sell alcohol at this facility. Maybe it could be a bar one day. We had spoken at the neighborhood meeting about things like noise ordinances. It didn't really sound like for us as community members there was really a lot we could do about stuff like that and so that would be kind of my primary concern that this could be a really great proposition but over time the proposal versus the actual implementation could shift and as a homeowner that's concerning.

Rachel Noreika, 20906 Rio Oro Drive, Cornelius, said I am one owner of Charlotte Beach. My partner, Lindsey, couldn't be here tonight. We are a beach volleyball academy that trains middle and high school girls. We've been around for about 10 years. We've been desperately looking for a home location for us, which has been really difficult. Beach volleyball is the fastest growing collegiate sport and there's just not a lot of opportunities for young girls to get into this sport without having to travel or pay an exorbitant amount of money. For me and my partner it's been really important to us to provide opportunities for everyone who wants to pursue this sport, but we've had to do so in parks that don't have lights or bathroom facilities or covered area in case we get stuck in a storm. And when those don't work, there are other options that are sparse [inaudible] which for me as a woman, and we are a female led club focusing mostly on like I said middle and high school girls, it's not the best environment that we are trying to put our athletes in and so when I met Jon and Katie a few years ago, it just seemed like this is exactly what we were looking for, somewhere where I could bring my 5-year olds because they go with me everywhere to practice and not have to worry. Right now, that's not the case. I have to, like all of our coaches, we have to arrange for someone to watch them or sit them because the beach volleyball community in general there's not a lot of space for us and we've been relegated to bars and it's just not safe. We have expanded our offerings to Little Volley Tots, so we now have clinics and camps for 6-11 year olds and we really need just a safer, more family friendly place for our club. We are looking to just provide a safe outlet for our athletes. All of us have played at various levels and have learned so much from sports and from the community and it's just really important to us to make sure that is available to everyone, not just the kids who have a ton of money and can drive to Winston Salem or can drive to south Charlotte to play for an expensive club. That's not what beach volleyball is about. That's not what our club is about and so a place like this, a location that would be easy for people all over Charlotte. I

live in Cornelius. Right now we have to drive all the way to Fort Mill for our practices and it's really not sustainable for me and my family, but somewhere like this that would be easy access for kids all over. We have players from Statesville and Huntersville and Concord and Fort Mill and this would be like a central location.

Mark Nelson, 9407 McCoy Road, said my property is basically caddy corner from Jon. I came on behalf of Jon and Katie as a neighbor. I live across the street. I've seen groups of people over there and I've often wondered what's going on over there. He's a pretty popular guy, he's having a party on a Monday night. Then he invited me over and I've gone over and seen what they have done and it's just really nice to be able to walk across the street, sit and talk, if you want to participate you participate, if you don't you watch other people do what they are doing and after talking to him and seeing some of the other things that they want to bring along with this project, it just seems like a no brainer for the community to have things to do, a release, an outlet. I just don't see any downsides to it because traffic can't get any worse. The light is great and just so everybody knows they'll say you live in the house that the fence is always run into. The light, I'm all in favor of that. During school, yeah there's traffic. There's no doubt there's traffic there, but I don't see how this would increase it by that much. I don't think you would notice it. I just think it's a great opportunity for people that live around there to participate.

Kirk Bailey, 1604 Mariposo Road, Stanley, said I'm here to speak a little bit for myself but also for somebody that's not here. I'm going to read what he wrote.

My name is Mike Davis and I live at 15322 Carrington Ridge Drive in Huntersville. I intended to be present at today's meeting, however I was unable to secure childcare arrangements. I'm writing in support of Jon and Katie's business plan for their property. I organize and run Queen City Kubb. We were established in 2014 and play at various parks when we can. Kubb, for those of you that don't know, is a Swedish lawn game where the objective is to throw these wooden blocks and knock over the other batons. I've met some of the best friends through this sport and love bringing it to others in the community. The demographics that seem to be most attracted to this game are both men and women in the age 35 and above. We've even had people in their 70's and 80's. I met Jon and Katie in the Spring of 2021 when they attended and practiced in an annual Kubb tournament. They have introduced many of their friends to me as well and their families have grown together over the years. We have been looking for a place for club activities to call home and this seems like this would be a beneficial spot to bring the community together and help benefit everybody.

That was for him. Real quick, like I said my name is Kirk Bailey. I'm a fellow small business owner. I own Lake Norman Paintball and Airsoft. We do things with Huntersville Parks & Rec all the time. We used to have our ax throwing trailer coming out there and now the club comes down and plays paint ball with us during the summer. We've had them out there several times this summer. I just wanted to say how much I support this. I'm a fellow volleyball player. When I had to go through this meeting I was just as nervous as I am right now, but a lot of the community had questions because I back up to neighborhoods about how am I going to stop kids from just shooting at their houses, stuff like that. Small business owners care more than corporate. As you see the development going on around the area there's a lot of big corporate developments and what not. I know Jon and Katie as small business owners will strive to make sure that everybody is happy including their neighbors and it's a fun, safe environment for everybody of all ages.

Scott Brett, 9331 Broadway Street, said I live adjacent to the property. We have lived there for 28 years. My son lives behind us. Across the street from us there's like three generations that have lived there. My wife grew up in Huntersville and her mother graduated from Long Creek Elementary School, so we've seen a lot of generations and we've seen a lot of changes in the area which has not been good for the area.....too much growth too fast and not enough thought put into the growth. This is an old established residential community of Long Creek and to put commercial randomly in with the residential I think would be very harmful and negative to the community for reasons of crime, traffic. The traffic

issue is really an issue with Long Creek Elementary School. Like our neighbor was saying, the traffic will back up from the school all the way to Beatties Ford Road. If we have any overflow parking on the street, the road will become impassable for us, emergency vehicles, anybody. We have that issue now and I've got to constantly go up to the school and talk to them so we can just access our driveway. The rezoning really I think needs to be thought out to keep commercial in the commercial. The barbeque place, that was Ronnie Puckett's store from the 40's, so that's been commercial since the 1940's. That's the only commercial in the area, so to keep pushing it down and just randomly throwing it into these residential areas, I think you are just destroying communities. I feel it would be beneficial to really think out the growth. I'm not against growth if it's in the proper location, which I feel this location belongs in a commercial setting, because when you serve alcohol and then the amount of people, the noise, the traffic, it's just not a good fit for it in an old residential community.

Mary Brett, 9331 Broadway Street, said my property is located behind 9339 Beatties Ford Road. I am speaking today in hopes that you will not approve the rezoning at 9339 Beatties Ford Road from Residential to Commercial. My family and I have lived at our address for 28 years. I am a native of the Long Creek Community and of Huntersville. This is a residential area and it's located beside Long Creek Elementary School. Jon Eury has lived here 8 months and is wanting to rezone his property to commercial for his business venture. During his neighborhood meeting he is wanting to start an outdoor entertainment center which would be open 7 days a week, all hours of the day and night, serving alcohol, which would create a lot of noise, bring in all types of people and crime. This would be devastating to our neighborhood and ruin everyone's quality of life. As quoted Jon said there will be 16 parking spaces for his business. He indicated that there could be 40 to 80 people that would be in attendance and possibly more. He said that he would use Broadway Street for the overflow parking. This would not allow room for emergency vehicles if there is a need for help. In addition, Long Creek Elementary School uses Broadway Street for their parents to drop their kids off in the morning and pick up their kids in the afternoon. This creates a lot of heavy traffic. It is a parking lot down our street and it goes all the way to Beatties Ford Road and it's a parking lot on Beatties Ford Road. You cannot access it at all. Please take all my concerns into consideration to not approve this project.

Cory Neal, 6305 Stephens Grove Lane, said I'm here to voice my support for Jon and Katie's proposal. When I first moved to Huntersville about 4 years ago, I was blown away by the amount of folks who seek an active lifestyle and especially by the volleyball culture. I immediately sought out volleyball league play, but as you have heard from others before a lot of the volleyball leagues and groups are either too far away or they are at bars. The ability to have something like what Jon and Katie are proposing allows parents like myself to continue playing sports and therefore set a healthy example for our children while also providing a safe and family friendly venue to do so. It also would serve as the only venue of this type in the Lake Norman area, which I think is very unique. Another wonderful feature of this proposal is that it caters to people of all athletic abilities or interests. Lastly, my wife and I are lucky to have jobs in which we work from home, but that luck does run out when our 2-year old son wants to see his mommy or daddy when they are trying to conduct a virtual meeting, so it would be very nice to have a quiet, local business coffee shop meeting space for us to entertain our clients or meet with our clients or just have some quiet work time. In summary, this is a unique small business that is health oriented, inclusive and family friendly and I am one of many in support.

Jeff McElroy, 9145 Glenashley Drive, Cornelius, said my family actually is from Long Creek. My paternal grandparents and brothers and all are buried at Hopewell Church. I don't live in Huntersville now, but I've been in that area when I first moved to the lake 25 or 30 years ago, been in Charlotte for about 50 years. The last 10 of that at least has been playing beach volleyball with a lot of my buddies and friends up in that area like Jon. Now I have a daughter that's about to go play beach volleyball in college in a

week. I can tell you firsthand how difficult it is to find that training that Rachel Noreika spoke of. We drove to Raleigh to find proper training for her or we go to Fort Mill. There are some pockets in this big city of beach volleyball, but they are not here. The only other option, we play there and I like it, Saeed's a nice guy, but Saeed's Bar is the only place to go and it's definitely not family friendly. I feel like the idea itself is unique and the fact that they are going to make it about so much more than volleyball matters to me. It's a gathering place for business people. It's a gathering place for the community. I feel like there are plenty of people in that community that will actually enjoy that property quite a bit, although I certainly understand the reservations of the folks that live there. I also know Jon and Katie very well. I've known them individually separately before they met each other, 5 to 10 years each. I can speak to their pragmatism and good business people, good community-minded folks, so I understand the risk of rezoning and what that might mean if that becomes a different property down the road. I would say as you check that list of mitigating factors that there's a lot less risk with these two than there would be with some other group. I appreciate you hearing me out and I do support the project.

Zachary Jakus, 15331 MacWood Road, Huntersville, said I am here to read a proxy from the 44th sheriff of Mecklenburg County and then also my own thing afterwards.

Dear Huntersville Township Mayor and Commissioners,

My name is Irwin Carmichael and I am writing in support of Jon Eury and Katie Carpenter's business plans for the property located at 9339 Beatties Ford Road in Huntersville. I'm the owner/operator of a small business, Martial Arts Training Institute, located at 9306 Beatties Ford Road. I was born and raised in the Long Creek community of Huntersville and my family still owns the property at 9420 McCoy Road. Both the family property and my business are only a few hundred feet away from Jon and Katie's property. I've met with Jon on more than one occasion over the last year to discuss the rezoning and development of their property. It is my opinion that his family-focused concept is perfect for Huntersville, especially Long Creek, an established neighborhood with strong family values. Home-based businesses and remote working are a fast-growing trend that will benefit greatly from this concept. Community-based social clubs will also benefit by having an established location they can call home. I am personally excited about the gardening club and the community garden that will be a part of this venture to have a place where all ages can gather for their social commitments. Huntersville has always prioritized social engagement, outdoor living, health, fitness and small business ownership. What Jon and Katie are proposing will fully encompass these goals and I will give them my endorsement. They do have a passion for this project and this town and it's absolutely contagious. I hope the council votes in favor of this proposal so we can all benefit from the spirit of these two entrepreneurs.

All the best,
Irwin Carmichael
44th Sheriff of Mecklenburg County

And me personally, I can piggyback on what everyone else said. I moved down here 8 years ago and met Jon playing volleyball way before I had kids. We played everywhere. I had three kids all within 15 months of each other, so I personally can't go play at bars and take my kids there a lot. Me and my wife work separate shifts, so I bring my kids with me a lot and this is a type of place where I'm comfortable. I can go play and let them watch my kids while I'm playing. They are so into turtles, the guy that ran the Kubb game was playing with my kids, just met them that day. If you know Jon and Katie, you know they're not bringing people around that aren't the type of people you can trust around your family. Just yesterday we were at the pool with a lot of people that are here and I have to take my kids to the bathroom, I'm like hey you got my kid in the pool watching them, fully comfortable. This is definitely an endorsement because I'm the demographic that needs it. Everyone else here, they don't have young kids like I do. I need a place where I can go get away from life and still have my family around and feel comfortable being there. Traffic sucks, I know. It always does. You live in Huntersville, you're not going to change that. Since I've known Jon, he's been talking about this project for 6 years.

Commissioner Kidwell said for the applicant, what will be your operating hours?

Mr. Eury said we plan to open earlier in the morning, probably around the 7:30 range.....8:00 for sure. Opening until probably 11:00 because I have to get up the next morning for the 7:30 range.

Commissioner Kidwell said will there be outside lighting?

Mr. Eury said we have proposed at the time when we go to install, yes there will be outdoor lighting around the athletic area.

Commissioner Kidwell said do you already have a beach volleyball court on the property?

Mr. Eury said I have two grass courts. We just set them up.

Commissioner Kidwell said I know you said you're going to be serving beverages and food trucks. Is alcohol part of that?

Mr. Eury said yes, sir, alcohol will be on the menu but for the most part throughout the day it's going to be your coffee, milkshakes, smoothies.

Commissioner Kidwell said will you have a full bar or just beers and seltzers?

Mr. Eury said probably just the beer and the wine to start. If liquor is something that is requested and we feel like it may be something that would benefit, then we would entertain that option.

Commissioner Phillips said I was going to lay down some native knowledge really quick for everybody. Where the taekwondo place is, that's been a business since the early 90's. That's where I took ballet in the first grade. There was Puckett's and then Puckett's turned into Lancaster's. Lancaster's does carry alcohol and sell alcohol. Where the storage units are, once upon a time in the early 90's was actually a restaurant and then you have the dog grooming place and then right across the street is Charlotte where there's a lot of commercial development that has happened. I point all this out because that area has had things happening over the years for over 30 years and longer than that. So, they are in an interesting spot but there is a history to that spot where things have happened and small businesses have been there. I just wanted to kind of point that out that they're not coming in and like changing the wheel or being a wrecking ball.

Mr. Eury said Huntersville is my home. I've lived in this house for 8 months. I bought it 2 years ago. I've been in the middle of flipping it. It was a 40's style home, it takes a while. I'm a third generation Lake Norman person. My mom and dad were born and raised in Cornelius and Davidson. I was raised in Oakdale, just around the corner, but I played basketball right there at Long Creek Elementary School, so I'm not new to this neighborhood. I've been here for a long time.

Mayor Bales said can you give us some insight into the carpool traffic, because my understanding is the school does utilize Broadway to line up the carpool line.

Mr. Trott said that's what I understand, that Broadway Street is the way that they use to come in to queue up since they don't have a whole lot of onsite queuing space.

Mayor Bales said is Broadway similar in use to Sherwood? Does it stack like that?

Mr. Trott said I haven't been out there recently to observe what it looks like, but from what I understand school traffic does use Broadway Street to queue up and stack.

Mayor Bales said with the improvements in the intersection with the light, are there going to be crosswalks?

Mr. Trott said I believe there will be a crosswalk on the south side but not all the way around. The project is proposing to add sidewalks on both sides of the road from there down to Carver, which is the next street down, so there would be sidewalks again as part of the project on both sides of the road in that area and then there is other development that will be adding sidewalk in that area as well. It won't just be by itself.

Mayor Bales said there would not be crosswalks to the north side of the intersection, is that correct?

Mr. Trott said I believe it's just on the south side of the proposed intersection, which is proposed to have a traffic signal.

Mayor Bales said you said that the hours of operation would be like 8 a.m. to 11 p.m. And how many days a week?

Mr. Eury said we are first-time business owners. We'll probably start with having a couple of days off. We haven't ironed out all those details. Could it be 7 days a week, eventually that would probably be the plan. Will those dates, times, stay the same? We'll feel the crowd, the drive, the need. Sunday mornings I've got a feeling are going to be a little more sleepy than Friday night.

Commissioner Kovacs said I know that traffic is stacking up on that street, but with the closing of Trillium Springs still happening, I did wonder if that will be less traffic, but also I wondered if they would be able to utilize some of the space in front of Trillium where they were doing their car rider lines to be able to use that for stacking to help with the streets. I wrote a note to myself to email our school board member and see if she could answer that.

Commissioner Munger said is there anything specific that you intend to do to kind of control the volume and the lights in order to kind of keep the peace within the neighborhood? On the front side, you're definitely facing Beatties Ford and it makes sense there. On the back side you are facing residential. What plans do you have around trying to make sure that you don't disrupt the sanity of that neighborhood?

Mr. Eury said I guess as far as lights go, we are going to abide by whatever Huntersville's light ordinance is. We would position them to impact as little as we can against the neighbors.

Commissioner Munger said there also would be a noise factor I would imagine and possible traffic flow and just kind of.....recognize you are right on the border, front side commercial, backside residential, so you have to kind of figure that out. I'm just trying to understand if you have a plan to kind of address if there are noise issues, if there are light issues, if there are traffic issues.

Mr. Eury said there were a few questions about noise at the community meeting and as small business owners we do have an obligation to keep the peace, to keep things happy around there. I want people to be there. I don't want neighbors to be upset with what we are doing. As a matter of fact, I'm going to be a neighbor. I'm going to live right there across the street, so we don't want the noise. As a matter

of fact, the house that we're looking to build is Katie's parents. Her parents are aging and looking to move down here, so we will be living there with them. We'll keep the noise down as much as we can because we're not late night people. You're lucky if I can get her up past 9:30. She's early to bed. That's just the kind of folks we are. I don't know what I can tell you here to say yes there will never be a noise complaint, but if there are noise complaints, we're going to be owner/operators, we'll be onsite. Our phones will be in our pockets. We're not going anywhere, so we will be easy to access to address issues as they arise. And if they don't, then I've got to deal with Planning, I've got to deal with you guys, I've got to deal with the police, I don't want to deal with this. There's a lot of people now in this volleyball community that we've met along the way at these bars that have asked to be a part.....on Monday nights we've got friends to come over to play volleyball. A social gathering in the backyard. There's been a number of people that are not allowed to come. I'll go ahead and draw that line in the sand. I have lost friends because I don't play. I don't know if that's very professional language, but I don't play.

Mayor Bales said I think that lends to the question that I have in regards to music. Do you have plans to have music onsite outside?

Mr. Eury said that would be very nice that we would like to entertain, but it's not going to be anything, I don't plan on having four piece/five piece bands out there playing. I would like to have some acoustic music playing, something simple, something light and easy. We're not Boatyard Eats people. I've been once and I've never been back. That's not our scene, that's not our people and that's not the kind of atmosphere that we plan on bringing to the backyard.

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

Petition #R23-07, EPCON – Beatties Ford Road. Mayor Bales called to order public hearing on Petition #R23-07, EPCON – Beatties Ford Road, a request by EPCON Communities Carolinas, LLC to rezone six parcels totaling 78.7-acres generally located at 15201 Beatties Ford Road (South of NC 73 and east of Gilead Road and Beatties Ford Road intersection) from existing Rural to Transitional Residential - Conditional District zoning district for a 118-lot, single-family home subdivision.

Commissioner Phillips requested to be recused because her parents own property that is adjoining this proposed project.

Commissioner Kovacs made a motion to recuse Commissioner Phillips.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

David Peete, Principal Planner, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

This is a request to rezone 78.7 acres. It is only accessed via Beatties Ford Road at this point, although it does have frontage on Hubbard Road. This is approximately where Gilead Road comes into Beatties Ford just south of 73. The property is 100 percent zoned Rural. It is very much treed except for the powerline easement in the northern portion of the property. There is a connection that's going to be to the south to Riverdale Phase 2. They are requesting to go to Transitional Residential Conditional District. This is for age restricted 55+ single-family homes. They are proposing 118, so that equates to a

1-1/2 unit per acre density and that is due to the fact that they are providing the minimum of 40 percent open space to get to that density.

The 2040 Plan does call for this particular area and that's the large image on the right, the green represents Rural Conservation, which is very similar or rather it is facilitated via the Rural zoning that it already is. You can see the yellow. That is Residential Edge and that would mimic essentially what the TR would be similarly, maxing out at somewhere around 1 to 3 units per acre. You can see that there is a bit of the entry parcels on the right-hand side of the entry drive that would fall within the Activity Center. An Activity Center looks to have purposeful mixed-use at the intersection of two thoroughfares and then that intensity and those uses would step down as you move toward the edges. The circle is not specific to parcel boundaries. It is clear that as you get toward the edges of however that's defined you would have the lowest possible densities of the uses that would be within that center. And, of course, just to remind all of you, currently in that Activity Center at the intersections you have gas station, market, car wash, storage facilities, etc., so there's a couple of other things there, but there are a few things happening.

This is a very rough outline just kind of showing you and again the stopping point of this was really just midway, but you can see the Beatties Ford Road corridor as it moves down. Both sides of the corridor are zoned Rural. They are designated as Rural Conservation in the 2040 Plan. I will also mention in the Staff Report there is a reference to the Beatties Ford Road Corridor Plan. It's a small area plan. It does not have much to say with regard to this property other than that it is definitely to be Residential, and it is also to embrace the equestrian corridor which is a policy goal to try to network together the equestrian aspects that are found within this particular area.

The TR that is requested is there in the dark brown on the right, but again it does not get to Beatties Ford except at the very bottom there you can see and then as you move all the way down up until the small area that we were just referring to in the previous agenda item.

You can see that there are a number of policies that this request would be consistent with. I'm happy to touch on any of those, but it certainly looks at preserving open space and some of the rural character, having a 10' side path on that particular site, etc.

On the bottom you can see that there are a number of policies that do not support it. Primarily I would just point out the first two. Number one I've already gone over which is the inconsistency with the Future Land Use Map. And then LU-3 is talking about the growth pattern in the extreme eastern and western part of Huntersville. Again, I just want to state that in the 2040 Plan the number one comment that was made was concern over density in the eastern and westernmost portions of our community. I just wanted to make sure that everyone was aware of that from the 2040 Plan.

This particular project did not trigger a Town TIA. However, DOT did come back with comments and you can see them there. That is a left-turn and a right-turn at the entry off of Beatties Ford with minimum amounts of storage that are dictated there. And then also the entry drive that is proposed at Beatties Ford is at a width that we would not suggest. There used to be a landscape median or I think they may have been entertaining the landscape median at the front and maybe they just didn't reduce it down, I'll let the applicant speak to that more, but it exceeds the width and the generic redlining that may need to be addressed if this project were to go forward.

There are five ordinance modifications that are requested and I'm going to take them just slightly out of order just for graphic reasons. The first one is Modification A and that is the entry median that I just

mentioned. They would like to do away with that and that is an aesthetic element if nothing else and in keeping with the rural character that the small area plan that I mentioned wants to do, as well as the 2040 Plan, that type of landscape median is not what you would see in a type of Rural corridor, so we would be in support of that modification if the Board was so inclined.

Modification C is the cul-de-sac length. Again, you can see that it crosses a gas line and so if you sort of remove that gas line, it still exceeds our maximum for a cul-de-sac and so staff has no issue extending that as well. There is a request to widen all of the driveways to 18' for the lots that are under 60' in width and that is inconsistent with what we have done in our subdivisions throughout town. The standard under 60' is 14' and then if you are over 60', there is a provision for that at I believe it's 20'.

These are just two examples of two subdivisions that we've done recently. There's no other parallel that I'm trying to draw other than you can see for instance in this particular neighborhood, the Whitaker Point, you've got some 20's and 14's right next to each other and again depending on lot size, so just bringing that up as something that staff would not support.

The next Modification D is the external buffer and there is a particular area that is shown along this edge and they would like to have the first 20'. When I say first, I mean the outermost 20', to remain undisturbed and then they would like the internal 20' to be replanted.

In March we amended our ordinance to compel if you are adjacent to a density that is...in other words if you yourself are more than twice the existing, then it needs to be 40' undisturbed as the beginning of your buffer and then of course it may be larger if that's something that's appropriate.

There are just a couple of areas where this is or since they've made adjustments this might be the only area that it is, but we would find that inconsistent with the purpose of that element of the ordinance and staff does not support that adjustment.

The last one is Modification E and this has to do with a request for a wet pond. Not going to play stormwater engineer here, but if you look at the bullet list there, essentially there is a provision if certain standards can be met where a different technique can be utilized and then it has to perform in a very specific way. With that and with the conditions that you see here, staff would be okay with the wet pond. Beyond that we would just default to the regular if it were to not pass all the tests that you see right there. Should you have any more specific questions or want any more of an elaboration on that answer, I may have to get back with you at the next meeting or I can email that to you.

This is just a reference to the site plan again that I can refer to, but just want to summarize the staff recommendation and that is due to the inconsistencies with the Future Land Use Plan, due to the fact that there is no other zone other than Rural on the west side of Beatties Ford Road and the introduction of that zone will certainly have a precedent setting situation, this property also extends all the way to Hubbard, not just Beatties Ford, you can see the inconsistencies there as well as the ones that do match up.

I've just outlined the next five bullets as to where staff is and is not in support of the modifications. The third from the bottom bullet indicates that they have a cross-section with lots that are under 60' that does not provide the on-street parking cross-section, so that is going to be required, so we need to have the site plan amended to do that. We've already gone over the width of the entry and the redlines. And then there is just a last recommendation as again mentioned at the top, this is a 55+ age restricted community and there's some great opportunities to have kind of a walking trail through this community.

That is not provided. That is purely a recommendation. That is not part of the ordinance. Of course, there will be sidewalks on both sides of the street, so there's certainly a way to move around.

Commissioner Kovacs said why do we want smaller driveways?

Mr. Peete said it has to do with the functionality of all of the elements that need to happen on the street – rolling out trash, the streetscape aesthetic, you have street trees. The wider the driveway, the more that you have a conflict point with a pedestrian and we would think that this population is definitely going to be utilizing the pedestrian facilities in their community. In other words, the wider you have on that area there's a tendency for property owners to drift their cars backward into the driveway and park on the sidewalk, which is not allowed but it does happen, and so it becomes an enforcement issue. You have impervious limitations as well on the west side. This is not the most restrictive zone on the west side, but it is certainly in the overall restricted area as a protected area.

Commissioner Kovacs said in my mind I'm like more room to park so there's less cars on the street.

Mr. Peete said it doesn't get to depth and 14' to 20' is not going to be another vehicle. The limitation is at the right-of-way. The driveways can flare out once you get onto the property. Garage doors are a standard 16', so you are not coming out of the garage any wider. This was a text amendment that we spent a lot of time on some 6 to 7 years ago.

Commissioner Kovacs said the property to the north of it is in that area where it's expected to be higher density, correct, or portions of this property and then the property above it is expected to be higher density on our plans.

Mr. Peete said again, you look at the Activity Center as an opportunity. There is definitely support for additional intensity. It is not a requirement.

Commissioner Kovacs said if the property just to the north of that was coming with this same plan, this would fall into that activity?

Mr. Peete said there would be more support for two reasons. The main reason would be that you are moving more toward the middle of the center of mass of the Activity Center. Now you are looking at a higher density number, perhaps you get into attached or something multi, that kind of thing, so again you are sort of wanting to centralize and cluster your non-residential right at the intersection and then as it moves away.....you could as the Board say well we would like to see the right side of the center be more commercialized and then the left side be more residential or some other aspect, but again balance is what you are trying to achieve through that Activity Center.

Commissioner Kovacs said but with what we know with that property from reading a newspaper article, the property to the north is going to stay Rural.

Mr. Peete said we've certainly heard many things over the years and not discounting any of that, we don't have anything in hand, so we are reacting to the way that it is with the existing pattern.

Commissioner Kovacs said if something was done there like we've heard and that stays Rural, does that make you more in support of this project or does it not change it from a planning standpoint.

Mr. Peete said it doesn't change the aspect. However, you define the outer edge you are looking to be the least intense that you can be based on how much you've intensified it.

Commissioner Kovacs said it's just funny that it might end up being swapped.

Mr. Peete said I will also say, too, if you look at the property lines. The circle is a ¼ mile walk, so that's what it is based on, but the fact that it kind of comes down.....there's two properties that touch Beatties Ford Road. There's really almost a flag lot situation where it extends out and that's the part that's excluded and then when you get to the other part.....but again it's more based on the walkability scale not property lines.

Commissioner Munger said is there currently or will there be a greenway that goes by this proposed development?

Mr. Peete said this one does not. I have an image here from our plan – green line there, there is a very large power line easement further to the south that is that green line that's running this direction here. In this particular property there is not. There's the same type of power line easement and it could be utilized in some fashion, but on our plan which dates back well over a decade, there's not been one on this particular area.

Commissioner Munger said in a certain subdivision that we may both live in I've seen that driveway expanded all over the place. I recognize that you are absolutely enforcing the ordinance as it is on the books. I would suggest that this is something that might be open for interpretation because one of the things that absolutely drove me nuts about backing out my driveway is inevitably I'm driving over grass. Give me 2' more. I would propose possibly we look at thinking that one through a little bit more.

Commissioner Partee said LU-3.1 managing residential growth in the eastern and western parts of Huntersville planning jurisdiction. I live in the eastern part of Huntersville off Beatties Ford Road and LU-3.1 states "Discourage rezonings to higher intensity residential districts in the Residential Edge and Rural Conservation future land use character areas. There is constant pressure to rezone to higher density districts on the edges of town. Growth management was the No. 1 priority for survey responses. There needs to be a concerted effort to uphold previous policy decisions to limit density and increase open space preservation in the more undeveloped areas outside the Town Core." Constant pressure to rezone these to higher density. Is that coming from developers looking at this virgin land to encroach within that zoning?

Mr. Peete said absolutely.

Commissioner Partee said for us to approve the zoning we are sort of giving the appearance that there's going to be snowball effect. A developer is going to come back and say look this was approved so let's further encroach into that density area. The 2040 Plan is what I like to make my decision on moving forward but I just feel, well I shouldn't say feel, I like to go by the 2040 Plan and this LU-3.1 really concerns me because that whole area is pristine, it's part of the Town's appearance of having open space, green, so we'll see where this falls moving forward.

Commissioner Kidwell said you said they want to keep the original 20' buffer, they want to take out the other 20' and then replant it, so it's still going to be a 40' buffer.

Mr. Peete said at the end, yes.

Commissioner Kidwell said do we know what that buffer is? Are they just trying to take out some crappy trees and bushes and put something that looks a little bit more....

Mr. Peete said the applicants can certainly speak to that when they come up, but I will say it more than likely has to do with the grading because the lots are very close.

Commissioner Kidwell said this other neighborhood, Riverdale, can you pull that up. When was that approved?

Mr. Peete said that was in the late 90's early 2000's.

Jack Simoneau, Planning Director, said that was back in 2003. The zoning at that time was OPS zone which allowed 2.5 units an acre with 15 percent open space. Just after that development got approved there was a new code that turned it into Rural and Transitional, so that was one of the last subdivisions to get approved.

Commissioner Kidwell said I think Commissioner Munger hit the nail on the head how I'm thinking with the driveways and the widths. Connecting to Hubbard Road, is there an entrance or an exit at Hubbard – what are we doing there, stubbing out?

Mr. Peete said there's nothing there, it is just open space. There is a triangular piece of land that you can see through mostly the power line easement that is actually outside of town. They have offered that for annexation.

Commissioner Kidwell said one thing about this type of community EPCON, age restricted, it doesn't overcrowd our schools. It doesn't add children to our schools which you've heard me up here saying that we need to be careful about overcrowding our schools. I've talked about traffic. Typically, the EPCON or the age restricted communities don't add a tremendous amount of traffic to our roads. They operate at a different time of day than the rest of us. And definitely LU-3.1, I agree with Commissioner Partee on that, but time and time again this Board this past year has approved massive projects. We just approved the Joey Logano project, 742 units, 5 to 1, that's going to add at least 1,300 cars for traffic on the border of our town, whether it's east to west, north to south, we are kind of violating that policy. We can't pick and choose when we are going to follow policy. One thing I know is not overcrowding our schools, not adding a lot of traffic, those are positive things that we not only hear from people running for office, but we hear from the public. They are out there saying stop overcrowding our schools, stop adding cars. When we talk about smart development, that's what they are bringing us right now, smart development.

Frank Gammon, Vice Chair, Planning Board, said to follow-up on Commissioner Kidwell's questions about Riverdale and Commissioner Kovacs' question about the driveways. If you don't know now, but for the Planning Board, what's the density of Riverdale?

Mr. Peete said the entirety or the phase that's under construction?

Mr. Gammon said both.

Mr. Peete said we will let you know at the Planning Board.

Mr. Gammon said this may be an applicant question. Just out of curiosity why does the applicant want an 18' wide driveway? I'll save that for the applicant.

Mayor Bales called on the applicant.

Whitney Hodges, said my role in this is to help EPCON through their process and to make sure that we have the right people to answer all of your questions tonight. With that, what we are going to do is kind of explain who we are as a company and then we'll kind of answer anything that you need. I'd like to introduce Nick Gonzalez who is going to talk about what EPCON is and what this is going to look like.

Nick Gonzalez, 133 Yellowbell Road, Mooresville, said my intent is to just educate you a little bit on the product that we hope to bring to Courtyards at Walters Farm. *PowerPoint attached hereto as Exhibit No. 8.*

I just want to run through some of the characteristics of EPCON homes and communities. I want to talk about them in relation to within the community, for the homeowners themselves and then what this type of development brings to those outside the community. We build a luxury ranch. Active adult is our target market, so single-story living, universal design, these are going to be features of all of our homes.

Low maintenance living is something that's very important to our demographic. That typically entails manicured yards, sprinkler systems, overall low maintenance in terms of a lock and leave lifestyle for our homeowners.

Private courtyards is probably the thing that people get the most confused about and is probably the most important aspect to the design of our individual homes, so I'll speak to that as well. I'll just touch on active lifestyle and then of course the reason we're here is location. We want to get our communities into the locations that we can serve the demographic appropriately and Huntersville is one of these.

Luxury ranch, just a quick idea of what we build. We have done over \$2 million in research and development in our floor plans to make sure that the product that we are bringing for active adult is exactly what they are needing. If you were to deconstruct our product based on what those needs are, based on numbers of surveys, you'll find that we hit the nail on the head. This is an example of some of the quality that you will see in our homes. Low maintenance/high quality landscaping, this picture right here is out at Lawyers Road, it's a project that we are just finishing up right now down in Stallings. But this is very consistent with how we landscape. This is fescue grass. Everything is on sprinkler system. We had conversation about driveway widths earlier. Sprinkler heads are part of that conversation. Backing out and not running into the grass as we stated can be an issue.

One of the things very cool about our product is the day we close out a community it's arguably the worst it's ever going to look. It gets better over time. There's not many builders that can come up here and say that. That is a function of the landscaping that we put into the communities and also the quality of materials we use in the homes.

Another just streetscape that we talked about gives you a good idea of what these communities start to look like. Private courtyards is something that I mentioned is a part that is hard for many people to conceptualize because we give a very private outdoor feel on a very small lot. It's about being deliberate with your square footage out there. We get rid of the idea of a backyard. Many single-family

homes you are going to picture the backyard as your outdoor space. We bring that to the side of the home. You can see it towards the back of the structures there and bring that outdoor space to the side, we wrap the house around it.

A feature on all of our homes is we fence in the front and the back to close it off and we seal it off with a windowless wall of your next door neighbor. This gives our homeowners complete privacy on a much smaller lot than you would expect by being deliberate. It also eliminates the, I have kids so I'm not totally against them, but the swing sets, the trampolines, the toys in the backyard. This is not consistent of what we do in our communities because that outdoor space to enjoy is private.

This gives an aerial view of homes that we built. The last one was a rendering. This is how they actually begin to look. I'm always impressed with what our homeowners are able to do in that small space, but these are some examples of courtyards that folks will find in their homes.

Amenity areas are always going to be important to us. We do promote an active lifestyle. I know we have a pond proposed in this community. I believe sand filters are a feature that Huntersville likes. We are proposing a pond. You can see this is in Wesley Chapel I believe. This is an aerial of our pond, walking trails, pickleball court, saltwater pool and clubhouse that you see to the top of the picture. I can understand why some people get hesitant with a wet pond, however we make sure that ours are visually appealing to the homeowners and to the community. Another picture of some amenities. This is a pavilion and outdoor space in another community that we built. Common area, if we don't have the natural land that we need per ordinance and that will help the community look good, we are going to make sure to manicure what's left. It's a very appealing place for the homeowners.

A couple of the benefits that we talk about and actually they were brought up by questions by some commissioners and just some comments, but we actually bring less traffic as an active adult community – 50 percent fewer daily trips than a traditional single-family home. Our homes last year averaged above the \$600,000 mark and that's a feature function of the market. They will likely continue in that space and possibly higher. That's going to bring your tax revenues. We are not going to impact your services the way that a single-family.....I have three kids myself. Many of our homeowners do not have children in the home being active adult. It is not restricted that says no kids can live in the community, however, it is a much smaller percentage, so there's low school impacts. It's noted in the 2040 Plan that the active adult 55+ is underserved going forward so we hit that need as well – 22.7 percent or 14,683 people in Huntersville are 55 years or older. These houses/homes and community are for them and local community involvement.

I'm going to just quickly touch on what you will see if you don't live in the community driving down the street. This is two of our most recent Huntersville projects – Courtyards at Eastfield Farms, our monuments, fence and clubhouse are on the street there. And Kinnamon Park right down the street off of Gilead Road, a nice big fountain on the way in. Even if you never set foot in one of our communities, you will benefit from what we hope to bring to Courtyards at Walters Pond.

Ms. Hodges said this is our site plan of where we plan to put some things. I want to go over some of the modifications kind of quickly, especially the ones that may have some questions involved. The top three as far as the things that staff can support, I don't know if there's any questions on those, but we can certainly answer those.

