

Members

Greg Baber
Christopher Boyd
Frank Gammon
Lee Hallman
Scott Hensley
Jay Henson
Trina Loomis
Jeff Sny
Jodi Wright



Town Staff

Jack Simoneau
Director
Planning Department

Tracy Barron
Executive Assistant
Planning Department

Jacob Glass
Staff Attorney

AGENDA

Planning Board Meeting

September 26, 2023 - 6:30 PM

TOWN HALL (101 Huntersville-Concord Road)

**Live Stream available via YouTube
@townofhuntersvillenc28078**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
 - 2.A. Consider approval of the August 2023 regular meeting minutes.
- 3. Public Comments** - *Speakers are limited to 3 minutes. The Chairperson reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers*
- 4. Action Agenda**
 - 4.A. Consider making a recommendation 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)*
 - 4.B. Consider a recommendation on petition #R23-09, Golden Cow, a request by H2H Holdings, LLC to rezone approximately .06 acres at 14516 S. Old Statesville Road from Town Center to Town Center-Conditional District for a one-story retail building. *(Jesse James)*
 - 4.C. Consider making a recommendation 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)*
- 5. Other Business**

6. Adjourn

GENERAL MEETING INFORMATION

Planning Board:

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

Meeting Time, Place and Agenda:

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

Special Accommodations:

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

Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, August 22, 2023.

Call to Order/Roll Call

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

Present: J. Sny, F. Gammon, C. Boyd, G. Baber, L. Hallman, J. Wright, T. Loomis & J. Henson

Absent: S. Hensley

Approval of Minutes

Item 2A. Consider approval of the July 25, 2023, Regular Meeting Minutes

Motion: C. Boyd made a Motion to Approve the amended July 25, 2023, minutes. J. Wright seconded the motion.

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

Public Comments

Kenneth McDonald, 15648 Hubbard Road

Board Disclosures

J. Sny stated that in approximately 2018-19 he worked with J. Eury and that will not affect tonight's proceedings.

F. Gammon and J. Henson stated that he met with the applicant with one of the Commissioners and looked at the site plan. The only thing that was discussed is the process that will occur. No comments were made as to being fore/against the project and it will not affect tonight's proceedings.

Action Items

Item 4A: Consider a recommendation on Petition #R23-06, Beatties Ford Family Entertainment, a request by Jonathan Eury and Katie Carpenter 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 outdoor recreation and rentable meeting/office spaces.

N. Farber, Planner II entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the proposed rezoning, identified the modification requests, and shared that staff does not support this rezoning request.

F. Gammon asked staff to confirm that the applicant is building the 10-foot multi-use path, and if road improvements will be completed that would remove the same multi-use path in the future. Staff confirmed this is still on their most recent site plan and that the road improvements could potentially remove the multi-use path.

C. Boyd asked staff to clarify the applicant's modification request regarding sidewalks and staff's request for sidewalks. Staff confirmed that staff is requesting sidewalks on all street frontages and the applicant is requesting not to install sidewalks on Broadway Street.

J. Henson asked if the 10-foot multi use path is counted in the applicant's total impervious calculations. Staff responded that his understanding from Engineering is that it does not count against the applicant's total impervious.

J. Wright and L. Hallman asked staff follow up questions regarding the parking layout, location and access to the home. Staff reviewed and confirmed that it would be a combination of asphalt and grass for the overflow parking, the applicant is requesting the use of mulch, and there would be an ADA accessible path from parking to the structure.

G. Baber asked staff to confirm how the impervious calculations would be met for the parcel with the proposed changes, and asked if the parcel is located adjacent to the area indicated on the Beatties Ford Road Corridor Small Area Plan as an area for future commercial development. Staff confirmed that the applicant would complete a transfer from the adjacent property to meet the impervious requirements, and the parcel is just north of the area indicated on the Small Area Plan. Staff further explained that when completing the Beatties Ford Road Corridor Small Area Plan parcels were looked at specifically based on restrictive watershed in selecting the area for intensification. The parcels within the restrictive watershed are identified to remain rural and parcels located outside of the restrictive watershed, within the intersection of Beatties Ford Road and Hambright, could be supported for intensification. The applicant is requesting that a parcel in the restrictive watershed be considered for intensification. This parcel is across the street from parcels that are outside of the restrictive watershed and could be supported for intensification.

J. Wright asked staff if the applicant changed the proposed mulch to asphalt how that would affect the proposed development and impervious requirements. Staff confirmed that it would increase the impervious total but the proposed impervious transfer would be sufficient.

T. Loomis asked if the applicant could develop a second home on this parcel if the rezoning is not approved, and why Staff is in opposition to this possible use. Staff confirmed that a second home would not be approved for this lot and stated that the reason staff is not in support is because the use is not supported by the 2040 Huntersville Community Plan or the Small Area Plan which has identified this land to remain rural.

F. Gammon asked staff to confirm that the circle indicated for the Activity Center on the Small Area Plan is not a hard/set line. Staff confirmed that is correct and restated the parcel-by-parcel analysis that was completed in this area due to the restrictive watershed.

F. Gammon commented that the Small Area Plan they defined this area as a 'hamlet development pattern that fosters residential, instructional, and recreational activities adjacent to the Long Creek Elementary School.' This is a recreational area that is also commercial. The moderate density Oak Grove Hill subdivision has been approved and is under construction adjacent to the Activity Center and quite a bit of commercial has been developed to the south of this parcel at Beatties Ford and Hambright. This location seems close enough that this can be viewed in the Activity Center.

C. Boyd asked if the Ivory Barn facility was zoned rural and rezoned to commercial. Staff stated that it is still zoned rural, banquet facilities are permitted in the rural zoning. This applicant has requested outdoor recreation and that is only permitted in Highway Commercial zoning.

F. Gammon asked staff if buffers and screening of the proposed volleyball area would be installed as discussed at the neighborhood meeting. Staff confirmed that the applicant has been in discussion that they would be willing to do this.

F. Gammon asked if there has been discussion about outside noise amplification and the hours of operation. Staff confirmed that the applicants have been made aware of the noise ordinance requirements and the permitted hours would be 7:00 a.m. – 11:00 p.m.

The applicant, John Eury 9339 Beatties Ford Road stated that they were willing to reduce those hours after the comments that were shared at the public hearing.

L. Hallman asked staff if this rezoning is approved, how that would be affected if the property sold. Staff confirmed that the use would be limited to the conditions of the rezoning, it would not open the property up to be used as anything in Highway Commercial rezoning. Additionally, any property owner would have the option to request that a rezoning be undone and revert to the previous zoning.

J. Snyder asked for the legal definition of the term 'road' as it relates to roads, sidewalks and NCGS 160d. J. Glass, Staff Attorney indicated that the Legal department discussed this with the School of Government, and it is somewhat of an open discussion and questionable that the term road would include sidewalks.

The applicants, J. Eury and K. Carpenter presented.

F. Gammon asked if driving on mulch would cause it to become an impervious surface. Staff stated that it would not.

T. Loomis asked if the property was sold could the new developer tear down the existing structures and develop office buildings. Staff responded that the owners would be subject to the approved rezoning plan and would be required to come back before the Board if they want to revise the plan. The applicant commented that the new developer would also have to transfer additional impervious to enlarge the footprint of any new construction.

J. Wright asked the applicant if the facility has enough bathrooms for the proposed uses. The applicant responded that there are building code standards that they will have to meet in their review process which will require them to add additional bathrooms. They also have an agreement with their neighbor to the south for a sewer easement to allow them to transition from the current septic system to city sewer.

J. Henson asked the applicant if they are comfortable with the amount of parking. The applicant stated that they are comfortable with the permanent and overflow parking that are shown on the current site plan.

F. Gammon asked the applicant if they plan to have outside sound amplification. The applicant confirmed they would like to have small scale, 1-2 people for live music and the movies on the lawn. They stated that they plan to keep this to the noise level that is acceptable and within the acceptable hours. In the future they may explore the closed caption and headphone only options for amplification as well.

F. Gammon reviewed the proposed hours for indoor/outdoor use as it relates to each of day.

Motion: F. Gammon made an amended motion to recommend approval of petition R23-06, Beatties Ford Family Entertainment, the Planning Board recommends approval of the amendment. The amendment is consistent with the Huntersville 2040 Community Plan Policy LU-1: Encourage a development pattern that follows the Future Land Use Map in that the development is located within the Long Creek Village Activity Center, and provides a low-density commercial and recreational component for said Activity Center. This recommendation is consistent with, and supported by, Huntersville 2040 Plan Policies: LU 6, LU6.1, LU 7.1, LU 8.1, EV 2, EV 2.1, The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan which identified a Lone Creek Hamlet, or Urban Village Mixed Use Center generally located between McCoy Road and Mt Holly-Huntersville Roads. Defined in the plan as a hamlet development pattern that fosters residential, institutional, or recreational activities adjacent to Long Creek Elementary School, and retail/commercial in the vicinity of the intersection of Beatties Ford and Mt Holly-Huntersville Roads. The amendment is also supported by the Beatties Ford Road and Mt Holly-Huntersville Small Area Plan for the same reasons previously stated.

The Planning Board further recommends that the following modifications be approved: 1) Allow an existing storage shed to encroach into the required 30 foot buffer in the south side of the property. 2) All redline comments are addressed.

The Planning Board does not recommend approval of the following modifications: 1) That mulch for the individual parking stalls. 2) The request not to install sidewalks along Broadway Street. The sidewalk is an infrastructure improvement required by the Zoning Ordinance. However, the Planning Board is concerned that the construction of the sidewalk by the applicant along Broadway Street on the north side of the property, and the 10 foot multi-use path along Beatties Ford Road is not a reasonable requirement. The Town is planning to make future improvements to the intersection of Broadway Street, McCoy and Beatties Ford Roads and will remove and replace the sidewalk during construction. If the Town Board approves this project the Planning Board requests that a reasonable solution be found to prevent a waste of time and money by the applicant.

It is reasonable and in the public interest to approve the Rezoning because it is consistent with the Huntersville 2040 Community Plan Future Land Use Activity Center Character Area, The Beatties Ford Road Corridor Small Area Plan, and The Beatties Ford Road and Mt Holly Huntersville Road Small Area Plan. In addition, the rezoning is supported by the 2040 Community Plan Economic Development Goal of balancing the tax base and encouraging entrepreneurship. J. Henson seconded the motion.

The original motion was amended at the request of G. Baber to not recommend the mulch for the individual parking stalls. This amendment was accepted by F. Gammon and J. Henson.

C. Boyd asked for clarification on the mulch. G. Baber stated his opinion was based on connectivity with the Activity Center. J. Henson said that the mulch was okay with him, but he could support it either way. Staff stated that mulch has never been allowed for a parking area and is a maintenance nightmare. The only approved exception for character is at Bradford Store and they installed pea gravel which is

impervious. C. Boyd followed up and said that he was fine supporting the project either way but he was fine with the mulch.

F. Gammon asked that the applicant be prepared to provide a more detailed hours and operations with the activities with the Town Board final discussion.

T. Loomis commented that she would love to see more projects like this come into town and outdoor activity would be useful and if there was a zoning designation that permitted it, that would be useful.

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

Item 4B: Consider recommendation 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 & Beatties Ford Road intersection) from existing Rural to Transitional Residential - Conditional District zoning district for a 118-lot, single-family home subdivision.

D. Peete, Principal Planner – Long Range entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed the proposed rezoning, identified the modification requests, and shared that staff does not support this rezoning request.

F. Gammon asked staff to confirm that the existing Riverdale has an existing 20-foot buffer and the applicant would install an adjacent 20-foot buffer, creating a total 40-foot buffer. Staff confirmed that is correct.

W. Hodges Johnson City, TN and N. Gonzalez Mooresville, NC presented for the applicant.

F. Gammon asked if the proposed walking trail will be paved or natural surface. A. Gibbon, Shelby NC with the project stated that it is their desire to have a paved trail and to parallel the gas line. The final design will have to be approved in conjunction with Piedmont Natural Gas.

C. Boyd asked if there are any road improvements requirements. The applicant confirmed that there was no TIA requirement but the appropriate right-of-way based on NCDOT requirements have already been acquired. J. Snyder requested that the trip counts be provided for the Town Board discussion. The applicant confirmed that they would have that prepared.

G. Baber asked if lot reduction of size or reduction of total count has been considered and expressed an understanding that a 55 and over community produces less trips and less vehicles on the road than a non-age restricted community, but the community as a large may see the density and not understand that. The applicant responded that they have designed for the maximum and adjustments may be made when the final engineering is completed. Also the property is being developed with a 100 foot buffer along Beatties Ford Road to maintain the rural character along the corridor which in combination with keeping with the Open Space requirements may serve to reduce concerns of those driving by.

L. Hallman asked the applicant if they have a development model that is more rural in design and density and that would avoid dropping a urban development into this rural area. Also, if they elected to sell the property following any rezoning approval, if there would be guarantees that this would not further grow or change. The applicant responded that they would hope that the Board would identify what is unique about this parcel because it would be adjacent to a subdivision that is more densely developed, parcels that have deed restrictions limiting their ability to subdivide, and the church limiting the ability of additional parcels to be adjacent to this parcel and seek rezoning. The applicant continued to state that in the rural zoning they would be allowed a density of 182 homes and under the transitional residential zoning they are requesting 188 homes so an increase of six homes, while maintaining the rural development characteristics to maintain the rural feel. Staff also responded that the introduction of TR zoning on this parcel not adjacent to any other TR zoning could also potentially open a door to developments looking to rezone that are not adjacent but could similarly say that they are insulated by the adjacent developments from sprawl.

F. Gammon asked when the applicant plans to install the NCDOT required turn lanes as it relates to traffic concerns and issues in the area. The applicant responded with their normal timeline and added that they would be willing to commit to installing them prior to the first certificate of occupancy. F. Gammon further commented on the value to the community of installing these improvements earlier than the developer may benefit from them will serve to assist the community. The applicant asked if committing to installing them prior to vertical development would satisfy that. F. Gammon agreed that would satisfy some of the problem.

F. Gammon asked what the applicants intentions are to buffer and prevent erosion issues for the lots abutting the wet pond. The applicant responded that they seek to amenitize and make their wet ponds an amenity through the landscaping and fountain installation. Also, all erosion control requirements as indicated by the engineers will be met.

F. Gammon asked if there are any affordable housing units planned for the development. The applicant stated that there are not, the developers goal is to keep the costs as low as possible without sacrificing design to make the pricing attainable but not meeting the HUD standards for affordable housing.

Motion: F. Gammon made the Amended Motion to recommend Approval of petition R23-07, EPCON – Courtyards at Walters Farm. The amendment is consistent with the Huntersville 2040 Community Plan Policy LU-1: Encourage a development pattern that follows the Future Land Use Map in that the development is located both within and adjacent to the Beatties Ford Road/NC-73 Mixed Use Activity Center and provides a key residential component of support for said Activity Center. This recommendation is consistent with, and supported by, Huntersville 2040 Plan Policies: LU 2, LU 2.1, LU 2..2, LU 6, LU 6.1, LU 9, LU 9.1, LU 9.2, LU 10, LU 10.1, LU 10.2, LU 10.4, LU 12, LU 12.2, LU 12.3, EOS-2, EOS 2.1, EOS 2.2, EOS-3, EOS 6, EOS-6, EOS 6-1, EOS-10, EOS 10-1, T-3.

The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan which identified a NC-73 Mixed Use Center at the intersection of Beatties Ford Road, Gilead Road, and NC-73. In addition, the plan stated that if the Latta Village Node (i.e the 2040 Plan Hopewell Village Activity Center #6) was not development then the potential for commercial/retail would only increase at Beatties Ford Road/HY-73 Mixed Use/Activity Center. The Planning Board further recommends that the

following modifications be approved: 1) Remove the requirement for a landscaped median at the Beatties Ford Road entrance. 2) Increase the maximum allowed length of the Road 10 cul-de-sac from 350 feet to 768 feet. 3) Allow a wet pond in-lieu of traditional water quality measures. This approval is contingent upon the applicant working with the town staff to identify and apply acceptable techniques to meet the intent of the Water Quality Ordinance.

The Planning Board does not recommend approval of the following modifications: 1) To increase driveway width from 16 feet to 18 feet. 2) To allow disturbance of the first 20 feet of the required 40-foot buffer at any location on site.

In addition, the recommendation for approval is contingent upon: 1) The applicant providing on-street parking on at least one side of all lots under 60 feet in width. 2) The Conceptual Storm Water Drainage Plan (PCO-1) is approved by staff. 3) That this community will be a 55 and over age restricted community. 4) All redline comments are addressed.

It is reasonable and in the public interest to approve the Rezoning because it is consistent with the Huntersville 2040 Community Plan Future Land Use Activity Center Character Area. A thriving and successful Activity Center requires adjacent mixed-use residential for success. This development will bring rooftops which will bring additional commercial/retail. Which in turn provides the Town of Huntersville with an additional tax generating commercial/retail location which is currently lacking on the west side of Huntersville. Do not see this Activity Center as it exists today - Visualize what it could become in the future. L. Hallman seconded the amended motion.

Staff clarified with F. Gammon that the intent of the motion is to state that it is near the Activity Center and not specifically extending the Activity Center to include this development.

L. Hallman commented that he supports it and the Land Use Plan. Each project submitted should be looked at individually and this one has unique features where this makes sense.

T. Loomis commented that this would set precedence and she cannot support that.

G. Baber commented that he agreed with T. Loomis regarding precedence.

Vote: The motion passed (6-2) with G. Baber and T. Loomis opposed.

Other Business

Item 5A: Consider appointments of the Chair and Vice-Chair for the Planning Board

Nomination: C. Boyd nominated J. Sny for Chair. T. Loomis seconded the nomination. There were no further nominations.

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

Nomination: L. Hallman nominated F. Gammon for Vice-Chair. J. Henson seconded the nomination. There were no further nominations.

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

Adjourn

Motion: J. Wright made a Motion to Adjourn. C. Boyd seconded the motion.

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

Approved this ____ day of _____ 2023.

Chairman or Vice Chairman

Board Secretary

**Town of Huntersville
Planning Board
September 26, 2023**

To: Town Board

From: Jesse James, Senior Planner

Date: September 26, 2023

Subject: R23-08 Dearness Gardens

EXPLAIN REQUEST:

Consider a recommendation

ACTION RECOMMENDED:

Consider a Recommendation

FINANCIAL IMPLICATIONS:

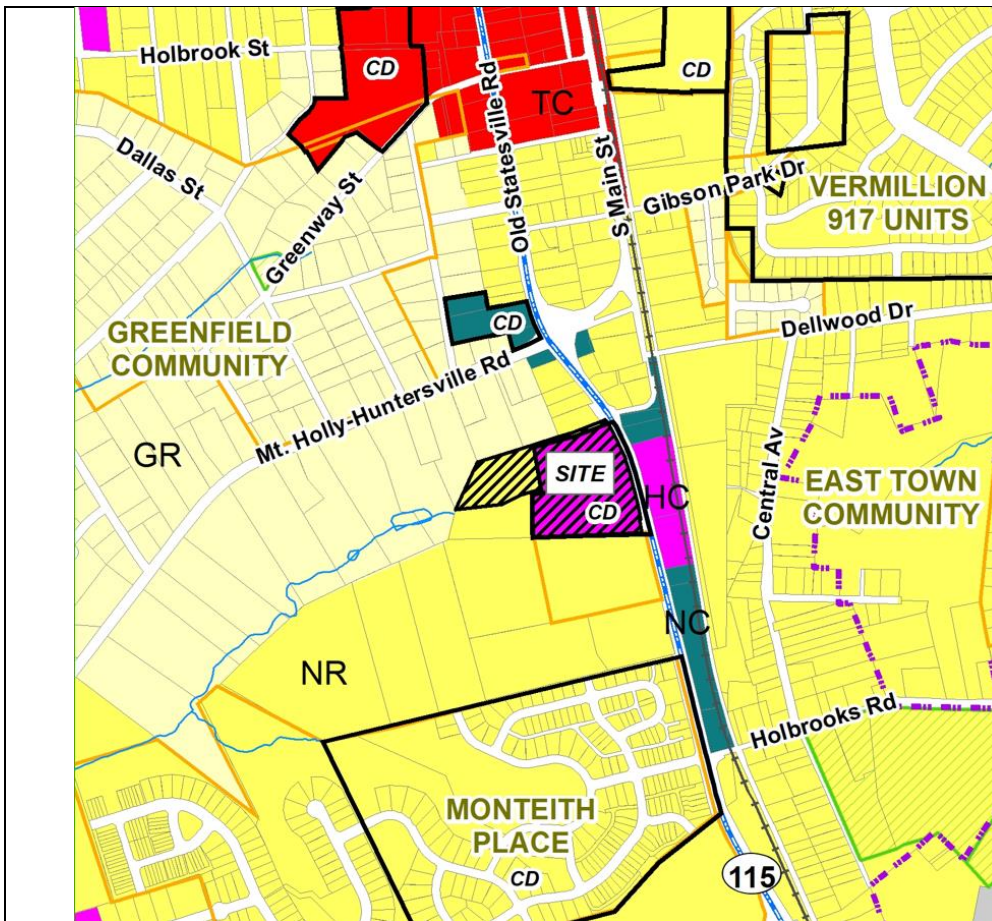
NA

ATTACHMENTS:

1. R23-08 Dearness Gardens PB 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
8. Easement_No._1_-_2022149252
9. Easement_No._2_-_2022149252