When it comes to the buffer disturbance, that's really a function of timing and how we engineered this site. When we met with staff in January that was our first initial meeting. The ordinance wasn't in place

yet and so as that ordinance evolved I guess our plans did not evolve with that. In the area that we're looking for that is this area, so what we want to do is keep those large trees that are adjacent to the property, keep those and anything in that first 20'. When we do disturb in that next 20' this is closer to our side. What we would like to do is to be able to plant back so that you have a more opaque buffer than just a non-disturbance buffer. If that modification isn't allowed, you will see a retaining wall and that's not really the aesthetic that I think that the ordinance is intending, so with the driveways of 18' that is actually a modification we asked for at the Eastfield project, but in our communities it's an older population so backing out of the driveway in a straight line is seen as preferred.

The right-of-way width at 51' was a comment that staff made about needing on-street parking. That would be something we would like to keep at 51' mostly because of the nature of our project. Our population does park in their garages and use their driveways. If you were to visit the sites in Huntersville, you will find very limited on-street parking as it is. Kinnamon I do know has some striped parking in their project. That's something we either want to continue having discussion with the staff because Huntersville has context sensitive design and one of the things that we think about with context is the actual usage, so this is a little bit of a different user than just a traditional subdivision.

Let's talk about that Land Use Policy a little bit and maybe why we feel as though that TR may be appropriate here. We are asking for a conditional district. It's not that we are asking for TR in general, because we would like to put an age restrictive community.

EPCON has done the numbers on this and their people per household is less than what an average traditional subdivision would be. In that regard we will have come out to about 189 people that would be here. If you were to do Rural and it be a traditional subdivision, the census puts that at about 2.5 people per house and that comes out to about 182 people. We're essentially the same as far as intensity and I just really want to make that point as far as it makes it a little bit different. I realize that you're changing the color of the map on the other side of the road, but what you are doing is matching up some of that development pattern from Riverdale and what can potentially be at the nodes, so this kind of site feathers in that and that's where I would like to stop at the moment and have our team answer any questions that you have.

Commissioner Boone said I believe there's four EPCON communities in Huntersville.

Ms. Hodges said there are three. This would be the fourth.

Commissioner Boone said most of them are HOA's or COA's?

Ms. Hodges said two of them are COA's and the last one is an HOA. We've done some lesson learning.

Commissioner Boone said would you like to share that lesson?

Ms. Hodges said I will not share that lesson, but I believe Andy Given from our team can share that lesson or Russ Graham. He's the project manager or has been the project manager on both of those.

Russ Graham, 1123 Hillston Road, Mooresville, said Huntersville and Kinnamon were COA's. We learned our lessons. I wasn't involved in the early days, so I don't know why per say, but I believe it was agreements with Huntersville that made that work. We have since moved to the HOA's with Eastfield and we feel that would be the better direction for this community as well.

Commissioner Boone said the Kinnamon Place project shares their wet pond with additional properties. Will this wet pond share any responsibilities?

Chris Todd, Timmons Group, 610 East Morehead Street, Charlotte, said this BMP will only serve this project.

Commissioner Boone said and the HOA will take over this project 10 years after build-out?

Mr. Todd said whenever that time is, right, the HOA would maintain the pond going forward.

Commissioner Boone said I'm pretty familiar with Kinnamon Place and the additional on-street parking. I think that's going to be important for a few reasons. One, if you go down to where they have their neighborhood garden, their kiosk mailboxes, their pool and then the clubhouse, the clubhouse parking doesn't fulfill the entire needs and a lot of people are parking on the street and I think it's something that you need to look at.

Commissioner Kidwell said where you're stubbing out here on the north side, is that into the Presby church property?

Ms. Hodges it would be, yes.

Commissioner Kidwell said I'm going to point out the obvious, there's a church and a cemetery there, why are they putting a road.

Mr. Peete said the connectivity ordinance certainly is well known to the Board. That particular stub, and we scrutinized it a lot, it can move to a different direction further to the west, but where it's shown it does not impact the church property, the cemetery, or anything that they are currently utilizing. They were notified of the community meeting. I'm not in any way insinuating how they feel about it, but we have not heard anything from them.

Commissioner Kidwell said I appreciate that, but I'll point out the obvious again – graveyard, church. I don't know.....we're going to be putting a road traveling from Beatties Ford to get around. I just don't know if it's needed. I appreciate the connectivity. I like the connectivity. Not everybody agrees with me on that. It's kind of like it will never be built unless someone's planning on moving a bunch of graves. It just doesn't make sense to me.

Mr. Peete said I understand completely. We've had a couple of scenarios of developments on the Phillips' property and they of course abutted on the other side and those properties in general have also stubbed in a southern direction. That linkage potential is there. Again, it doesn't preclude the church from subdividing, cutting off the back half, but we certainly don't want to play games with what the intentions are. We're just following our generalized guidelines, looking at the opportunities. There were several other places where we could look at doing that, but they had their own unique challenges. Again, that stub can slide further to the west and potentially get off of the church property with further scrutiny.

Commissioner Partee said the Stallings off of Lawyers Road, what is the price point per unit and the number of homes per acre?

Mr. Gonzalez said the one I referenced down in Stallings, Courtyards at Lawyers Road, we do have a couple in the Town of Stallings. Price points are mid 6's at this point. I can't give you an exact number. I don't have them off the top of my head, but their starting prices are going to be in the low 5's and by the time our homeowners go through design and utilize different features of the home, they are going to be in the 6's and 7's.

Commissioner Partee said the proposed units per acre here is 1.5?

Ms. Hodges said the maximum allowed would be 1.5.

Commissioner Partee said 1.5 at \$600,000.

Ms. Hodges said yes.

Commissioner Munger said I'm just going to have you walk through one more thing on that buffer. You will leave 20' undisturbed. You'll do whatever you are going to do and then you are going to add the 20' on so in the end there will be a 40' buffer that will be opaque in nature.

Ms. Hodges said correct.

Commissioner Munger said I like that. Street width and this is where it's kind of interesting to me and I'm just trying to make sure I understand this. Typically, Town streets are 51' wide if there is no on-street parking, 57' wide if there is on-street parking. You are proposing 50' and 55.5'.

Ms. Hodges said to meet the 50'we would come up to meet the 51' is where we would like to be.

Commissioner Munger said would you do the 57' so you have on-street parking instead of the 55.5' as you have here.

Ms. Hodges said I'm willing to have that conversation with staff.

Commissioner Munger said I would recommend you have that conversation with staff. That one seems like a fairly reasonable request for 1.5' extra. The berm as proposed within 100' along Beatties Ford Road, do you know what we are talking about on that one and has it been addressed?

Ms. Hodges said we are in the process of addressing that because that does need to be approved by the Planning Board and we want to make sure that we give them all the information that they need for that, so we may end up having to come back another meeting to make sure that we have all the engineering work because it's not just as simple here's a line where the berm goes because there are specifications in the ordinance for that.

Commissioner Munger said in addition the Town finds the entry road width at Beatties Ford Road unacceptable and needs to be limited to 26' maximum. Has this been addressed?

Ms. Hodges said I'm going to have the engineer answer that question.

Mr. Todd said it has been. When the plan was resubmitted, it was drawn as though it had a median in it.

Commissioner Munger said staff recommends adding a walking trail throughout the subdivision. Is this something that you are willing to implement?

Ms. Hodges said that one is a little trickier mostly because being in universal design and the grades where we would put the walking trail are a little problematic. Where we would like to focus is getting people where they can walk easier. I know it's a big area up there, that you've got two streams, a power line and then land that we will not access Hubbard Road off of. What we would prefer is to utilize some of the flatter areas for that and then also make sure that our sidewalks are connected to Riverdale so that you can get to the proposed county greenway system.

Commissioner Munger said just kind of looking at the map, just some quick thoughts, if you had some sort of walking trail along under the powerline or something that went around that water, that might be interesting.

Ms. Hodges said we can take a look at that.

Commissioner Munger said do you have any units allotted as affordable housing.

Ms. Hodges said no, we do not.

Commissioner Munger said would you consider doing that.

Andy Given, 416 Poplar Springs Church Road, Shelby, said EPCON has not done that. It doesn't fit with our philosophy on how we design our subdivisions to break out a separate section for affordable housing.

Commissioner Munger said I would suggest that you wouldn't have to break anything out. It could be the exact same units, just allot some specifically to people who have lesser mean. Overall staff is recommending denial of the project based on it being inconsistent with LU-1, LU-3, LU-7 and LU-11 of the 2040 Community Plan. Do you care to comment on that in general?

Ms. Hodges said I believe that I tried to kind of comment on that earlier with how we see that this is a development pattern that has been established through older zoning districts. To make the zoning change which is a legislative decision that can be specific to one particular site, one of the things that you can also look at are some limitations that may put some constraints about the spread and so you've got large powerline easements, a gas line easement and significant creeks that would kind of lend itself to be a container for that of where that could go. The stub street to the north does provide an opportunity for this neighborhood to interact with the Activity Center that is planned without being on Beatties Ford Road if that were to become available.

Commissioner Partee said I have a question for Mr. Peete. This just crossed my mind, but why in the plans do we not have a fire department report regarding accessibility to a lot of these communities. In specific we have a 55 and over community which we might have the propensity of having a lot more 911 calls and as far as water accessibility, fire hydrants and where they'll be located.

Mr. Peete said the fire marshal's office at the county is part of our review team through our electronic plan review. They do not issue a specific report, but they make their comments directly on the plan. So the fire marshal has looked and they cannot exceed 100 units until they have the second entrance available, so they are somewhat to the mercy of the adjoining property for that first 100 if they were to

have any type of approval, if density were to be affected by anything else through this review so be it, but the fire marshal has looked at it, will absolutely for this number need two entrances. They would love to have additional, but they are following their own policies, too.

Commissioner Munger said so we should consider that in our decision making. We should have that report stating that it's within their required safety standards.

Mr. Peete said we could look into formalizing that if that's what you are looking for, but usually by silence there's acceptance.

Mayor Bales said I do have one quick question and it was in regards to the active lifestyle amenities. I don't know who would like to answer that question, but can you describe what that means for EPCON and this particular project, especially since I know staff is recommending a walking trail through the subdivision. What other amenities then are there?

Mr. Gonzalez said active lifestyle one of the things that we'll do, it actually touches the walking trail and active lifestyle is we always do sidewalks on both sides of the street throughout the whole community. These are homes in communities that folks walk quite a bit. This will have clubhouse. That clubhouse always includes a fitness center for our homeowners. We finish it, very high-end finishes, almost like the neighborhood living room is kind of how we describe it, saltwater pool and I believe we have a pickleball court included in this plan. A function of the number of homes in our communities is how we determine what amenity package we put in there. You don't want to put too much constraints on the HOA with the cost to keep that up and we want to give what is traditionally used, so you can count on sidewalks on both sides of the street, saltwater pool, fitness center, clubhouse and pickleball court in Walters Farm.

Mayor Bales said I appreciate the sidewalks on both sides of the street. I think that would be a requirement from our Town anyway. I don't disagree with Commissioner Munger if there is a way to look for a site for a walking path and more of a natural type path, I would encourage you to do so.

Commissioner Boone said question for the staff. Has Mecklenburg County indicated to you what they are going to use that property for that they just purchased?

Mr. Peete said no.

Commissioner Boone said so what could that be?

Mr. Peete said you have several zoning districts that will allow different things, so again depending on scale you may have to bring them together and look at changing what there is, but you've got Rural, you've got Highway Commercial and that's a conditional district if I'm not mistaken, then they wouldn't have to undo that specifically, but there would be so many things that they could put into that, so it's hard to answer the question without seeing what their plan is.

Commissioner Boone said you haven't seen any plans?

Mr. Peete said no, they often will purchase and then come talk to us.

Jim Walters, 8093 Denver NC, property owner, said I'm a member of Paul and Ruth Walters Family LLC. I grew up and was raised in Huntersville. Graduated Huntersville Elementary, Alexander and then class of

81 at North Meck, so I've been here for a long time. I live 12 miles away now, but I have an engineering business here in Huntersville up at Birkdale Business Park. I've been there for 20 years. My father, Paul Walters, has lived here now for 86 years. A lot of you guys might know him. For him to decide to sell his farm, it took something that he wanted to see, that it become something nice. Actually, I've been through their subdivisions and I see how nice it is. Active community, people walking, enjoying it and stuff like that, so he wouldn't want to put his name on a project unless he fully backed it. We're all for it and hope you vote for it.

Commissioner Boone said can you tell me how long the property has been in your family.

Mr. Walters said we bought it in 1984, so it's going on 40 years.

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

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

Commissioner Kidwell seconded motion.

Motion carried unanimously.

OTHER BUSINESS

Resolution – Abandon and Close Portion of Mt. Holly-Huntersville Road. Commissioner Kidwell made a motion to accept the Resolution to abandon and close a portion of Mt. Holly-Huntersville Road.

Commissioner Boone seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 9.

Purchase Agreement – Electric Distribution Substation Property. David Lucore, Electric Systems Manager, ElectricCities, said if you recall last June I was here before you with this same piece of property and we were discussing the purchase then and at that time you moved to proceed with condemnation of the property because of the price. In the time between the last time I was here and now there have been several changes that have prompted me to request that we go ahead and purchase this property. Part of what we've been doing since last June is getting the survey of the parcel whittled down so that we made the least impact for the condemnation. The owner of the parcel also has condemnation rights which puts it in a different arena. It would take a court order for us to proceed with the substation and we are looking at anywhere from 18 months or more from now before that may be granted with no guarantees that it would be granted.

The existing substations are nearing their capacity and we are at a point that we need to move toward building a new substation if we want to continue to serve the customers in our service territory. We're just basically out of time. We have looked at numerous other properties. We have found nothing suitable at a lower cost that we could purchase. This is the best alternative of a parcel for us and I'm coming to you to request that we do purchase this parcel so that we can get started on building a substation.

Mayor Bales said you said if we stayed the course in what this Board had recommended previously that it would be a good 18 months to 2 years before there was a decision that would be made. Correct?

Mr. Lucore said that's our best guess.

Mayor Bales said and then you still have to build it.

Mr. Lucore said correct.

Mayor Bales said if the Board approves the purchase agreement tonight, how long will it take us to get started on that substation?

Mr. Lucore said to actually get started with construction would probably be the first of the year. In between now and then we'll have to get the permitting process done, we'll have to do the engineering and get all the things in place to start the actual construction. The estimate on completion of that project is about 18 months.

Commissioner Boone made a motion to purchase the land for ElectriCities electric distribution substation. Duke has offered to sell the Town 1.13 acres of a 3.60 acre tract for \$466,125.

Commissioner Partee seconded motion.

Commissioner Kidwell said I don't think Duke is offering to sell us at \$466,000. I think they are kind of shoving it down our throats when the property is worth less than \$100,000. Let's talk about Duke Energy for a second. A \$69 billion company. Billion with a B. Over the next two years we're going to have rate increases at 18.7 percent that are going to impact our residents, and they are not backing down off of charging us four times what a property is worth. Now I'm going to go into my other questions. That's what I'm going to say about Duke right now. They're flat out thieves right now and they are extorting this town to provide electricity to the people in this area. We are currently in condemnation.

Mr. Lucore said I'll defer to our attorney for that.

Emily Sloop, Town Attorney, said the process has been started. The notices have been sent. We have engaged with Keith Merritt, the Town's condemnation attorney to work on that, so yes the process has been started.

Commissioner Kidwell said when did we start the process.

Ms. Sloop said the process was initially started by myself and Jacob Glass who is the staff attorney. That process was started I want to say at least over a year ago when the Town Board decided to move forward with condemnation. Because this is a complex case given that the other entity has condemnation authority as well and it would have to go to trial, that's when we started working with Keith. There were some changes that were needed to the survey due to some overhead electrical lines, as well as an issue with the survey that came back dealing with NCDOT right-of-way, so it took several months to get those updates made, but overall I'd say over a year ago it was initiated. There have been some changes since then.

Commissioner Kidwell said I know the gentleman here said 18 more months.

Ms. Sloop said this is information that I believe Mr. Lucore obtained from Duke in terms of an estimate based on a previous similar condemnation. I'm not sure where they came up with that estimate.

Commissioner Kidwell said would Commissioner Boone modify his motion to say extort from the Town of Huntersville instead of offer to purchase.

Commissioner Boone said I would not.

Commissioner Kovacs said if we were to continue with condemnation and it were to take the 18 months, would the cost equal the difference of what we should pay at fair market value compared to what they are requesting?

Ms. Sloop said overall I think as I had explained in my previous email the overall cost would likely be lower than what they are asking, however as also noted in the previous discussions, there is no guarantee if we were to go to court that a judge would find in the Town's favor, so there are some risks associated with that. You could continue to pursue condemnation and potentially save the Town some money. That is not something that I could tell you exactly how much money would be saved because I don't know how much the ultimate legal fees would end up being, but I do think in my professional opinion that it would be lower than the requested price from Duke. However, Mr. Lucore has indicated that if we were to wait and not be successful, at that point in time we would likely have to cede some of our customers over to other providers because we would not have the load capacity to continue to serve them and once those customers are ceded we would not be able to get them back unless they were voluntarily returned to us, which is unlikely.

Mr. Lucore said that is correct.

Commissioner Munger said I also did a little bit of homework on Duke. I took time out of my day to do some market research and I just want to share some of my findings. As Commissioner Kidwell pointed out, Duke has a market capitalization of approximately \$69 billion and an enterprise capitalization of nearly \$150 billion. Last week Duke issued a press release indicating that they gave away \$1,000,000 of the money they are taking away from the Town of Huntersville in grants to 39 non-profits across the state. Yet I see no mention of our generous contribution to this cause. Hopefully they can correct that issue. But in all seriousness, the corporation should be embarrassed of their behavior in holding our town, which is a direct neighbor of where their corporate headquarters is located, hostage. I would like to openly call on CEO Lynn J. Good who made a smidge over \$21 million last year and the Board of Directors for Duke Energy – Derrick Burks, Annette K. Clayton, Theodore F. Craver, Jr., Robert M. Davis, Caroline Dorsa, W. Roy Dunbar, Nicholas C. Fanandakis, John T. Herron, Idalene F. Kesner, E. Marie McKee, Michael J. Pacilio, Thomas E. Skains, William E. Webster, Jr., you need to step up and do the right thing here. We don't need to be adversaries, we need to be allies in doing what is best for the people we both serve, not just your shareholders.

Mayor Bales said if we stay to the course and the potential to cede our customers, who would they go to?

Mr. Lucore said either Duke Energy or Energy United, depending on where those customers were located.

Commissioner Kovacs said this is legal?

Ms. Sloop said it is and I mentioned previously I do think that the Town has a good chance of being successful on the condemnation case because of the fact that Duke tried to sell us the property suggesting they don't need it prior to us initiating condemnation. However, again I cannot 100 percent tell you what a judge would find in a court of law.

Mayor Bales said that leads me to another question then. Looking at the projections without this substation how many houses, how many customers would be impacted?

Mr. Lucore said I would say potentially thousands, based on the amount of growth we're seeing in the northern part of town.

Anthony Roberts, Town Manager, said I would say the issue is the 1 acre is zoned residential. It is right beside CVS and all that that's zoned commercial, so the appraisal was at a residential rate. I doubt any of us would probably build a house there, so one of the worries here is that yes, it's zoned residential and that's the way it was appraised \$100,000 however long ago. The appraisal has probably gone up. The issue here is the time we're dealing with. We've got roughly 1,000 customers already in that area, another 900 in the pipeline already, and the substation is getting to capacity so we need a substation. The closer you are to that line, the cheaper it is to run – you basically run the lines up instead of across to get to it. I don't like it anymore than you do, but with all the various factors and the timing on whether we can get it through condemnation you could be upwards to get it and actually build it closer to 3-1/2 to 4 years. We can't wait that long.

Commissioner Munger said to be clear, I am very upset at Duke Energy, but understanding the circumstances and what the impact could be to our town and our citizens, I would encourage this Board to vote for it. It's unfortunately the pill I don't want to swallow but I'm going to.

Commissioner Phillips said so you just made me go from being a second to talking me out of supporting this. We can very rarely ever take a moral stance up here. Usually our hands are bound by NCGA stuff and you literally just talked me out of my vote. Actions have consequences and I'm one of them.

Commissioner Kovacs said I'm frustrated because we are supposed to be good stewards of our residents' money and here we are yeah we should pay substantially more for property that we know is not worth \$400,000 but then in turn we risk.....and so my stance is I'm same with Commissioner Phillips, I was like yeah get them Commissioner Munger. But then also hearing 1,000 residents plus "x" amount could be affected makes me want to vomit, so I think it's absolutely terrible that we risk spending almost four times as much or we lose customers to the same villain.

Mayor Bales called for the vote to approve.

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

Mr. Lucore said we're at the point we don't have any other viable properties, which also should weigh into your vote. We have left no stone unturned. We have looked for another property. All the other properties that are close to the transmission line that we need to connect to are either unwilling to give up their land or have as high or higher price. We're down to we need this piece of property.

Mayor Bales said are we at or close to capacity with the existing substation.

Mr. Lucore said yes ma'am. We have done some strategic things between last summer and this summer because last summer we actually exceeded the limits of our contract on the existing substation. So we've put in additional lines and we have moved load to another substation. We have brought ourselves some time by trying to balance the system so that we did have some more time to get this station built. We have done all that we can do and once we reach capacity now without this other substation we won't have any other option than to give up customers.

Mayor Bales said the idea of giving up our customers and not providing what we've said we could provide, I'm not okay with. So while I hear the fellow board members and their frustration, I think all six are frustrated with the situation we find ourselves in, but I will break this tie to move forward with the purchase agreement. I just don't see how we don't.

Downtown Social District Discussion. Commissioner Boone said the Town of Huntersville has one social district right now in Birkdale Village. And I think that we need to start looking towards the future of having a downtown social district. The definition of a social district is an outdoor area in which a person may consume alcohol beverages sold by permitted establishments in designated containers. I'm tacking the town of Salisbury, they are participating in a social district in their downtown area and it seems at this time to be working very well. they do need to tweak a little bit on what they put on their designated containers. The Town of Kannapolis has said that it has boosted their local businesses and social districting when weather permits.

Commissioner Kovacs said I've heard from residents all the time, especially with the timing of the opening of the new brewery right here and how at no fault of their own food trucks would sell out very quickly so then Slice House was very lucky because they were like come on in but a lot of people just having the situation where they're like oh I have to leave half the people there or go by myself because I can't take my drink with me and then go get good and then come back and whatever, so the conversation has come up when I've been present there and doing some research as well it seems as though businesses find it to be very helpful in other towns where they have social districts because people are able to stay longer, they don't just go to one place. I'm a parent and the idea of going to one place is a lot easier than stopping what I'm doing and going to another place, packing up. So I Commissioner Boone and I thought it was very important to bring it to the Board to see if they were interested in it. I know we did do it in Birkdale. I wanted to ask Chief Graham have there been any expedient situations where it appears that having that social district has had a negative impact.

Chief Graham said we have not had any major issues at all up in that area. They are very good about policing their self. They understand that is they break the rules their ABC license is in danger. Most of the businesses are very cognizant of what's going on. We haven't had any complaints quite honestly.

Commissioner Kovacs said I know we would have to do a little bit, we've talked about how we would have to be a lot more in-depth because we are not in an enclosed area like that. We would also have to look at what kind of containers we would require if they could be reusable so that way people don't just fill trash cans full of plastic cups, stuff like that, but just something for the Board to think about if we want to continue to boost downtown and the building of downtown.

Mayor Bales said Commissioner Kovacs have you and Commissioner Boone discussed the space itself. Are you considering something as far down as Hunter House to Crafty.....do we know kind of the scope. Is it going to be more contained into kind of this quadrant here.

Commissioner Boone said we've haven't gotten that specific as far as a geographic area and the breweries and the restaurants and establishments they have to decide whether they want to be part of this program and in the case of Salisbury they have a sign out front that says social districting and that means that if you have a cup of alcoholic beverages it has to have date, what's in it, etc. and you can carry that into a retail store if that retail store wants you to have that in there. They could have another sign that says no we're not part of this – there's no food or drinks allowed in here. And that's fine but to answer your specific questions, we think that with the development that's coming across the street and the breweries that are walkable now along with Slice House, I think it's something we need to be proactive.

Commissioner Kovacs said obviously the distance of what's included should definitely be a Board decision, not coming in with any predetermined things, but I do know that when the downtown plan steering committee they defined what downtown was. They used a specific measurement. Whether or not we want to go with that ¼ mile that they did, ½ mile, whatever in the circumference we could do that. That's a little bit of a guide if we wanted to look at it.

Mayor Bales said I just know with Birkdale because they are so enclosed I don't know that that's ½ mile.

Commissioner Kidwell said I appreciate you guys bringing this. Obviously it's very early discussions. There wasn't any attachments or anything, but some things to consider who purchases the containers. Birkdale can tell their businesses what containers that area. The difference is Birkdale is building lot, so they've got a little bit more control over that.....to say work with Chief Graham to see how we are going to enforce that. I know you brought up usable cups but litter. Litter is a thing that half a mind as someone is drinking they drop their cup and they just walk off whatever. Where is a little kid's got a cup of water they just throw it out. I think the biggest thing is I'd love to know how the local businesses in this area feel about that. Maybe do a survey with the establishments that are here right now and say what are your thoughts on a social district for downtown Huntersville and how that would impact. Crafty Guys probably cool – bring a food truck, they pour beers. The brewery right next door here, but like for places that serve food and beverage do they want someone else bringing beverages in their place when they could have that sale. That's things to consider. We've got the café, then we've got the bar down the street. I think having and the Italian place.....I think having them at the table and getting their input would be very valuable.

Commissioner Kovacs said I wish for this instance that the Downtown Plan Steering Committee was still active right now because that would a good discussion for them.

Commissioner Phillips said I'm coming in with all the boring stuff here. I would need to be defined beer/wine versus liquor because it's different ABC permitting stuff. How are we going to handle Veterans Park in that square mile because then you get into loitering and public intoxication on town property. The hours that it would operate – would it operate when school is in session, when DPK is open, alcohol in an elementary school area could be a concern for parents, teachers, whomever and then also I was curious if we could look into if any of these social districts are on NCDOT maintained roads because Birkdale is contained. Those are town roads. That's a whole different bear versus putting people at one of the busiest intersections in our town with alcohol, so I'm coming at it from.....well working with events that have alcohol and having to do the ABC permits and running that kind of stuff. I'm coming from it like okay I carry \$1 million insurance policy on these things so I'm going to make sure the town is not putting the cart before the horse and we do all the boring stuff before we can have fun.

Commissioner Munger said Commissioner Phillips stole a couple of my questions but proximity to schools is a concern, proximity within Veterans Park, Holbrook Park might be part of that equation as well and do we have any general concerns that the Town Hall and Fire Station might be in that social district as well. Just thoughts. And then a lot of questions about where it extends because if we are doing 115, should we be doing Main Street, that should be part of it in my opinion.

Commissioner Partee said in my years of experience in social districting and being in New Orleans, going to school there, the biggest issue we have to look into is urination, where are people going to go to urinate. Not on my lawn. Not in the bushes, so we have to think about possibly bringing in some type of porta-potties or whatever, but we have to think about that and will they have access to a lot of businesses, will they let them in to use their bathrooms.

Commissioner Boone said well, we started. This is the discussion that we were hoping we would have and I think Mr. Roberts if you could give us some direction, we'll get with you and kind of put something together and I don't know if you and I will go down and visit the businesses.

Commissioner Kovacs said happily.

Commissioner Boone said happily, well there you go we've got two people that wouldn't mind visiting the local establishments.

Mayor Bales said would it be beneficial to have someone from Kannapolis or someone from Salisbury and speak with this Board, maybe at a pre-meeting to give a sense of what they are doing or no. Or y'all can do the work behind the scenes and then bring it back to us.

Commissioner Kovacs said do you know how far Cornelius is.

Mr. Roberts said you have to remember some of these areas you are talking about a much more established – Salisbury, Kannapolis – hundreds of millions downtown so I'd probably start more like you said Cornelius who is sort of in the same boat we are trying to reestablish. Davidson has a fairly established downtown too, not big but fairly established. I'd probably start in those areas there to give us some guidance because they have recently done one downtown in Cornelius, smaller scale. That's probably where I would start and then maybe whatever board direction give me either I can work with two commissioners that brought this up or some small committee but there are a lot of details to work out for sure.

Mayor Bales said I would think if the Board is fine with it I would like to see Commissioners Boone and Kovacs run with this and work with staff to bring something back to the Board, if everyone else is good with that.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Phillips

- No Report

Commissioner Boone

- No Report

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Kidwell

- No Report

Commissioner Partee

- Provided safety tips for walking area greenways.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.
- Consider giving to your non-profits.

Commissioner Munger

- The Huntersville Ordinances Advisory Board meeting and the Public Arts Commission meeting were canceled this month.
- Next meeting of the Municipal Education Advisory Committee (MEAC) is August 17.
- Consider supporting local non-profits.

Mayor Bales

- Lake Norman Economic Development Corporation is working a total of 38 projects. They have submitted a Truist grant application for the Boots on the Ground Scholarship.
- Next Metropolitan Transit Commission Working Group meeting is tomorrow.
- Commended the 150th Committee for their work.
- Expressed appreciation to the Town Board for their work.

There being no further business, the meeting was adjourned.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2023.

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

To: Town Board

From: Janet Pierson, Town Clerk

Date: September 5, 2023

Subject: Approval of Minutes - August 21

EXPLAIN REQUEST:

Consider approving the minutes of the August 21, 2023 Regular Town Board Meeting.

ACTION RECOMMENDED:

N/A

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**August 21, 2023
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on August 21, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales proclaimed August 26, 2023, as National Women's Equality Day in Huntersville.

A Proclamation for National Women's Equality Day

WHEREAS, On August 26, 1920, after decades of hard-fought advocacy, women won the right to vote, and our Nation moved one step closer to living out our sacred ideal that all people are created equal. On Women's Equality Day, we honor the movement for universal suffrage that led to the 19th Amendment, celebrate the progress of women over the years, and renew our commitment to advancing gender equity and protecting women's rights; and

WHEREAS, With the ratification of the 19th Amendment, millions of women across the country were finally able to make their voices heard in our elections. Yet many women of color who helped lead the universal suffrage movement were effectively denied those rights until the Voting Rights Act passed 45 years later. Women are less likely to have time to vote in-person with increased caregiving demands and a disproportionate share of low-wage, inflexible work. The right to vote and to have that vote counted is essential to the future of our democracy; and

WHEREAS, Women and girls have fought for justice and freedom throughout our history. All Americans should have the opportunity to fully participate in society — no one's rights should be denied because of their gender; and

WHEREAS, On Women's Equality Day, we celebrate the trailblazers who fought to deliver a better future for America's daughters. We recognize the work that remains to ensure that everyone can fully participate and make fundamental choices. We strive to uphold our Nation's promise of equality for all people.

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim August 26 "**NATIONAL WOMEN'S EQUALITY DAY**" in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 21 of August, 2023.

Centralina Council of Governments. Christina Danis, Community Economic Development Director introduced Zsuzsi Kadar, Community Economic Development Administrator. Ms. Danis presented information about the Centralina Regional Council Housing Preservation Initiative Grant. *PowerPoint attached hereto as Exhibit No. 1.*

Mayor Bales recognized Miss Huntersville, Deanna Glenn.

Deanna Glenn said I'm serving as Miss Huntersville for this year. I am dedicated to helping parenting students get the resources that they need to be successful in school and I did this at my alma mater UNC-Charlotte. I started a group called Single Mothers Support Group which helps the parenting students get diapers and any tangible items through our school resource program. If they are food insecure, that's where they go, our Jamil Niner Pantry Center. It's through there. They can apply to get the resources that they need.

Mayor Bales said you are also a music teacher at Bonnie Cone Leadership Academy.

Ms. Glenn said one thing I really love about Bonnie Cone Leadership Academy is their family values and I feel that my spirit is at rest being at a place where I can have the family values support the family through being a music teacher. I'm really grateful for all the blessings that I've gotten.

Ashley Wiley, 12435 Treasure Cove, said tonight my topic is going to be about the Social Media Policy. Honestly, like Eric had stated prior to tonight on Huntersville Politics, that the revision to the Social Media Policy for elected and appointees, that while he appreciated the policy's efforts in increasing transparency and working to ensure compliance with state public record open meeting laws, it was interesting that the policy doesn't even pay lip service to freedom of speech. Elected officials and advisory board appointees don't even give up their freedom of speech once they are elected or appointed. Why is he only referenced to liability and legal costs in referencing towards discriminatory and/or defamatory comments and also, in reference to the Town facing liability for violations of public records and/or open meeting laws. So, with that, I would also like to point out that social media has been very good to this town and it's been very unfair to this town. To include our beloved Mayor Pro Tem who once stood up for people, who was a fierce advocate for everybody, who literally loved this town, lived and breathed this town, and honestly after somebody decided that they were going to stand up and go against her after she had a moment of embracing just people for being people and saying if you need a trusted adult please come and speak to me, that was so sad for our entire community because our beloved Mayor Pro Tem was silenced and her voice was taken away from us. She used to stand up for us so proudly and she stood up for everybody until the person that's running for mayor wanted to say something and affectively silenced her. That other person is also running around and saying things about the town such as racial things. And I'm sorry but we don't live in a town of hate. We don't live in a town of even recognizing people for being anything other than just people. We need

Huntersville to go back to being kind. The heart of Huntersville was significantly hurt when that person decided to have their Spartacus moment and then had another one and it didn't matter what happened or what was said to make someone else uncomfortable that's what they were going to do to include using the people against the Lagoona Bay project. Political usefulness is certainly something that we all have but it shouldn't be used against the town.

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda.

Commissioner Partee seconded motion.

Motion carried unanimously.

CONSENT AGENDA

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

Budget Amendment. Commissioner Phillips made a motion to approve budget amendment appropriating \$2,044,344 from General Fund balance and \$511,086 from Mecklenburg County to Fire Station Land for purchase of land on Ramah Church Road for Fire Station #5 and a neighborhood park. Commissioner Kovacs seconded motion. Motion carried unanimously.

Social Media Policy. Commissioner Phillips made a motion to approve revisions to Social Media Policy for Elected and Appointed Officials. Commissioner Kovacs seconded motion. Motion carried unanimously.

Revised Social Media Policy attached hereto as Exhibit No. 2.

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #R23-01, Foundry – Everett Keith Road. Petition #R23-01, Foundry – Everett Keith Road is a request by Foundry Commercial, LLC to rezone +/- 59.66-acres generally located east of Everett Keith Road and south of Hambright Road from existing Transitional Residential to Corporate Business - Conditional District for approximately 750,000 sq. ft. of light industrial space.

Commissioner Munger made a motion to defer action on this item until September 18, 2023, at 6:00 p.m. at Huntersville Town Hall.

Commissioner Partee seconded motion.

Commissioner Boone said I don't know why this was delayed. I don't know if it's on the Town's part or the applicant's part, but reading the minutes from the Community Meeting, the very last question that

was asked by the citizens, what can go wrong with the rezoning approval. All 15 families are excited to see this property developed. The applicant reminded the attendees that the rezoning is a political process. Why this has been delayed I do not know, but we've got to stop these kind of delays either on Town's part or the applicant's part.

Mayor Bales called for the vote to defer action until September 18.

Motion carried unanimously.

Petition #TA23-01, Street Trees. Lauren Speight, Senior Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

What you have in your agenda tonight is a text amendment for three options for future street tree planting requirements to better support the infrastructure in Residential and Commercial subdivisions. The three options include a revised planting strip of 7' for small maturing trees, 9' for large maturing trees, and an alternative where a developer may provide a grass strip in lieu of a planting strip with an additional tree in the private yard.

The text amendment was supported unanimously by the Huntersville Ordinances Advisory Board. The Planning Board recommended approval of the text amendment 5 to 1, and the one vote in opposition specifically indicated that they did not prefer the third planting option which was to add an additional tree to a private yard for the maintenance of a private citizen.

Commissioner Boone made a motion in considering the proposed amendment TA23-01, the Town Board recommends approval based on the amendment being consistent 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 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 on the public right-of-way.

Commissioner Munger seconded motion.

Commissioner Munger said do we currently have in place a policy for corner lot homes where the trees are along the side, because I know this one addresses more of the front, and does this affect anything for those particular type of residences.

Ms. Speight said we don't have a policy specific to corner lots, but that is something that we will need to address, because I do recall that being presented in discussion I can't recall if it was HOAB or Planning Board, with regard to the conditions on those streets because the particular issue with site distance for the corner lots.

Commissioner Munger said it's essentially at the developer's discretion?

Ms. Speight said no, it's not at their discretion. That will be something that will be determined during plan review.

Commissioner Munger said you have a planning review and then basically say on this corner lot I need you to put a tree every 30' within the space between the sidewalk, so you just do that during that phase of discussion for a new development.

Ms. Speight said yes, and the challenge was previously that on the corner lots they may also require a front and rear yard tree, so figuring out where they can plant them both so they are not in conflict.

Commissioner Munger said is that just at Planning staff's discretion.

Ms. Speight said it would have to be in compliance with the engineering requirements and it would also need to be where the Zoning Ordinance also requires the trees to be planted.

Mayor Bales said does that mean that there will be more discussion around this particular topic and then something more formalized around it or no.

Ms. Speight said no, but I'm sure whatever is determined tonight there will be discussions among staff about implementation.

Commissioner Kovacs said just more for resident clarification I just want to check, who is responsible for the trees.

Ms. Speight said the ordinance indicates that it is the adjacent property owner or the HOA, whomever the HOA essentially determines. Most of the subdivisions in the Town that responsibility is given to the property owner.

Mayor Bales called for the vote to approve Petition #TA23-01.

Motion carried unanimously.

Ordinance – NCMPA1 Power Purchase Agreement. David Lucore, Electric System Manager, ElectriCities, said for your consideration tonight is an ordinance change authorizing the sale of 150 megawatts generating capacity at the nuclear station that the Power Agency owns to Central Power, which is a cooperative in South Carolina. This has been debated many times. There are 19 cities in the western part of the state that own a majority share in the Catawba Nuclear Power Station and all 19 cities have to agree for this sale to go through. There have been numerous discussions.....lively, vigorous discussions about whether this was a good deal for the cities or not and there's been extensive analysis to that regard, and it is my opinion that it is in Huntersville's best interest to approve this sale and I'm more than happy to answer any questions that you might have.