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

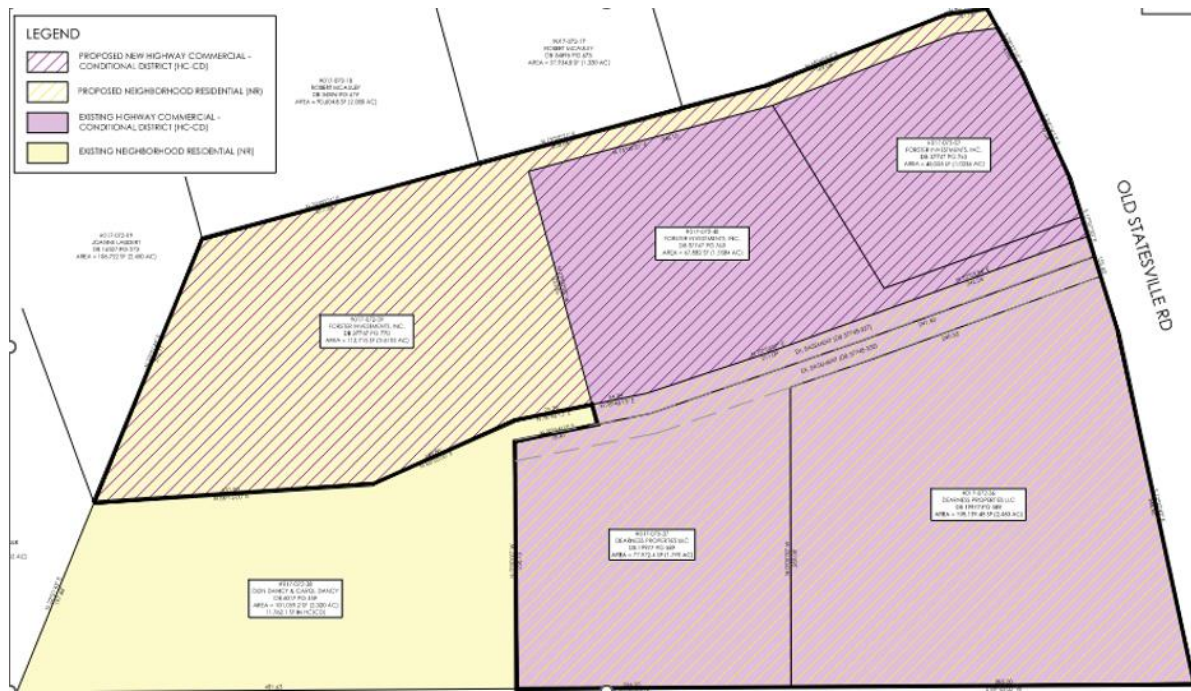
Current Zoning: Highway Commercial Conditional District (HC-CD)

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

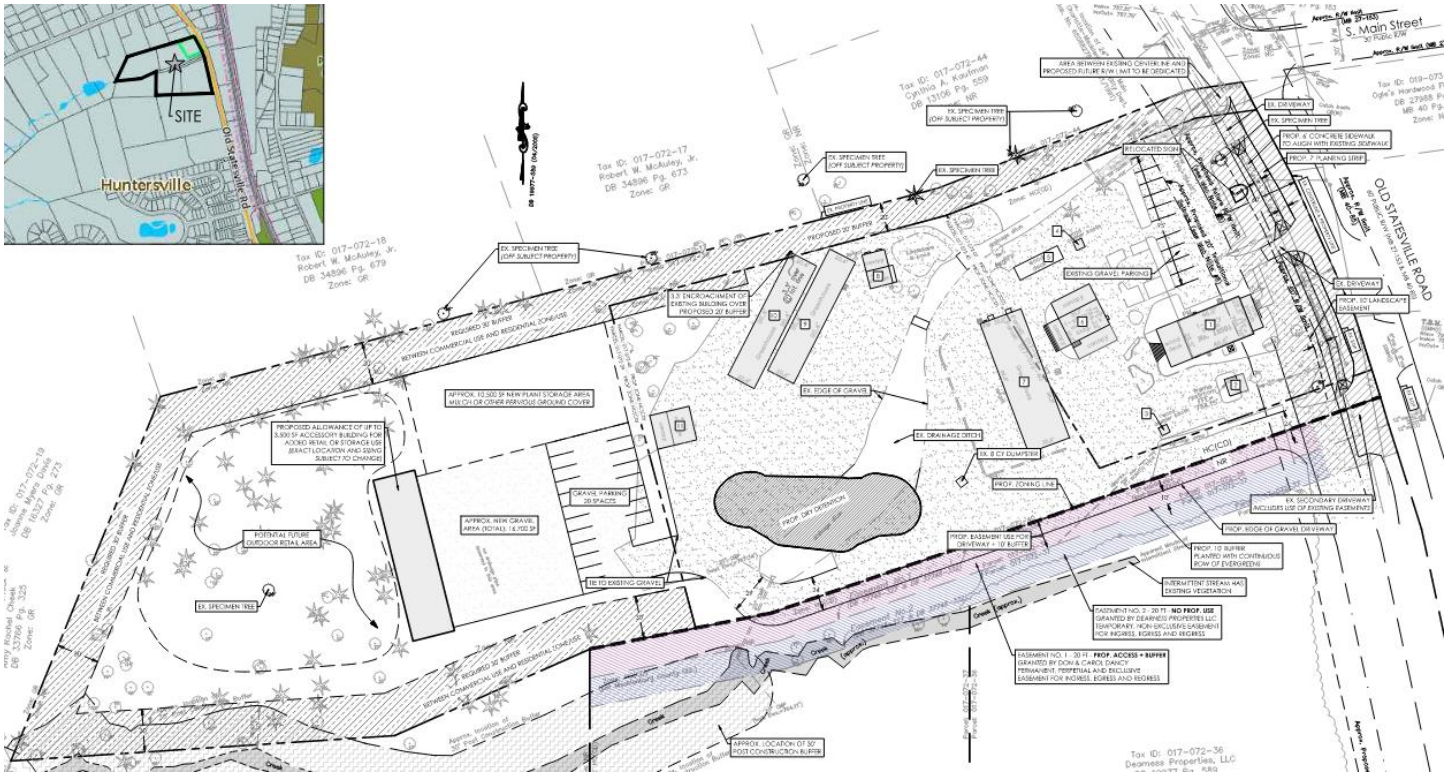
South: Neighborhood Residential- Vacant

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



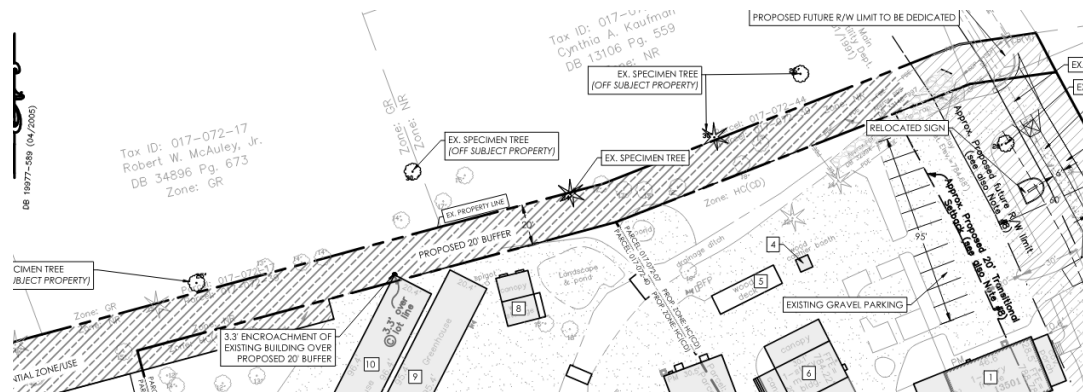
The proposed Conditional District Rezoning Plan is generally compliant with the Zoning Regulations with exception to three modification requests detailed herein. Significant elements of the plan include:

- 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.

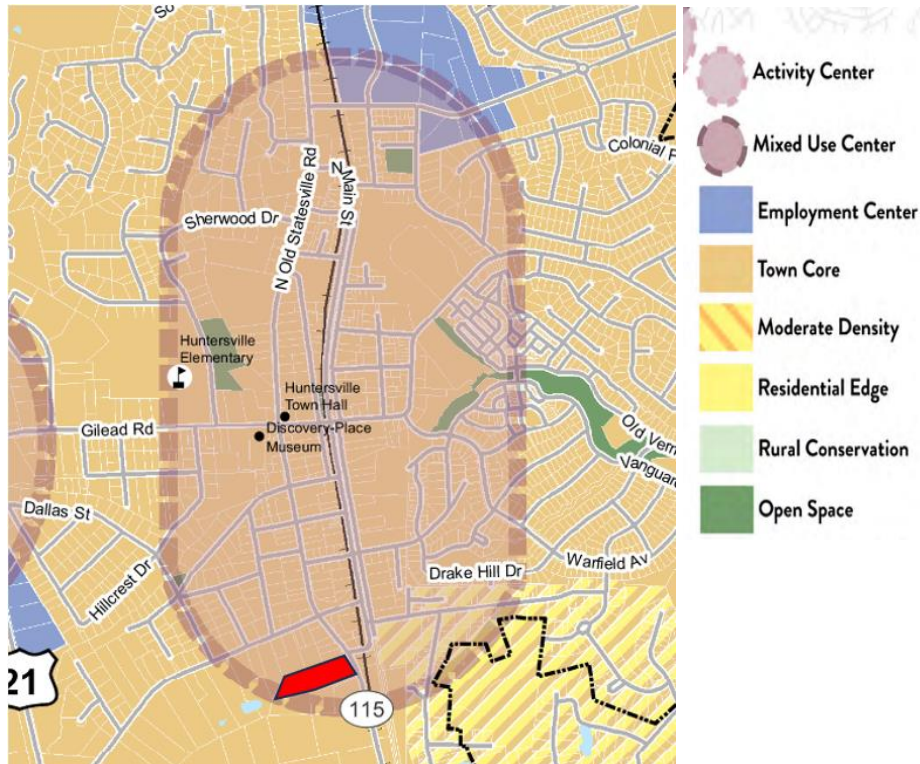
PART 3: TRANSPORTATION ISSUES

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 was held on September 5, 2023. The details of that meeting can be seen and heard using this link to the recorded meeting. <https://www.youtube.com/watch?v=mPSBn7or1uQ&t=4424s> . This case starts at the 42-minute mark.

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.	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>

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. <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>.