Commissioner Boone made a motion to adopt an Ordinance of the Board of Commissioners of the Town of Huntersville determining that it is in the best interest of the Town of Huntersville to approve the Power Purchase Agreement by and between North Carolina Municipal Power Agency No. 1 and Central Electric Power Cooperative, Inc. to consent to the transaction contemplated thereby, and to approve and authorize the execution and delivery of, among other documents, an amendment to the Project Power Sales Agreement.

Commissioner Phillips seconded motion.

Commissioner Phillips said Ms. Huffman, would you like to come up here and give like a brief synopsis of the financial situation because it's beautiful and marvelous.

Jackie Huffman, Deputy Town Manager, said ElectriCities has performed for each of those 19 member cities a financial analysis. Over the next 20 years it's estimated that our approval of this agreement will reduce our cost of power by an estimated net \$14 million. Some of those years it will cost a little more, some of those years it will cost a little less. The net number is \$14 million. I'm not certain at this juncture that would result in a rate decrease to our customers, but it certainly gives us a potential funding mechanism for the roughly \$15 million in capital that we have projected in needs for the next 5 years.

Mayor Bales called for the vote to adopt Ordinance.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 4.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Phillips

- No Report

Commissioner Boone

- If you see something, say something, call 911.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Partee

- Provided safety tips for using area greenways.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.
- Consider contributing to our non-profits.

Commissioner Munger

- Municipal Education Advisory Committee (MEAC) met on August 17.
- Consider supporting local non-profits.

Mayor Bales

- Next Metropolitan Transit Commission meeting is August 23.

Commissioner Kovacs said based I did reach out to Huntersville Police Department because I had some residents reach out to me with concerns and we have not had any sexual assaults on our greenways. That doesn't mean don't be cautious and stuff, but I just wanted to clarify for the residents that are worried it hasn't happened, but you can still be cautious. And we've had very few assaults. They are safe, just notice your surroundings.

CLOSED SESSION

Commissioner Phillips made a motion to go into closed session pursuant to NCGS 143-318.11(a)(6) to consider the qualifications, competence, and performance of an employee.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

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

Approved this the _____ day of _____, 2023.

DRAFT

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

To: Town Board

From: Kevin Fox, Director of Public Works

Date: September 5, 2023

Subject: Resolution - 2024 Road Resurfacing Project Contract

EXPLAIN REQUEST:

Resolution to approve 2024 Town Wide Street Resurfacing Contract

ACTION RECOMMENDED:

Adopt Resolution

FINANCIAL IMPLICATIONS:

Powell Bill

ATTACHMENTS:

1. Resolution Awarding Contract - Resurfacing 2024
2. Contract for Board - 2024



RESOLUTION OF THE TOWN OF HUNTERSVILLE TO AWARD THE BID FOR 2024 ROAD RESURFACING PROJECT AND ACCEPT AND APPROVE THE BID PROPOSAL AS THE CONTRACT

Whereas, the Town of Huntersville received formal, written, sealed bids for the resurfacing of +/- 5.6 miles of Town roads, including the repair of 31 wheelchair accessible ramps and the installation of 51 truncated domes (the "Project"); and

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

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

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

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

- Base Bid of:

1. <u>Subtotal</u>	\$1,983,950.45
--------------------	----------------

<u>Total Bid:</u>	\$ 1,983,950.45
-------------------	------------------------

<u>Total Bid Amount :</u>	\$1,983,950.45
----------------------------------	-----------------------

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

2. The Bid Proposal, attached hereto as Exhibit 1, is hereby accepted and approved. As used herein, the Bid Proposal is deemed to include all Exhibits attached thereto, and all Contract Documents identified and incorporated therein by reference.
3. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to effect the provisions of this Resolution. Provided a budget amendment is not necessary, the Town Manager shall have the authority to approve change orders to the Project for time and price, however the total of all change

orders approved by the Town Manager may not exceed five percent (5%) of the Total Bid Amount stated in paragraph 1, above.

4. This Resolution shall be effective as of the date its adoption.

Adopted this 5th day of September, 2023.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney



CONTRACT PROPOSAL

PROJECT: 2024 Street Resurfacing

LOCATION OF THE WORK: Town Wide

TYPE OF WORK: Asphalt millings, patching, and asphalt paving along with curb ramp replacement and repair

BIDS MUST BE RECEIVED BY: Tuesday August 15, 2023 by 2:00 p.m.

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

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

DATE OF AVAILABILITY & COMPLETION: September 11, 2023 to June 30, 2024

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

FEREBEE CORPORATION 18306
NAME OF BIDDER N.C. CONTRACTOR'S LICENSE NUMBER

P.O. BOX 480066 CHARLOTTE, NC 28269
ADDRESS OF BIDDER

David B. Ferebee
SIGNATURE OF BIDDER

4.0 EXECUTION OF CONTRACT PROPOSAL

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

This Contract for 2024 Street Resurfacing Project, and all attachments, (collectively this "Contract") is by and between the Town of Huntersville, a municipal corporation of the State of North Carolina, (the "Town") and FEREBEE CORPORATION, (the "Contractor") with address

P.O. Box 480066 CHARLOTTE, NC 28269

Contractor's Federal Social Security ID No.: 56-1461463

Contractor's License No.: 18306

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at Huntersville, North Carolina, this day of August 15, 2023

Contractor

Name: David B Ferbee
Name of Contractor (type or print)

By: David B Ferbee
(Signature)

Title: President

Attest: Krina N. WM, Asst VP
(Secretary, if a corporation)

Town of Huntersville

Town Manager

Attest:

Town Clerk

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

Finance Director

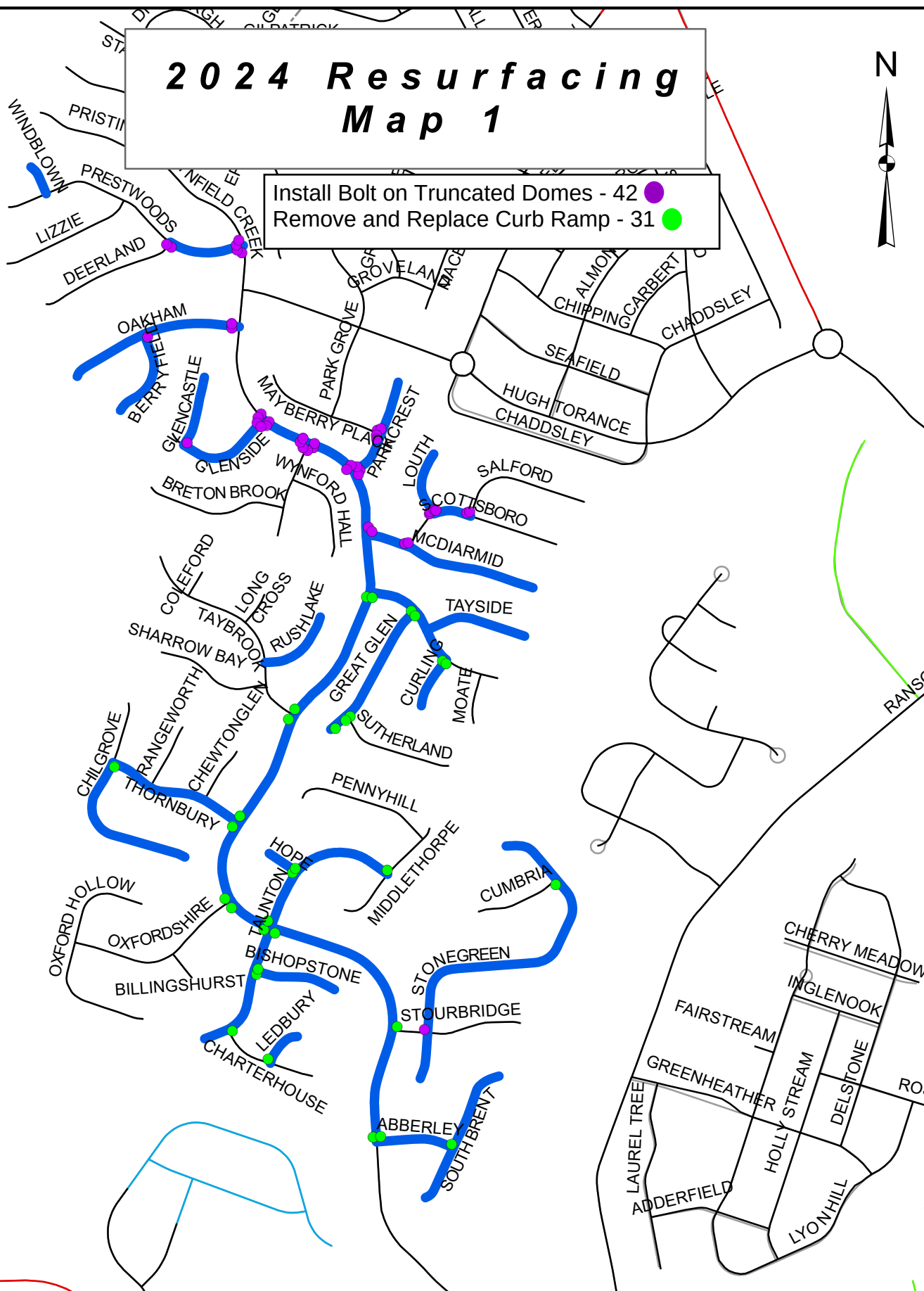


Engineering & Public Works

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

2024 Resurfacing Map 1

Install Bolt on Truncated Domes - 42 
Remove and Replace Curb Ramp - 31 

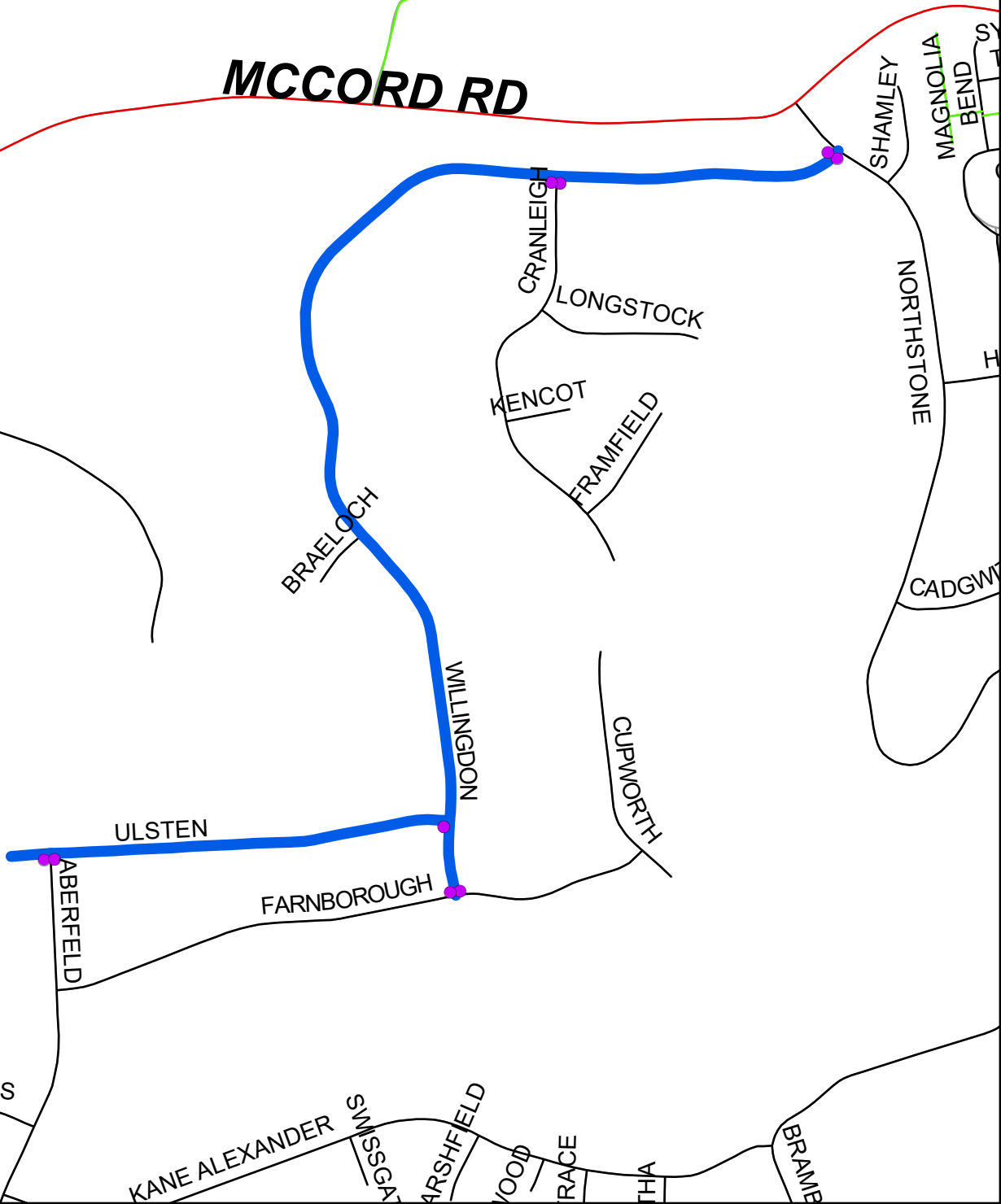


2024 Resurfacing Map 2

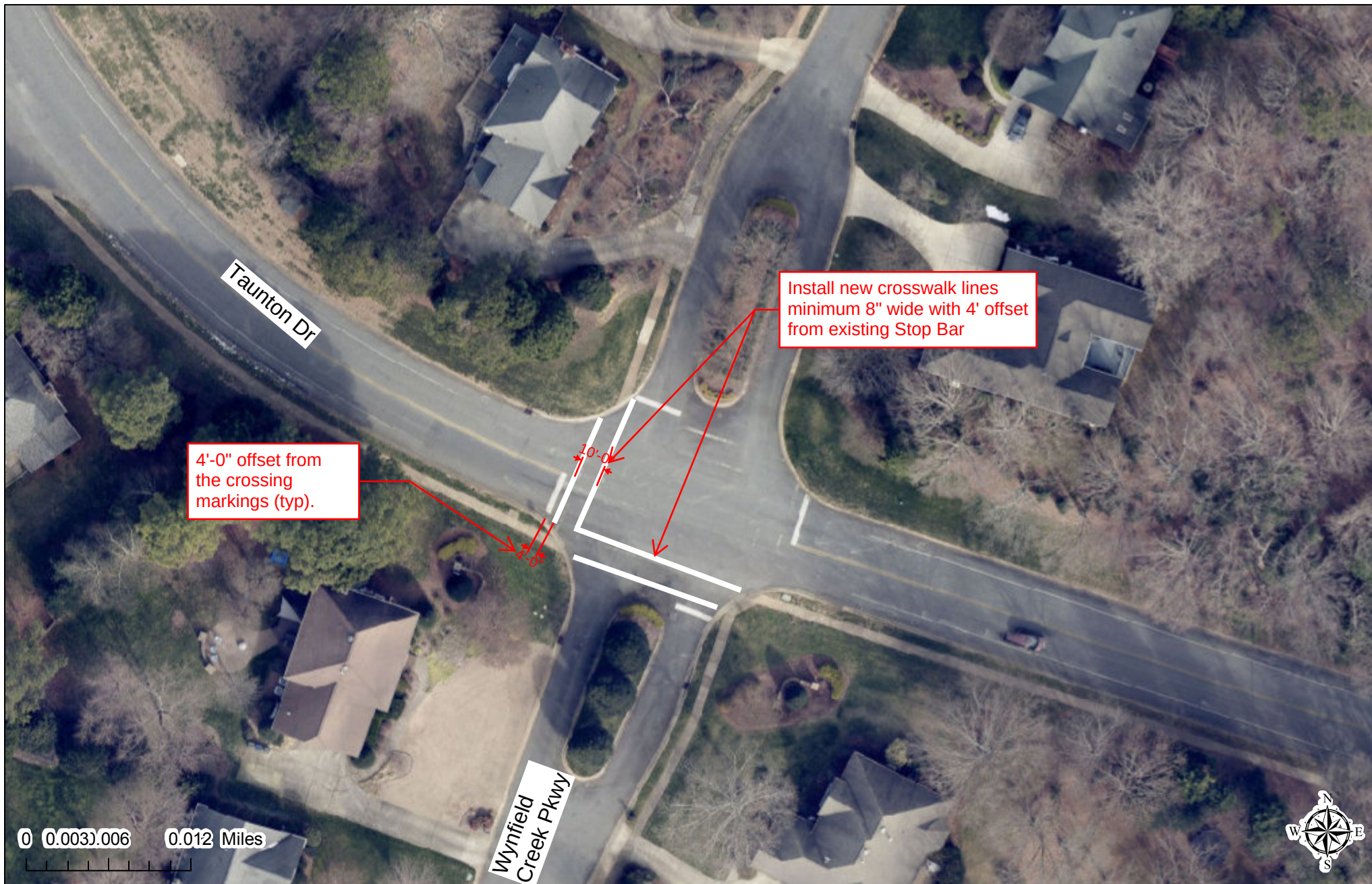
Install Bolt on Truncated Domes - 9



MCCORD RD

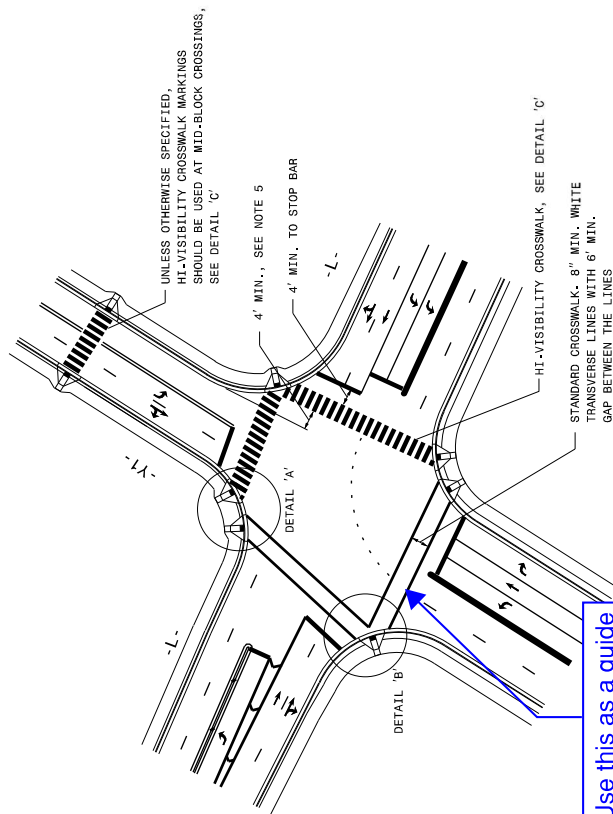


Taunton Dr at Wynfield Creek Pkwy Crosswalk



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

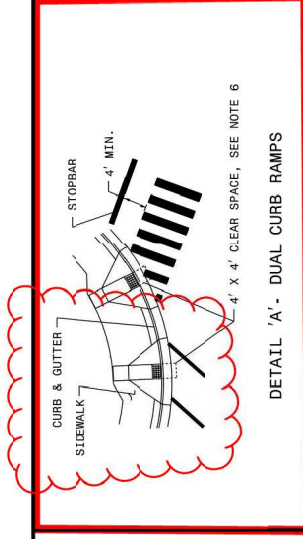
CROSSWALK PLACEMENT GUIDANCE



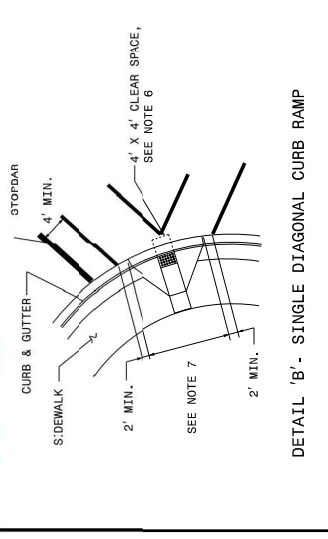
Use this as a guide
for Crosswalk
See Notes 3-8

GENERAL NOTES:

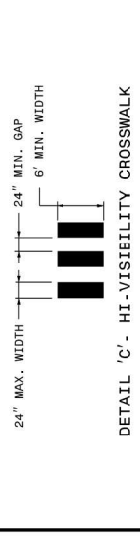
1. USE THE DETAILS ABOVE AND THE FOLLOWING NOTES FOR GUIDANCE IN PLACING CROSSWALK MARKINGS. REFER TO NCDOT ROADWAY STANDARD DRAWINGS, MUTCD AND ADA STANDARDS FOR ADDITIONAL GUIDANCE.
2. THE LOCATION AND TYPE OF CROSSWALK MARKINGS SHOWN ON THE ABOVE DETAILS ARE FOR REFERENCE ONLY. LOCATE CROSSWALK MARKINGS AS SHOWN ON THE PROJECT DETAIL SHEETS OR AS DIRECTED BY THE ENGINEER. THE CROSSWALK MARKING TYPE, STANDARD OR HI-VISIBILITY, SHALL BE INSTALLED AS SPECIFIED IN THE PROJECT DETAIL SHEETS OR AS DIRECTED BY THE ENGINEER.
3. THE STANDARD CROSSWALK IS TWO WHITE 8" MIN. TRANSVERSE LINES WITH A 6' MIN. GAP BETWEEN THE LINES. THE HI-VISIBILITY CROSSWALK IS WHITE 24" MAX. WIDE LONGITUDINAL LINES WITH 24" MIN. GAPS BETWEEN LINES, SEE DETAIL 'C'. HI-VISIBILITY CROSSWALKS SHOULD BE A MINIMUM OF 6' WIDE. CURB RAMPS SHALL BE WHOLLY CONTAINED WITHIN THE MARKINGS, EXCLUDING ANY FLARES.
4. STOP BAR SHOULD BE PLACED A 4' MIN. IN ADVANCE OF NEAREST CROSSWALK LINE.



DETAIL 'A' - DUAL CURB RAMPS



DETAIL 'B' - SINGLE DIAGONAL CURB RAMP



DETAIL 'C' - HI-VISIBILITY CROSSWALK

5. SET BACK DISTANCE FROM INSIDE CROSSWALK MARKING TO NEAREST EDGE OF TRAVEL IS 4' MIN.
6. BEYOND THE BOTTOM GRADE BREAK, A CLEAR SPACE OF 4' X 4' MIN. SHALL BE PROVIDED WITHIN THE MARKINGS.
7. SINGLE DIAGONAL CURB RAMPS WITH FLARED SIDES SHALL HAVE A SEGMENT OF CURB 2' MIN. LONG LOCATED ON EACH SIDE OF THE CURB RAMP AND WITHIN THE MARKED CROSSING, SEE DETAIL 'B'.
8. CURB RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE TO THE LATEST NCDOT ROADWAY STANDARD DRAWINGS. CURB RAMPS THROUGH MEDIAN ISLANDS, SINGLE RAMPS AT DUAL CROSSWALKS OR LIMITED R/W SITUATIONS, WILL BE HANDLED BY SPECIAL DETAILS. CONTACT THE CONTRACT STANDARDS AND DEVELOPMENT UNIT FOR DETAILS OR A SPECIAL DESIGN.

Exhibit C - Itemized Proposal

Base Bid					
Item No.		Description	Qty& Units	Unit Bid Price	Amount Bid
Line No.	Section No.			\$0.00	\$0.00
1	800	Mobilization	Lump Sum	80,000.00	80,000.00
2	SP	Incidental Stone Base	100 Tons	40.00	4,000.00
3	645	Asphalt Concrete Surface Course, Type S9.5C	11,894 Tons	68.00	808,792.00
4	620	Asphalt Binder for Plant Mix Grade PG 64-22	700 Tons	630.00	441,000.00
5	607	Mill Asphalt to 2" Depth	99,365 sq.yds	2.85	283,190.25
6	SP	Patching Existing Pavement	1,699 Tons	115.00	195,385.00
7	SP	Adjustment of Manholes	20 each	100.00	2,000.00
8	SP	Adjustment of Catch Basins	1 each	1,000.00	1,000.00
9	SP	Adjustment of Water Valves	10 each	80.00	800.00
10	848	Remove and replace wheelchair accessible curb ramp	31 each	2,650.00	82,150.00
11	848	Install Bolt On Truncated Dome on Existing Curb Ramp	51 each	475.00	24,225.00
12	1205	Thermoplastic 24" White Stop Bar	4 each	525.00	2,100.00
13	1205	Thermoplastic Bike Symbols	40 each	787.50	31,500.00
14	1205	Thermoplastic 4" Yellow	11,632 LF	1.05	12,213.60
15	1205	Thermoplastic 4" White	12,132 LF	1.05	12,738.60
16	1205	Thermoplastic 8" White	136 LF	21.00	2,856.00
		TOTAL BID AMOUNT FOR PROJECT =			1,983,950.45

EXHIBIT C - ITEMIZED PROPOSAL

FEREBEE CORPORATION 8/15/2023
Company Name Date

David B Ferebee President
Print Name Title

David B Ferebee
Signature

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310 Bid Bond

KNOW ALL MEN BY THESE PRESENTS, THAT WE Ferebee Corporation

10045 Metromont Industrial Blvd, Charlotte, NC 28269

as Principal, hereinafter called the Principal, and Western Surety Company

151 N. Franklin Street, Chicago, IL 60606

a corporation duly organized under the laws of the State of SD

as Surety, hereinafter called the Surety, are held and firmly bound unto Town of Huntersville

105 Gilead Road, Huntersville, NC 28070

as Obligee, hereinafter called the Obligee, in the sum of Five Percent of Amount Bid

Dollars (\$ 5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for 2024 Resurfacing Project

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and materials furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 15th day of August

[Signature]
(Witness)

Ferebee Corporation

(Principal)

By: [Signature]



[Signature]

(Witness)

Western Surety Company

(Surety)

(Seal)

By: [Signature]

Attorney-in-Fact Renee Ellis

(Title)

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Thomas J Gentile, Billie Jo Sanders, Renee Ellis, Paul B Scott Jr., David J Durden, Milton A Kopf III, Joshua Price, Individually

of Montgomery, AL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 6th day of January, 2022.



WESTERN SURETY COMPANY

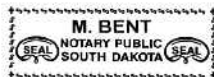
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 6th day of January, 2022, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

March 2, 2026



M. Bent, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 15th day of August, 2023.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Exhibit C - Itemized Proposal													
Base Bid				Reeves Construction		Blythe Brothers Asphalt		Ferebee Corporation		Blythe Construction		Red Clay	
Item No.	Section No.	Description	Qty& Units	Unit Bid Price	Amount Bid	Unit Bid Price	Amount Bid	Unit Bid Price	Amount Bid	Unit Bid Price	Amount Bid	Unit Bid Price	Amount Bid
1	800	Mobilization	Lump Sum	\$ 79,000.00	\$ 79,000.00	\$ 109,700.00	\$ 109,700.00	\$ 80,000.00	\$ 80,000.00	\$ 96,000.00	\$ 96,000.00	\$ 84,258.00	\$ 84,258.00
2	SP	Incidental Stone Base	100 Tons	\$ 75.00	\$ 7,500.00	\$ 40.00	\$ 4,000.00	\$ 40.00	\$ 4,000.00	\$ 50.00	\$ 5,000.00	\$ 65.00	\$ 6,500.00
3	645	Asphalt Concrete Surface Course, Type S9.5C	11894 Tons	\$ 85.00	\$ 1,010,990.00	\$ 68.00	\$ 808,792.00	\$ 68.00	\$ 808,792.00	\$ 62.00	\$ 737,428.00	\$ 74.82	\$ 889,909.08
4	620	Asphalt Binder for Plant Mix Grade PG 64-22	700 Tons	\$ 695.00	\$ 486,500.00	\$ 725.00	\$ 507,500.00	\$ 630.00	\$ 441,000.00	\$ 700.00	\$ 490,000.00	\$ 698.68	\$ 489,076.00
5	607	Mill Asphalt to 2" Depth	99365 sq.yds	\$ 4.15	\$ 412,364.75	\$ 2.75	\$ 273,253.75	\$ 2.85	\$ 283,190.25	\$ 2.87	\$ 285,177.55	\$ 3.89	\$ 386,529.85
6	SP	Patching Existing Pavement	1699 Tons	\$ 190.00	\$ 322,810.00	\$ 110.00	\$ 186,890.00	\$ 115.00	\$ 195,385.00	\$ 100.00	\$ 169,900.00	\$ 132.00	\$ 224,268.00
7	SP	Adjustment of Manholes	20 each	\$ 200.00	\$ 4,000.00	\$ 165.00	\$ 3,300.00	\$ 100.00	\$ 2,000.00	\$ 170.00	\$ 3,400.00	\$ 450.00	\$ 9,000.00
8	SP	Adjustment of Catch Basins	1 each	\$ 2,300.00	\$ 2,300.00	\$ 1,500.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00	\$ 750.00	\$ 750.00
9	SP	Adjustment of Water Valves	10 each	\$ 95.00	\$ 950.00	\$ 80.00	\$ 800.00	\$ 80.00	\$ 800.00	\$ 100.00	\$ 1,000.00	\$ 375.00	\$ 3,750.00
10	848	Remove and replace wheelchair accessible curb ramp	31 each	\$ 3,500.00	\$ 108,500.00	\$ 3,500.00	\$ 108,500.00	\$ 2,650.00	\$ 82,150.00	\$ 3,500.00	\$ 108,500.00	\$ 2,980.00	\$ 92,380.00
11	848	Install Bolt On Truncated Dome on Existing Curb Ramp	51 each	\$ 850.00	\$ 43,350.00	\$ 850.00	\$ 43,350.00	\$ 475.00	\$ 24,225.00	\$ 850.00	\$ 43,350.00	\$ 275.00	\$ 14,025.00
12	1205	Thermoplastic 24" White Stop Bar	4 each	\$ 250.00	\$ 1,000.00	\$ 250.00	\$ 1,000.00	\$ 525.00	\$ 2,100.00	\$ 250.00	\$ 1,000.00	\$ 300.00	\$ 1,200.00
13	1205	Thermoplastic Bike Symbols	40 each	\$ 475.00	\$ 19,000.00	\$ 475.00	\$ 19,000.00	\$ 787.50	\$ 31,500.00	\$ 475.00	\$ 19,000.00	\$ 495.00	\$ 19,800.00
14	1205	Thermoplastic 4" Yellow	11632 LF	\$ 1.35	\$ 15,703.20	\$ 1.35	\$ 15,703.20	\$ 1.05	\$ 12,213.60	\$ 1.35	\$ 15,703.20	\$ 1.85	\$ 21,519.20
15	1205	Thermoplastic 4" White	12132 LF	\$ 1.25	\$ 15,165.00	\$ 1.25	\$ 15,165.00	\$ 1.05	\$ 12,738.60	\$ 1.25	\$ 15,165.00	\$ 1.40	\$ 16,984.80
16	1205	Thermoplastic 8" White	136 LF	\$ 6.25	\$ 850.00	\$ 6.25	\$ 850.00	\$ 21.00	\$ 2,856.00	\$ 6.25	\$ 850.00	\$ 7.25	\$ 986.00
				Subtotal =	\$ 2,529,982.95	Subtotal =	\$ 2,099,303.95	Subtotal =	\$ 1,983,950.45	Subtotal =	\$ 1,992,973.75	Subtotal =	\$ 2,260,935.93
		TOTAL BID AMOUNT FOR PROJECT =		\$	2,529,982.95	\$	2,099,303.95	\$	1,983,950.45	\$	1,992,973.75	\$	2,260,935.93

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

To: Town Board

From: Pattie McGinnis, Finance Director

Date: September 5, 2023

Subject: Property Tax Refund Report

EXPLAIN REQUEST:

Attached is the Refund report from Mecklenburg County. This report includes a refund totaling \$115.83 which includes \$7.83 in interest. The refund is the result of the Property Tax Commission.

ACTION RECOMMENDED:

Approve property tax refund.

FINANCIAL IMPLICATIONS:

Decrease in revenue.

ATTACHMENTS:

1. Refund report

Parcel #	Source Type	Adj. #	Adj. Reason	Date of Adj.	Recipient Name	Address	City	State	Zip Code	Refund Amount (\$)	Total Interest to Pay if mailed on or before 3/28/2023 (\$)	Total
01926701	REI	612363	BER Decision	7/7/2023	ELMORE, JOE N AND ELMORE, LINDA W.	12600 RAWAH CHURCH RD	HUNTERSVILLE	NC	28078	108.00	7.83	115.83
TOTAL										108.00	7.83	115.83

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

To: Town Board

From: Michael Jaycocks, Director of Parks and Recreation

Date: September 5, 2023

Subject: Lake Norman Chamber Business Expo Facility Usage Agreement

EXPLAIN REQUEST:

The original Lake Norman Chamber of Commerce facility usage agreement began in 2018 and was for a five-year term. Due to COVID, two of the five years the Chamber's Business Expo wasn't allowed to take place due to restrictions placed on indoor spaces. This new agreement will extend the existing agreement with the Lake Norman Chamber of Commerce for another two years. This facility usage agreement is for use of the Huntersville Recreation Center for the Chamber's Annual Business Expo.

ACTION RECOMMENDED:

Consider approving the Lake Norman Chamber Business Expo Facility Usage Agreement

FINANCIAL IMPLICATIONS:

\$12,400 in revenue over the two-year period.

ATTACHMENTS:

1. Huntersville Facility agreement LKN Chamber 2023

This Facility Agreement ("Agreement") is made as of this ____ day of _____ 2023, ("Effective Date") by and between the **TOWN OF HUNTERSVILLE**, a North Carolina municipal Corporation, (hereafter, the "Town") and **LAKE NORMAN CHAMBER OF COMMERCE**, a North Carolina Nonprofit Corporation (hereafter, the "Chamber").

WHEREAS, Town owns and manages a building located at 11836 Verhoeff Road, Huntersville, NC, known as the Huntersville Recreation Center ("Facility"); and

WHEREAS, the Chamber wishes to access, use, and rent the Facility for certain business Programs (as defined herein) and the Floor Covering (as defined herein), and the Town wishes to have the Chamber access, use, and rent the Facility for the Programs subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein expressed, and other good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged by the parties, the Town and the Chamber, intending to be legally bound, hereby agree that the Chamber is hereby granted use of the Facility and on the following terms and conditions:

1) Definitions.

- a) Programs. Gathering of for-profit or non-profit businesses and/or entities commonly referred to as an exposition, tradeshow, showcase, conference or fair.
- b) Storage. Means reasonably secure storage location at the Facility adequate to store Floor Covering.
- c) Floor Covering. Means the special floor covering purchased by the Town and partially reimbursed with Chamber payments during the term of the Agreement and used for the Programs, and such other uses as Town shall determine, which is more fully described on Exhibit A (attached hereto as if set forth fully herein).

2) Term. The Term of this Agreement shall begin on the Effective Date, and end at 12:01 a.m., on October 31, 2024, unless terminated earlier pursuant to the terms of the Agreement.

3) Facility Use. The Chamber will have access and use of the entire Facility for two (2) consecutive calendar days on an annual basis for the Programs. The annual Program dates shall be determined by the parties and scheduled with the Town. Town's Parks and Recreation staff will work with the Chamber staff on mutually agreed upon dates for Facility use, as listed on Exhibit B, (attached hereto as if set forth fully herein) which shall change annually by means of an agreed upon Exhibit B, signed by both parties. The Chamber shall have use of the Floor Covering during the Term of the Agreement during its Programs.

- a) The Town agrees to keep and maintain the Floor Covering in good and satisfactory condition in function and appearance.
- b) Trash. Two dumpsters will be ordered and paid for by the Chamber. The delivery and pick-up of which will be coordinated through the Town. The Town will compact the trash on Program days, paid for by the Chamber. In addition, the Chamber will be responsible

for providing 10 large (50 gallon) trash receptacles to be used for trash removal inside the Facility during the Programs. These will be positioned around the Facility and will be emptied by the Chamber.

- c) Signage. The Chamber will provide signage directing exhibitors to loading entrances and directing guests to the main entrance of the Facility and will adhere to the local sign ordinance of the Town.
- 4) Fees. Facility use fees shall be calculated based upon an hourly rate of one hundred and fifty (\$150.00) dollars for use of the Facility during the Program. In addition, the Chamber will pay the Town a sum of three-thousand five hundred (\$3,500.00) Dollars on an annual basis during the term of this Agreement for the Floor Covering, which will be purchased by the Town. Invoices will be provided by the Town to the Chamber approximately two weeks following the conclusion of each Program. Full payment is required within 30 days of the date of the receipt of the invoice. An interest fee of 1.5% per 30 days will be applied to any unpaid balance. All fees are subject to applicable taxes.
- 5) Deposit and Guarantee Policy. The requirement of a facility deposit is waived, and the Agreement is considered binding upon signature of this document by both parties.
- 6) Insurance. The Chamber shall provide the Town with evidence of Insurance as required in Exhibit D.
- 7) Indemnity. To the greatest extent allowed by North Carolina law the Chamber shall indemnify and hold harmless the Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees ("Claims") arising from any act or use of the Facility committed by the Chamber, any program participants or exhibitors, or any agents or employees of the Chamber. The Town agrees to indemnify and hold harmless the Chamber, its employees, agents, officers, and directors for any costs, loss, damage, or expense (including expenses of litigation and reasonable attorneys' fees) arising out of the negligent acts or omission committed by the Town, or any agent or employees of the Town, at the Facility
- 8) Representation. The Chamber agrees not to use the Town's name or registered marks in connection with publication, advertising, marketing, without the prior approval of the Town.
- 9) Damages. The Chamber agrees not to make any alterations or attach any fixtures to the Facility. The Chamber will restore the Facilities to its previous condition including removal of any signage placed by the Chamber. The Town will be responsible for installing, removing, and storing the Floor Covering. The Chamber will be responsible for any damage to the Facility directly caused by its invitees during the Program, less normal wear and tear, and the Town will be responsible for any damage caused by the Town, its employees, agents, volunteers, contractors, or vendors.
- 10) Loss of Property. The Town shall accept responsibility for the loss, destruction, or wear and tear (other than normal wear and tear) on any Floor Covering while in Storage or use by

anyone other than the Chamber. The Chamber shall be responsible for such loss, destruction, or other than normal wear and tear while utilizing the Floor Covering. In the event of loss, destruction, or such wear and tear on the Floor Covering, the Town agrees to replace, repair, clean, or otherwise restore the Floor Covering to a condition as existed prior to such destruction, loss, or other than normal wear and tear.

- 11) Laws and Rules. The parties agree to comply with all the applicable written rules, ordinances, and laws of the Town of Huntersville, Mecklenburg County, state of North Carolina and the federal government in the operation of any Program upon the Facility premises.
- 12) Town Rights. The Town reserves the right to enter the Facilities being used by the Chamber at any time for the purpose of inspection, repair, or emergency.
- 13) Other Users. The Town agrees that it will schedule other activities or events so as not to interfere with the Chamber's Program. In addition, during the Term of this Agreement, the Town agrees not to hold or schedule any events of programs similar to, or competing with, the Program for a period beginning two (2) months prior to and extending two (2) months after the program, without written consent from a representative of the Chamber which may not be unreasonably withheld.
- 14) Additional Agreements and Changes. Additional agreements and modifications can be made on a case-by-case basis if agreed upon by both parties. All additions and changes must be written and signed by both parties.
- 15) Cancellation. If the Facility required for accommodating the Chamber's Program is destroyed *or* damaged by fire or other casualty or becomes unavailable or unusable because of strikes, labor disputes, or any other cause beyond the reasonable control of the Town, then the Town agrees to give the Chamber the right of first refusal on any similar town-owned or leased facility in which to hold its Program (subject to prior bookings or commitments by Town for facility chosen by Chamber), or the Chamber may, at its option, terminate this Agreement, effective as of the date of such destruction or other unavailability.
- 16) Relationship. Each party to this Agreement is independent and is not an agent of the other for any purpose whatsoever. Neither party shall make any representations or warranties on behalf of the other, nor shall they incur, create, or assume any liability, commitment, or obligation on each other's behalf.
- 17) Notices. All notices, requests, demands, claims, and other communications hereunder will be in writing. Any notice, request, demand, claim, or other communication hereunder shall be deemed duly given if it is sent by overnight courier, registered, or certified mail, return receipt requested, postage prepaid, and addressed to the intended recipient as set forth herein, or by facsimile, electronic mail, or hand delivery. The Town and the Chamber are responsible for maintaining with the other a current address, facsimile phone number, email, which, as of the date of this Agreement, are as follows:

To Town:

Town of Huntersville Attn: Town Manager
101 Huntersville-Concord Road Post Office Box 664
Huntersville, North Carolina 28070

Copy To:

Town of Huntersville
Attn: Michael Jaycocks, Director of Parks & Recreation 101 Huntersville-Concord Road
Post Office Box 664
Huntersville, North Carolina 28070

To Chamber:

Lake Norman Chamber of Commerce Attn: Bill Russell
19900 W Catawba Ave. Cornelius, NC 28031

- 18) Standard Terms and Conditions. The Standard Terms and Conditions attached hereto as Exhibit C shall be a part of this Agreement. Such Standard Terms and Conditions are hereby incorporated by reference, and all parties agree to be bound thereby.

The representatives signing this Agreement state that he or she has the full authority to represent and bind the Town or Chamber respectively to the terms and obligations in this Agreement.

Chamber

Town of Huntersville

Name:

Town Manager

By:

(Signature)

Attest: _____
Town Clerk

Title:

Attest:

(Secretary, if a corporation)

Exhibit C

STANDARD TERMS & CONDITIONS

1. **Entire Agreement.** These terms and conditions and any other specifications contained in any other documents referenced shall constitute and represent the complete and entire agreement between the Town and Chamber and supersede all previous communications, either written or verbal with respect to the subject matter of this Agreement.
2. **Relationship of the Parties.** The Chamber is not an employee of the Town. The conduct and control of the work will lie solely with the Chamber. The Agreement shall not be construed as establishing a joint venture, partnership, or any principal-agent relationship for any purpose between the Chamber and the Town. Employees of the Chamber shall remain subject to the exclusive control and supervision of the Chamber, which is solely responsible for their compensation.
3. **Anti-Discrimination and Equal Employment.** During the performance of the Agreement, Chamber shall comply with all federal and state requirements concerning fair and equal employment and shall not discriminate against or deny the Agreement's benefits to any person on the basis of race, religion, color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.
4. **Insurance.** The Chamber shall provide the insurance coverages shown on Exhibit D, attached hereto and incorporated herein by reference. The Chamber shall provide the Town with a North Carolina Certificate of Insurance and such endorsements as may be required by the Agreement Documents prior to the commencement of any work under the Agreement and agrees to maintain such insurance until the completion of the Agreement. Such certificates of insurance shall be considered part of the Agreement.
5. **Applicable Laws and Courts.** All Town Agreements shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in Agreement or tort relating to the validity, construction, interpretation, and enforcement of the Agreement, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina. The Chamber represents and warrants that it shall comply with all applicable federal, state, and local laws, regulations, and orders, including, not limited to, licensure requirements.
6. **Codes and Permits.** When applicable, the Chamber shall obtain all required permits, give all required notices, and comply with all laws, ordinances, codes, rules, and regulations bearing on the conduct of the work under this Agreement.
7. **Strict Compliance.** The Town may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.

8. **Assignment.** Chamber may not assign, pledge, or in any manner encumber Chamber's rights under this Agreement or delegate the performance of any of its obligations hereunder, without Town's prior, express written consent.
9. **Default.** The Town may terminate the Agreement, in whole or in part, immediately and without prior notice upon breach of the Agreement by the Chamber. In addition to any other remedies available to the Town in law or equity, the Town may procure upon such terms as the Town shall deem appropriate, Services substantially similar to those so terminated, in which case the Chamber shall be liable to the Town for any excess costs for such similar supplies or services and any expenses incurred in connection therewith.
10. **Termination for Convenience.** The Town shall have the right, without assigning any reason therefore, to terminate any work under the Agreement, in whole or in part, at any time at its complete discretion by providing 10 days' notice in writing from the Town to Chamber.
11. **No Third-Party Beneficiaries.** There shall be no intended nor incidental third-party beneficiaries of this Agreement.
12. **Confidentiality.** The Chamber acknowledges the Town is subject to public records law and no term shall be inconsistent with N.C.G.S. §132 et al.
13. **Verification of Work Authorization.** Chamber shall comply with, and require all Chambers and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify, for all Chambers and subcontractors.
14. **Iran Divestment List.** With the execution hereof, Chamber, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not Agreement with anyone on such List in performance of the work hereunder.
15. **Availability of Funds.** Any and all payments to the Chamber are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.
16. **Severability.** If any provision of this Agreement is found to be invalid or unlawful, then remainder of this Agreement shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
17. **Companies that Boycott Israel.** With the execution hereof, Chamber, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not Agreement with anyone on such List in performance of the work hereunder.
18. **Governmental Immunity.** Nothing contained in this Agreement shall constitute a waiver of the Town's governmental immunity or of any limitation on liability or damages created by law.

Exhibit D

MINIMUM INSURANCE REQUIREMENTS

Chamber shall obtain all required insurance and send certificates of insurance to the Town. Except for Worker's Compensation and Professional Liability policies, the Town shall be named as additional insured on all policies. These certificates shall document that coverages afforded under the policies will not be cancelled, reduced in amount or coverages eliminated until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the Town of such alteration or cancellation. If endorsements are needed to comply with the notification or other requirements of this article copies of the endorsements shall be submitted with the certificates.

a. **Worker's Compensation and Employer's Liability**

The Chamber shall provide and maintain, until final acceptance, workmen's compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of \$100,000.

b. **Comprehensive General Liability Insurance**

The Chamber shall provide and maintain, until final acceptance, comprehensive general liability insurance, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall protect such contractors from claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operations be by the Chamber or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

Bodily Injury: \$1,000,000 per occurrence/\$2,000,000 aggregate

Professional Liability: \$1,000,000 per occurrence/\$2,000,000 aggregate

Property Damage: \$1,000,000 per occurrence/\$2,000,000 aggregate

c. **Deductible**

Any deductible, if applicable to loss covered by insurance provided, is to be borne by the Chamber.

d. **Other Insurance**

The Chamber shall obtain such additional insurance as may be required by the Town or by the General Statutes of North Carolina including motor vehicle insurance, in amounts not less than the statutory limits.

e. **Proof of Carriage**

The Chamber shall furnish the Town with satisfactory proof of carriage of the insurance required before written approval is granted by the Town.

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

To: Town Board

From: Lora Mastrofrancesco, Transportation Engineer/Project Manager

Date: September 5, 2023

Subject: Call for Public Hearing - Traffic Calming Cambridge Grove Drive

EXPLAIN REQUEST:

Call a public hearing for October 2, 2023 at 6:00pm at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 to receive public input on traffic calming measures on Cambridge Grove Dr.

ACTION RECOMMENDED:

Call for Public Hearing

FINANCIAL IMPLICATIONS:

None.

ATTACHMENTS:

None

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

To: Town Board

From: Brian Richards, Assistant Planning Director

Date: September 5, 2023

Subject: Call for Public Hearing - Petition #TA23-05

EXPLAIN REQUEST:

Call a public hearing for Monday, September 18, 2023 at 6:00 p.m. at Huntersville Town Hall on Petition #TA23-05, a request by the Town of Huntersville Planning Department to amend Article 9.51 of the Zoning Ordinance to further clarify non-residential outdoor activities allowed within the Neighborhood Residential (NR) zoning district within ¼ mile of the Town Center (TC) zoning district.

ACTION RECOMMENDED:

Call for Public Hearing

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None

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

To: Town Board

From: Barry Graham, Chief of Police

Date: September 5, 2023

Subject: Resolution - Purchase of Police Vehicles

EXPLAIN REQUEST:

The Huntersville Police Department would like to purchase eight police pursuit certified vehicles from Lake Norman Dodge. These vehicles are 2023 Black Dodge Chargers and Durango's. They are the same color and specifications that we have previously purchased through the NC state contract and our equipment is compatible with these vehicles. We have been unable to locate any other dealerships that have these police pursuit certified vehicles in stock and, therefore due to the need for compatible vehicles and the lack of availability from other dealerships, we are seeking Board approval for a sole source purchase.

ACTION RECOMMENDED:

Adopt Resolution approving the Huntersville Town Manager to sign a contract with Lake Norman Chrysler Dodge Jeep Ram for the purchase of police vehicles.

FINANCIAL IMPLICATIONS:

\$306,713

ATTACHMENTS:

1. Police Vehicle Resolution for sole source purchase
2. Lake Norman Dodge Police Vehicle Contract



**Resolution Approving a Sole Source Purchase
Pursuant to N.C.G.S. § 143-129(e)(6)**

WHEREAS, the Town of Huntersville Police Department (the “Police Department”) desires to enter into a contract with Lake Norman Chrysler, Dodge Jeep Ram for the purchase of goods and services for the total cost of \$ 306,713 as further described on Exhibit A attached hereto and incorporated herein (the “Contract”); and

WHEREAS, the Contract is providing specific goods and services not otherwise available from another source and will ensure standardization and compatibility with currently used equipment; and

WHEREAS, N.C.G.S. 143-129(e)(6) authorizes a municipality to forgo the bidding requirements under N.C.G.S. 143-129(a) when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration; and

WHEREAS, the Board of Commissioners for the Town of Huntersville (the “Board”) now desires to approve the Contract described in the attached Exhibit A as a sole source purchase under N.C.G.S. § 143-129(e)(6).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board hereby approves that the Contract as a sole source purchase pursuant to N.C.G.S. § 143-129(e)(6).
2. The Board does hereby authorize the Town Manager to execute the Contract pursuant to this Resolution.
3. This Resolution shall be effective as of the date of its adoption.

Adopted this the 5th day of September, 2023.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

Exhibit A
(The Contract)



9630 Julian Clark Ave
Huntersville, NC 28078
(704) 464-5400

CONTRACT FOR GOODS

SELLER: Lake Norman Dodge
20700 Torrence Chapel Rd,
Cornelius, NC 28031

Tim Williams, Fleet Manager
twilliams@parksautogroup.com

PROJECT: FY24 Police Vehicle Purchase
SITE Huntersville Police Department
LOCATION(S)
:

This Contract for good, and all exhibits, (collectively this "Contract") is entered into this 29th day of August 2023 by and between the Town of Huntersville, a municipal corporation of the State of North Carolina, (the "Town"), and Lake Norman Chrysler Dodge Jeep Ram located at 20700 Torrence Chapel Rd, Cornelius, NC 28031 (the "Seller").

WITNESSETH:

That for and in consideration of the mutual promises set forth in this Contract, the sufficiency of which is acknowledged by the parties hereto, the parties do mutually agree as follows:

1. Sale of Goods. Pursuant to the terms and conditions of this Contract, the Seller agrees to transfer ownership and deliver possession to the Town, and the Town shall pay for and accept from the Seller, the "Goods" as shown in Exhibit B, attached hereto.
2. Purchase Price. In consideration of the Goods, Town shall pay to Seller the Purchase Price as shown in the Contract to Purchase attached hereto.
3. Bid Documents. If applicable, Seller and Town acknowledge that this Contract for Goods is based on bid documents submitted by Seller to Town. The bid documents shall control any terms not stated herein.
4. Standard Terms and Conditions. The Standard Terms and Conditions, attached hereto as Fleet Buyers Order, shall be a part of this Contract. The Standard Terms and Conditions are hereby incorporated by reference, and all parties agree to be bound thereby.
5. Delivery. Seller shall deliver the Goods to Town within the date specified in the bid documents. If the Contract was not subject to bidding requirements, the Seller shall deliver the Goods to the location specified on this contract. Seller shall be responsible for freight, delivery, and shipping costs. Seller shall retain title to and ownership of the Goods until they are delivered to and approved by the Town.

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

Seller

Town of Huntersville

Name:

Name of Seller (type or print)

Town Manager

By:

(Signature)

Attest: _____

Town Clerk

Title:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

Attest:

(Secretary, if a corporation)

Finance Director

EXHIBIT A
STANDARD TERMS & CONDITIONS

1. **Acceptance.** Contractor's acknowledgment of the terms of this Contract constitutes an agreement to: (i) all terms and conditions set forth or referenced herein, (ii) on any attachments hereto, (iii) any applicable solicitation documentation related to this Contract (including without limitation any request for proposals or invitation for bids or Contractor's response thereto) that deal with the same subject matter as this Contract, and (iv) any other terms and conditions of a written agreement signed by Contractor and the Town that deals with the same subject matter as this Contract (collectively, the "Contract Documents"). The terms and provisions set forth in the Contract Documents shall constitute the entire agreement between Contractor and the Town with respect to the purchase by the Town of the: (i) goods ("Goods") and/or (ii) services provided or work performed ("Services") as described in the Contract Documents. The agreements set forth in the Contract Documents are sometimes referred to herein as the "Contract." In the event of any conflict between any terms and conditions of the Contract Documents, the terms and conditions most favorable to the Town shall control. No additional or supplemental provision or provisions in variance herewith that may appear in Contractor's quotation, acknowledgment, invoice, or in any other communication from Contractor to the Town shall be deemed accepted by or binding on the Town. The Town hereby expressly rejects all such provisions which supplement, modify, or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until the Town's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by the Town are subject to correction.
2. **Entire Agreement.** These terms and conditions and any other specifications contained in any other documents referenced shall constitute and represent the complete and entire agreement between the Town and Contractor and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.
3. **Changes, Additions, Deletions.** No changes, additions, deletions, or substitutions of scope of work, specifications, terms and conditions, quantity, unit of issue, delivery date, delivery charges or price will be permitted without the prior written approval from the Town.
4. **Relationship of the Parties.** The Contractor is an independent contractor and not an employee of the Town. The conduct and control of the work will lie solely with the Contractor. The Contract shall not be construed as establishing a joint venture, partnership, or any principal-agent relationship for any purpose between the Contractor and the Town. Employees of the Contractor shall remain subject to the exclusive control and supervision of the Contractor, which is solely responsible for their compensation.
5. **Prices.** If Contractor's price or the regular market price of any of the Goods or Services covered hereunder is lower than the price stated in the Contract Documents on the date of shipment of such Goods or performance of such Services, Contractor agrees to give the Town the benefit of such lower price on any such Goods or Services. In no event shall Contractor's price be higher than the price last quoted or last charged to the Town unless otherwise agreed in writing. No charges for transportation, boxing, crating, etc. are allowable unless such charges are included in the Contract Documents.
6. **Taxes.** Any applicable taxes shall be invoiced as a separate item.
7. **Substitutions.** No substitutions or cancellations shall be permitted without prior written approval from the Town.
8. **Indemnification.** To the greatest extent allowed by North Carolina law, the Contractor shall indemnify and hold harmless the Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees ("Claims"). In the event that

any portion of the Goods under the Contract shall be defective in any respect whatsoever, the Firm shall indemnify and save harmless the Town, its officers, agents, employees, and assigns from all loss or the payment of all sums of money, but only to the extent allowed by law.

9. **Invoices and Payment Terms.** It is understood and agreed that orders will be shipped at the established Contract prices in effect on dates orders are placed. Invoicing that does not comply with this provision will subject the Contract to cancellation. Upon satisfactory delivery of the Goods or satisfactory completion of the Work, all invoices and statements shall reference the Contract number and be submitted to: Town of Huntersville, Accounts Payable, PO Box 664, Huntersville, North Carolina, 28070. Payment terms are Net 30 days after receipt of correct, undisputed invoice or acceptance of Goods or Services, whichever is later.
10. **Anti-Discrimination and Equal Employment.** During the performance of the Contract, Contractor shall comply with all federal and state requirements concerning fair and equal employment and shall not discriminate against or deny the Contract's benefits to any person on the basis of race, religion, color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.
11. **Ethics in Public Contracting.** By submitting their prices and acceptance of this Contract, all Contractors certify that their bids are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other supplier, manufacturer, or subcontractor in connection with their offer, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
12. **Applicable Laws and Courts.** All Town Contracts shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina. The Contractor represents and warrants that it shall comply with all applicable federal, state, and local laws, regulations, and orders, including, not limited to, licensure requirements.
13. **Codes and Permits.** When applicable, the Contractor shall obtain all required permits, give all required notices, and comply with all laws, ordinances, codes, rules, and regulations bearing on the conduct of the work under this contract. If the Contractor observes that the drawings and specifications are at variance therewith, he shall promptly notify the designer in writing. All work under this contract shall conform to the current North Carolina Building Code and other state and national codes as are applicable. If the Contractor performs any work knowing it to be contrary to such laws, ordinances, codes, rules and regulations, and without such notice to the Town, the Contractor shall bear all cost arising therefrom.
14. **License Requirement.** If applicable, the Contractor must be a licensed General Contractor as required by North Carolina General Statutes Section 87-1 and must have a good ethical and professional standing with the North Carolina General Contractor's Licensing Board. The Contractor will be responsible for providing properly qualified, licensed (if required) personnel to complete the Work in accordance with the standard of care ordinarily used by members of the Contractor's profession practicing under similar circumstances and at the same time in Mecklenburg County.
15. **Strict Compliance.** The Town may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.

16. **Assignment.** Contractor may not assign, pledge, or in any manner encumber Contractor's rights under this Contract or delegate the performance of any of its obligations hereunder, without Town's prior, express written consent.
17. **General Provisions.** The Town's remedies as set forth herein are not exclusive. Any delay or omission by the Town in exercising any right hereunder, or any waiver by the Town of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default.
18. **Warranties.** The Contractor warrants it shall adhere to all laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town for the Goods outlined in this Contract and any attached specifications. Contractor warrants that any finished work completed hereunder shall also adhere to all laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town. Contractor warrants that all Goods delivered hereunder will be free from defects in materials and workmanship and will conform strictly to the specifications, drawings, or samples specified or furnished. This warranty shall survive any inspection, delivery, acceptance, or payment by the Town for the Goods and shall run to the Town and any user of the Goods. This express warranty is in addition to Contractor's implied warranties of merchantability and fitness for a particular purpose which shall not be disclaimed. In addition to any other rights available at law or in equity, the Town shall be entitled to consequential and incidental damages.
19. **Quality and Workmanship.** All Goods delivered shall be to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the Goods provided.
20. **Default.** The Town may terminate the Contract, in whole or in part, immediately and without prior notice upon breach of the Contract by the Contractor. In addition to any other remedies available to the Town in law or equity, the Town may procure upon such terms as the Town shall deem appropriate, Goods substantially similar to those so terminated, in which case the Contractor shall be liable to the Town for any excess costs for such similar supplies or Goods and any expenses incurred in connection therewith.
21. **Termination for Convenience.** The Town shall have the right, without assigning any reason therefore, to terminate the Contract, in whole or in part, at any time at its complete discretion by providing 10 days' notice in writing from the Town to Contractor. If the Contract is terminated by the Town in accordance with this paragraph, the Contractor will be paid in an amount which bears the same ratio to the total compensation as does the Goods actually delivered or performed to the total originally contemplated in the Contract. The Town will not be liable to the Contractor for any costs for materials acquired or contracted for if such costs were incurred prior to the date of this Contract.
22. **Risk of Loss.** Risk of Loss for all supplies, materials, the Work performed, and the Project as it is being constructed, shall be on the Contractor until such time as substantial completion is achieved, and approved by the Town.
23. **No Third-Party Beneficiaries.** There shall be no intended nor incidental third-party beneficiaries of this Contract. Contractor shall include in all contracts, subcontracts, or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third-party beneficiaries.
24. **Exclusivity.** Nothing in this Contract shall require the Town to use the Contractor or prohibit the Town from soliciting third parties for the good or services provided in this Contract.
25. **Confidentiality.** The Contractor acknowledges the Town is subject public records law and no term shall be inconsistent with N.C.G.S. §132 et al.

26. **Valid Contract for Goods.** In order for a Contract of the Town to be valid, it must be executed by the Town Manager or his or her authorized designee, and must be pre-audited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.
27. **Verification of Work Authorization.** Contractor shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify, for all contractors and subcontractors.
28. **Iran Divestment List.** With the execution hereof, Contractor, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.
29. **Buyer.** All references to Buyer or Town, throughout these terms and conditions, shall refer to the Town of Huntersville, North Carolina.
30. **Contractor.** All references to Contractor, Seller, or Firm throughout these terms and conditions shall refer to the contractor identified on page 1 of this Contract.
31. **Availability of Funds.** Any and all payments to the Contractor are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.
32. **Severability.** If any provision of this Contract is found to be invalid or unlawful, then remainder of this Contract shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
33. **Companies that Boycott Israel.** With the execution hereof, Contractor, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.
34. **Governmental Immunity.** Nothing contained in this Contract shall constitute a waiver of the Town's governmental immunity or of any limitation on liability or damages created by law.

EXHIBIT B – GOODS

(insert description of goods purchased)

See attachments.

Lake Norman CJDR

Contract

To Purchase

20700 Torrance Chapel Rd
Cornelius NC 28031
704-896-3861

DATE:	7/18/2023
INVOICE #	1001
FOR:	Net 30 Days

Bill To:
Town of Huntersville
PO Box664
Huntersville NC 28070

DESCRIPTION			AMOUNT
2023 Dodge Durango	1C4SDJFT6PC591383	F230027	\$42,161.00
2023 Dodge Durango	1C4SDJFT8PC591384	PC591384	\$42,161.00
2023 Dodge Charger	2C3CDXAT8PH551130	F230008	\$37,011.00
2023 Dodge Charger	2C3CDXAT6PH551126	F230017	\$37,011.00
2023 Dodge Charger	2C3CDXAT4PH554994	PH554994	\$37,011
2023 Dodge Charger	2C3CDXAT9PH554991	PH554991	\$37,011.00
2023 Dodge Charger	2C3CDXAT2PH551124	PH551124	\$37,011.00
2 Police Pursuit Durangos 5 Police Pursuit Chargers			
TOTAL			\$ 269,377.00

Make all checks payable to Lake Norman Chrysler Jeep Dodge Ram.
Thank you Tim Williams

Signature of Authorizing Party

THANK YOU FOR YOUR BUSINESS!

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

To: Town Board

From: Lora Mastrofrancesco, Transportation Engineer/Project Manager

Date: September 5, 2023

Subject: Public Hearing - Traffic Calming Swansboro Lane

EXPLAIN REQUEST:

Conduct Public Hearing to receive public input on proposed traffic calming measures on Swansboro Lane.

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Vicinity Map - Swansboro



McCOY RD

Swansboro Ln

Huntersville

Huntersville

Hambright Rd

HAMBRIGHT RD

MT HOLLY-HUNTERSVILLE RD

Statesville Rd

Torrence Creek

Nt Holly-Huntersville Rd

77

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

To: Town Board

From: Jesse James, Senior Planner

Date: September 5, 2023

Subject: Public Hearing - Petition #R23-08, Dearness Gardens

EXPLAIN REQUEST:

Conduct public hearing on Petition #R23-08, Dearness Gardens, a request by Ken Forster, to rezone six parcels totaling+- 10.07 acres generally located at 13501 Old Statesville Road from existing Highway Commercial-Conditional District and Neighborhood Residential to Highway Commercial-Conditional District and Neighborhood Residential for boundary and site amendments.

ACTION RECOMMENDED:

Conduct Public Hearing

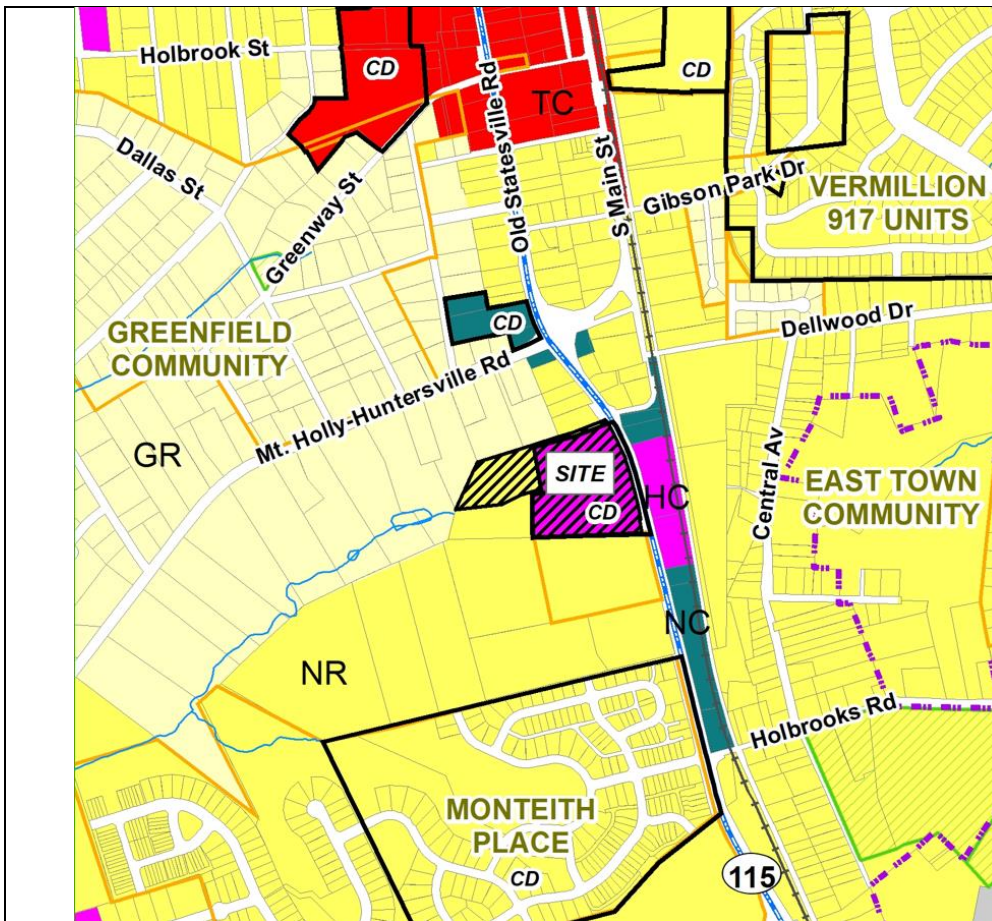
FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. R23-08 Dearness Gardens PH Staff Report
2. ToH_General_Application_-_Signed
3. General_Application_-_Signature_Addendum
4. Dearness_Gardens_Rezone_-_Plan_Set
5. Community Meeting Forms
6. Community Meeting Report
7. TIA_Determination_-_Dearness_Gardens_Expansion_-_7-7-23

Petition R23-08 Dearness Gardens

PART 1: PROJECT SUMMARY



Applicant: Ken Forster

Property Owner: Foster Investments INC, Dearness Properties LLC, Don & Carol Dancy

Property Address: 13501 Old Statesville Rd

Project Size: (+/-) 10.07 AC

Parcel Numbers: 01707207, 01707236, 01707237, 01707238, 01707239, 01707240

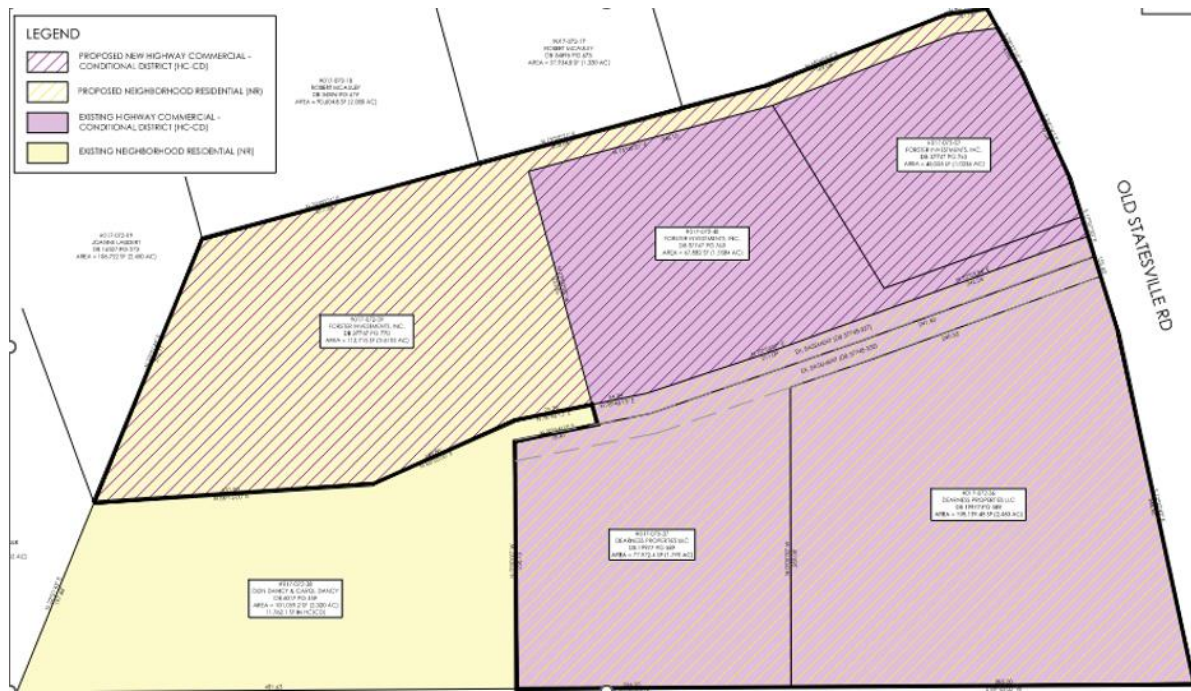
Current Zoning: Highway Commercial Conditional District (HC-CD)

Current Land Use: Commercial Retail

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

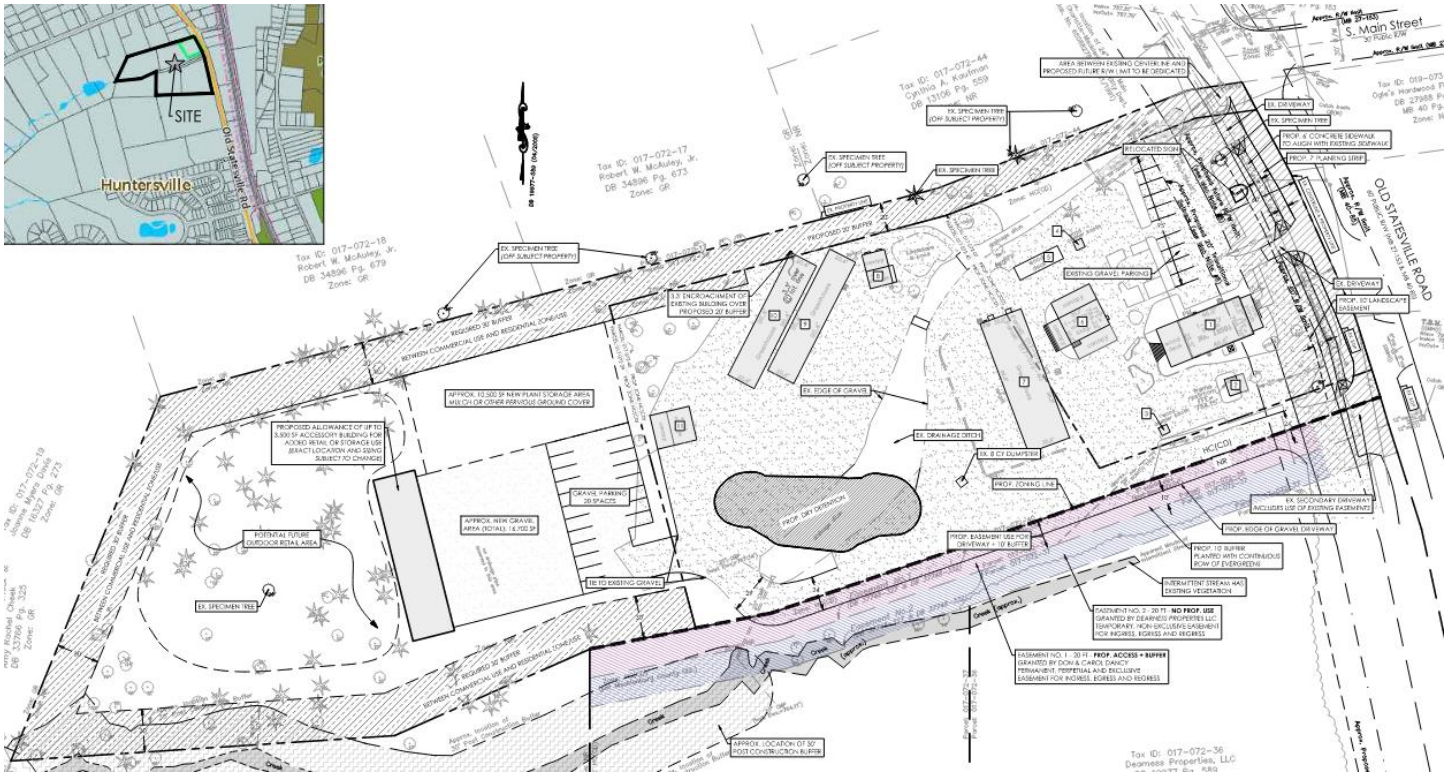
Proposed Land Use: Commercial Retail

1. Purpose: Rezone Approximately 5.2025-acres at 13501 Old Statesville Road from Highway Commercial-Conditional District (HC-CD) to Highway Commercial-Conditional District and Neighborhood Residential (NR) for amendments to the zoning boundaries and for site plan changes from the original R93-01 Dearness Gardens rezoning.
2. The original R93-01 CD plan is comprised of parcels 01707207, 01707240, 01707237, 01707236, and a small portion of 01707238 which were rezoned to HC-CD to allow for the Dearness Gardens retail site. This Rezoning request changes those boundaries to add parcel 01707239 to the HC-CD Dearness Gardens site while converting 01707236, 01707237 and a portion of 01707238 back to Neighborhood Residential. (see below and on page 3 of the rezoning plans)



3. Adjoining Zoning and Land Uses.
 - North: Neighborhood Residential, General Residential- Single Family Residential
 - South: Neighborhood Residential- Vacant
 - East: Highway 115- Highway Commercial
 - West: Neighborhood Residential- Single Family Residential
4. A neighborhood meeting was held on Tuesday, August 1, 2023 and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report.
5. Notice for this rezoning petition was sent via letter to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning sign on Highway 115.

PART 2: REZONING/SITE PLAN



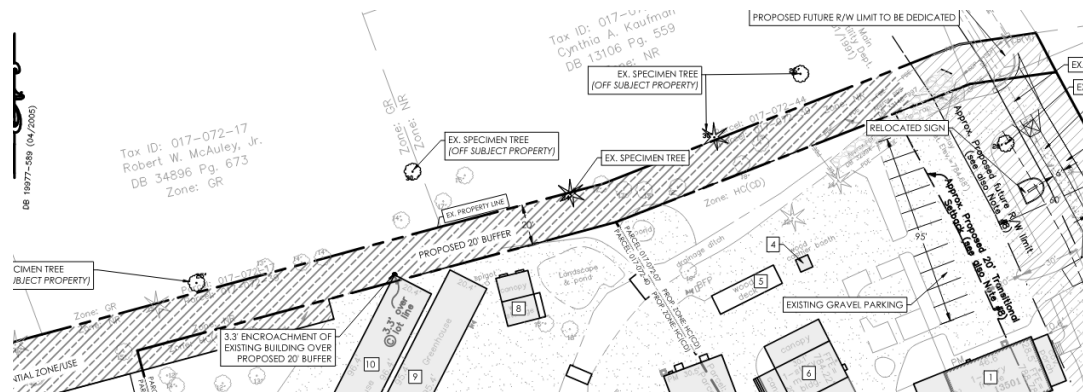
The proposed Conditional District Rezoning Plan is generally compliant with the Zoning Regulations with exception to three modification requests detailed herein. Significant elements of the plan include:

- The proposed plan includes up to 3,500 square feet of accessory building space for retail/storage use and approximately 10,500 square feet of new plant storage area on parcel 01707239. There is also a “potential future outdoor retail area” proposed to the rear of that parcel.