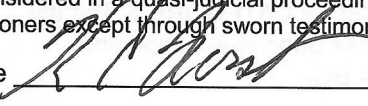
5. Outside Agency Information

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)

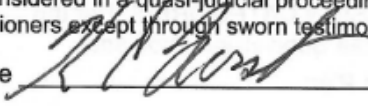
Signature  Printed Name: Ken Forster
Title Owner Email ken@dearnessgardens.net

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

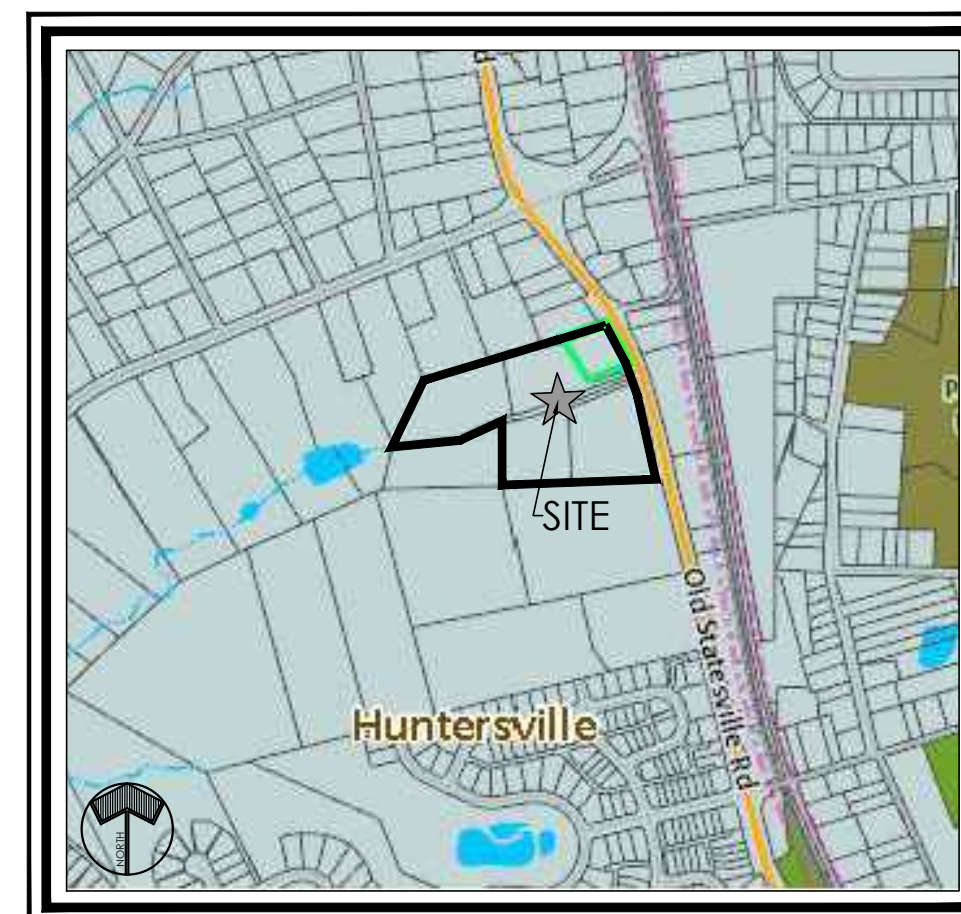
SURVEYOR:

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



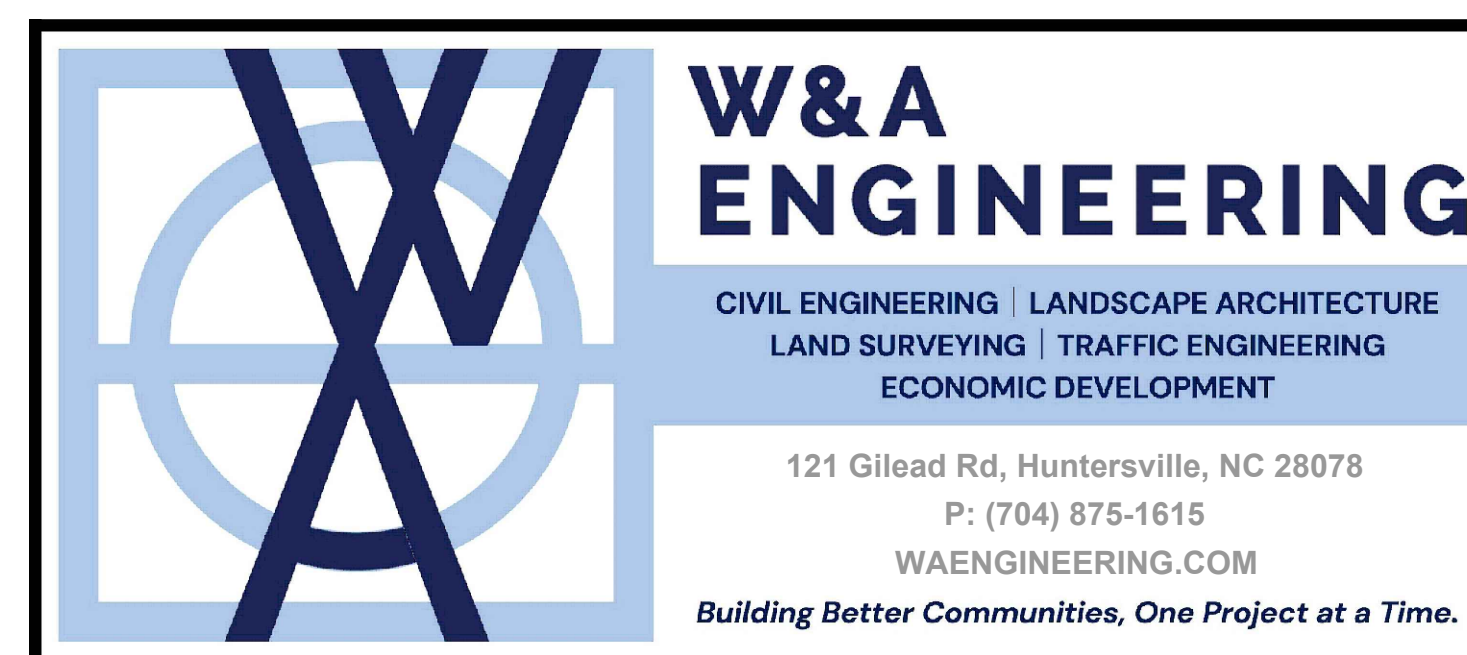
VICINITY MAP
NTS

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.

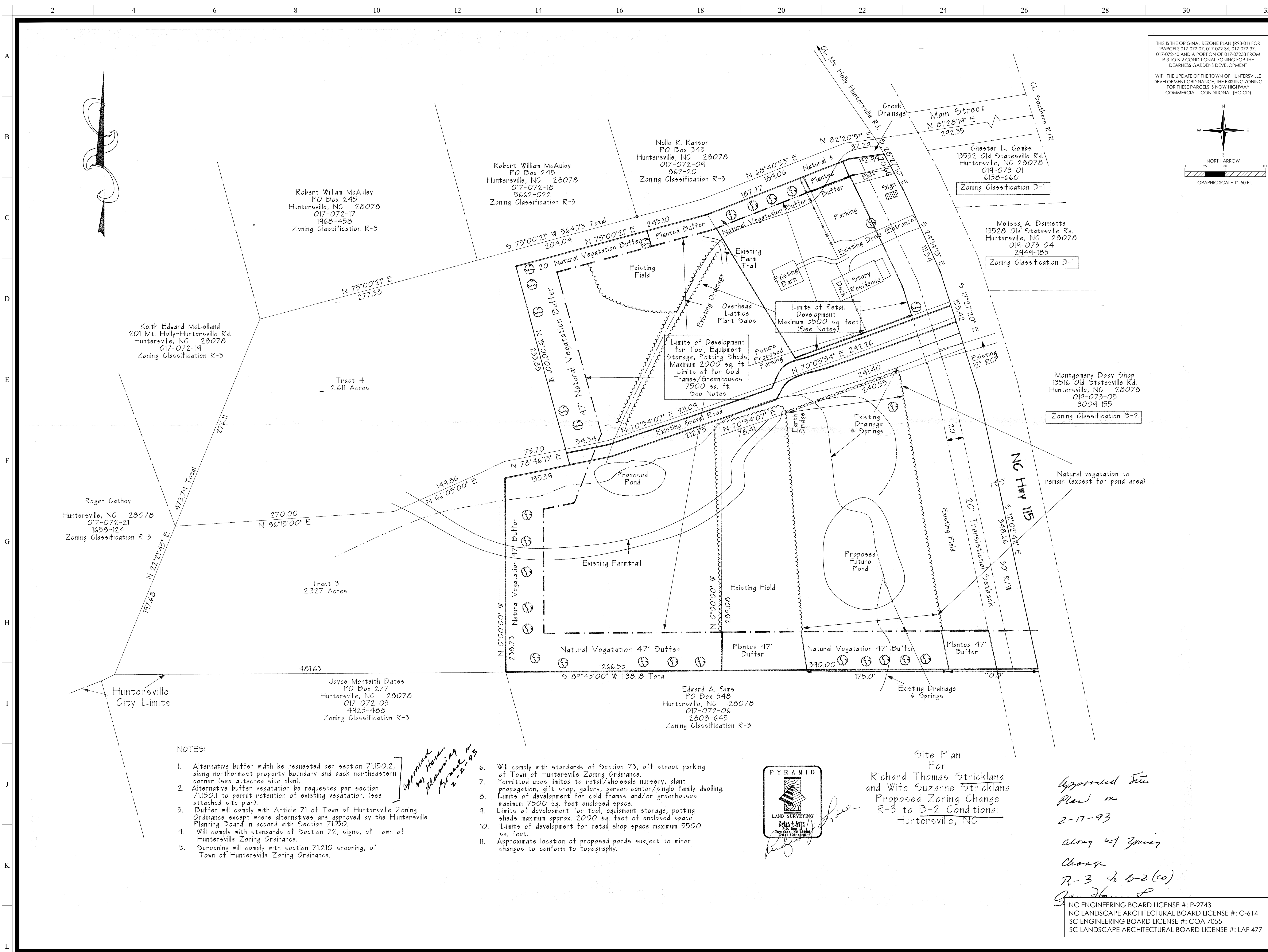


NC ENGINEERING BOARD LICENSE #: P-2743
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614
SC ENGINEERING BOARD LICENSE #: COA 7055
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477



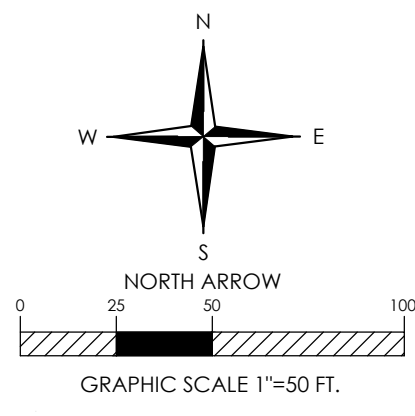
NOTE
EFFECTIVE 04/01/2023, HENSONFOLEY HAS
MERGED WITH W&A ENGINEERING.