Staff Comment: Staff requests more specifics to these proposals. With the proposed building up to 3,500 square foot building being accessory in nature, what exactly does retail entail here? Article 8.11 allows accessory uses/structures that are clearly related to and incidental to the permitted principal use or structure on the lot.

- Modification request # 1** is for a portion of the required 30’ vegetated northern border buffer to be replaced with a 20’ buffer due to existing greenhouses, storage, and gravel encroaching on the 30-foot buffer area.

Staff Comment- Staff can recommend approval of this modification if the plan can show how landscaping, existing or not, is proposed in the area to meet the intent of the buffer yard. (see buffer request below)



- There are 2 existing easements along the southern border of the newly proposed Dearness Gardens site. “Easement One” is decided to remain for access to the back portion of the proposed expansion area for Dearness Gardens, while “Easement Two” is a temporary non-exclusive easement for existing ingress, egress, and regress.
- Easement one is proposed to have an off-site 10-foot evergreen buffer. The zoning ordinance per article 7.5 requires a vegetated 30-foot buffer between HC Zoning and Residential Zoning. This is **modification request #2** to reduce that buffer and allow the 10-foot buffer and to be off-site.
Staff Comment: Staff does not recommend off site buffering but is open to it in this unique situation if this section of the easement also includes a landscape easement for the final plat to capture this proposal.
- **Modification request #3** is to allow all existing and proposed commercial driveway and parking areas to remain in gravel form to keep in character of the existing development. Article 6.1.G requires that all commercial driveway and parking areas be paved with asphalt, concrete, or brick pavers.
Staff Comment- Due to the nature of the existing development being a garden retail center with rural character, staff recommends approval of this modification request.
- The required specimen tree save requirement for this site is 30% retention. This plan lists 5 existing specimen trees in which 3 will be saved, meeting the 30% threshold. There are no heritage trees on this site.

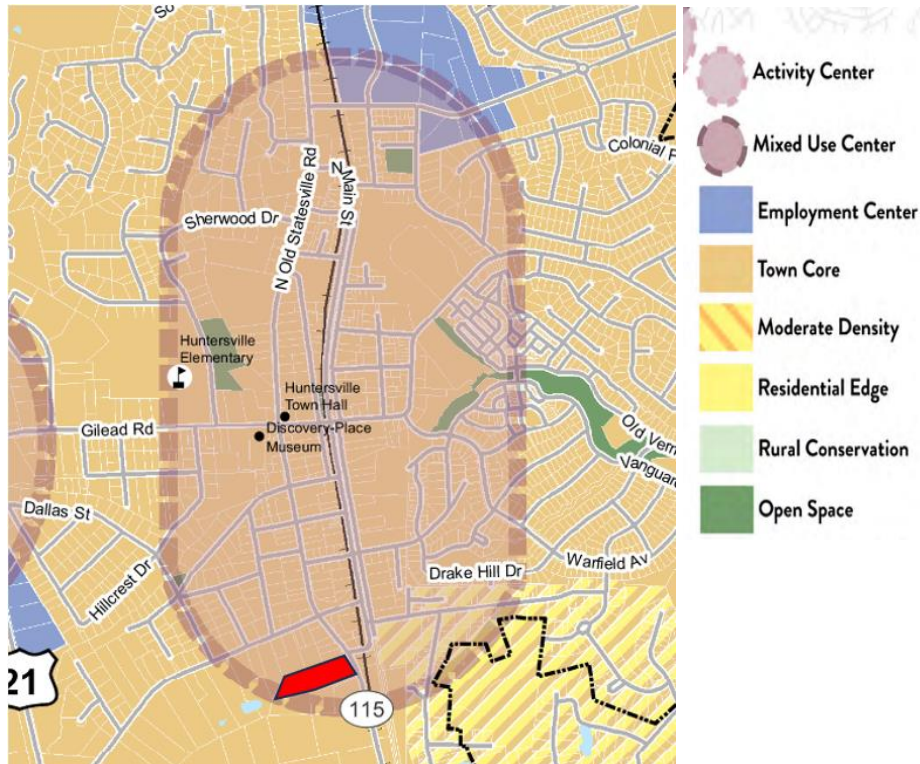
PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

The Application for Determination was submitted on 7/3/23 and is based on the 2.61 acres of additional development for a total of 5.19 acres. No TIA is required for the anticipated 282 additional daily trips.

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”.



STAFF COMMENT – Staff finds the proposed use/project is **consistent** with the following policies of the 2040 Huntersville Community Plan:

- LU 6.3: Small scale, neighborhood-serving commercial uses may be allowed in Town Core and Moderate Density areas specified on the Future Land Use Map (seen above) at key locations if designed in a context sensitive manner.
Staff Comment: This is a small-scale neighborhood serving use in the Town Core area and is consistent in character with the surrounding single family residential uses.
- EV 2.1: Promote and encourage local businesses, particularly small businesses.
Staff Comment: Dearness Gardens is a long-standing local business.

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

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

The proposed rezoning for Dearness Gardens is consistent with the overall character of the surrounding area. This proposal is for a boundary change and does not change the development's character from its existing form.

- 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:

There is no indication this project will have a negative impact on public facilities and or services.

- 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

In considering the proposed rezoning petition R23-08, Dearness Gardens, staff can recommend approval with the condition that minor staff comments are addressed. The plan is consistent with the Huntersville 2040 Community Plan policies LU 6.3 and EV 2.1. Staff believes this rezoning plan is consistent in character with the surrounding land uses.

Conditions for Approval:

1. Modification request # 1 is for a portion of the required 30' vegetated northern border buffer to be replaced with a 20' buffer due to existing greenhouses, storage, and gravel encroaching on the 30-foot buffer area. Staff can recommend approval of this modification if the plan can show how landscaping, existing or proposed, meets the intent of the buffer yard.
2. Modification request #2 to allow for an offsite buffer can be recommended by staff if a proposed landscape easement is included on the plan.
3. Modification request #3 to allow all existing and proposed commercial driveway and parking areas to remain in gravel form is recommended by staff due to the proposal matching the existing character of the site.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing is scheduled for September 5, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board Meeting is scheduled for September 26, 2023.

PART 8: TOWN BOARD RECOMMENDATION

Town Board Meeting is scheduled for October 16, 2023.

PART 9: ATTACHMENTS

1. Rezoning Application
2. Rezoning Plans
3. Neighborhood Meeting Report
4. TIA Determination

PART 10: CONSISTENCY STATEMENT – R23-08 Dearness Gardens

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning petition R23-08, Dearness Gardens, staff can recommend approval with the condition that minor staff comments are addressed. The plan is consistent with the Huntersville 2040 Community Plan policies LU 6.3 and EV 2.1. Staff believes this rezoning plan is consistent in character with the surrounding land uses. Conditions for Approval: 1. Modification request # 1 is for a portion of the required 30' vegetated northern border buffer to be replaced with a 20' buffer due to existing greenhouses, storage, and gravel encroaching on the 30-foot buffer area. Staff can recommend approval of this modification if the plan can show how landscaping, existing or proposed, meets the intent of the buffer yard. 2. Modification request #2 to allow for an offsite buffer can be recommended by staff if a proposed landscape easement is included on the plan. 3. Modification request #3 to allow all existing and proposed commercial	APPROVAL: APPROVAL: In considering the proposed rezoning application R23-08, Dearness Gardens, 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: APPROVAL: In considering the proposed rezoning application R23-08, Dearness Gardens, 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>

driveway and parking areas to remain in gravel form is recommended by staff due to the proposal matching the existing character of the site. <u>It is reasonable and in the public interest to approve the Rezoning Plan because the rezoning is consistent with the envisioned use and development pattern set forth in the 2040 Community Plan.</u>		
	DENIAL: In considering the proposed rezoning application R23-08, Dearness Gardens, 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: DENIAL: In considering the proposed rezoning application R23-08, Dearness Gardens, 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 06/01/2023

Name of Project Dearness Gardens Rezone Phase # (if subdivision) _____

Project Address 13501 Old Statesville Rd

Parcel Identification Number(s) (PIN) 01707207, 01707236, 01707237, 01707238, 01707239, 01707240

Current Zoning District HC(CD) & NR Proposed District (for rezoning only) HC(CD) & NR

Property Size (acres) 10.07 AC Street Frontage (feet) 687 FT

Current Land Use COMMERCIAL RETAIL & UNDEVELOPED

Proposed Land Use(s) COMMERCIAL RETAIL

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

This request is to amend the existing HC(CD) to bring the existing Dearness Gardens

development into compliance and include a new tract (01707239) while reverting the other

two tracts and part of a third tract back to NR (01707236, 01707237, part of 01707238)

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>.

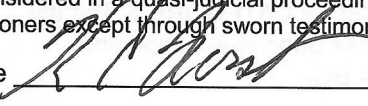
5. Outside Agency Information

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 Ken Forster Phone 704-361-1627
☐ 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)

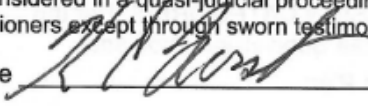
Signature  Printed Name: Ken Forster
Title Owner Email ken@dearnessgardens.net

Address of Applicant 13501 Old Statesville Rd, Huntersville, NC 28078

7. Property Owner (if different than applicant) Property Owner is Applicant

Printed Name Ken Forster Phone 704-361-1627
☐ 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: Ken Forster
Title Owner Email ken@dearnessgardens.net

Address of Property Owner 13501 Old Statesville Rd, Huntersville, NC 28078

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

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

W&A Engineering	Jay Henson	704-875-1615	jhenson@waengineering.com
Development Firm	Name of Contact	Phone	Email

Design Firm	Name of Contact	Phone	Email
-------------	-----------------	-------	-------

Contact Information

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



General Application Owner/Applicant Signature Addendum

Application Information

Date of Application 06/01/2023 Application Number EPM #450113
Name of Project Dearness Gardens Rezone Phase # (if subdivision) _____

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

* ^ Printed Name Richard Strickland - Dearness Properties LLC Phone Number 757-798-3396
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

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

Signature [Signature] Parcel ID(s): 01707236, 01707237
Title Owner Email r.strick51@gmail.com

Address of Property Owner/Applicant 4393 Point West Dr. Portsmouth, VA 23703

* ^ Printed Name Don Dancy & Carol Dancy Phone Number 704-875-1819
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: _____

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

Signature [Signature] Parcel ID(s): 01707238
Title Owner Email dancyrentals@yahoo.com

Address of Property Owner/Applicant P.O. Box 648 Huntersville NC 28070

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

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

Signature _____ Parcel ID(s): _____
Title _____ Email _____

Address of Property Owner/Applicant _____

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

^ If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

DEVELOPER:

FORSTER INVESTMENTS, INC.
13501 OLD STATESVILLE RD
HUNTERSVILLE, NC 28078
ATTN: KEN FORSTER
704.361.1627

OWNER:

FORSTER INVESTMENTS, INC.
13501 OLD STATESVILLE RD
HUNTERSVILLE, NC 28078
ATTN: KEN FORSTER
704.361.1627

ENGINEER:

W&A ENGINEERING
121 GILEAD RD
HUNTERSVILLE, NC 28078
ATTN: JAY HENSON, ASLA
704.875.1615

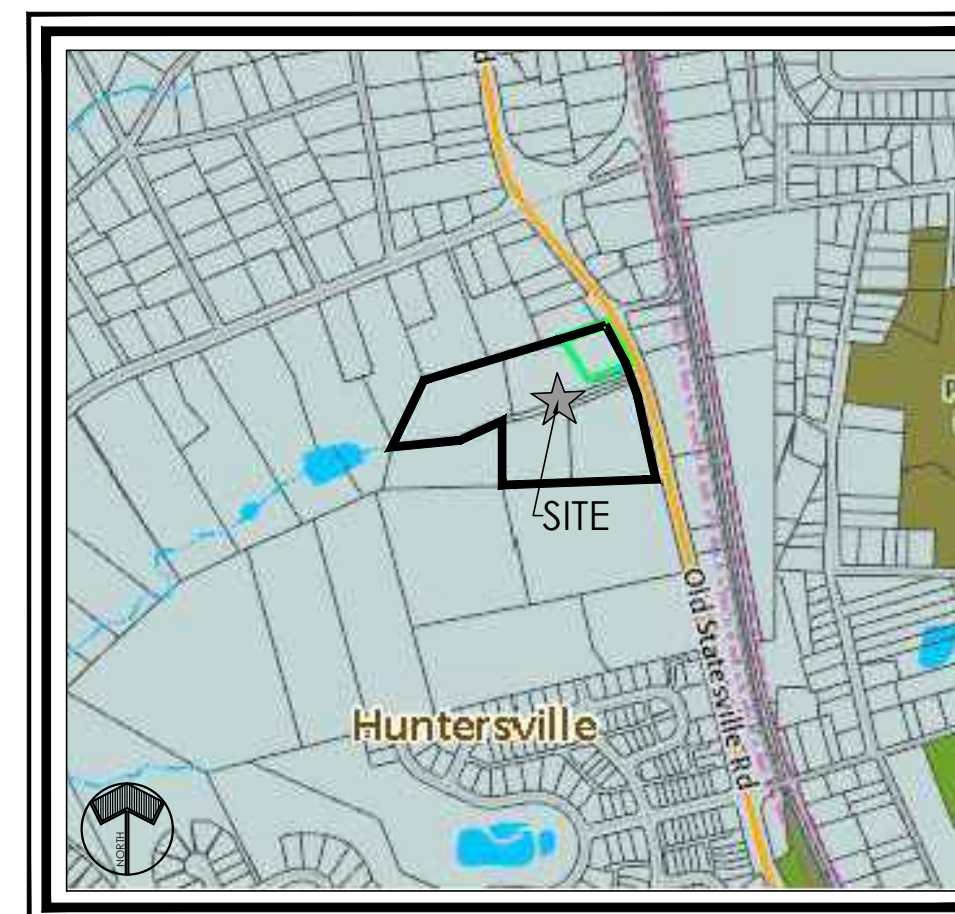
SURVEYOR:

A.G. ZOUTEWELLE SURVEYORS
1418 EAST FIFTH ST
CHARLOTTE, NC 28204
ATTN: ANDREW ZOUTEWELLE, PLS
704.372.9444

CONDITIONAL REZONE PLANS FOR DEARNESS GARDENS 13501 OLD STATESVILLE RD.

HUNTERSVILLE, NC
9.743-ACRE SITE
ISSUED 06/01/2023
HFI PROJECT # 222109
MUNICIPAL PROJECT #: 450113
REZONING CASE: R23-08

Sheet List Table	
Sheet Number	Sheet Title
Z01	COVER
Z02A	ORIGINAL REZONE PLAN
Z02B	PROPOSED REZONE DIAGRAM
Z03	SURVEY
Z04	SITE PLAN
Z05A	TREE SAVE & LANDSCAPE
Z05B	TREE SAVE & LANDSCAPE CONT.
Z06	GRADING



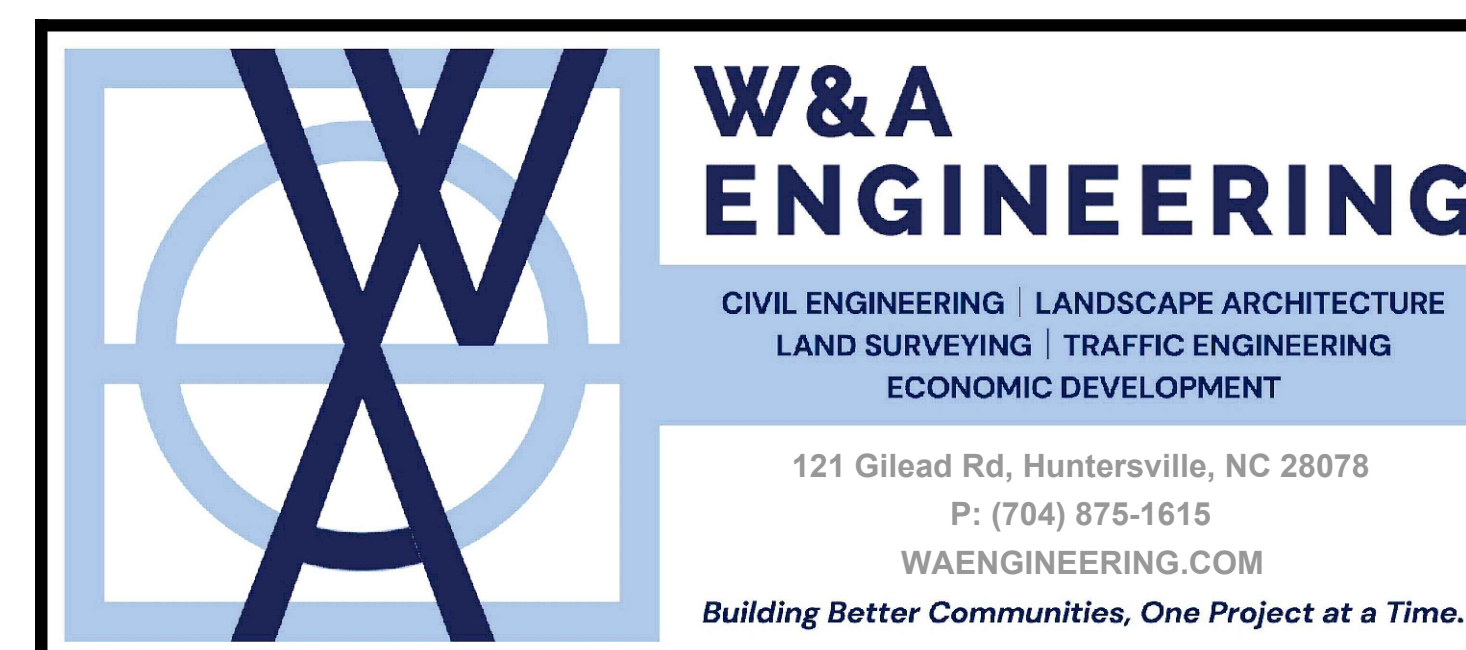
VICINITY MAP
NTS

REQUESTED MODIFICATIONS ARTICLE 7.5 - BUFFERS

1. THE PETITIONER REQUESTS A MODIFICATION TO THE REQUIRED 30' BUFFER ALONG THE NORTHERN PROPERTY LINE ABUTTING RESIDENTIALLY ZONED PROPERTY TO BE A **PARTIALLY REDUCED 20' BUFFER** THAT WILL RETAIN EXISTING VEGETATION AND SUPPLEMENT WITH NEW PLANTINGS WHERE REQUESTED BY TOWN OF HUNTERSVILLE STAFF, AND WILL MEET THE FULL 30' WIDTH REQUIREMENT PAST THE EXISTING POINT OF GREENHOUSE ENCROACHMENT.
2. THE PETITIONER REQUESTS A MODIFICATION TO THE REQUIRED 30' BUFFER ALONG THE SOUTHERN PROPERTY LINE WHERE IT ABUTS EXISTING RESIDENTIALLY ZONED PROPERTY AND PROPOSED RESIDENTIALLY ZONED PROPERTY TO BE REDUCED TO A **10' WIDTH BETWEEN PROPOSED EDGE OF DRIVEWAY AND THE ADJACENT PROPERTY LINE** UP TO THE POINT WHERE THE NEWLY ACQUIRED PARCEL (017-072-39) BEGINS. THE PROPOSED DRIVEWAY AND BUFFER WILL FALL COMPLETELY WITHIN THE PERMANENT EASEMENT (EASEMENT NO.1) GRANTED TO FORSTER INVESTMENTS BY DON & CAROL DANCY.

ARTICLE 6.1.G - OFF-STREET PARKING DESIGN

1. THE PETITIONER REQUESTS A MODIFICATION TO THE REQUIREMENT FOR ALL COMMERCIAL DRIVEWAY AND PARKING AREAS TO BE PAVED WITH ASPHALT, CONCRETE, OR BRICK PAVERS, THE PETITIONER PROPOSES A NEW **GRAVEL PARKING AREA** TO KEEP THE CHARACTER OF THE EXISTING DEVELOPMENT.

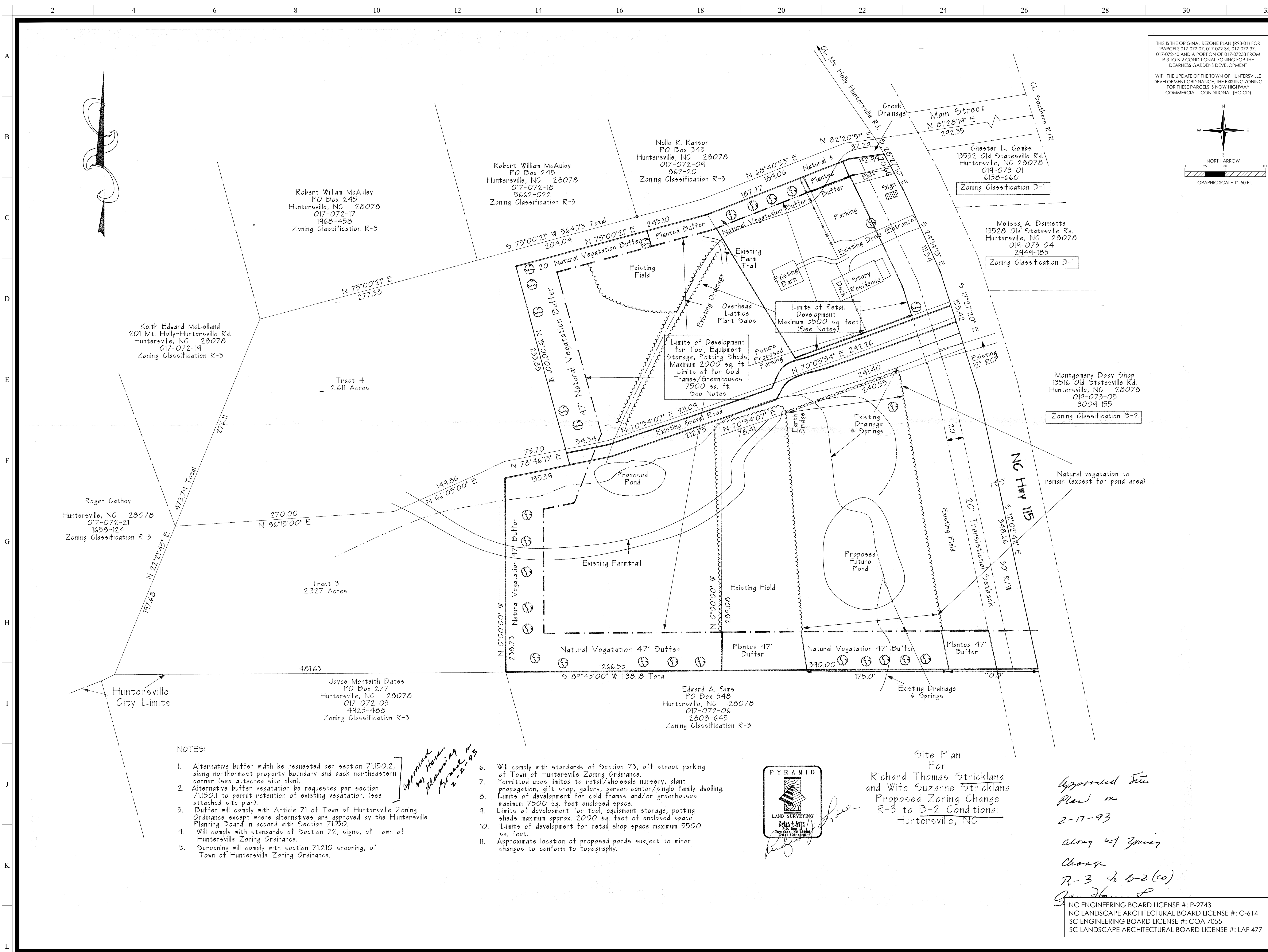


NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477



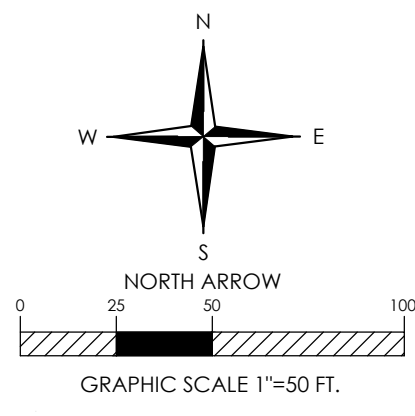
NOTE
EFFECTIVE 04/01/2023, HENSONFOLEY HAS
MERGED WITH W&A ENGINEERING.





THIS IS THE ORIGINAL REZONE PLAN [R93-01] FOR PARCELS 017-072-07, 017-072-36, 017-072-37, 017-072-40 AND A PORTION OF 017-072-38 FROM R-3 TO B-2 CONDITIONAL ZONING FOR THE DEARNESS GARDENS DEVELOPMENT

WITH THE UPDATE OF THE TOWN OF HUNTERSVILLE DEVELOPMENT ORDINANCE, THE EXISTING ZONING FOR THESE PARCELS IS NOW HIGHWAY COMMERCIAL - CONDITIONAL (HC-CD)





**W&A
ENGINEERING**

CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
LAND SURVEYING | TRAFFIC ENGINEERING
ECONOMIC DEVELOPMENT

**121 GILEAD RD
HUNTERSVILLE, NC 28078
P: (704) 875-1615
WAENGINEERING.COM**

ALL DRAWINGS SHALL REMAIN THE PROPERTY OF W&A ENGINEERING. THESE INSTRUMENTS OF SERVICE ARE TO BE USED ONLY FOR THIS SPECIFIC PROJECT. W&A ENGINEERING SHALL RETAIN ALL LEGAL RIGHTS TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL RETAIN FULL PROTECTION UNDER UNITED STATES COPYRIGHT LAW.

DEARNESS GARDENS

MECKLENBURG COUNTY, NORTH CAROLINA
13501 OLD STATESVILLE RD. HUNTERSVILLE, NC 28078

Know what's below.
Call before you dig.

REVISIONS	
7/3/23	1ST EPM COMMENTS

INITIAL SUB. DATE: 6/1/2023
ISSUANCE DATE: 8/11/2023



HFI PROJECT #: 222109

ORIGINAL REZONE
PLAN

Z02A

NOTES:

1. Alternative buffer width be requested per section 71.150.2, along northernmost property boundary and back northeastern corner (see attached site plan).

2. Alternative buffer vegetation be requested per section 71.150.1 to permit retention of existing vegetation. (see attached site plan).

3. Buffer will comply with Article 71 of Town of Huntersville Zoning Ordinance except where alternatives are approved by the Huntersville Planning Board in accord with Section 71.150.

4. Will comply with standards of Section 72, signs, of Town of Huntersville Zoning Ordinance.

5. Screening will comply with section 71.210 screening, of Town of Huntersville Zoning Ordinance.
6. Will comply with standards of Section 73, off street parking of Town of Huntersville Zoning Ordinance.

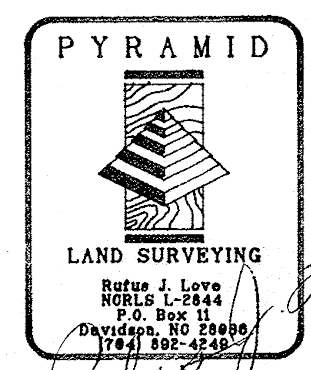
7. Permitted uses limited to retail/wholesale nursery, plant propagation, gift shop, gallery, garden center/single family dwelling.

8. Limits of development for cold frames and/or greenhouses maximum 7500 sq. feet enclosed space.

9. Limits of development for tool, equipment storage, potting sheds maximum approx. 2000 sq. feet of enclosed space.

10. Limits of development for retail shop space maximum 5500 sq. feet.

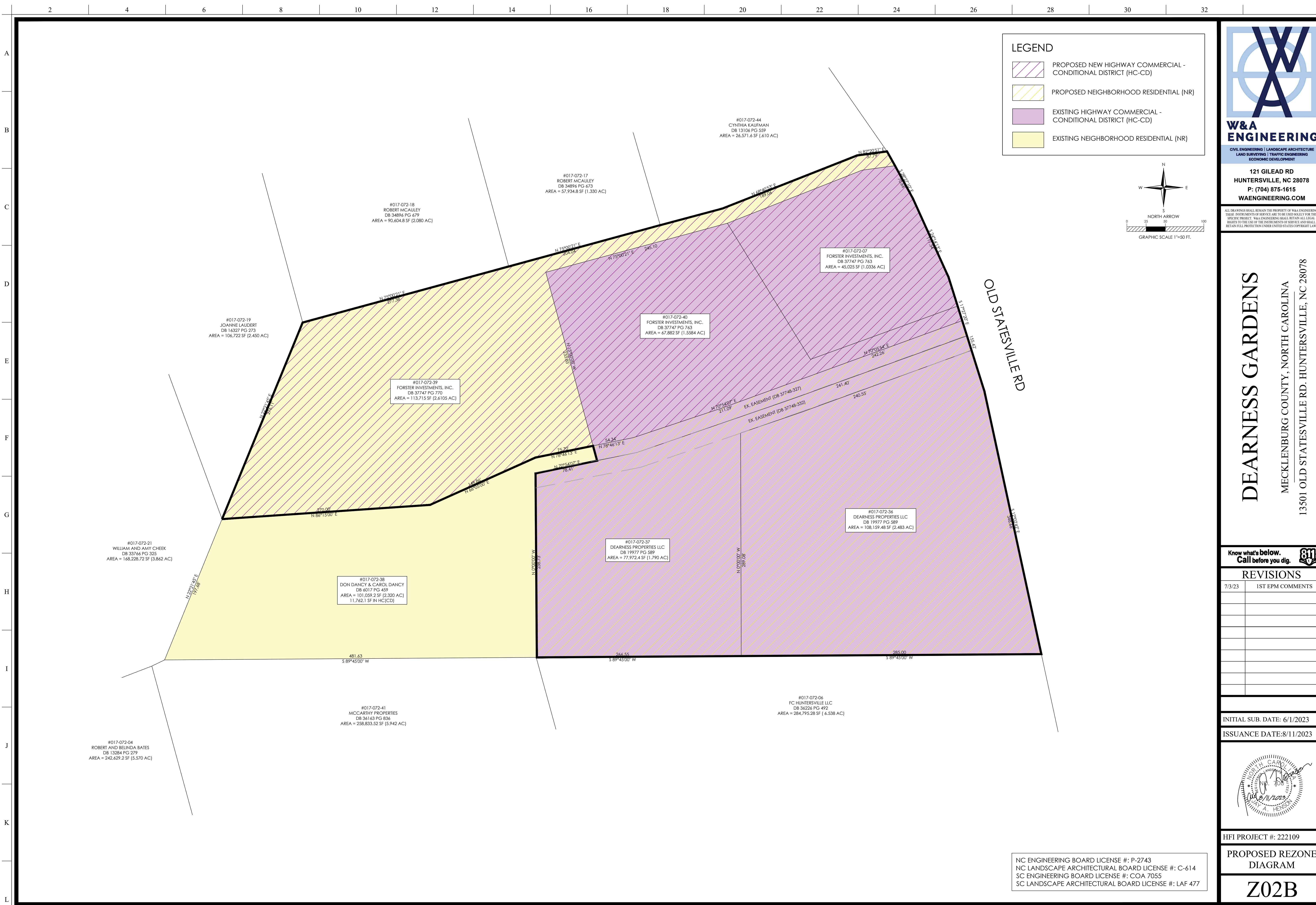
11. Approximate location of proposed ponds subject to minor changes to conform to topography.



Site Plan
For
Richard Thomas Strickland
and Wife Suzanne Strickland
Proposed Zoning Change
R-3 to B-2 Conditional
Huntersville, NC

Approved Site
Plan on
2-17-93
along w/ zoning
change
R-3 to B-2 (co)
G. Strickland

NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477



LEGEND

- PROPOSED NEW HIGHWAY COMMERCIAL - CONDITIONAL DISTRICT (HC-CD)
- PROPOSED NEIGHBORHOOD RESIDENTIAL (NR)
- EXISTING HIGHWAY COMMERCIAL - CONDITIONAL DISTRICT (HC-CD)
- EXISTING NEIGHBORHOOD RESIDENTIAL (NR)

NORTH ARROW

GRAPHIC SCALE 1"=50 FT.



**W&A
ENGINEERING**

CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
LAND SURVEYING | TRAFFIC ENGINEERING
ECONOMIC DEVELOPMENT

121 GILEAD RD
HUNTERSVILLE, NC 28078
P: (704) 875-1615
WAENGINEERING.COM

ALL DRAWINGS SHALL REMAIN THE PROPERTY OF W&A ENGINEERING. THESE INSTRUMENTS OF SERVICE ARE TO BE USED SOLELY FOR THIS SPECIFIC PROJECT. W&A ENGINEERING SHALL RETAIN ALL LEGAL RIGHTS TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL RETAIN FULL PROTECTION UNDER UNITED STATES COPYRIGHT LAW.

DEARNESS GARDENS

MECKLENBURG COUNTY, NORTH CAROLINA

13501 OLD STATESVILLE RD, HUNTERSVILLE, NC 28078

Know what's below.
Call before you dig.

REVISIONS	
7/3/23	1ST EPM COMMENTS

INITIAL SUB. DATE: 6/1/2023

ISSUANCE DATE: 8/11/2023



HFI PROJECT #: 222109

PROPOSED REZONE
DIAGRAM

Z02B

NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477

GENERAL NOTES

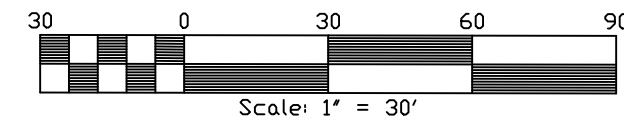
- Source of title for these properties is recorded in Deed Book 37747 Page 763 and Deed Book 37747 Page 770 in the Mecklenburg County Public Registry.
- Tax ID numbers of these properties are 017-072-07, 017-072-39; and 017-072-40 per Mecklenburg County GIS.
- Area of these properties are shown hereon as computed by coordinates.
- Per Mecklenburg County GIS, address of Parcel 017-072-07 is 13501 Old Statesville Road.
- Per Mecklenburg County GIS, this property is zoned NR (Neighborhood Residential district). See also Town of Huntersville Zoning Ordinance, Article 3.2.4. This survey does not reflect a complete zoning analysis. Future development of this property is subject to the approval of the Town of Huntersville.
- This property is NOT located within a designated flood hazard area per Flood Insurance Rate Map (FIRM) Community Panel No. 371046500K dated 11/16/2018 (property lies within Zone X, areas OUTSIDE the flood fringe area).
- Per Mecklenburg County GIS, the southwesterly portion of the subject property is located within a 30 foot Post Construction Buffer and a 35 foot Water Quality Buffer (SWM). Approximate location of these buffer lines are based on the measurement from the existing location of top of creek banks and scaled from Mecklenburg County GIS, as shown hereon. Actual buffer location is subject to confirmation by Town staffs.
- Underground utilities shown are based on observed surface indications only. There may be additional utilities not shown. Contact the NC ONECALL Utility Location Center at 1-800-632-4949 before any digging, design or excavation is begun.
- At the time of this survey, there are no proposed changes to the street right-of-way lines of Old Statesville Road to the knowledge of the undersigned. There were evidences of road and sidewalk construction at the intersection of Old Statesville Road and S. Main Street (concrete curb/gutter and concrete sidewalks are shown hereon).
- Old Statesville Road is a state road and major thoroughfare road. Per The Town of Huntersville Zoning Ordinance, Article 8.15, the proposed future right-of-way width is 100' to 150' (to be determined by the Town staff). All required setbacks are to be measured from this proposed future right of way limit.

I hereby certify to Forster Investment, Inc.:
that this survey is based upon my best knowledge, information and belief;
that this map was drawn under my supervision from an actual survey
made under my supervision (deed description recorded in deed and
map books as noted); that the boundaries not surveyed are indicated
as dashed lines drawn from adjoining deed sources as shown hereon;
that the ratio of precision or positional accuracy is 1:10,000;
that this map meets the requirements of The Standards of Practice
for Land Surveying in North Carolina (21 NCAC 56.1600).
This map is not intended to meet G.S. 47-30 recording requirements.
Actual ground elevations are within one-half contour interval across 90%
of the contoured area.

Non-certified Electronic File

Andrew G. Zoutewelle 2-7-23 Date
N.C. PLS L-3098

TOPOGRAPHIC SURVEY
13501 OLD STATESVILLE ROAD
CHARLOTTE, MECKLENBURG COUNTY, N.C.
Prepared for Forster Investments, Inc.
Survey Date: January 11, 2023



A.G. ZOUTEWELLE
SURVEYORS
1418 East Fifth St., Charlotte, NC 28204
Phone: 704-372-2444 Fax: 704-372-9555
Firm Licensure Number: C-1054

Tax ID: 017-072-21
Joanne Myers Davis
DB 16327 Pg. 273
Zone: GR

Tax ID: 017-072-22
William Mathew Cheek &
Amy Rachel Cheek
DB 33766 Pg. 325
Zone: GR

Tax ID: 017-072-23
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-24
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-25
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-26
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-27
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-28
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-29
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-30
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-31
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-32
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-33
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-34
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-35
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-36
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-37
Approx. location of
30' Post Construction Buffer

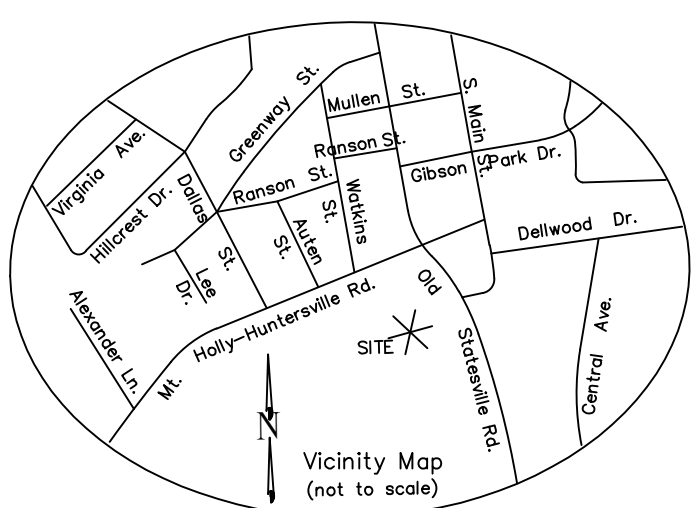
Tax ID: 017-072-38
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-39
Approx. location of
30' Post Construction Buffer

Tax ID: 017-072-40
Approx. location of
30' Post Construction Buffer

INVERT DATA:			
Catch basin, CB(I): Rim= 789.92' Invert= 788.32' Invert(1)=787.72' Invert(2)=787.67'	Catch basin, CB(III): Rim= 789.21' Invert= 788.51' Invert(1)=787.91' Invert(2)=787.86'	Catch basin, CB(V): Rim= 789.28' Invert= 788.28' Invert(1)=787.68' Invert(2)=787.63'	Catch basin, CB(VI): Rim= 789.82' Invert= 788.12' Invert(1)=787.52' Invert(2)=787.47'
Catch basin, CB(II): (full of debris)	Catch basin, CB(IV): Rim= 790.53' bottom of structure= 785.58' (unable to see inverts)	Catch basin, CB(VI): Rim= 789.82' bottom of structure= 785.12' (unable to see inverts)	

- There is no observed evidence of this site being used as a solid waste dump, sump, or sanitary landfill.
- There is no observable evidence of any recent building construction or building additions.
- No observed evidence of wetlands existence on the subject property.
- The subject property has direct vehicular paved access to Old Statesville Road, a public street R/W. Existing gravel driveway, shown hereon, is located on Parcel: 017-072-07.
- No existing improvements on Parcel 017-072-39. No marked parking spaces were found on these properties at the time of this survey. See existing gravel parking areas shown hereon.
- This survey is based on Chicago Title Insurance Company Commitment No. 22-2395 dated September 12, 2022 at 10:00 AM. See the following survey-related exceptions per Schedule B-Part II:
(3) Terms, provisions, options, rights of first refusal, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in instrument(s) filed for record in Book 6312, Page 472, Mecklenburg County Registry. [Affects only Parcel 017-072-07].
(4) Drain Easement to Town of Huntersville recorded in Book 32994, Page(s) 391, Mecklenburg County Registry. [Affects only Parcel 017-072-07; shown hereon].
(5) Easement(s) to Duke Power Company recorded in Book 928, Page(s) 379, Mecklenburg County Registry. [Affects the subject property; general easement; not shown hereon].
(6) Easement to Cornelius Electric Membership recorded in Book 1415, Page(s) 538, Mecklenburg County Registry. [Apparently affects the subject property; not shown hereon due to insufficient description].
(15) Drainage Easement to Town of Huntersville recorded in Book 33148, Page(s) 997, Mecklenburg County Registry. [Affects Parcel 017-072-07 and Parcel 017-072-39; approximate location of easement (FDE) is shown hereon].
- See Easement #1 and Easement #2, shown hereon, recorded in Deed Book 37748 Pages 327 and 332.
- See encroachment notes: (A) to (D) shown hereon.



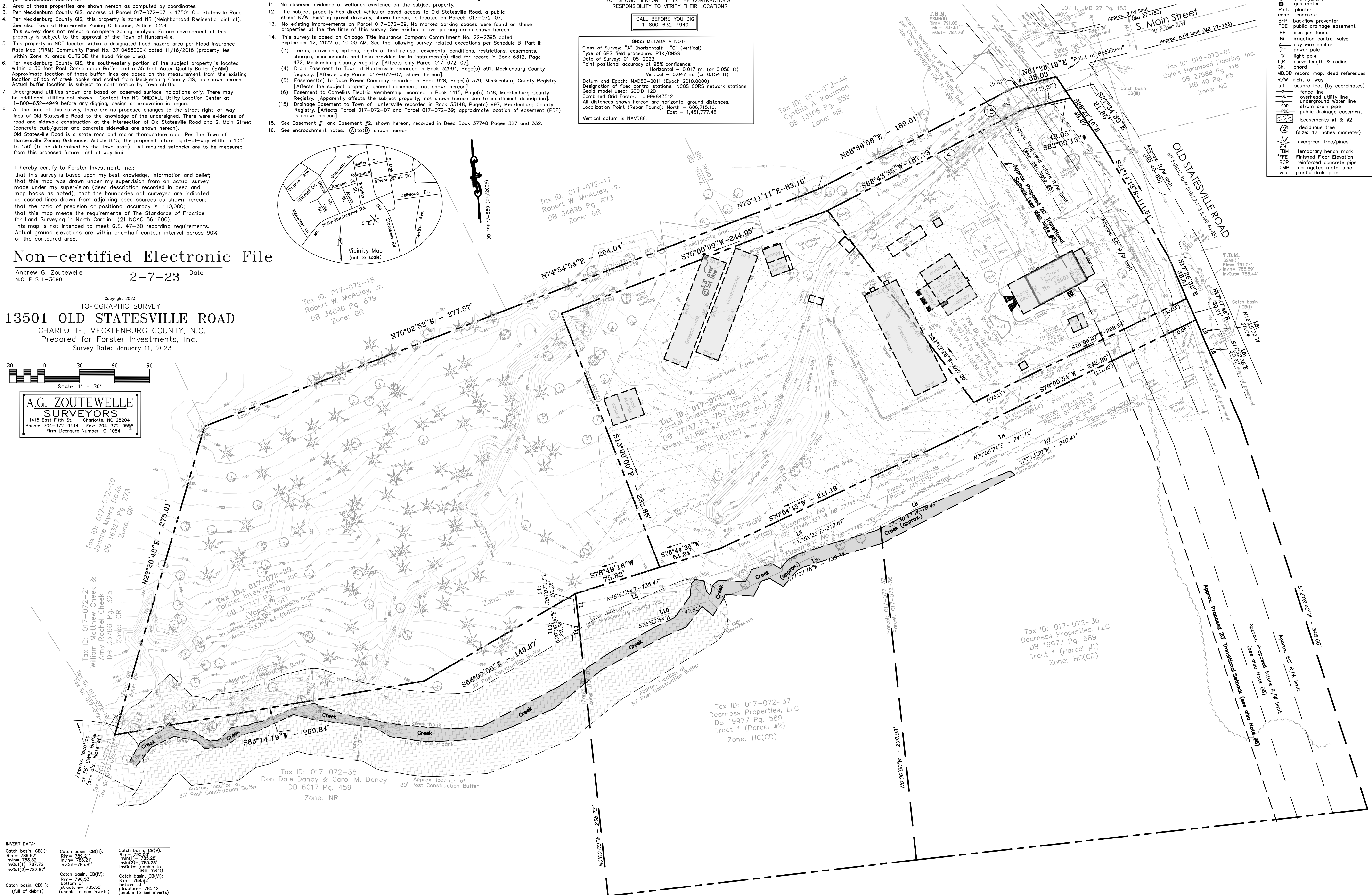
*** CAUTION NOTE ***
THERE MAY BE UTILITIES OTHER THAN THOSE SHOWN.
THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR UTILITIES
NOT SHOWN HEREON. IT IS THE CONTRACTOR'S
RESPONSIBILITY TO VERIFY THEIR LOCATIONS.

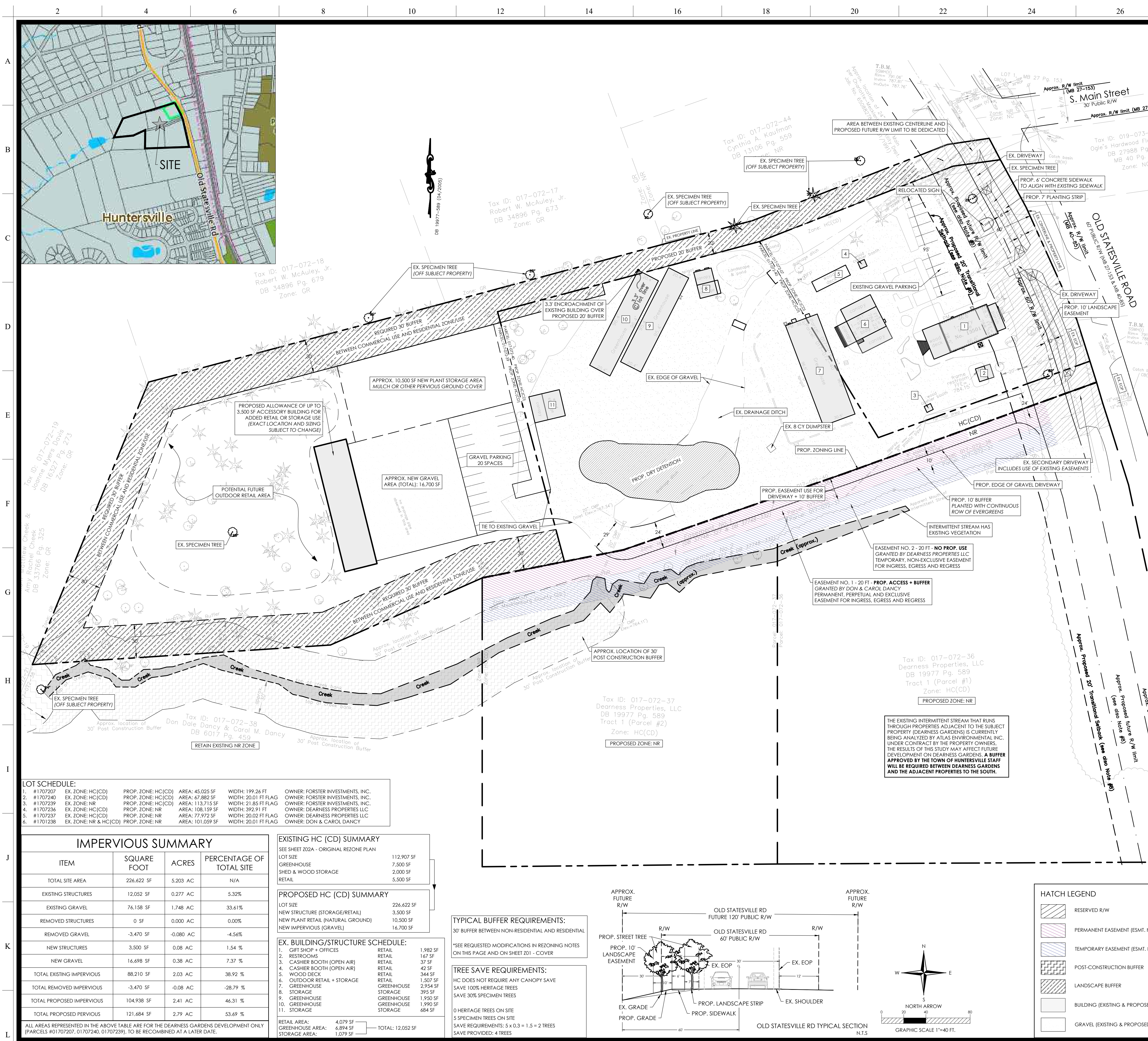
CALL BEFORE YOU DIG
1-800-632-4949

GNSS METADATA NOTE
Class of Survey: "A" (horizontal); "C" (vertical)
Type of GPS field procedure: RTK/GNSS
Date of Survey: 01-05-2023
Point positional accuracy at 95% confidence:
Horizontal = 0.017 m. (or 0.056 ft)
Vertical = 0.047 m. (or 0.154 ft)
Datum and Epoch: NAD83-2011 (Epoch 2010.0000)
Designation of fixed control stations: NCGS CORS network stations
Geoid model used: GEOID-12B
Combined Grid Factor: 0.999843512
All distances shown hereon are horizontal ground distances.
Localization Point (Rebar Found): North = 606,715.16;
East = 1,451,777.48
Vertical datum is NAVD88.

SYMBOL LEGEND

- sanitary sewer manhole
- catch basin/yard inlet
- fire hydrant
- gas meter
- planter
- conc.
- concrete
- BFP backflow preventer
- PDE public drainage easement
- RF iron pin found
- IR irrigation control valve
- guy wire anchor
- power pole
- light pole
- LR curve length & radius
- chord
- MB,DB record map, deed references
- R/W right of way
- s.f. square feet (by coordinates)
- fence line
- overhead utility line
- underground water line
- storm drain pipe
- public drainage easement
- Easements #1 & #2
- deciduous tree (size: 12 inches diameter)
- evergreen tree/pines
- TBM temporary bench mark
- FFE Finished Floor Elevation
- RCP reinforced concrete pipe
- CMP corrugated metal pipe
- vsp plastic drain pipe





REZONING NOTES

- REZONING PETITION. THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS ("DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY FORSTER INVESTMENTS, INC. ("PETITIONER"), APPROXIMATELY 9.47 ACRE COMBINED TRACTS OF LAND IDENTIFIED ON THIS SITE PLAN AS DEARNESS GARDENS (THE "PROJECT"). IN CONNECTION WITH TAX PARCEL #01707207, #01707236, #01707237, #01707238, AND #01707240 (THE "PROPERTY"), THE PURPOSE OF THE REZONING PETITION IS TO CONVERT THE ZONING CLASSIFICATION OF THE PROPERTY FROM THE EXISTING NEIGHBORHOOD RESIDENTIAL (NR) AND HIGHWAY COMMERCIAL - CONDITIONAL DISTRICT (HC-CD) TO A NEW HIGHWAY COMMERCIAL - CONDITIONAL DISTRICT (HC-CD) THAT INCLUDES THE NEWLY ACQUIRED PROPERTY (TAX PARCEL NUMBER #01707239) AND TO CONVERT THE PROPERTIES NOT OWNED BY THE PETITIONER TO NEIGHBORHOOD RESIDENTIAL (NR) PURSUANT TO THE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE").
- 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 SUBMITTAL OF THE REZONING PETITION, UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, 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 SUBMITTAL OF THE REZONING PETITION FOR THE HIGHWAY COMMERCIAL - CONDITIONAL DISTRICT (HC-CD) ZONING GOVERN DEVELOPMENT OF THE PROPERTY AS SHOWN ON THE REZONING PLAN.
- SCHEMATIC NATURE OF REZONING PLAN. THE PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE. MINOR MODIFICATIONS TO THE PLAN MAY OCCUR DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT. THE REMOVAL OF TREES AND VEGETATION TO ACCOMPLISH THE IMPROVEMENTS IS GENERALLY COMPLETED AS SHOWN ON THE REZONING PLAN.
- 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 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.
- USE AND COMPATIBILITY. THE SITE IS LOCATED ALONG OLD STATESVILLE ROAD AND WAS PART OF A CONDITIONAL DISTRICT IN 1993 THAT INCLUDED ALL OF THE PARCELS THAT ARE CURRENTLY ZONED HC-CD, WHICH HAD THE PURPOSE OF ALLOWING THE DEVELOPMENT OF THE EXISTING DEARNESS GARDENS CENTER. THE ADJACENT LAND USES ARE PREDOMINANTLY SINGLE FAMILY OR UNUSED. THE APPLICANT IS ASKING TO MODIFY THE ORIGINAL REZONE CONDITIONS FOR THESE PARCELS TO BRING ALL EXISTING IMPROVEMENTS UP TO CURRENT TOWN OF HUNTERSVILLE STANDARDS ALONG WITH INCLUDING A NEW PARCEL (#01707239) FOR USE BY THE PETITIONER AND REMOVING THE PARCELS NOT OWNED BY THE PETITIONER (#01707236, #01707237, AND A PORTION OF #01707238). THE PETITIONER INTENDS TO COMBINE PARCELS #01707207, #01707240, AND #01707239 IN THE FUTURE.
- PERMITTED USES. ARTICLE 3.2.7 - COMMERCIAL USE.
A. "COMMERCIAL USE" INCLUDES RETAIL ESTABLISHMENTS, OFFICES, PROFESSIONAL AND PERSONAL SERVICES, LIGHT MANUFACTURING AND ASSEMBLY, ETC., AND EACH USE PERMITTED IN THE COMMERCIAL USE CATEGORY SHALL ALSO MEET ANY APPLICABLE CONDITIONS SET FORTH IN ARTICLE 3.2.7 - CONDITIONS FOR CERTAIN USES.
B. PARKING SHALL BE LOCATED TO THE REAR AND/OR SIDE OF THE BUILDING. SIDE YARD PARKING MAY OCCUPY NO MORE THAN 45% OF THE PRINCIPAL FRONTAGE LINE.
FRONTAGE LENGTH: 241' (INCLUDES #01707207 & FLAG OF #01707240 AND #01707239). EXISTING PARKING LENGTH: 95' (39.4% OF FRONTAGE).
- ACCESS. THE PRIMARY VEHICULAR ACCESS IS THE TWO SINGLE ACCESS DRIVEWAYS LOCATED ON OLD STATESVILLE ROAD AT THE NORTHERN END OF THE PROPERTY, WITH A SECONDARY VEHICULAR ACCESS POINT ALSO ON OLD STATESVILLE ROAD AT THE SOUTHERN PROPERTY LINE AND WITHIN THE ACCESS EASEMENTS ON LOTS #01707236 & #01707237. LISTED IN DB 37748-327.
- AMENDMENT. 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 CONSTITUTE 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.
- STORMWATER ELEMENTS. BUILT-UPON AREAS SHALL BE IN ACCORDANCE WITH THE ORDINANCE AS REQUIRED FOR THE HIGHWAY COMMERCIAL ZONING DISTRICT AND THE WATERSHED OVERLAY, AND STORMWATER DETENTION AND WATER QUALITY PROTECTION WILL BE INCLUDED AS REQUIRED.
- MODIFICATION. DESIGN ELEMENTS THAT EXCEED THE REQUIREMENTS OF THE ORDINANCE HAVE BEEN INCLUDED IN THIS REZONING PLAN TO ACHIEVE EXCEPTIONAL DESIGN. TOWN BOARD APPROVAL OF THIS REZONING PLAN CONSTITUTES APPROVAL OF UNIQUE DESIGN ELEMENTS SHOWN ON THE REZONING PLAN THAT ARE MINOR MODIFICATIONS FROM THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO:
 - THE PETITIONER REQUESTS A MODIFICATION TO THE REQUIRED 30' BUFFER ALONG THE NORTHERN PROPERTY LINE ABUTTING RESIDENTIALLY ZONED PROPERTY TO BE A **PARTIALLY REDUCED 20' BUFFER** THAT WILL RETAIN EXISTING VEGETATION AND SUPPLEMENT WITH NEW PLANTINGS WHERE REQUESTED BY TOWN OF HUNTERSVILLE STAFF, AND WILL MEET THE FULL 30' WIDTH REQUIREMENT PAST THE EXISTING POINT OF GREENHOUSE ENCROACHMENT.
 - THE PETITIONER REQUESTS A MODIFICATION TO THE REQUIRED 30' BUFFER ALONG THE SOUTHERN PROPERTY LINE WHERE IT ABUTS EXISTING RESIDENTIALLY ZONED PROPERTY AND PROPOSED RESIDENTIALLY ZONED PROPERTY TO BE REDUCED TO A **10' WIDTH BETWEEN PROPOSED EDGE OF DRIVEWAY AND THE ADJACENT PROPERTY LINE** UP TO THE POINT WHERE THE NEWLY ACQUIRED PARCEL (#01707239) BEGINS. THE PROPOSED DRIVEWAY AND BUFFER WILL FALL COMPLETELY WITHIN THE PERMANENT EASEMENT (EASEMENT NO.1) GRANTED TO FORSTER INVESTMENTS BY DON & CAROL DANCY.
 - THE PETITIONER REQUESTS A MODIFICATION TO THE REQUIREMENT FOR ALL COMMERCIAL DRIVEWAY AND PARKING AREAS TO BE PAVED WITH ASPHALT, CONCRETE, OR BRICK PAVERS. THE PETITIONER PROPOSES A NEW **GRAVEL PARKING AREA** TO KEEP THE CHARACTER OF THE EXISTING DEVELOPMENT.

SITE DATA TABLE

PARCEL ID	01707207, 01707239, 01707240
LOCATION	13501 OLD STATESVILLE RD, HUNTERSVILLE, NC 28078
JURISDICTION	HUNTERSVILLE
OWNER	FORSTER INVESTMENTS INC
	4601 GRANITE HILLS DR
	DAVIDSON, NC 28036
EXISTING ZONING	ALL LOTS EXCEPT #01707239 - HC(CD). SEE R93-01 LOT #01707239 - NR
PROPOSED ZONING	LOTS 01707207, 01707240, 01707239 - HC(CD). PART OF LOTS 01707237 & 01707238 AS SHOWN - HC(CD). LOTS 01707236, 01707237, 01707238 - NR
TOTAL PARCEL AREA	5.2025 AC - 226,662 SF
LAND USE	EXISTING & PROPOSED: RETAIL/COMMERCIAL
MIN. FRONT / STREET SETBACK	15' BUILD-TO-LINE (HC-CD)
MIN. SIDE SETBACK	N/A (HC-CD)
MIN. REAR SETBACK	N/A (HC-CD)
MAX. BUILDING HEIGHT	36'
PARKING SPACES REQUIRED	1 SPACE PER 500 SF COMMERCIAL (NO STORAGE) 10,383 SF / 500 = 21 SPACES
PARKING SPACES PROVIDED	28 SPACES (GRAVEL PARKING, NO STRIPING)
FEMA MAP NUMBER	3710465000K
FEMA MAP DATE	11/16/2018
WATERSHED	MTN ISLAND LAKE PA-2
SOIL TYPES	MeB (15.5%), VoB (20.5%), EnD (64%)
TRASH COLLECTION	(1) DUMPSTER
BUFFER REQUIREMENTS	NORTH, WEST, SOUTH: NON-RES > 5' - 30' BUFFER

NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614

W&A ENGINEERING

CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
LAND SURVEYING | TRAFFIC ENGINEERING
ECONOMIC DEVELOPMENT

121 GILEAD RD
HUNTERSVILLE, NC 28078
P: (704) 875-1615
WAENGINEERING.COM

ALL DRAWINGS SHALL REMAIN THE PROPERTY OF W&A ENGINEERING. THESE INSTRUMENTS OF SERVICE ARE TO BE USED ONLY FOR THIS SPECIFIC PROJECT. W&A ENGINEERING SHALL RETAIN ALL LEGAL RIGHTS TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL RETAIN FULL PROTECTION UNDER UNITED STATES COPYRIGHT LAW.

DEARNESS GARDENS

MECKLENBURG COUNTY, NORTH CAROLINA
13501 OLD STATESVILLE RD, HUNTERSVILLE, NC 28078

Know what's below.
Call before you dig.

REVISIONS

7/3/23	1ST EPM COMMENTS
--------	------------------

INITIAL SUB. DATE: 6/1/2023
ISSUANCE DATE: 8/11/2023

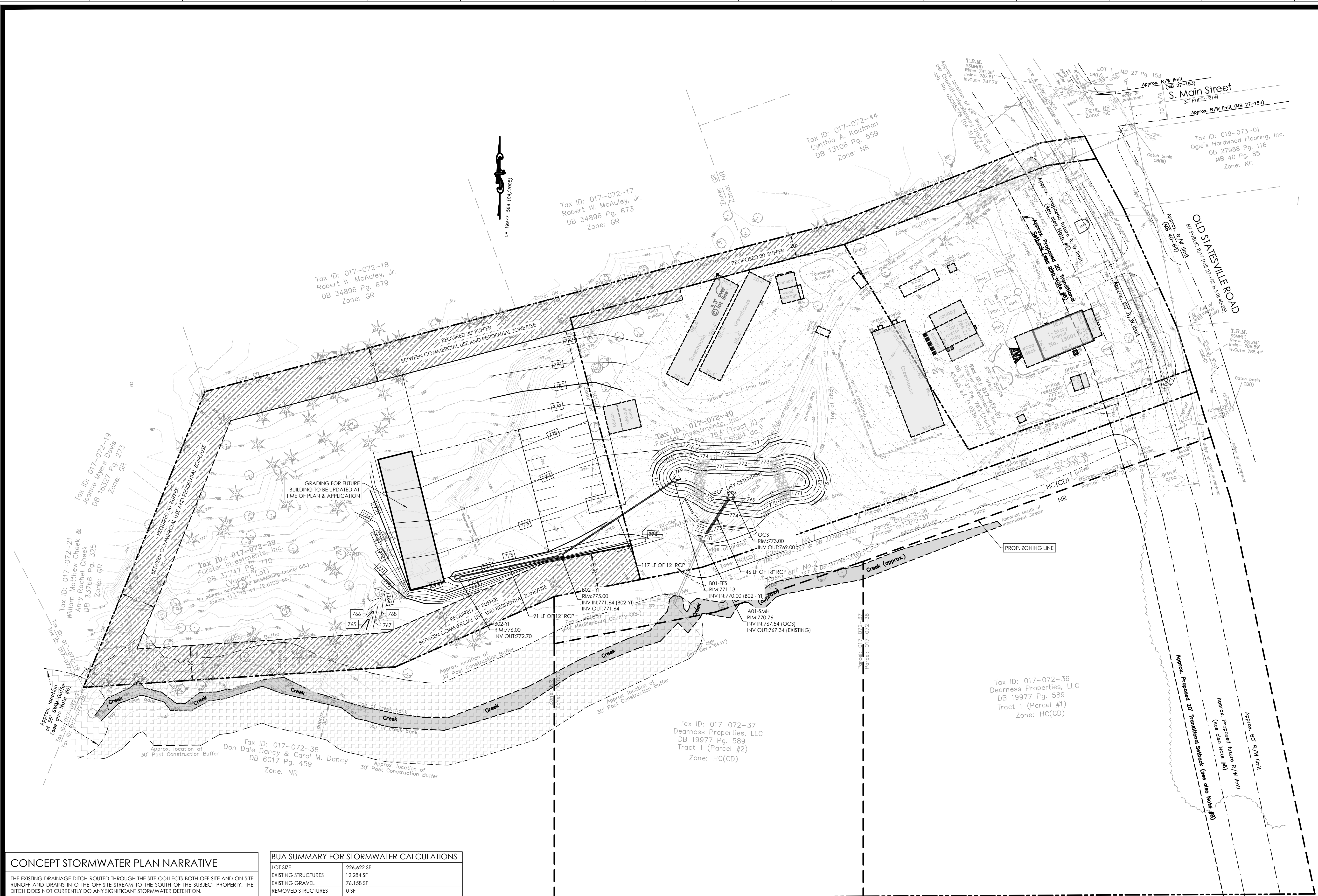
HFI PROJECT #: 222109

SITE PLAN

Z04

2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32

A
B
C
D
E
F
G
H
I
J
K
L



CONCEPT STORMWATER PLAN NARRATIVE

THE EXISTING DRAINAGE DITCH ROUTED THROUGH THE SITE COLLECTS BOTH OFF-SITE AND ON-SITE RUNOFF AND DRAINS INTO THE OFF-SITE STREAM TO THE SOUTH OF THE SUBJECT PROPERTY. THE DITCH DOES NOT CURRENTLY DO ANY SIGNIFICANT STORMWATER DETENTION.

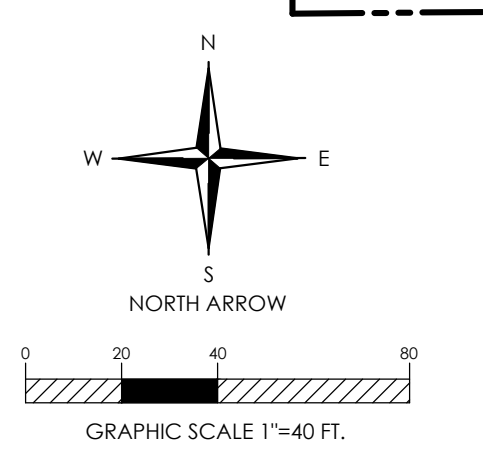
DETENTION OF THE STORMWATER IS REQUIRED TO CONTROL THE PEAK FLOW OF THE 2-YEAR AND 10-YEAR 24-HOUR STORM EVENTS WITH NO REQUIREMENT FOR WATER QUALITY MEASURES BASED ON THE BUILT-UPON AREA OF THE SITE AS A PERCENTAGE OF THE TOTAL SITE AREA.

AN EXTENDED DRY DETENTION POND HAS BEEN DESIGNED TO CONTROL THE PEAK FLOW OF THE 2-YEAR, 10-YEAR, AND 50-YEAR 24-HOUR STORM EVENTS TO MEET FREEBOARD REQUIREMENTS. A 10-FT WIDE EMERGENCY WEIR WAS ADDED FOR THE 50-YEAR EVENT.

THE EXISTING 20" CMP PIPE WILL REMAIN. THE FLARED END SECTION WILL BE REMOVED AND REPLACED WITH A STORM MANHOLE. A 18" RCP PIPE DISCHARGING FROM THE PROPOSED OUTLET STRUCTURE WILL BE CONNECTED TO THE STORM MANHOLE.

BUA SUMMARY FOR STORMWATER CALCULATIONS		
LOT SIZE	226,622 SF	
EXISTING STRUCTURES	12,284 SF	
EXISTING GRAVEL	76,158 SF	
REMOVED STRUCTURES	0 SF	
REMOVED GRAVEL	3,470 SF	
NEW STRUCTURES	3,500 SF	
NEW GRAVEL	16,698 SF	
TOTAL STRUCTURES	15,784 SF (6.96% LOT AREA)	
TOTAL GRAVEL	89,386 SF (39.44% LOT AREA)	
TOTAL BUA	105,170 SF (46.40% LOT AREA)	
ALL EXISTING STRUCTURES EXCEPT FOR THE WOOD STORAGE AT THE BACK OF PARCEL #017-072-40 AND ALL GRAVEL ON SITE HAVE BEEN IN PLACE SINCE AT LEAST 1996, WITH THE WOOD STORAGE STRUCTURE GOING IN BETWEEN 1996 AND 2001 PER MECKLENBURG AERIAL IMAGES.		

DETENTION BMP SUMMARY CHART						
STORM EVENT	PRE-DEVELOPMENT PEAK FLOW (CFS)	POST-DEVELOPMENT PEAK FLOW (CFS)	POST-ROUTING PEAK FLOW (CFS)	MAXIMUM ELEVATION (FT)	REQUIRED FREEBOARD (FT)	PROVIDED FREEBOARD (FT)
2 YR-24 HR	2.99	14.27	1.80	771.69	1.00	2.81
10 YR-24 HR	7.75	24.23	7.61	773.19	1.00	1.31
50 YR-24 HR	13.20	34.09	19.69	773.91	0.50	0.59



BUA SUMMARY FOR WATER QUALITY CALCULATIONS	
LOT SIZE	226,622 SF
BUA EXISTING PRE-2003	88,442 SF
TO BE REMOVED	3,470 SF
BUA ADDED POST-2003	20,198 SF (PROPOSED IN THIS PLAN)
CALCULATION: (20,198 SF / 226,622 SF) x 100 = 8.91% < 12% - NO WATER QUALITY PROTECTIVE MEASURES REQUIRED	

NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477



**W&A
ENGINEERING**
CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
LAND SURVEYING | TRAFFIC ENGINEERING
ECONOMIC DEVELOPMENT

121 GILEAD RD
HUNTERSVILLE, NC 28078
P: (704) 875-1615
WAENGINEERING.COM

ALL DRAWINGS SHALL REMAIN THE PROPERTY OF W&A ENGINEERING. THESE INSTRUMENTS OF SERVICE ARE TO BE USED ONLY FOR THIS SPECIFIC PROJECT. W&A ENGINEERING SHALL RETAIN ALL LEGAL RIGHTS TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL RETAIN FULL PROTECTION UNDER UNITED STATES COPYRIGHT LAW.

DEARNESS GARDENS
MECKLENBURG COUNTY, NORTH CAROLINA
13501 OLD STATESVILLE RD, HUNTERSVILLE, NC 28078

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

REVISIONS	
7/3/23	1ST EPM COMMENTS

INITIAL SUB. DATE: 6/1/2023
ISSUANCE DATE: 8/11/2023



HFI PROJECT #: 222109

GRADING
Z06

Community Meeting Notices

Project Name	Dearness Gardens Rezone
---------------------	-------------------------

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a list of all persons and organizations contacted about the meeting shall be submitted to the Planning Department and incorporated into the application for this project.

The following persons and organizations were sent notices of the community meeting (first and last name or business name only):

First and Last Name	Parcel ID	Date Sent	Method Sent	Reason Sent
Melissa Barnette	1907304	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Robert & Belinda Bates	1707204	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
James Brown & John Putnam	1907315	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
William & Amy Cheek	1707221	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Don & Carol Dancy	1707238	7/24/2023	USPS Certified	Property Owner (SO 6.320.3(a))
Dearness Properties LLC	1707237	7/24/2023	USPS Certified	Property Owner (SO 6.320.3(a))
Terry & Rebecca Dewese	1907306	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
FC Huntersville LLC	1707206	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Forster Investments LLC	1707239	7/24/2023	USPS Certified	Property Owner (SO 6.320.3(a))
Charles Guignard	1907202	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Brian Hines	1907203	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Cynthia Kaufman	1707244	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
James & Sheli Kepple	1907204	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Joanne Laudert	1707219	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Roberty McAuley	1707217	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
McCarthy Properties LLC	1707241	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Myra & Morris Montgomery	1907305	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Ogle's Hardwood Flooring Inc	1907301	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
John & Elizabeth Pell	1707222	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
James & Susan Price	1707211	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Stephen & Andrea Swanick	1707220	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Juan Torres & Yolanda Martinez	1907205	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Michael & Lesa Westhafer	1707209	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Mayors Corner Homeowners Assn.	N/A	7/24/2023	USPS Certified	Neighborhood association, property woner association, and hom

Monteith Place Homeowners Assn.	N/A	7/24/2023	USPS Certified	Neighborhood association, property owner association, and home
Homeowners Assn-Magnolia Walk	N/A	7/24/2023	USPS Certified	Neighborhood association, property owner association, and home
Vermillion Community Assn Inc	N/A	7/24/2023	USPS Certified	Neighborhood association, property owner association, and home
Town of Huntersville	N/A	7/24/2023	USPS Certified	
Robert McAuley	1707218	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Dearness Properties LLC	1707236	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Ogle's Hardwood Flooring Inc	1907307	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
James & Sheli Kepple	1907209	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Robert McAuley	1707215	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
Robert McAuley	1707230	7/24/2023	USPS Certified	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))

[REPEATED OWNERS WERE SENT
ONLY ONE NOTIFICATION]

Community Meeting Attendance Log

Project Name:	DEARNESS GARDENS REZONE
Location of Meeting:	13501 OLD STATESVILLE RD, HUNTERSVILLE, NC 28078
Date:	8/11/2023
Time:	6 PM

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project.

For the record of attendance, please list your first and last name:

1 Elizabeth Pell	26
2 JOHN PELL	27
3 Joanne Laudert	28
4 Jake Laudert	29
5 Jim Price	30
6 Stephen Swanick	31
7 WILLIAM CHEEK	32
8 AMY CHEEK	33
9 ISAAC CHEEK	34
10 Bob McAuley	35
11 David McAuley	36
12	37
13	38
14	39
15	40
16	41
17	42
18	43
19	44
20	45
21	46
22	47
23	48
24	49
25	50

Community Meeting Report Dearness Gardens Rezoning EPM#450113

This community meeting report is being filed with the Town of Huntersville to bring the existing Dearness Gardens center up to code, bring in a newly purchased parcel, and clarify zoning boundaries between subject property and adjacent properties.

COMMUNITY MEETING ATTENDANCE AND LOCATION:

The meeting was held on Tuesday, August 1st, 2023 6:00 pm at 13501 OLD STATESVILLE RD, HUNTERSVILLE NC 28078 (Dearness Gardens). The petitioner (Ken Forster) was represented by Kristen James – W&A Engineering. The attendance for the community meeting was represented by Neighbors (John and Elizabeth Pell, Jake and Joanne Laudert, Jim Price, Stephen Swanick, William, Amy, and Isaac Cheek, and Bob and David McAuley) and Jesse James (Planning Staff).

SUMMARY OF PRESENTATION/DISCUSSION:

The petitioner introduced himself and gave a brief background on the property and the circumstances that led to the need to rezone and then introduced representative Kristen James. Kristen started the presentation with an explanation of what the conditional rezoning would entail for this property, going into depth on the different features proposed, including a detention pond, a new gravel parking area, a cleared area to transfer plant stock from the current off-site location, and the allowance for a new building. She then went over the requested modifications, including: a reduced buffer width along part of the northern property boundary and a reduced buffer width along the southern boundary where the existing driveway is partially on easements on adjacent property. Kristen explained that the final decision for the southern buffer was still being worked through and then she opened the meeting for questions.

Kristen handed out individual print-outs of the proposed site plan and had a large version available to use for ease of understanding. The neighbors asked whether the buffers, both required and modified, would be disturbed, to which Kristen explained that the buffers for this project would be undisturbed in order to preserve existing vegetation except for where one of the existing greenhouses encroaches 3.3 ft over the proposed reduced northern buffer. Kristen explained that this was included in the modification requests for the project and that the plans would include a note that existing vegetation would be retained and supplemented as required by the town planning staff.

Another question presented by a neighbor was whether there was a maximum height for whatever building may be built in the future. Kristen answered that the zoning district had a standard maximum height and that there was no modification request for this requirement, so any building would have to meet regular Highway Commercial standards. Ken Forster clarified that there were no plans for a new building at this time and that the allowance proposed in this plan was so that they would have the ability to add in the future without going through the rezone process again. Jesse James then said that if the building is labeled and considered an 'Accessory Building' then it would have a maximum height of 1 story.