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

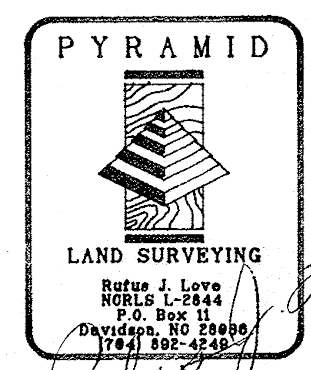
ORIGINAL REZONE
PLAN

Z02A

NOTES:

- Approved by Town Planning Board on 2-2-93*

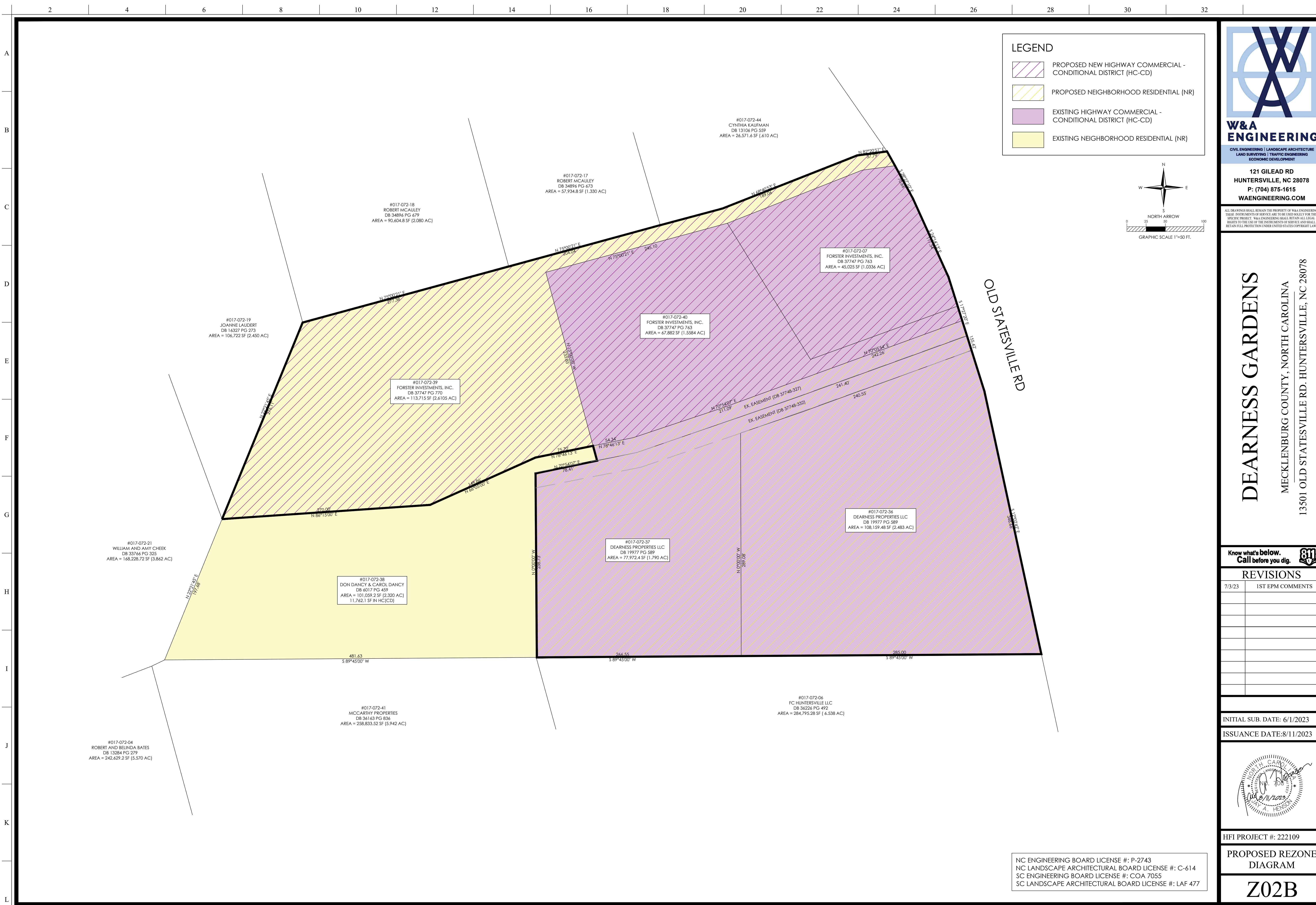
 - Alternative buffer width be requested per section 71.150.2, along northernmost property boundary and back northeastern corner (see attached site plan).
 - Alternative buffer vegetation be requested per section 71.150.1 to permit retention of existing vegetation. (see attached site plan).
 - Buffer 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.
 - Will comply with standards of Section 72, signs, of Town of Huntersville Zoning Ordinance.
 - Screening will comply with section 71.210 screening, of Town of Huntersville Zoning Ordinance.
- Will comply with standards of Section 73, off street parking of Town of Huntersville Zoning Ordinance.
 - Permitted uses limited to retail/wholesale nursery, plant propagation, gift shop, gallery, garden center/single family dwelling.
 - Limits of development for cold frames and/or greenhouses maximum 7500 sq. feet enclosed space.
 - Limits of development for tool, equipment storage, potting sheds maximum approx. 2000 sq. feet of enclosed space.
 - Limits of development for retail shop space maximum 5500 sq. feet.
 - 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) Gen. Thomas

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

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DEARNESS GARDENS

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

Know what's below.
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REVISIONS	
7/3/23	1ST EPM COMMENTS

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



HFI PROJECT #: 222109

**PROPOSED REZONE
DIAGRAM**

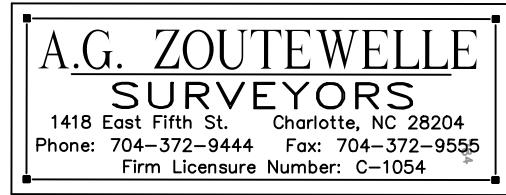
Z02B

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

- Source title of these properties is recorded in Deed Book 37747 Page 763 and Deed Book 37747 Page 770 in the Mecklenburg County Public Registry.
- The numbers of these properties are 017-072-017, 017-072-038 and 017-072-040 per Mecklenburg County GIS.
- Area of these properties are shown hereon as computed by coordinates.
- Neighborhood is Old Starvation Road, Old Starvation Road, Old Starvation 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 property does not relate to any other proposed 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 Flood Hazard Data dated 11/16/2018 (property lies within Zone X, areas OUTSIDE the flood fringe area).
- Per Mecklenburg County GIS, the southwestern portion of the subject property is located within the Town of Huntersville Constructed Buffer and a 35 foot Water Quality Buffer (SWMB).
- Approximate location of the SWMB is shown hereon as indicated by dashed lines. The approximate location of creek banks and scaled from Mecklenburg County GIS, (shown hereon as indicated by location).
- 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 800-955-4249 before excavation.
- At the time of this survey, there are no proposed changes to the street right-of-way lines of Old Starvation Road to the knowledge of the undersigned. There were evidences of some concrete curb/buffer and concrete sidewalks along Old Starvation Road and S. Main St (concrete curb/buffer and concrete sidewalks are shown hereon).
- Old Starvation Road is a state road and major thoroughfare road. Per the Town of Huntersville Zoning Ordinance, Article 3.1.8.1, proposed future right-of-way width is to 150' (to be determined by the town staff). All required setbacks are to be measured from this proposed future right of way limit.

Non-certified Electronic File

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



INVERT DATA:		
Catch basin, CB(I): Rim = 789.52' Invert = 788.32' Invert(1) = 787.72' Invert(2) = 787.87'	Catch basin, CB(III): Rim = 786.21' Invert = 786.21' Invert(1) = 785.81'	Catch basin, CB(V): Rim = 790.03' Invert(1) = 785.28' Invert(2) = 785.28' Invert(3) = 785.28' (unable to see invert)
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)

-
- A vicinity map of the study area, showing a network of streets including Virginia Ave, Wickham Dr, Mulberry Ln, Glen St, Holly-Huntersville Rd, Sike St, Mulberry St, Rabson St, Gibson St, Park Dr, Dellwood Dr, Central Ave, and Sike St. A north arrow and a 'SITE' marker are also present.