The final concern that was brought up by a neighbor was the note included on the back of the plan that indicates existing treed area in the back of the lot as 'Potential Future Outdoor Retail Area'. They wanted to clarify whether this meant that the area could be completely cleared out. Kristen said that yes, that area could all be cleared if the owner needed more space but that no further impervious could be added if this was cleared because the pond is sized for the existing and proposed addition and that is it. She also emphasized that the required 30 ft buffers would be retained around the property boundaries in the back area if there is eventual clearing. Ken spoke up to say that it was similar to the plan for the building in that they had no plans to take out those trees but didn't want to limit what was possible in the future.

There was also general discussion (rather than specific questions) of the following items: how conditional zoning works, the original 1993 rezone plan and how the existing development does not meet the standards that were originally laid out, the treatment of adjacent lots to the south that were included in this rezone petition, the way tree preservation works, and the purpose and design of the new pond.

Kristen asked if anyone had any other questions and the community agreed that there were no other questions at this time. Kristen handed out business cards so that any attendees could reach out for a copy of the plans or if they came up with any other questions while Jesse went over the schedule for the rezone process. The meeting ended at 6:40 pm.



Traffic Impact Analysis (TIA) Application for Determination of TIA Need

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create one hundred (150) or more peak hour vehicle trips or 1,500 or more daily trips.

In order to determine whether a TIA will be required for your proposed development, please fill out the form below and submit to the Planning Department. A "Determination of TIA Need" will be made within 10 working days.

Applicant: W&A Engineering

Project Name: Dearness Gardens Rezone - R23-08

Project Address: 13501 Old Statesville Rd, Huntersville, NC 28078

Project Description (including square footage for each proposed land use):

The existing Dearness Gardens center wants to expand into the newly purchased back lot - proposing 10,500 SF of new plant storage area to move existing tree stock currently stored off-property onto the property, a new 20 space overflow gravel parking area, and an allowance for up to 3,500 SF new building area in the future.

Applicant

Printed Name Kristen James Phone 704-875-1615

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

Signature 

Title Designer Email KJames@WAEngineering.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 7/3/23

Daily Trips Anticipated 282

Peak Hour Trips Anticipated AM 8 PM 21

TIA Required (Yes/No) No

Date of Determination: 7/7/23

Comments: Determination based on 2.61 acres of additional development for a total of 5.19 acres. Trips are only for the added development over the existing.

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

To: Town Board

From: Jesse James, Senior Planner

Date: September 5, 2023

Subject: Public Hearing - Petition #R23-09, Golden Cow

EXPLAIN REQUEST:

Conduct public hearing on Petition #R23-09, Golden Cow, a request by H2H Holdings, LLC to rezone approximately 0.6 acres at 14516 S. Old Statesville Road from Town Center to Town Center - Conditional District for a one-story retail building.

ACTION RECOMMENDED:

Conduct a Public Hearing

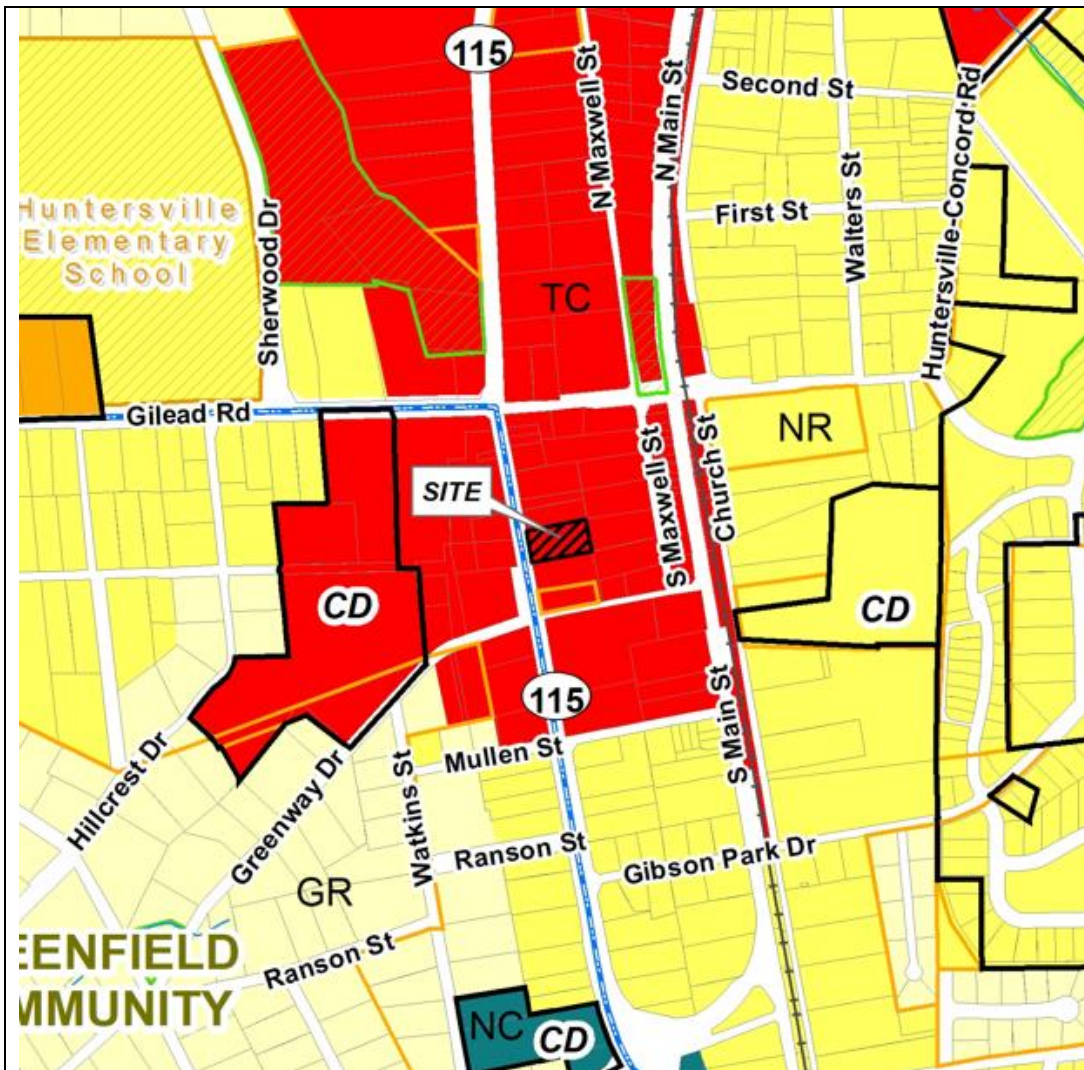
FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. R23-09 Golden Cow PH Staff Report - Final - Copy
2. Golden_Cow-_General_Application
3. Golden_Cow_-_Rezoning_Plans
4. Golden_Cow-_Community_Meeting_Attendance_Sheet
5. Golden_Cow-_Community_Meeting_Notice_List
6. Golden_Cow-_Community_Meeting_Report
7. TIA_Determination_-_Golden_Cow-_5-25-23

Petition R23-09 Golden Cow

PART 1: PROJECT SUMMARY



Applicant: H2H Holdings, LLC.
Property Owner: H2H Holdings, LLC.
Property Address: 14516 S Old Statesville Road
Project Size: (+/-) 0.6 Acres
Parcel Numbers: 01904209
Current Zoning: Town Center (TC)
Current Land Use: Vacant
Proposed Zoning: Town Center-Conditional District (TC-CD)
Proposed Land Use: Commercial Retail

1. Purpose: Rezone 0.6-acres at 14516 South Old Statesville Road from Town Center to Town Center-Conditional District (TC-CD) to permit a **one-story** 5,400 square foot retail building. Article 3.2.6(5) for TC zoning requires new construction buildings fronting Old Statesville Road (NC115) from 400 feet north of the intersection of Gilead Road/Huntersville Concord Road to Greenway Drive to have a minimum of **two** occupiable stories. The second story defined by code shall exceed one-third of the area of the floor immediately below or one third of the area of the roof. The applicant is requesting Conditional District Rezoning for relief of this section of the ordinance.
2. Adjoining Zoning and Land Uses.
 - North: Town Center- Commercial Use
 - South: Town Center- Single Family Residential
 - East: Town Center- Single Family Residential
 - West: Town Center- Civic (Huntersville Fire Station)
3. A neighborhood meeting was held on Monday, July 31, 2023 and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment D).
4. Notice for this rezoning petition was sent via letter to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Northcross Drive.

PART 2: REZONING/SITE PLAN

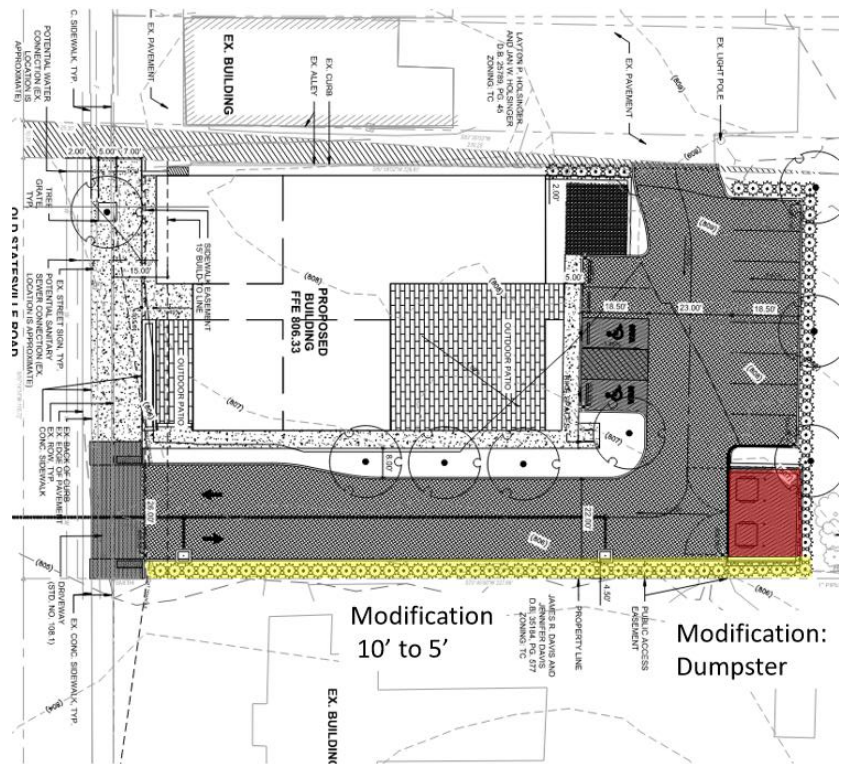
The proposed Conditional District Rezoning Plan is generally compliant with the Zoning Regulations. There are three modification requests detailed herein. Significant elements include:

- One story commercial retail building (Two story required as described previously). **Modification request** to allow the one-story proposal. As an alternative to the second floor, the applicants have proposed one story with increased height at the street frontage at 25' as seen below.



1 Front (West) Elevation

- Off street parking per article 6.1 requires a ten-foot minimum buffer for planting area screening for proposed parking lots. The southern border against 14510 Old Statesville Rd, a single-family residence proposes a five-foot buffer modification, with shrubs and no trees.
- Per article 6 of the zoning ordinance dumpsters shall not be located abutting a residential property. The applicant requests a modification due to the location of the dumpster being the most practical for garbage/recycling pickup.
- Off street parking minimum requirement for the 5400 square foot proposed building is 11 spaces, this site provides 12 spaces (1 space per 500 Square feet proposed).
- Minimum Tree Preservation (specimen tree save) for Town Center is 30%. The Rezoning Plan shows 1 specimen tree which is diseased and is a multi-stem Beech tree in poor condition. Staff recommends removal as shown on the demolition plan.
- There are no identified Heritage Trees on site.
- Planning, Transportation, and Engineering staff have minor site plan comments outstanding that need to be addressed prior to any final plan approval.
- The site plan shows a future parking lot connection to the northern property line. There are four properties with three owners to the north with shared parking. If this site could connect parking, there is potential to add more shared parking to the block.



PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

The Application for Determination was submitted on 5/23/23 resulting in no TIA required based on 1,303 daily trips anticipated.

PART 4: REZONING CRITERIA

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

2040 Huntersville Community Plan

Staff finds the proposed use/project is **consistent** with the following policies of the 2040 Huntersville Community Plan:

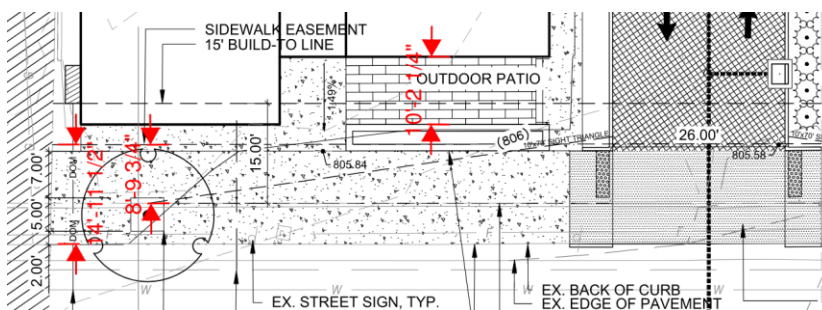
- **Policy DT-2: Step down in intensity and density near established residential neighborhoods. (year homes built also noted)**

Staff Comment: The proposal is for a one-story building with two height levels: 25' adjacent to commercial building and 14' adjacent to residential buildings.

- **DT-6: Create connected, safe, and engaging streetscapes that serve multiple users.**

DT 6.1: Establish street and sidewalk requirements for new development in line with urban design principles. For active frontages in Tier 1 (this proposal is in Tier 1), require a dimension that allows for creation of multiple sidewalk zones, ideally 10 feet with a buffer.

Staff Comment: The applicant proposes approximately 15' wide sidewalk from the back of the curb that includes an 8'9" sidewalk easement. This will set the precedent for wider sidewalk as other properties redevelop. Across the street at Town Center, the sidewalk is approximately 12'-wide along Old Statesville Road (photo on right). The applicant is also proposing a 10'+ wide patio at the front of the building that is a technique to activate a street front.



- **LU 8.1: Continue to emphasis form and flexibility in development regulations for these areas (Town Core).**
Staff Comment: The ordinance and 2040 Plan call for 2 story minimum height in key areas in the Town Core. While this plan does not propose 2 stories, it does include a 25-foot in height frontage design. It also activates the frontage with good pedestrian design (See architectural elevation under “Rezoning/Site Plan” above).
- **LU 8.2: evaluate and strengthen incentives to encourage the achievement of higher design standards. Consider incentives that allow applicants to demonstrate exceptional public benefits from projects in key areas.**
Staff Comment: The proposal as mentioned previously achieves a 25-foot in height front elevation to engage the storefront with a perceived scale that matches what the Town is trying to achieve in the Town Center with a minimum 2-story building. The proposal also offers much needed activity on the storefront with large windows and inviting outdoor patio areas with planting beds for beautification.

- **EV 2.3: Attract businesses to Downtown.**

- Encourage new businesses that help Downtown meet the 10|10|10 goal of having 10 places that serve food, 10 retail establishments (non-chain and not thrift stores) and 10 businesses open after 6pm

Staff Comment: This is the first commercial new construction building in this block since 1999. Prior to that was 1972. The proposed footprint maximizes utilization of the .6 acre lot and can accommodate multiple small businesses.

Staff finds the proposed use/project **NOT consistent** with the following policies of the 2040 Huntersville Community Plan:

- **DT 1.1: Encourage vertical mixed-use development with active visual engagement between the street and the ground and upper floors along Active Frontages**

- Shopfronts are encouraged along key frontages. *Staff Comment: The proposal meets this recommendation.*
- Active uses are required on the ground floor (in new development only) and include retail, restaurants, and other uses that generate many visits over an extended period of the day. *Staff Comment: The proposal meets this recommendation.*
- Upper story residential units should have balconies when feasible. *Staff Comment: The proposal is for a 1-story building and does not meet this recommendation.*
- Active frontages should use design features such as a high level of building transparency, frequent pedestrian access points, and façade articulation. *Staff Comment: The proposal meets this recommendation with 56% window transparency and varied roof façade height along Old Statesville Road.*

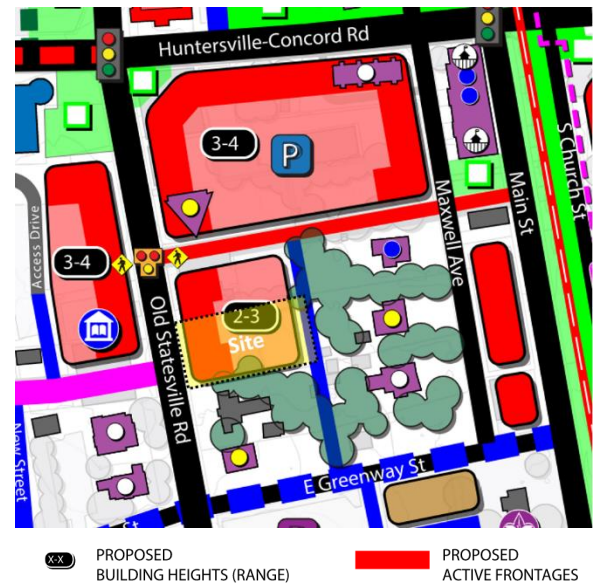
- **DT-1.2: In Tier 1 Areas (project is in Tier 1) encourage multistory buildings and allow a mix of uses, including commercial, office, and residential.**

Staff Comment: This project is within the Tier 1 Area and offers 1 story of retail.



2023 Downtown Plan

Prior to reviewing consistency with the 2023 Downtown Plan, below are several illustrations from the plan in relation to the site under consideration for a conditional rezoning.



The Master Plan illustration above (Page 17) provides a realistic vision of how Downtown Huntersville could develop incrementally over a 10-20 year timeframe in harmony with community core values. “Accordingly, the 2023 Master Plan is intended to evolve with flexibility relative to existing conditions including, but not limited to: applicable jurisdictional and agency plans and regulations, property ownership and inclination, funding, and economic market demand.” (Page. 2). Emphasis was placed on a design based vision with sequenced and prioritize actions to create a vibrant and attractive downtown. Therefore, multiple references will be made as to how the proposed plan relates to specific actions recommended.



- 6 Huntersville Arts & Cultural Center Building - Preserve/enhance as key block character and contributing building and program.
Note: It is understood the site and building must remain a Civic Use or the property reverts to Mecklenburg County Library.
- 7 Potential Mixed-Use Building or Buildings Pending Redevelopment Phasing and/or Collaboration between Existing Property Owners.
- 10 Woonerf (Mixed-Use) - Between Old Statesville Road, Maxwell Avenue and Main Street to increase connectivity (reduce block size), and encourage existing and new development while preserving and protecting existing historic structures.
- 11 New Access Alley: Facilitate access to Potential New Residential Infill & Accessory Dwelling Unit (ADU) 'Missing Middle' Development.

The 2023 Downtown Master Plan also included a Conceptual Vision Plan illustration (Page 19) above representing a hypothetical development pattern consistent with the Master Plan. It is intended to generate thoughts and ideas and not intended to mandate how private property owners are to develop their property.

Staff finds the proposed project/use **is consistent** with the 2023 Downtown Plan in the following areas:

c. Bicycle and Pedestrian Facilities.

- Create a Downtown Sidewalk Improvement Plan to establish street-specific design guidelines for improving conditions of existing sidewalks within the Downtown core area and extending sidewalk pathways and connections to adjacent and emerging neighborhoods. (Page 4)

Staff Comment: The applicant proposes approximately 15' wide sidewalk from the back of the curb that includes an 8'9" sidewalk easement. This will set the precedent for wider sidewalk as other properties redevelop. Across the street at Town Center, the sidewalk is approximately 12'-wide along Old Statesville Road. See page 3 of staff report for details.

Collaborate with existing property and business owners to evaluate existing off-street parking conditions and potential funding mechanisms for improvements including but not limited to:

- Pedestrian safety, accessibility, and circulation within and between adjoining lots, and adjacent sidewalks and building entrances. (Page 5)

Staff Comment: The plan shows a proposed parking lot connection to the north. The actual connection is at adjoining property owner's discretion. However, if the connection is made, it would allow for the most efficient use of parking and provide the opportunity to reduce the vehicular driveway access to Old Statesville Road as it will occupy 40% of the total frontage of those 5 lots (below black highlight). This makes for a very unsafe pedestrian environment and is inconsistent with the one access recommended serving the block to Old Statesville Road (see Master Plan on page 5 of staff report).



3. Existing Land Use and Development Site Typologies, Form, and Program.

- Define and reinforce appropriate pattern(s) and hierarchy of development and open space in the Downtown (Tier 1 and Tier 2) with intentional building frontages and complimentary building sizes to frame streets and open spaces which transition sensitively between adjacent neighborhoods. (Page 6)

Staff Comment: The below scaled image illustrates how the proposed Golden Cow building (blue) is complimentary to the single-family residential structure on the right (yellow) and commercial building on the left (red) as they frame Old Statesville Road. Also, note the 1-story Golden Cow building transition to the rear of the lot as it adjoins single-family dwellings fronting Maxwell Street. The year the homes were built are also shown.



2. Existing Development Activity Types and Patterns: Recent, Emerging & Future.

- Encourage incremental, smaller scale, infill development congruent with existing land ownership, and parcel geometries.
- Encourage implementation of shared parking and/or joint access agreements. (Page 6)

Staff Comment: At .6 acres in size, this lot represents 10% of the total block area. Unless adjoining landowners jointly develop their property, the Golden Cow proposal represents an efficient infill development in compliance with existing street access and parking lot design to the extent practical.

Under Organizing Principles (Page 9):

MOBILITY: Create an optimal pedestrian environment-along all street and within nature.

Staff Comment: The applicant is proposing a sidewalk approximately 15'-wide, a patio in front of Golden Cow Creamery, and a façade on Old Statesville Road where windows comprise 56% of the building mass.



GATHERING: Encourage uses that support, facilitate, and celebrate a walking environment. Promote a balance of food and beverage venues and those stores that support town life and that appeal to visitors.

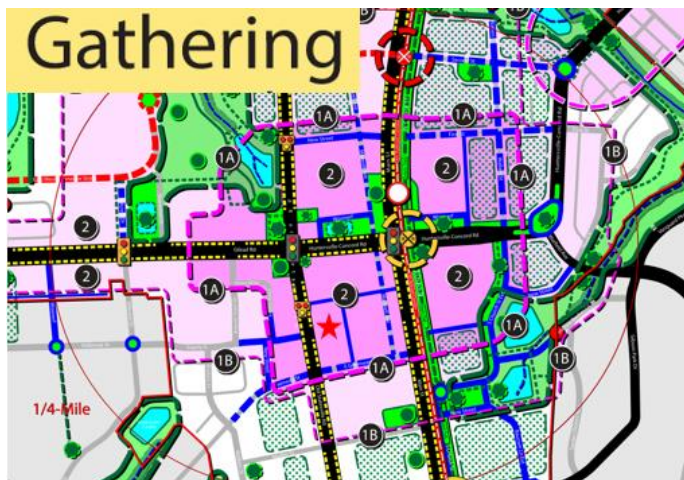
Staff Comment: The applicant is proposing a sidewalk approximately 15'-wide, a patio in front of Golden Cow Creamery, and a façade on Old Statesville Road where windows comprise 56% of the building mass.

SOUL: Build at a scale, at a rhythm, and according to patterns that respect the historical precedent. Bend the are of change more toward supporting small town livability and less toward simply accommodating typical market-based development products.

Staff Comment: The proposed building is unique in that it has a different height along Old Statesville Road and has elements of an older automotive gas station conversion. See illustration at the bottom of page 6 of the staff report.

GATHERING: The site is in the Primary Gathering Area. (Page 13)

Staff Comment: The applicant is proposing a patio at the front and the rear of the building that will enhance downtown gathering spaces.



1 A layered approach to the Primary Gathering Area is defined whereby:

Area A. The Downtown Core micro-district encompasses a few blocks, crosses the NS Railroad Corridor, and is focused around:

- The existing Main St. Commercial Block.
- Town Hall.
- Veterans Park.
- Discovery Place Kids.
- Entrance to Holbrook Park & The Vine.
- Proposed Town Square.

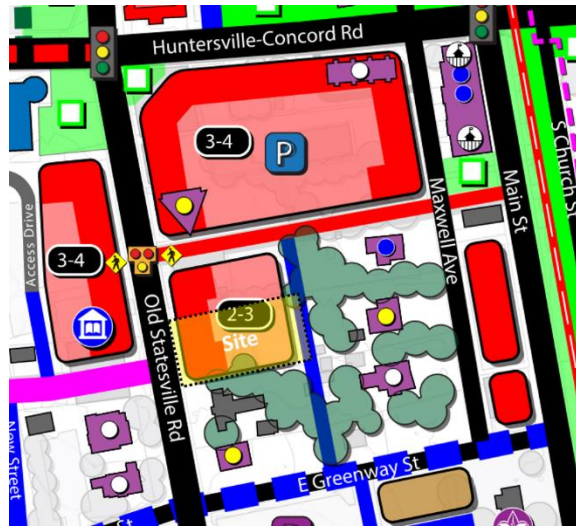
General Note: Opportunities for convening outdoor activities and events (Post-COVID) within unique gathering areas should be provided including, but not limited to elevated parking decks, roof tops, and open air adaptive structures and venues.



Staff finds the proposed project/use **is not consistent** with the following policy of the 2022 Downtown Plan:

- As seen on the Master Plan map, Figure 5 (Page 10), the proposed plan does not meet the 2-3 story building recommended.

Staff Comment: As previously mentioned, this proposal is for a 1 story retail development.

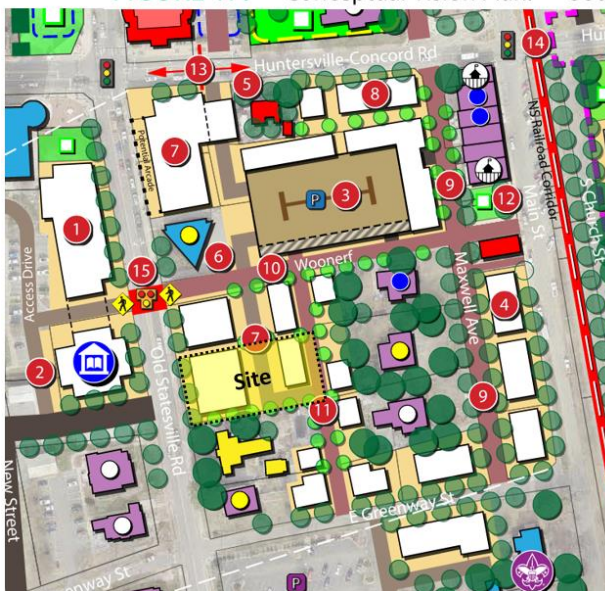


PROPOSED BUILDING HEIGHTS (RANGE) PROPOSED ACTIVE FRONTAGES

- The Conceptual Vision Plan, Figure 17 (Page 22), indicates a new alley could be created providing access to potential new infill residential development.

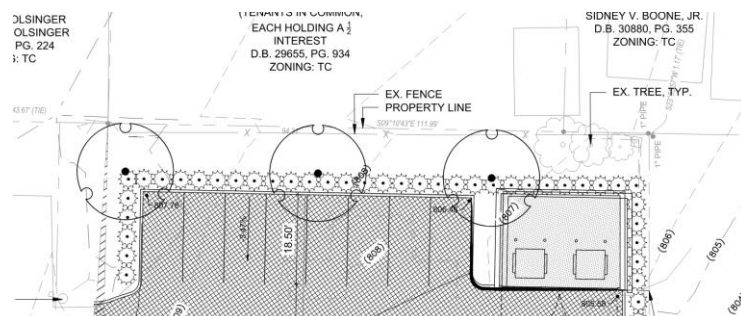
Staff Comment: As proposed, a new alley is not accommodated unless the required rear buffer is removed.

FIGURE 17: Conceptual Vision Plan: Southwest Quadrant



KEY NOTES & INITIAL CONSIDERATIONS

- 7 Potential Mixed-Use Building or Buildings Pending Redevelopment Phasing and/or Collaboration between Existing Property Owners.
- 10 Woonerf (Mixed-Use) - Between Old Statesville Road, Maxwell Avenue and Main Street to increase connectivity (reduce block size), and encourage existing and new development while preserving and protecting existing historic structures.
- 11 New Access Alley: Facilitate access to Potential New Residential Infill & Accessory Dwelling Unit (ADU) 'Missing Middle' Development.



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

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

STAFF COMMENT:

The proposed rezoning for Golden Cow is consistent with the overall character of the surrounding area. There are several one-story retail commercial buildings on the same block in this Town Center area. Furthermore, there are single family residences adjacent to this parcel to the south and east providing a transition to the possible future 2-3 story buildings recommended by the ordinance and long-range plans.

- 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:

There is no indication this project will have a negative impact on public facilities and or services.

- 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

In considering the proposed rezoning petition R23-09, Golden Cow, staff recommends approval with the condition that any minor staff comments remaining are addressed. The proposal is consistent with the Huntersville 2040 Community Plan policies DT-2, DT-6, DT-6.1, LU-8.1, LU 8.2 and with the 2022 Downtown Plan organizing principles of mobility, gathering, and soul. While this plan does not propose a second occupiable story, it does offer creative design indicative of a traditional downtown site with an active and welcoming frontage for gathering, with a storefront design offering the height of a two-story building at twenty-five feet.

Conditions for Approval:

- 1) Modification request number one- to allow the one-story proposal. Staff recommends approval as proposed.
- 2) Modification request number two- proposal to locate the dumpster area adjacent to the southern property line with a single-family residence. Staff recommends approval as this is the best practical location for the dumpster and it is properly screened with an opaque fence/wall and shrubs.
- 3) Modification request number three- proposal for a 5-foot parking lot/driveway buffer/screen with evergreen shrubs and no trees. Staff recommends approval as proposed as 10-foot with trees in this setting is not practical due to the requirement of an on-site parking lot with a driveway. These together would require the approximate 100 foot in width lot to dedicate 36 feet for driveway and buffer width. This would not be good design practice for creating a walkable downtown. Furthermore, staff recommends the Town Board to start the process in conducting Downtown Parking Study as outlined in the 2022 Downtown Plan.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing is scheduled for September 5, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board Meeting is scheduled for September 26, 2023.

PART 8: TOWN BOARD RECOMMENDATION

Town Board Meeting is scheduled for October 16, 2023.

PART 9: ATTACHMENTS

- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C – Neighborhood Meeting Report
- D- TIA Determination

PART 10: CONSISTENCY STATEMENT – R23-09 Golden Cow

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning petition R23-09, Golden Cow, staff recommends approval with the condition that any minor staff comments remaining are addressed. The proposal is consistent with the Huntersville 2040 Community Plan policies DT-2, DT-6, DT-6.1, LU-8.1, LU 8.2 and EV 2.3. Further, the proposal is consistent with the 2023 Downtown Plan by improving the pedestrian experience with wider sidewalks, a varied building façade and 56% windows on the street, constructing a building that sensitively transitions with existing buildings, accommodates small infill development, establishes the opportunity to share parking, and creates new gathering spaces in front and behind the building subject to approval of 3 modifications. <u>It is reasonable and in the public interest to approve the Rezoning Plan because the site is small and not being developed with adjoining properties, the proposal brings several small businesses to downtown, the proposed building blends with surrounding development, and the proposal enhances the visual interest and walkability in downtown.</u>	APPROVAL: APPROVAL: In considering the proposed rezoning application R23-09, Golden Cow, 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: APPROVAL: In considering the proposed rezoning application R23-09, Golden Cow, 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 R23-09, Golden Cow, 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: DENIAL: In considering the proposed rezoning application R23-09, Golden Cow, 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 06/01/2023

Name of Project Golden Cow Phase # (if subdivision) _____

Project Address 14516 S. Old Statesville Road, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01904209

Current Zoning District Town Center (TC) Proposed District (for rezoning only) Town Center Conditional (TC-CD)

Property Size (acres) 0.6 Ac. Street Frontage (feet) 116.72'

Current Land Use Vacant

Proposed Land Use(s) Commercial

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

We are requesting to provide a building without two occupiable stories on a property zoned TC.

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>.

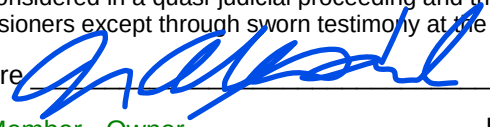
5. Outside Agency Information

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 H2H Holdings, LLC. Phone (303) 513-3629
☐ 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: L Alex Hannah

Title Member - Owner Email h2hholdingsllc@gmail.com

Address of Applicant 1222 Carey Ct. Charlotte, NC 28210

7. Property Owner (if different than applicant)

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

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

Signature _____ Printed Name _____

Title _____ Email _____

Address of Property Owner _____

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

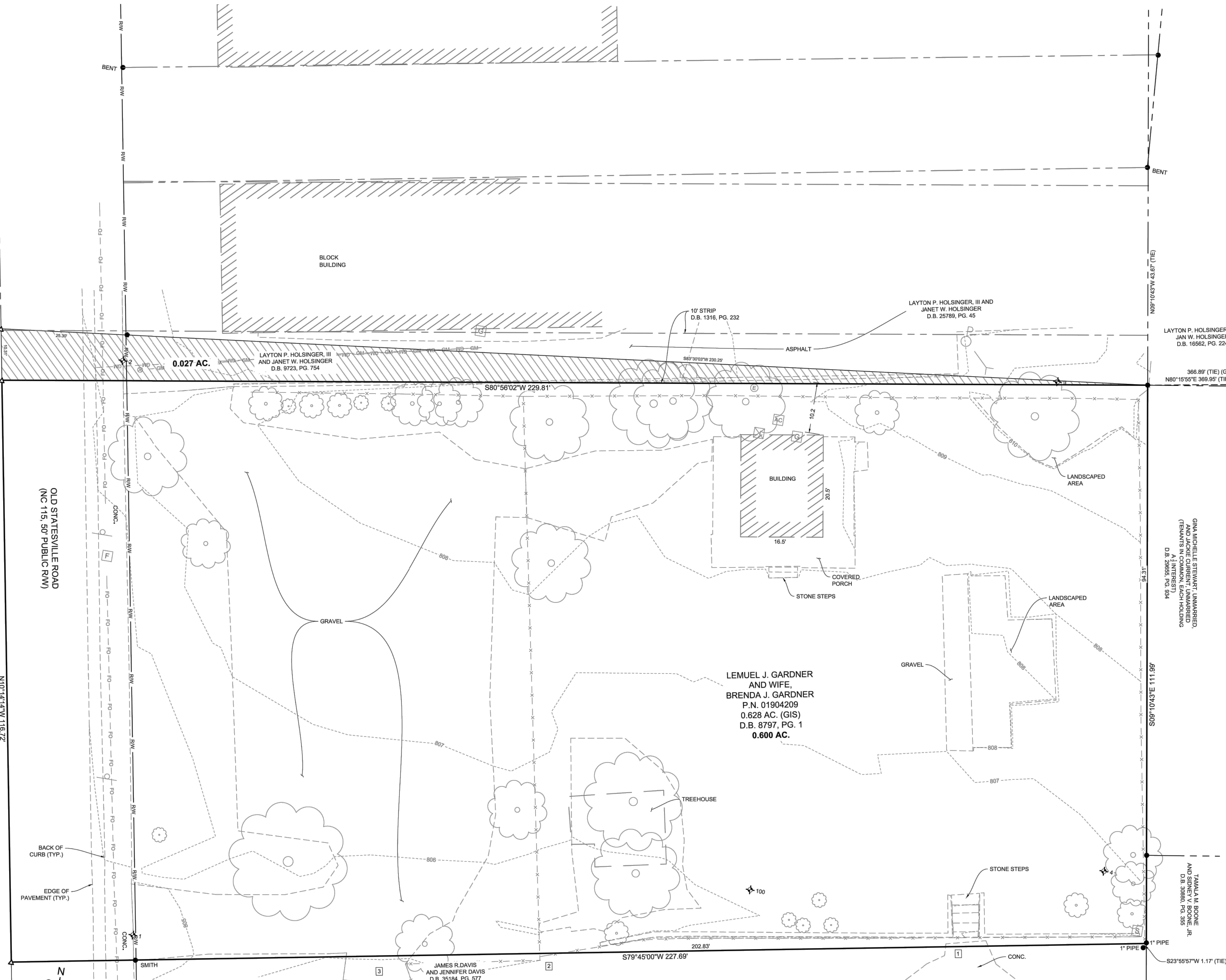
Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing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

8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
<u>DPR Design</u>	<u>Justin Maxwell</u>	<u>740.323.6635</u>	<u>jmaxwell@dpr.design</u>
Design Firm	Name of Contact	Phone	Email

Contact Information

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



LEGEND

SUBJECT PARCEL	
ADJACENT PARCEL	
CENTERLINE	
R/W	
TIE LINE	
EASEMENT	
INTERIOR PARCEL	
HISTORICAL PARCEL	
FENCE LINE	
UNDERGROUND FIBER OPTICS	
UNDERGROUND GAS	
MINOR CONTOUR	
MAJOR CONTOUR	

SIGN

ELECTRIC PEDESTAL
ELECTRIC METER
FIBER OPTIC PULL BOX
GAS METER
GAS VALVE

POWER POLE
GUY WIRE
HVAC UNIT

DECIDUOUS TREE

ORNAMENTAL BUSH

BUILDING

NGS "MAIN"
N: 609,229.781
E: 1,451,569.872
(GRID)(OBSERVED)
CP: 1,0001576814
NCSPCS NAD (83)2011

GENERAL SURVEY NOTES

- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET AND DECIMAL PARTS THEREOF, UNLESS NOTED OTHERWISE.
- AREAS COMPUTED BY COORDINATE METHOD.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.
- THE PURPOSE OF THIS PLAT IS TO BE UTILIZED AS A BOUNDARY AND TOPOGRAPHIC SURVEY.
- NGCS MONUMENT "MAIN" WAS UTILIZED AS PART OF THIS SURVEY.
- THIS MAP 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.
- UNDERGROUND UTILITIES SHOWN ON THE FACE OF SURVEY HEREON ARE BASED UPON, ALL OR A COMBINATION OF THE FOLLOWING: STRUCTURE INVERT INFORMATION, AN 811 UTILITY LOCATE, A PRIVATE UTILITY LOCATE AND EXISTING MARKINGS OBSERVED ON SITE AT THE TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE OF THE EXACT LOCATION(S) OF THESE UNDERGROUND UTILITIES. UNDERGROUND UTILITIES ARE CURRENT IN SERVICE OR HAVE BEEN ABANDONED OR THAT ALL UNDERGROUND UTILITIES ON SITE ARE SHOWN. UNDERGROUND UTILITIES ARE SHOWN FOR GRAPHICAL REPRESENTATION ONLY AND SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES.
- ADJACENT PROPERTY LINES TO THE SUBJECT TRACT ARE NOT CONTIGUOUS WITH ONE ANOTHER. GAPS AND/OR GORES SHOWN AND NOTED ON THE FACE OF SURVEY HEREON HAVE BEEN DETERMINED FROM AVAILABLE RECORD DOCUMENTS AND/OR EVIDENCE FROM AN ACTUAL FIELD SURVEY.
- NO ORIGINAL DOCUMENT OF RIGHT OF WAY DEDICATION FOUND. ANY RIGHT OF WAY WIDTHS INDICATED HEREON ARE PER CURRENT DOCUMENTS ON FILE AND NOTED HEREON.

GPS CERTIFICATION

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS (OR GNSS) SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

CLASS OF SURVEY:	A
POSITIONAL ACCURACY:	0.02
TYPE OF GPS (OR GNSS) FIELD PROCEDURE:	NC RTN
DATE(S) OF SURVEY:	NOVEMBER 2022
DATUM/EPOCH:	NAD 83(2011)/2010.00
PUBLISHED/FIXED CONTROL:	NGS "MAIN"
GEOD MODEL:	18 (CONUS)
COMBINED GRID TO GROUND FACTOR:	1.0001576814
UNITS:	US SURVEY FEET

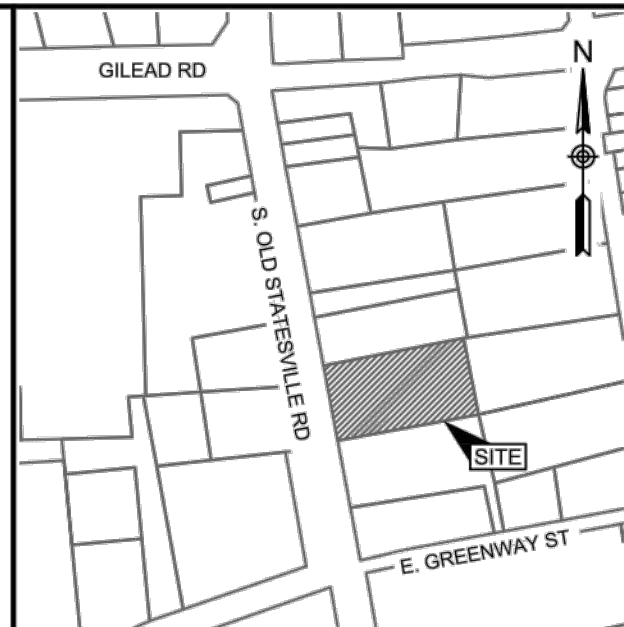
SURVEYOR'S CERTIFICATION

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN THE DEEDS AND MAPS LISTED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM DOCUMENTS REFERENCED HEREON; THAT THE RATIO OF PRECISION IS THAT OF A CLASS A SURVEY; THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A PLANNIMETRIC SURVEY TO THE ACCURACY OF CLASS A AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

I CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC SURVEY TO THE ACCURACY OF CLASS A AND VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS A STANDARD, AND THAT THE ORIGINAL DATA WAS OBTAINED IN NOVEMBER, 2022, AND ALL COORDINATES ARE BASED ON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM "NAD 83" AND ALL ELEVATIONS ARE BASED ON NAVD 88.

PRELIMINARY PLAT NOT FOR RECORDATION, CONVEYANCES, OR SALES

BY: EDWARD J. MILLER, R.L.S. L-4888 DATE: EMILLER@ACRO-DS.COM



VICINITY MAP
NOT TO SCALE

NOMENCLATURE

M.B.	MAP BOOK
P.N.	PARCEL NUMBER
PG.	PAGE
AC.	ACRE
D.B.	DEED BOOK
R/W	RIGHT-OF-WAY
CF	COMBINED FACTOR (GROUND TO GRID)
NGS	NATIONAL GEODETTIC SURVEY
GIS	GEOGRAPHIC INFORMATION SYSTEM
RTN	REAL-TIME NETWORK
CORS	CONTINUOUSLY OPERATING REFERENCE SYSTEM
CONUS	CONTINENTAL UNITED STATES
GPS	GLOBAL POSITIONING SYSTEM
GNSS	GLOBAL NAVIGATION SATELLITE SYSTEM
CALCD	CALCULATED
S.F.	SCALE FACTOR
TYP	TYPICAL
CONC.	CONCRETE
NAD	NORTH AMERICAN DATUM
NAVD	NORTH AMERICAN VERTICAL DATUM
NCSPCS	NORTH CAROLINA STATE PLANE COORDINATE SYSTEM
SDE	STORM DRAINAGE EASEMENT
SMH	SANITARY SEWER MANHOLE
MISC.	MISCELLANEOUS

PREPARED BY



ACRO DEVELOPMENT SERVICES
ENGINEERS & SURVEYORS
601 S. Cedar Street, Suite 101
Charlotte, NC 28202
P: 980-224-8518
E: acro@acro-ds.com

COA SEAL



PROJECT LOCATION
CITY OF HUNTERSVILLE,
COUNTY OF MECKLENBURG,
NORTH CAROLINA

SURVEY PREPARED FOR / OWNER
DPR ASSOCIATES

PROJECT NAME
14516 OLD STATESVILLE RD

PROJECT NUMBER
2022-163

REVISIONS

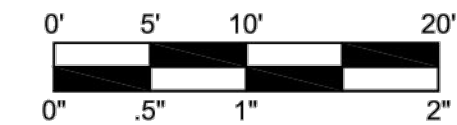
NO. DATE DESCRIPTION

SURVEY TITLE
BOUNDARY AND
TOPOGRAPHIC SURVEY

SHEET NUMBER
1/1

DATE
12/06/2022

SCALE: 1" = 10'



POTENTIAL ENCROACHMENT NOTE

EXCEPT AS NOTED BELOW AND SHOWN HEREON, NO EVIDENCE OF POTENTIAL ENCROACHMENTS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK OR DETERMINED IN THE COURSE OF ANALYZING THE FIELD WORK AND PREPARING THIS SURVEY. THIS INCLUDES POTENTIAL ENCROACHMENTS: (1) EXTENDING FROM THE SUBJECT TRACT ONTO AN ADJOINING TRACT, (2) EXTENDING FROM AN ADJOINING TRACT ONTO THE SUBJECT TRACT, OR (3) EXTENDING INTO AN EASEMENT LOCATED ON THE SUBJECT TRACT. THE UNDERSIGNED MAKES THESE REPRESENTATIONS BASED SOLELY ON A PHYSICAL OBSERVATION OF THE SUBJECT TRACT AND DOES NOT MAKE ANY REPRESENTATION, OPINION, OR DETERMINATION AS TO THE LEGAL VALIDITY OF ANY POTENTIAL ENCROACHMENT THAT IS SHOWN HEREON.

- 1] CONCRETE 1.1 FEET.
2] FENCE 1.4 FEET.
3] GRAVEL 6.2 FEET.

SURVEY NOTES FOR NORTH LINE:

HATCHED AREA SHOWN HEREON IS AN AREA OF POTENTIAL OVERLAP. THE NORTH LINE OF POTENTIAL OVERLAP IS THE RETRACEMENT OF THE SURVEY PREPARED BY SHAMBACK AND THE DESCRIPTION FOR THE SUBJECT TRACT. NEITHER SURVEYS ACCOUNTED FOR THE AREA COMPRISING THE 10' ALLEY THAT WAS GRANTED TO HOLSINGER'S IN D.B. 9723, PG. 754 AND ORIGINALLY CREATED IN D.B. 1316, PG. 232. THE SOUTH LINE OF THE AFOREMENTIONED 10' STRIP WAS NOTED AS BEING THE NORTH LINE OF THE J.C. WHITE PARCEL, WHICH WAS SUBSEQUENTLY GRANTED TO THE GARDNERS. D.B. 1316, PG. 232 RESERVED WALL RIGHTS TO THE GRANTOR. BASED UPON VISUAL EVIDENCE AND PAROLE EVIDENCE FROM THE CURRENT OWNER, IT IS BELIEVED THAT THE EXISTING BLOCK BUILDING IS THE BUILDING THAT EXISTED IN 1948.

CONTROL POINTS				
U.S. SUREY FEET (GROUND)				
POINT #	NORTHING	EASTING	ELEVATION	DESCRIPTION
1	609025.430	1451022.230	804.60	001 IP
2	609138.820	1451001.604	806.39	001 IP
3	609164.991	1451187.289	810.78	001 IP
4	609069.597	1451212.370	806.93	001 IP
100	609054.444	1451142.981	805.97	003 NAIL
500	609229.781	1451569.872	812.55	005 NCS MAIN



Number of Children	Percentage of Families
0	10%
10'	20%
20'	30%
40'	40%



C2 00

SCALE: 1" = 20'

0 10' 20' 40'



The profile view shows a cross-section of a road. The road is 10 feet wide, the shoulder is 10 feet wide, and the ditch is 10 feet wide. The road is shaded with diagonal lines. The shoulder and ditch are unshaded. A circular inset shows a plan view of the road and shoulder.

Plotted: 22101-A1-Elev.dwg / 8/4/2023 11:32 AM

GENERAL NOTES

1. SCHEMATIC NATURE OF REZONING PLAN: THE PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE. MINOR MODIFICATIONS TO THE PLAN MAY OCCUR DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT.
2. THIS IS A REZONING PLAN AND SHALL BE A GRAPHIC REPRESENTATION OF WHAT IS PROPOSED. THE FINAL SITE DESIGN PLANS WILL HAVE MINOR CHANGES. THE BUILDING LOCATION, SIZE, ORIENTATION, AND FEATURES MAY HAVE MINOR CHANGES BASED ON FINAL ENGINEERING DESIGN, AS REVIEWED AND APPROVED BY STAFF.
3. SITE DESIGN IS CONCEPTUAL IN NATURE AND ELEMENTS SUCH AS ,BUT NOT LIMITED TO, DRIVEWAY LOCATIONS AND DIMENSIONS, PARKING LAYOUT, AND STREETScape ARE SUBJECT TO CHANGE BASED ON FINAL ENGINEERING DESIGN, AS REVIEWED AND APPROVED BY STAFF.
4. ARCHITECTURAL ELEVATIONS ARE CONCEPTUAL AND SHALL ILLUSTRATE THE DESIGN INTENT ONLY. FINAL DESIGN WILL RESULT IN MINOR MODIFICATIONS TO IMAGES PRESENTED HERE WITHIN.



master planning . civil engineering
urban design . landscape architecture
919 berryhill rd. ste 101 . charlotte, nc 28208
704.332.1204 . www.dpr.design
NC Eng. Firm #C-0650 | LA Firm #C-032

CLIENT / OWNER
H2H HOLDINGS, LLC.
606 SOUTH TRYON STREET
CHARLOTTE, NC 28202

SURVEY

ARCHITECT

PROJECT
GOLDEN COW

14516 OLD STATESVILLE RD.
HUNTERSVILLE, NC 28078

PROJECT NUMBER
22101

DATE
08/03/2023

ISSUED FOR
CONDITIONAL REZONING

REVISIONS			
NO.	DATE	DESCRIPTION	BY

SEAL

SCALE
AS INDICATED

DRAWING
ARCHITECTURAL ELEVATION

A1.00



① Front (West) Elevation
1/16" = 1'-0"



② Rear (East) Elevation
1/16" = 1'-0"

ELEVATION KEY NOTES			
①	PREFINISHED ALUMINUM COPING	⑦	PAINTED HOLLOW METAL DOOR
②	ARCHITECTURAL CONCRETE MASONRY UNIT, TYP.	⑧	PAINTED ACCENT BAND
③	ANODIZED ALUMINUM STOREFRONT SYSTEM W/ TRANSPARENT GLAZING, TYP.	⑨	LANDSCAPE PLANTER
④	PREFINISHED ALUMINUM CANOPY	⑩	LIGHT BOLLARD, TYP.
⑤	WALL SCONCE, TYP.	⑪	WOOD MATERIAL ACCENT PANEL
⑥	SIGNAGE, PERMITTED SEPARATELY, TYP.	⑫	GLASS OVERHEAD DOOR



Golden Cow - 113 S Old Statesville Rd. Huntersville, NC
Front & Rear Schematic Elevations

SEL-01
05/31/23

Plotted: 22101-A1-Elev.dwg / 8/4/2023 11:32 AM

GENERAL NOTES

1. SCHEMATIC NATURE OF REZONING PLAN: THE PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE. MINOR MODIFICATIONS TO THE PLAN MAY OCCUR DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT.
2. THIS IS A REZONING PLAN AND SHALL BE A GRAPHIC REPRESENTATION OF WHAT IS PROPOSED. THE FINAL SITE DESIGN PLANS WILL HAVE MINOR CHANGES. THE BUILDING LOCATION, SIZE, ORIENTATION, AND FEATURES MAY HAVE MINOR CHANGES BASED ON FINAL ENGINEERING DESIGN, AS REVIEWED AND APPROVED BY STAFF.
3. SITE DESIGN IS CONCEPTUAL IN NATURE AND ELEMENTS SUCH AS ,BUT NOT LIMITED TO, DRIVEWAY LOCATIONS AND DIMENSIONS, PARKING LAYOUT, AND STREETSCAPE ARE SUBJECT TO CHANGE BASED ON FINAL ENGINEERING DESIGN, AS REVIEWED AND APPROVED BY STAFF.
4. ARCHITECTURAL ELEVATIONS ARE CONCEPTUAL AND SHALL ILLUSTRATE THE DESIGN INTENT ONLY. FINAL DESIGN WILL RESULT IN MINOR MODIFICATIONS TO IMAGES PRESENTED HERE WITHIN.



master planning . civil engineering
urban design . landscape architecture
919 berryhill rd. ste 101 . charlotte, nc 28208
704.332.1204 . www.dpr.design
NC Eng. Firm #C-0650 | LA Firm #C-032

CLIENT / OWNER
H2H HOLDINGS, LLC.
606 SOUTH TRYON STREET
CHARLOTTE, NC 28202

SURVEY

ARCHITECT

PROJECT
GOLDEN COW

14516 OLD STATESVILLE RD.
HUNTERSVILLE, NC 28078

PROJECT NUMBER
22101

DATE
08/03/2023

ISSUED FOR
CONDITIONAL REZONING

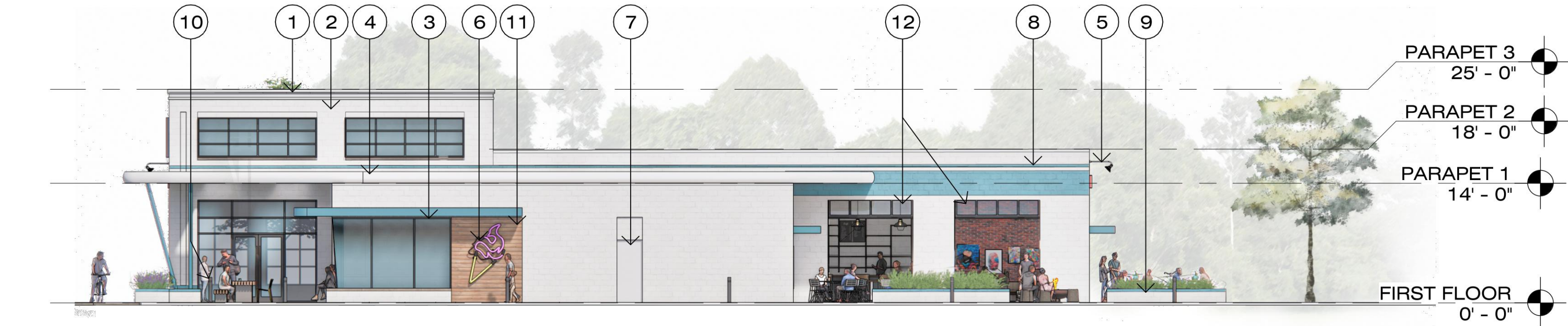
REVISIONS			
NO.	DATE	DESCRIPTION	BY

SEAL

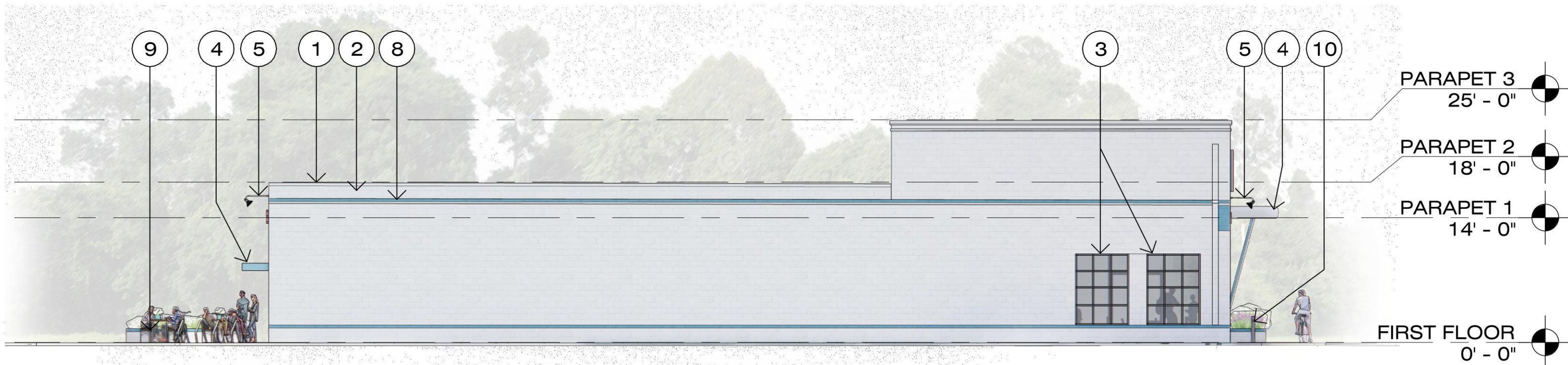
SCALE
AS INDICATED

DRAWING
ARCHITECTURAL ELEVATION

A1.01



3 Right (South) Elevation
1/16" = 1'-0"



4 North (Left) Elevation
1/16" = 1'-0"

ELEVATION KEY NOTES			
1	PREFINISHED ALUMINUM COPING	7	PAINTED HOLLOW METAL DOOR
2	ARCHITECTURAL CONCRETE MASONRY UNIT, TYP.	8	PAINTED ACCENT BAND
3	ANODIZED ALUMINUM STOREFRONT SYSTEM W/ TRANSPARENT GLAZING, TYP.	9	LANDSCAPE PLANTER
4	PREFINISHED ALUMINUM CANOPY	10	LIGHT BOLLARD, TYP.
5	WALL SCONCE, TYP.	11	WOOD MATERIAL ACCENT PANEL
6	SIGNAGE, PERMITTED SEPARATELY, TYP.	12	GLASS OVERHEAD DOOR



Golden Cow - 113 S Old Statesville Rd. Huntersville, NC
Right & Left Side Schematic Elevations

SEL-02
05/31/23

Community Meeting Attendance Log

Project Name:	Golden Cow
Location of Meeting:	Huntersville Arts & Cultural Center
Date:	Monday, July 31, 2023
Time:	6pm

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project.

For the record of attendance, please list your first and last name:

- | | | | |
|----|-------------------------|----|-------|
| 1 | <u>Sarah R. McAuley</u> | 26 | _____ |
| 2 | <u>Jean Buffum</u> | 27 | _____ |
| 3 | <u>Tom Julian</u> | 28 | _____ |
| 4 | <u>Teresa Julian</u> | 29 | _____ |
| 5 | <u>Rachel Zwiff</u> | 30 | _____ |
| 6 | <u>Jamie Wideman</u> | 31 | _____ |
| 7 | <u>Charles Guignard</u> | 32 | _____ |
| 8 | <u>Lindsay Krone</u> | 33 | _____ |
| 9 | <u>Christy Clark</u> | 34 | _____ |
| 10 | <u>Alisia Bergsman</u> | 35 | _____ |
| 11 | <u>Amy Hallman</u> | 36 | _____ |
| 12 | <u>Adam Holbrook</u> | 37 | _____ |
| 13 | <u>NICK WALSH</u> | 38 | _____ |
| 14 | <u>DAN BOOKE</u> | 39 | _____ |
| 15 | <u>Edwin Charles</u> | 40 | _____ |
| 16 | _____ | 41 | _____ |
| 17 | _____ | 42 | _____ |
| 18 | _____ | 43 | _____ |
| 19 | _____ | 44 | _____ |
| 20 | _____ | 45 | _____ |
| 21 | _____ | 46 | _____ |
| 22 | _____ | 47 | _____ |
| 23 | _____ | 48 | _____ |
| 24 | _____ | 49 | _____ |
| 25 | _____ | 50 | _____ |

Community Meeting Attendance Log

Project Name:	Golden Cow
Location of Meeting:	Huntersville Arts & Cultural Center
Date:	Monday, July 31, 2023
Time:	6pm

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project.

For the record of attendance, please list your first and last name:

1	Hunt Jacob	26	
2	Jennifer Hunt	27	
3	Satori Rivers	28	
4	Lee Hallman	29	
5		30	
6		31	
7		32	
8		33	
9		34	
10		35	
11		36	
12		37	
13		38	
14		39	
15		40	
16		41	
17		42	
18		43	
19		44	
20		45	
21		46	
22		47	
23		48	
24		49	
25		50	

Community Meeting Notices

Project Name	Golden Cow
--------------	------------

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a list of all persons and organizations contacted about the meeting shall be and incorporated into the application for this project.

The following persons and organizations were sent notices of the community meeting (first and last name)

First and Last Name	Parcel ID	Date Sent	Method Sent	Reason Sent
Tamla M, Boone; Sidney V Jr, Boone		7/20/2023	§ Postal Certified Mail	Within 250 ft of
Tamla M, Boone; Sidney V Jr, Boone		7/21/2023	§ Postal Certified Mail	Within 250 ft of
Cooper Bell LLC		7/22/2023	§ Postal Certified Mail	Within 250 ft of
Davis, James Richie; Jennifer Davis		7/23/2023	§ Postal Certified Mail	Within 250 ft of
Guignard, Charloes S		7/24/2023	§ Postal Certified Mail	Within 250 ft of
Holsinger, Layton P; Jan W. Holsinger		7/25/2023	§ Postal Certified Mail	Within 250 ft of
Holsinger, Layton P; Jan W. Holsinger		7/26/2023	§ Postal Certified Mail	Within 250 ft of
Huntersville Presbyterian Church		7/27/2023	§ Postal Certified Mail	Within 250 ft of
Small, Rene W.		7/28/2023	§ Postal Certified Mail	Within 250 ft of
Sewardt, Gina Michelle; Jackie Currant		7/29/2023	§ Postal Certified Mail	Within 250 ft of
Swanstone Partners LLC		7/30/2023	§ Postal Certified Mail	Within 250 ft of
Town of Huntersville		7/31/2023	§ Postal Certified Mail	Within 250 ft of
ayor Corner Homeowners Association I		8/1/2023	§ Postal Certified Mail	Neighborhood as
ermillion LLC Community Association I		8/2/2023	§ Postal Certified Mail	Neighborhood as

submitted to the Planning Department

ne or business name only):

it

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

f petitioned property (SO 6.320.3(b,c,d,e))

ssociation, property woner association, and hom

ssociation, property woner association, and hom

COMMUNITY MEETING REPORT

Petitioner: H2H Holdings, LLC

Petition No.: R23-09

This Community Meeting Report is being filed with the Huntersville Planning Department pursuant to the provisions of the Town of Huntersville Ordinance.

Persons and Organizations Contacted with Date and Explanation of How Contacted:

A representative of the Petitioner mailed a written notice of the date, time, and location of the Community Meeting to the individuals and organizations set out on the invite list submitted to the Town by depositing such notice in the U.S. certified mail on July 20, 2023. A copy of the written notice is submitted as well.

Date, Time, and Location of Meeting:

The Community Meeting was held on Monday, July 31, 2023, at 6:00pm at the Huntersville Arts and Culture Center.

Persons in Attendance at Meeting (see copy of sign-in sheet):

The Community Meeting was attended by those individuals identified on the sign-in sheet submitted to the Town. The Petitioner was represented at the Community Meeting by himself, Cassidy Michaux (DPR) and Justin Maxwell (DPR).

Summary of Presentation/Discussion:

The Petitioner's agent, Justin Maxwell, welcomed the attendees and introduced the Petitioner's team. Justin indicated that the Petitioner proposed to conditionally rezone an approximately 0.6 acre site (the "Site") located at 14516 S. Old Statesville Road from the TC (Town Center) zoning district to TC-CD (Town Center, Conditional District) zoning district. He explained the reasoning for the meeting was to hear and responds to any questions or concerns from nearby residents and property owners.

Next, Justin and the Petitioner presented a brief presentation showing the site and the existing/proposed conditions.

Finally, the meeting was opened to the attendees for any questions or concerns.

- Multiple attendees expressed concerns about parking.
- Concern about 18 wheelers stopping on Old Statesville Road to make deliveries was mentioned by an individual.
- Differing from the 2040 plan to have multiple stories was a concern to one citizen.
- One neighbor commended this project for not needing second story residential to support.
- Very supportive for the development encouraging walkability.
- Future connectivity to adjacent property was discussed.
- Woonerf is not proposed for the property directly behind this property.
- The driveway access point nearly matches existing conditions was discussed.

- Many attendees, especially ones that walked from their nearby homes expressed their general support and excitement for this project.
- The desire to not have chain restaurants was expressed.
- An attendee was hopeful that Huntersville businesses would be given a chance to be tenants.

Respectfully submitted, August 5, 2023.

cc: Huntersville Planning Department – Rezoning staff
 Alex Hannah (H2H Holdings, LLC)
 Justin Maxwell, PLA (DPR Design)



Traffic Impact Analysis (TIA) Application for Determination of TIA Need

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create one hundred (150) or more peak hour vehicle trips or 1,500 or more daily trips.

In order to determine whether a TIA will be required for your proposed development, please fill out the form below and submit to the Planning Department. A "Determination of TIA Need" will be made within 10 working days.

Applicant: Justin Maxwell

Project Name: Golden Cow

Project Address: 14516 S. Old Statesville Road, Huntersville, NC 28078

Project Description (including square footage for each proposed land use):

Total Building Gross Square Feet: 5400sf Commercial Mixed-Use (Restaurant 2700sf, Bar 900sf, Coffee Shop 1050, Ice Cream Shop 750sf)

Total Patio Square Feet: 2060sf (Restaurant 1750sf, Ice Cream Shop 310sf)

Applicant

Printed Name Justin Maxwell Phone 740-323-6635

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: Landscape Architect/ Project Manager

Signature 

Title Licensed Landscape Architect Email jmaxwell@dpr.design

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 5/23/23

Daily Trips Anticipated 1,303

Peak Hour Trips Anticipated AM 142 PM 99

TIA Required (Yes/No) No

Date of Determination: 5/25/23

Comments: Determination based on 1,050 square foot ice cream shop, 1,050 square feet of coffee shop, 900 square feet of bar space, and 4,450 square feet of high turnover sit down restaurant.

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

To: Town Board

From: Melinda Bales, Mayor

Date: September 5, 2023

Subject: Town Attorney Merit/Bonus

EXPLAIN REQUEST:

Ratify previous action of the Town Board taken in Closed Session allowed under the North Carolina Open Meetings law to award a 2 percent merit increase effective July 24, 2023, and a \$6,000 bonus for the Town Attorney based on market analysis and performance evaluation.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None

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

To: Town Board

From: Rob Kidwell, Commissioner
Amber Kovacs, Commissioner

Date: September 5, 2023

Subject: Changes to Off-Street Parking Design Discussion

EXPLAIN REQUEST:

Discuss possible changes to Zoning Ordinance Article 6.1 Off-Street Parking Design.

ACTION RECOMMENDED:

Discussion

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. Zoning Ordinance Article 6

6.1 Off-Street Parking Design

Design Standards. Off-street parking areas should be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. The following standards shall therefore be met.

- A. Parking lots shall be placed behind buildings; side of the building parking will be permitted only as indicated by Building Type and shall be measured along the build-to line. Off-street parking is not permitted in front of the primary building facade, except where specified in an adopted street section, detailed as a public plaza, or associated with a golf clubhouse and located a minimum of 800 feet from designated thoroughfare(s).
- B. Uninterrupted areas of parking lot shall be limited in size. Large parking lots shall be broken by buildings and/or landscape features.
- C. Parking lots are to be treated as enclosed rooms for cars, with enclosure provided by tree planting and/or building walls(s). For small lots (thirty-six spaces or less), landscaping shall be required at the perimeter; for large lots (more than thirty-six spaces), landscaping shall be at the perimeter and placed to break the lot into parking modules of no more than thirty-six spaces. See diagram on following page.
- D. Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small lots, this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors may be delineated by a paving material which differs from that of vehicular areas and planted to provide shade. Small posts or bollards may be included.
- E. To maintain pedestrian comfort and calm the speed of entering traffic, driveways to parking areas should be no wider than 24 feet. Driveways connecting to state roads shall meet the requirements of the NC Department of Transportation.
- F. To the extent practicable, adjoining parking lots serving non-residential buildings shall be interconnected.
- G. All commercial driveway and parking areas shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, peak parking, and Riding Academies and Commercial Stables. Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement or brick pavers.

Amount Required. While it is expected that on-street parking will contribute substantially to every day parking needs, sufficient off-street parking must also be provided to serve the particular needs of the building(s). The following minimum requirements apply:

Residential

1 bedroom dwelling unit: 1 space

Dwelling units with more than one bedroom: 1.5 spaces

Congregate housing: no minimum parking required

Commercial, Industrial, Office

1 space per 500 sq. ft.

Warehouse

.25 spaces per 1000 Sq. Ft.

Civic

No minimum

Hotels, motels

1 space per room plus 1 space per 500 sq. ft. of ancillary use

Exceptions.

- A. In the Town Center (TC) District, existing buildings which were legally constructed without the provision of on-site parking, and infill housing on existing lots of record may meet requirements with on-street parking and will be construed conforming as to parking. Such buildings are eligible for change of use permits, for building upfits, and for expansion.
- B. Residential buildings may meet or contribute to meeting parking requirements with on-street parking if individual driveways are minimized and the fronting street is specifically designed to meet the parking needs of the residential buildings.
- C. Where vehicular access is provided between adjoining non-residential sites and the peak operating hours of adjoining uses do not overlap, the uses may share up to 50 percent of required parking spaces. Shared use of parking shall be guaranteed by a contract or other legally binding agreement.
- D. In order to preserve the natural, environmental, and historic character of publicly owned nature preserves and wildlife refuges, parking access driveways and parking areas for such uses may be paved with gravel, crushed stone, or pea gravel provided the area of the parking lot and driveway for the use does not exceed 20,000 square feet.

Bicycle Parking. All non-residential buildings should include an area for parking bicycles. This area may be a designated parking space within the parking lot near the building or an area outside the parking lot adjacent to the building. The bike parking area must include a bike rack with locking area.

Overflow Parking. Off-street areas used for special event parking (to accommodate occasional overflow volumes) may be constructed of any dust-free, compacted, pervious ground cover; the owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition. Grass and mulch are examples of pervious ground cover; gravel and pavement are examples of impervious surfaces.

Landscaping of Parking Lots. Perimeter landscaping of parking shall meet all standards below:

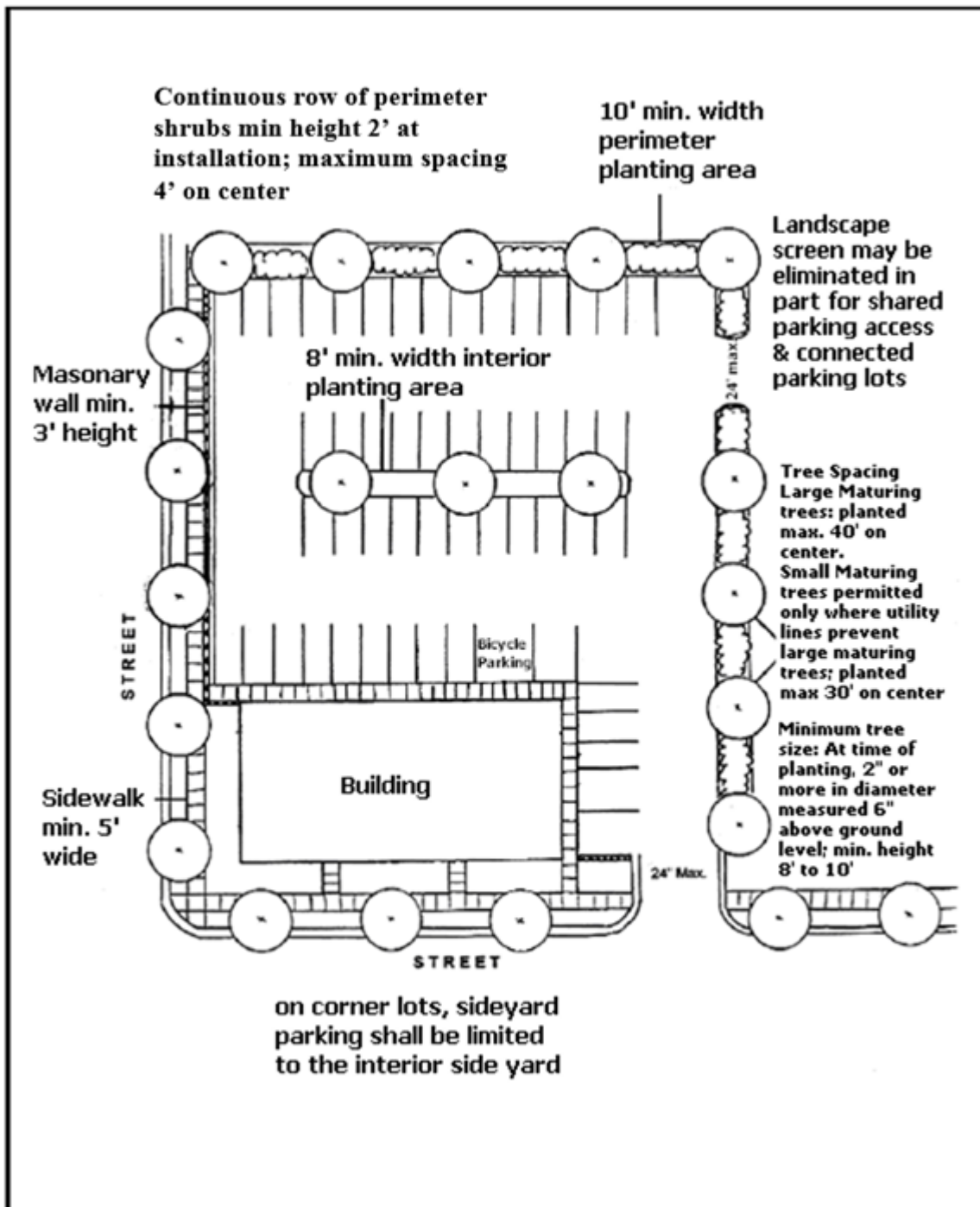
- A. Screening shall be provided by installing along the perimeter of the parking lot a continuous row of evergreen shrubs max, separation 4' on center but in no case less than what is necessary to achieve a complete visual screening depending on the variety of shrubs planted (minimum height 2' at installation, expected height at maturity at least 6' except adjacent to street right-of-way where the expected height at maturity is at least 4') and/or a masonry wall 3' to 6' in height. This screen may be penetrated for access between parking lots.

- B. As an alternative screening requirement for parking lot edge(s) which abut street rights-of-way, a 3' masonry wall to provide casual seating may be installed in place of the continuous row of shrubs described in A., above.
- C. In addition to screening, large maturing canopy trees shall line the parking lot; they shall be planted at a maximum of 40 ft. on center. Tree planting strips at perimeter of lots shall be a minimum of 10 feet in width. Only where pre-existing overhead utility lines prevent use of large maturing trees may small maturing trees maximum 30 ft. on center be substituted.
- D. Existing vegetation which meets, in whole or in part, the purposes of perimeter landscaping above, may be applied toward requirements.

Interior landscaping of parking lots shall consist of large maturing canopy trees placed such that each section of parking (up to 35 spaces per section) is enclosed by trees (or building wall), with a maximum spacing of 40 ft. on center. Tree planting areas within parking lots shall be at least eight feet wide, a minimum of 200 square feet in area, edged with a curb at least six inches in height, and designed to minimize damage to trees by parking or moving vehicles. Only where pre-existing overhead utility lines prevent use of large maturing trees may small maturing trees maximum 30 ft. on center be substituted. Dumpsters shall be set on a concrete bed and shall be hidden by an opaque fence or wall of sufficient height to screen the bin and any appurtenances, but not less than 6' in height. Wooden shadow box fences are recommended. Trash containers such as dumpsters shall not be located abutting residential property. Wherever used, fences and walls should be constructed to match the architectural detail of the main building(s). Lots with less than 5 parking spaces are not subject to the parking area landscaping provisions of this section. All mechanical equipment shall be screened from view with an opaque screen.

Lighting for Parking Lots. Lighting of parking lots shall be on standards ranging from 8' to 30' in height and shall meet the standards of Article 8.26.

Typical Conditions/Corner Lot.



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

To: Town Board

From: Dan Boone, Commissioner
Lance Munger, Commissioner

Date: September 5, 2023

Subject: Environmental Studies Committee

EXPLAIN REQUEST:

Environmental Studies Committee Discussion.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None