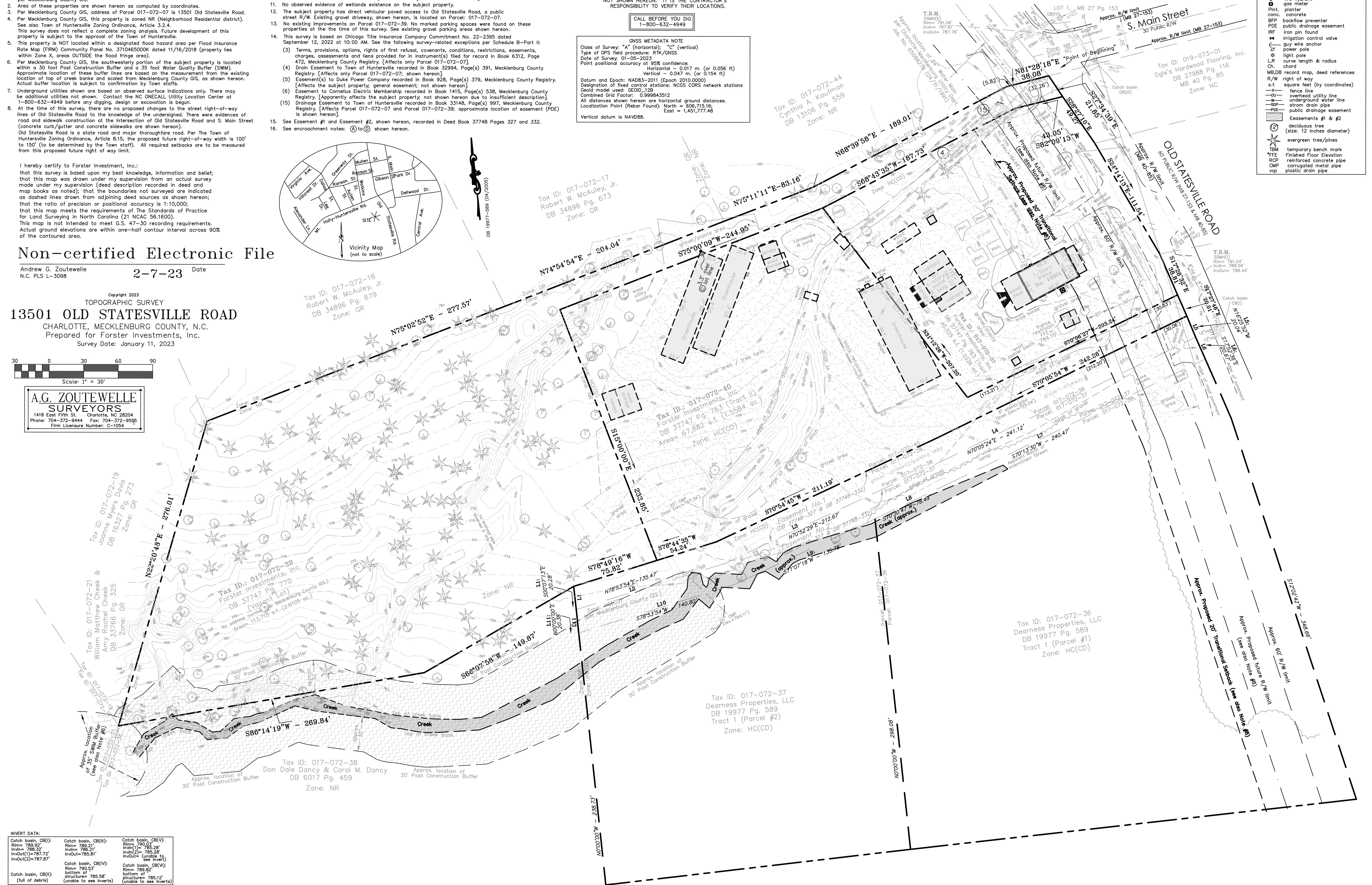
CALL BEFORE YOU DIG
1-800-632-4949

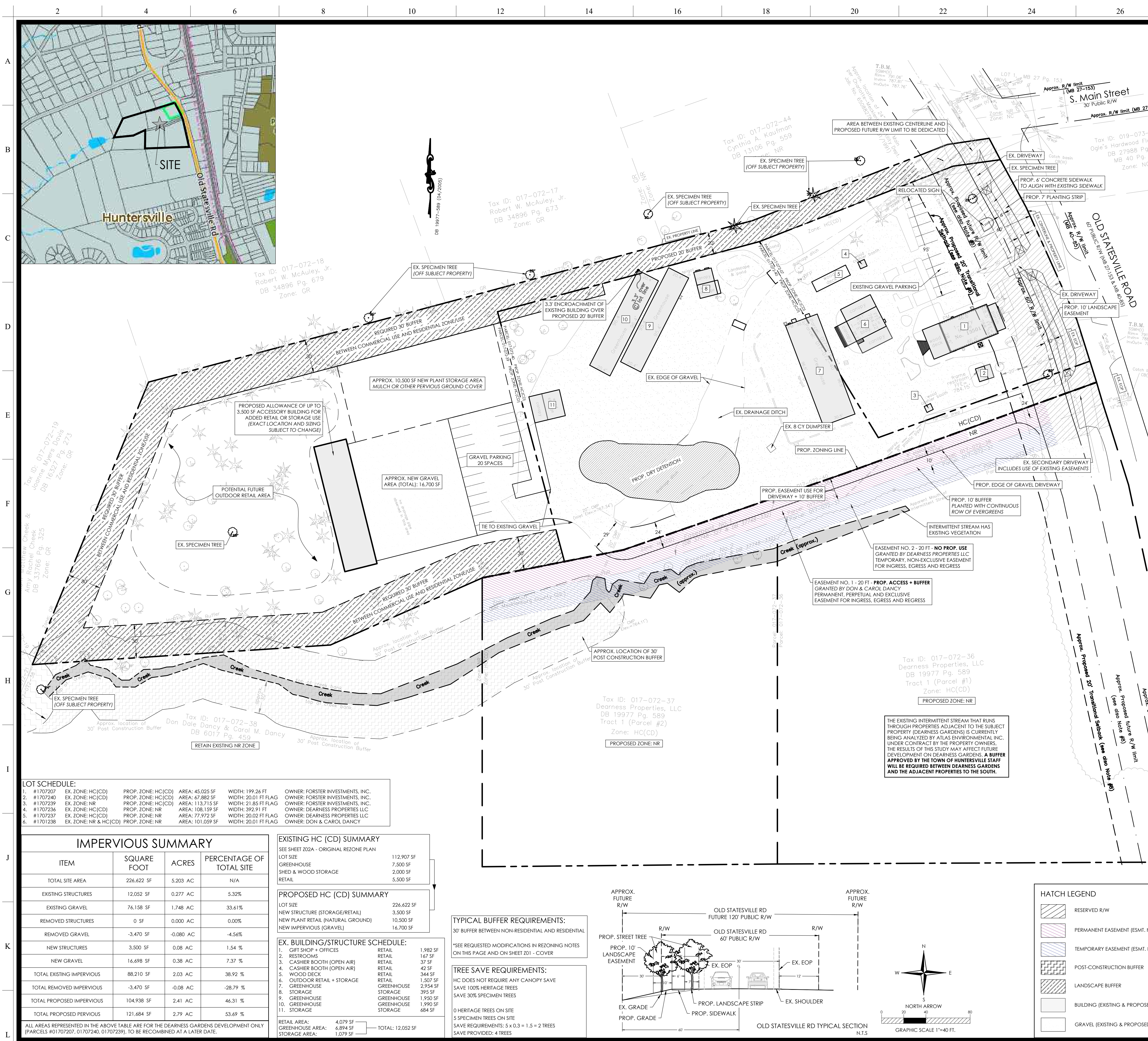
GNSS METADATA NOTE

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 2010.000000)
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): East = 1,451,777.48
Vertical datum is NAVD88.





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
 - "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.
 - 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

DATE	REVISION
7/3/23	1ST EPM COMMENTS

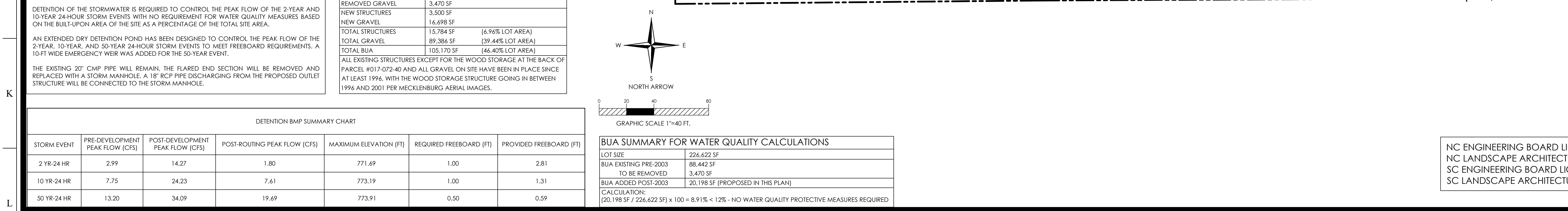
INITIAL SUB. DATE: 6/1/2023
ISSUANCE DATE: 8/11/2023

HFI PROJECT #: 222109

SITE PLAN

Z04





MECKLENBURG COUNTY, NORTH CAROLINA
01 OLD STATESVILLE RD. HUNTERSVILLE, NC 280

100

100

Community Meeting Notices

Project Name	Dearness Gardens Rezone
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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 owner 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
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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.

For Registration
Fredrick Smith
Register of Deeds
Mecklenburg County, NC
Electronically Recorded
2022 Oct 31 04:05 PM RE Excise Tax: \$ 0.00
Book: 37748 Page: 327 - 331 Fee: \$ 26.00
Instrument Number: 2022149252

Fredrick Smith

Drawn By and Mail To: Prosser D. Carnegie, PO Box 363, Davidson, NC 28036

STATE OF NORTH CAROLINA

GRANT of EASEMENT

COUNTY OF MECKLENBURG

THIS GRANT OF EASEMENT, entered into this 19th day of August, 2022, by and between Don Dale Dancy and wife, Carol M. Dancy, (hereinafter "Dancy"), Forster Investments, Inc., ("Forster"), Dancy and Forster, sometimes referred to as "Party" or "Parties".

W I T N E S S E T H

WHEREAS, Dancy is the owner of real property containing approximately 2.327 acres off of NC Hwy 115, (Old Statesville Road), Huntersville, N.C. and described as tax code parcel number 017-072-38 and described as follows:

BEGINNING at a PK Nail located in the center line of North Carolina Highway 115, said iron being distant the following courses and distances from the point where the center line of North Carolina Highway 115 intersects with the line of Edward A. Sims, (now or formerly), (1) N. 12-02-42 W., 348.66 feet, and (2) N. 17-27-26 W., 96.58 feet, and runs thence from said BEGINNING, S. 70-05-54 W., 242.26 feet to an iron; thence, S. 70-54-07 W., 211.09 feet to an iron; thence, S. 78-46-13 W., 130.04 feet to an iron; thence, S. 66-05 W., 149.86 feet to an iron; thence, S. 86-15 W., 270.00 feet to an iron located in the Edna B. Cross, (now or formerly), line; thence with the Cross line, S. 22-21-45 W., 197.68 feet to an iron located in the Joyce M. Bates, (now or formerly), line; thence with the Bates line, N. 89-45 E., 481.63 feet to an iron; thence, N. 00-00 E., 238.73 feet to an iron; thence, N. 78-46-13 E., 135.39 feet to on iron; thence, N. 70-54-07 E., 212.75 feet to an iron; thence, N. 70-05-54 E., 241.40 feet to an iron located in the center line of North Carolina Highway 115; thence, with said center line, N. 17-27-26 W., 20.02 feet to the point or place of BEGINNING, the same containing 2.327 acres as shown on Tract 3 of division survey by Rufus J. Love, N.C.R.L.S., dated April 27, 1989.

; and,

WHEREAS, Forster has purchased two parcels of real estate identified as tax code parcel number 017-072-07 and 017-072-40 in Deed Book 37747, Page 760, recorded in the Mecklenburg County Public Registry, said property being adjacent to the Dancy parcel and Forster desires to establish a more formal and specific easement for use of a portion of tax code parcel number 017-072-38; and

Submitted electronically by "Prosser D. Carnegie Attorney at Law"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Mecklenburg County Register of Deeds.

WHEREAS, Forster desires to be granted a permanent, perpetual and exclusive easement for ingress, egress and regress, installing and maintaining any and all utilities or stormwater requirements; and,

WHEREAS, Dancy desires to grant to Forster a permanent, perpetual and exclusive, except for the rights herein stated, easement upon and over their property upon which the hereinafter described easement is located and for Dancy to retain the rights to also continue to use the easement for ingress, egress and regress, installing and maintaining any and all utilities or stormwater requirements; and

NOW, THEREFORE, in consideration of the sum of Ten (\$10.00) Dollars, the receipt and adequacy of which are hereby acknowledged, consented and agreed upon, and other good and valuable considerations, the Parties agree as follows:

1. That Dancy for themselves, their heirs, successors and assigns do hereby give, grant and convey to Forster Investments, Inc., its successors and assigns a permanent, exclusive and perpetual right and easement for the purposes of ingress, egress and regress, installing and maintaining any and all utilities or stormwater requirements. Said easement is described as follows:

See attached Exhibit A

It is the express intent of the Parties that the easement granted herein is permanent, perpetual and exclusive to Forster and its heirs, successors and assigns.

To have and to hold said right and easement to Forster Investments, Inc., its successors and assigns in title forever, it being agreed that the right and easement hereby granted is permanent, exclusive, except for the rights herein stated, perpetual and appurtenant to and runs with the property of Forster deeded to it in Deed Book 37747 at Page 760 of the Mecklenburg County Public Registry.

4. It is the intent of the parties that the easement granted herein is for the benefit of Forster and Dancy, and their heirs, successors, and assigns for the purposes of ingress, egress, and regress, installing and maintaining any and all utilities or stormwater requirements. Forster shall provide to Dancy a key for the metal gate placed upon the easement and shall further remove any debris, trash, or related objects impacting the easement. The parties intend that Forster shall be responsible for any maintenance and upkeep required upon the easements, excepting intentional damages or damages beyond normal wear and tear by Dancy, his heirs, successors, and assigns, including any successors in title from lots subdivided thereof.

5. Notwithstanding any provision or paragraph in this Grant of Easement, should Dancy close on the sale of Tax Parcel 017-072-38 to a third party, then Forster shall agree to relinquish or abandon the easement granted herein upon request of the third-party purchaser.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties have herunto set their hands and seals this the day and date first above written.

Don Dale Dancy (Seal)
Don Dale Dancy

Carol M. Dancy (Seal)
Carol M. Dancy

NORTH CAROLINA, Mecklenburg County.

I, the undersigned, a Notary Public of the County and state aforesaid, certify that Don Dale Dancy and Carol M. Dancy, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 19th day of August, 2022.

Deborah R. Hobart
Notary Public

My Commission Expires: 4-8-2026

Deborah R. Hobart
Notary's Printed or Typed Name

(Affix Seal)

[NOTARY BLOCKS]

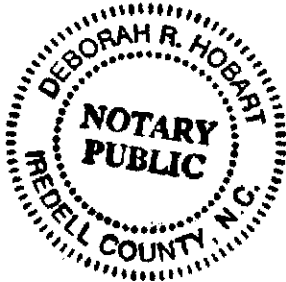


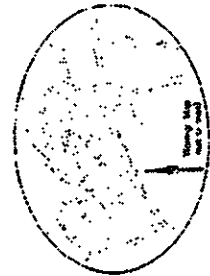
Exhibit A

BEGINNING at a point ("Beginning Point") located in the center of Old Statesville Road (also known as North Carolina Highway 115), said Beginning Point being located the following five (5) calls from a point ("Commencement Point") located at the southeasterly corner of Cynthia A. Kaufman as described in Deed Book 13106 Page 559 of the Mecklenburg County Registry, said Commencement Point being also located at the northwesterly corner of that certain 0.43 acre tract shown on that certain plat recorded in Map Book 40 Page 85 of the Mecklenburg County Registry, said Commencement Point being also located approximately 21.4 feet in a southerly direction from the intersection of the centerline of the said Old Statesville Road and the centerline of South Main Street, said South Main Street being shown on those certain plats recorded in Map Book 27 Page 153 and Map Book 40 Page 85 both of the Mecklenburg County Registry: (1) South 27-34-39 East 21.85 feet to a point in the center of the said Old Statesville Road, (2) South 28-27-10 East 49.27 feet to a point in the center of the said Old Statesville Road, (3) South 24-14-13 East 111.54 feet to a point in the center of the said Old Statesville Road, (4) South 17-26-32 East 38.81 feet to a point in the center of the said Old Statesville Road and (5) South 17-27-48 East 20.01 feet, and running thence from said POINT AND PLACE OF BEGINNING along the centerline of the said Old Statesville Road South 16-25-52 East 20.04 feet to a point; thence along the common boundary lines with Dearness Properties as described in Deed Book 19977 Page 589 of the Mecklenburg County Registry (Parcel #2 therein, 017-072-37) the following three (3) calls: (1) South 70-05-24 West 241.12 feet to an existing iron rebar found, (2) South 70-52-29 West 212.67 feet to an existing iron rebar found and (3) South 78-53-54 West 135.47 feet to an existing iron rebar found; thence along a new line forming the terminus of this easement North 00-07-13 West 20.28 feet to an existing iron rebar found; thence along the common boundary line with the Dancy Property, 017-072-39, now or formerly, North 78-49-16 East 75.82 feet to an existing iron rebar found; thence along the common boundary lines with the Dearness Properties, 017-072-40, now or formerly, the following three (3) calls: (1) North 78-44-35 East 54.24 feet to an existing iron rebar found, (2) North 70-54-45 East 211.19 feet to an existing iron rebar found and (2) North 70-05-54 East (passing an existing iron rebar found at 212.20 feet) a total distance of 242.26 feet to the point and place of BEGINNING, containing 11,757 square feet, more or less, as shown on a map of survey conducted by Andrew G. Zoutewelle, North Carolina Professional Land Surveyor No. L-3098, dated October 11, 2022.

Easement #1 as shown on a map of survey conducted by Andrew G. Zoutewelle, North Carolina Professional Land Surveyor No. L-3098, dated October 11, 2022

EXHIBIT A-1

EASEMENT #1



SYMBOL LEGEND

[illegible]

For Registration
 Fredrick Smith
 Register of Deeds
 Mecklenburg County, NC
 Electronically Recorded
 2022 Oct 31 04:05 PM RE Excise Tax: \$ 0.00
 Book: 37748 Page: 332 - 335 Fee: \$ 26.00
 Instrument Number: 2022149253

Fredrick Smith

Drawn By and Mail To: Prosser D. Carnegie, PO Box 363, Davidson, NC 28036

STATE OF NORTH CAROLINA

GRANT OF EASEMENT

COUNTY OF MECKLENBURG

THIS GRANT OF EASEMENT, entered into this 18th day of October, 2022, by and between Dearness Properties, LLC, (hereinafter "Dearness"), and Forster Investments, Inc., ("Forster"). Dearness and Forster sometimes referred to as "Party" or "Parties".

WITNESSETH

WHEREAS, Dearness is the owner of a tract of real property containing approximately 1.79 acres total on NC Hwy 115, (Old Statesville Road), Huntersville, N.C. and described as tax code parcel number 017-072-37 with a more particular description contained in Deed Book 19977, Page 589 as Tract I, Parcel 2, and such description of Parcel 2 is specifically incorporated herein by reference; and,

WHEREAS, Forster has purchased two parcels of real estate identified as tax code parcel number 017-072-07 and 017-072-40 in Deed Book 37747, Page 760, and tax code parcel number 017-072-39 in Deed Book 37747, Page 767, both recorded in the Mecklenburg County Public Registry, and Forster desires to establish a more formal and specific easement for use of a portion of tax code parcel number 017-072-37; and,

WHEREAS, Forster desires to be granted a temporary and non-exclusive easement for ingress, egress and regress, for all uses consistent with the business conducted on tax code parcel numbers 017-072-07, 017-072-40 and 017-072-39; and,

NOW, THEREFORE, in consideration of the sum of Ten (\$10.00) Dollars, the receipt and adequacy of which are hereby acknowledged, consented and agreed upon, and other good and valuable considerations, the Parties agree as follows:

1. That Dearness for themselves, their heirs, successors and assigns does hereby give, grant and convey to Forster Investments, Inc., its successors and assigns a temporary non-exclusive right and easement for the purposes of ingress, egress and regress and for all uses consistent with the business conducted on tax code parcel numbers 017-072-07, 017-072-40 and 017-072-39, on and over the easement land of Dearness for such purposes as Forster shall make use of said easement property. Said easement is described as follows:

See attached Exhibit A and Exhibit A-1

Submitted electronically by "Prosser D. Carnegie Attorney at Law"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Mecklenburg County Register of Deeds.

It is the express intent of the Parties that the easement granted herein is temporary and non-exclusive to Forster and its heirs, successors and assigns.

To have and to hold said right and easement to Forster Investments, Inc., its successors and assigns in title forever, it being agreed that the right and easement hereby granted is temporary, non-exclusive and appurtenant to and runs with the property of Forster deeded to it in Deed Book 37747 at Page 760 and Deed Book 37747 at Page 767 of the Mecklenburg County Public Registry.

2. When Dearness closes on the sale of Tax Parcel 0017-072-37 to a third party, then Forster shall agree to relinquish or abandon the easement granted herein upon request by the third-party purchaser and which third-party purchaser has recorded title to Tax Parcel 017-072-37. Forster shall have Sixty (60) days, after notice from the purchasing 3rd party to relinquish or abandon this Grant of Easement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this the day and date first above written.

Dearness Properties, LLC

By: Suzanne J. Strickland (SEAL)
Suzanne J. Strickland-Member/Manager
Authorized Signatory

NORTH CAROLINA, Mecklenburg County.

I, the undersigned, a Notary Public of the County and state aforesaid, certify that Suzanne J. Strickland, Member/Manager and Authorized Signatory, for Dearness Properties, LLC, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of Dearness Properties, LLC. Witness my hand and official stamp or seal, this 13TH day of OCTOBER, 2022 AND IN MY PRESENCE.

Tracey C. Higginbotham
Notary Public

My Commission Expires: 6/20/2023

TRACEY C. HIGGINBOTHAM
Notary's Printed or Typed Name

(Affix Seal)



Exhibit A

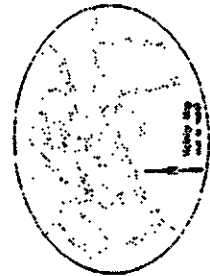
BEGINNING at a point ("Beginning Point") located in the center of Old Statesville Road (also known as North Carolina Highway 115), said Beginning Point being located the following six (6) calls from a point ("Commencement Point") located at the southeasterly corner of Cynthia A. Kaufman as described in Deed Book 13106 Page 559 of the Mecklenburg County Registry, said Commencement Point being also located at the northwesterly corner of that certain 0.43 acre tract shown on that certain plat recorded in Map Book 40 Page 85 of the Mecklenburg County Registry, said Commencement Point being also located approximately 21.4 feet in a southerly direction from the intersection of the centerline of the said Old Statesville Road and the centerline of South Main Street, said South Main Street being shown on those certain plats recorded in Map Book 27 Page 153 and Map Book 40 Page 85 both of the Mecklenburg County Registry: (1) South 27-34-39 East 21.85 feet to a point in the center of the said Old Statesville Road, (2) South 28-27-10 East 49.27 feet to a point in the center of the said Old Statesville Road, (3) South 24-14-13 East 111.54 feet to a point in the center of the said Old Statesville Road, (4) South 17-26-32 East 38.81 feet to a point in the center of the said Old Statesville Road, (5) South 17-27-48 East 20.01 feet to a point in the center of the said Old Statesville Road and (6) South 16-25-52 East 20.04 feet, and running thence from said POINT AND PLACE OF BEGINNING along the centerline of the said Old Statesville Road South 17-52-36 East 20.67 feet to a point; thence along the common boundary lines with Dearness Properties as described in Deed Book 19977 Page 589 of the Mecklenburg County Registry, 017-072-36, the following two (2) calls: (1) South 70-13-30 West 240.47 feet to an existing iron rebar found and (2) South 70-30-47 West 78.49 feet to a point; thence along the following three (3) new lines forming the margin and terminus of this easement (1) South 71-07-18 West 135.78 feet to a point, (2) South 78-53-54 West 140.80 feet to a point and (3) North 00-00-00 East 20.38 feet to an existing iron rebar found; thence along the common boundary line with Easement No. 1, described in Deed Book _____, Page _____ and also along the common boundary line with Don Dale Dancy and Carol M. Dancy as described in Deed Book 6017 Page 459 of the Mecklenburg County Registry, 017-072-38, the following three (3) calls: (1) North 78-53-54 East 135.47 feet to an existing iron rebar found, (2) North 70-52-29 East 212.67 feet to an existing iron rebar found and (2) North 70-05-24 East 241.12 feet to the point and place of BEGINNING, containing 12,004 square feet, more or less, as shown on a map of survey conducted by Andrew G. Zoutewelle, North Carolina Professional Land Surveyor No. L-3098, dated October 11, 2022.

Being shown as Easement #2 on a map of survey conducted by Andrew G. Zoutewelle, North Carolina Professional Land Surveyor No. L-3098, dated October 11, 2022.

EXHIBIT A-1

EASEMENT #2

EASEMENT #1

[illegible]

**Town of Huntersville
Planning Board
September 26, 2023**

To: Town Board

From: Jesse James, Senior Planner

Date: September 26, 2023

Subject: R23-09 Golden Cow

EXPLAIN REQUEST:

Consider a recommendation

ACTION RECOMMENDED:

Consider a recommendation

FINANCIAL IMPLICATIONS:

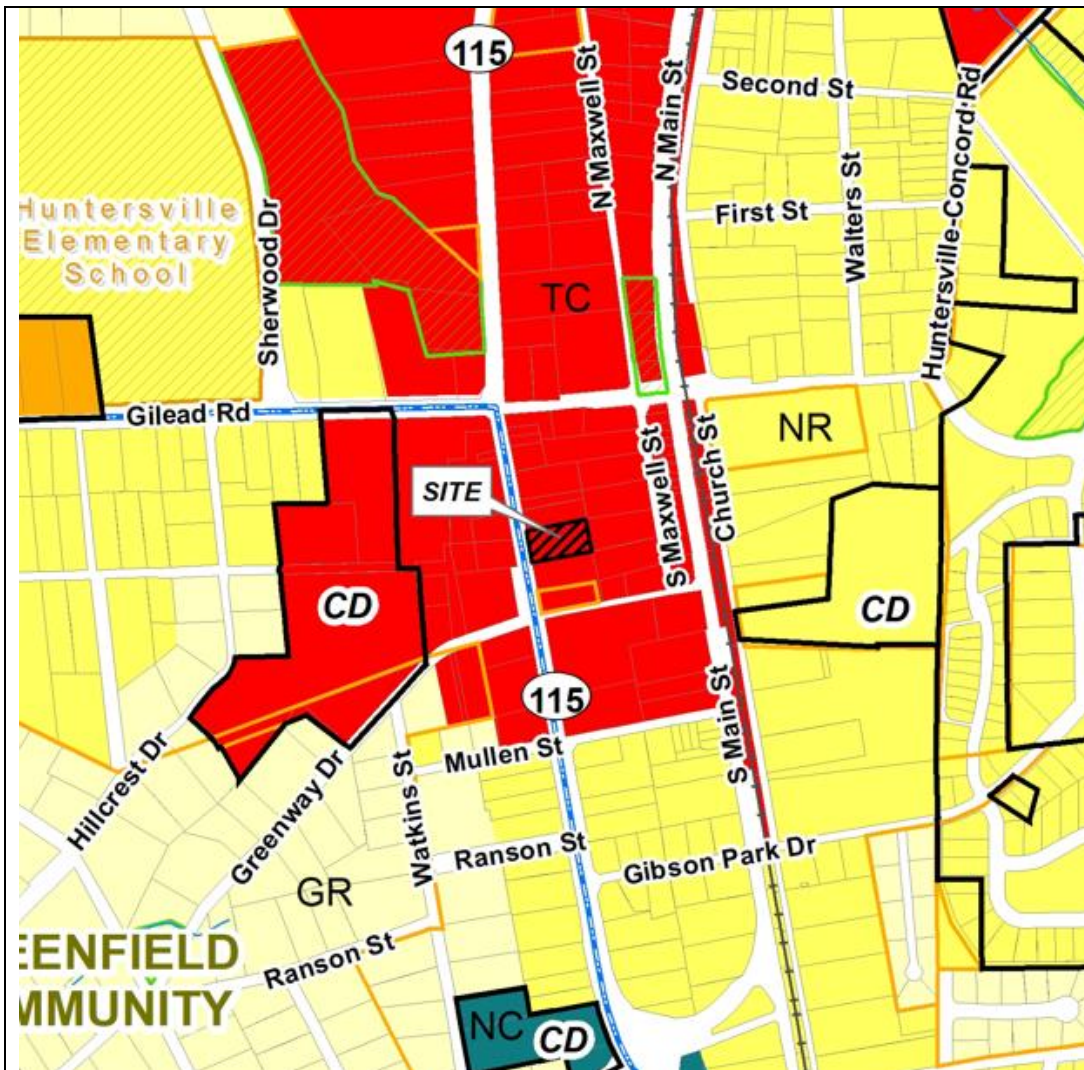
NA

ATTACHMENTS:

1. R23-09 Golden Cow PB Staff Report
2. Golden_Cow-_General_Application
3. Golden_Cow_-_Rezoning_Plans
4. Golden_Cow-_Community_Meeting_Report
5. Golden_Cow-_Community_Meeting_Attendance_Sheet
6. Golden_Cow-_Community_Meeting_Notice_List
7. TIA_Determination_-_Golden_Cow-_5-25-23
8. R23-08 Golden Cow Height Analysis - Golden Cow Centered
9. R23-08 Golden Cow Height Analysis - SE
10. R23-08 Golden Cow Height Analysis - NW

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

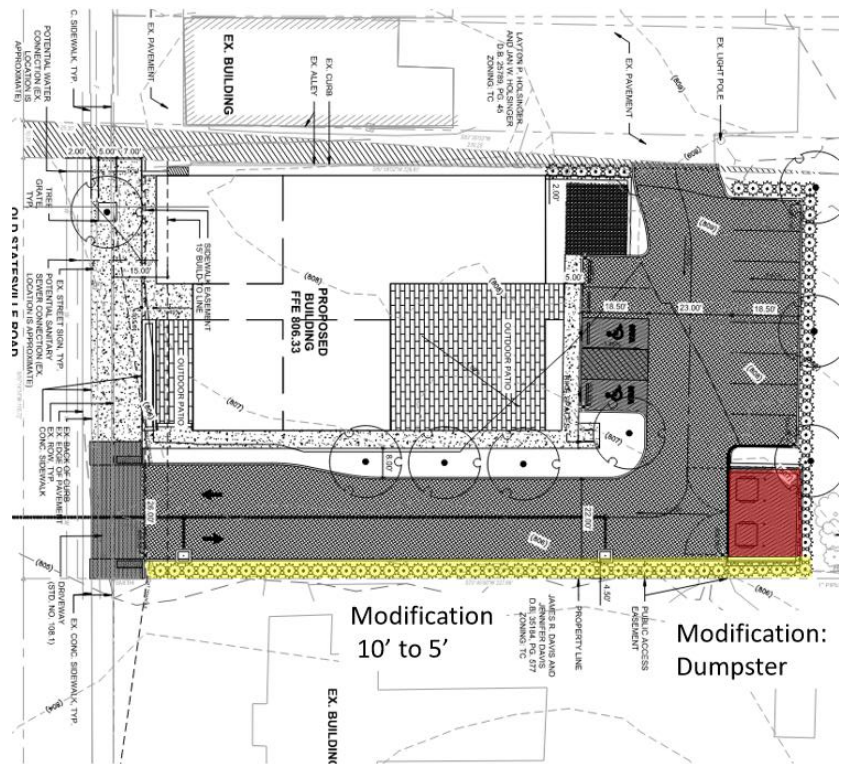
The proposed Conditional District Rezoning Plan is generally compliant with the Zoning Regulations. There are three modification requests detailed herein. Significant elements include:

- 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:

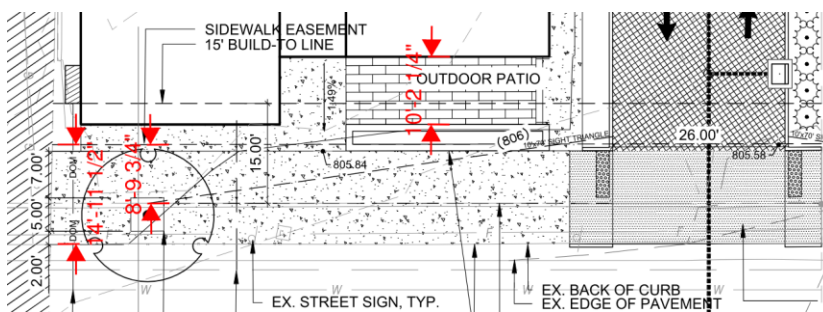
- **Policy DT-2: Step down in intensity and density near established residential neighborhoods. (year homes built also noted)**

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.

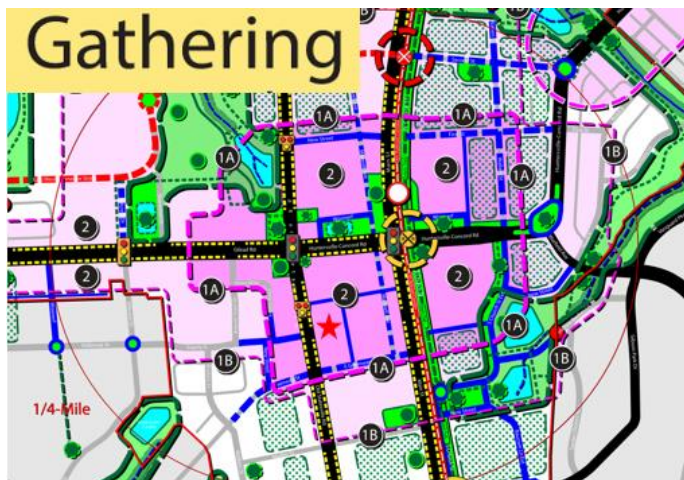
Staff Comment: The applicant is proposing a sidewalk approximately 15'-wide, a patio in front of Golden Cow Creamery, and a façade on Old Statesville Road where windows comprise 56% of the building mass.

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.

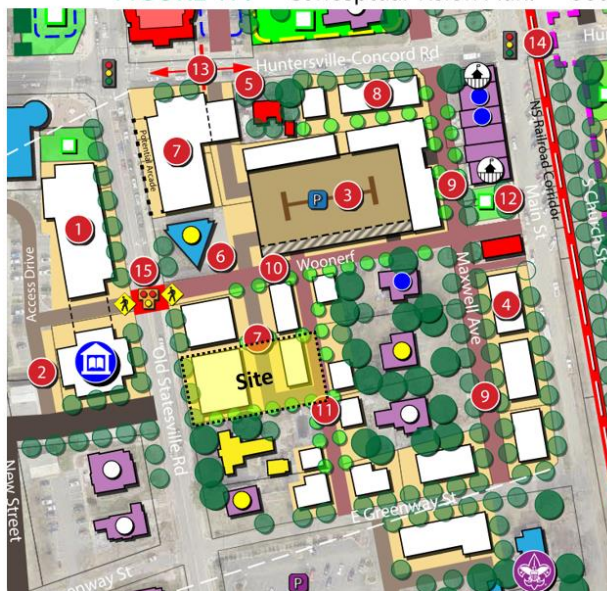
Staff Comment: As previously mentioned, this proposal is for a 1 story retail development.



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

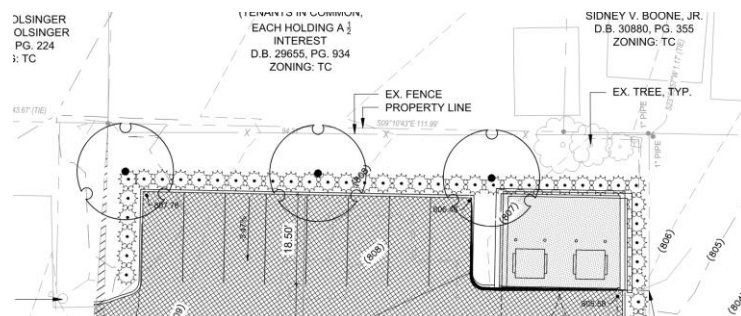
Staff Comment: As proposed, a new alley is not accommodated unless the required rear buffer is removed.

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 was held on September 5, 2023. The details of that meeting can be found using this link to the YouTube recording of hearing. <https://www.youtube.com/watch?v=mPSBn7or1uQ&t=4424s>. This case starts at about the 55-minute mark.

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>.

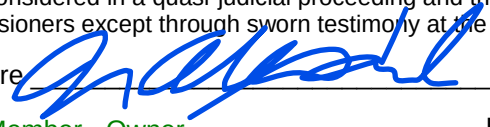
5. Outside Agency Information

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.**

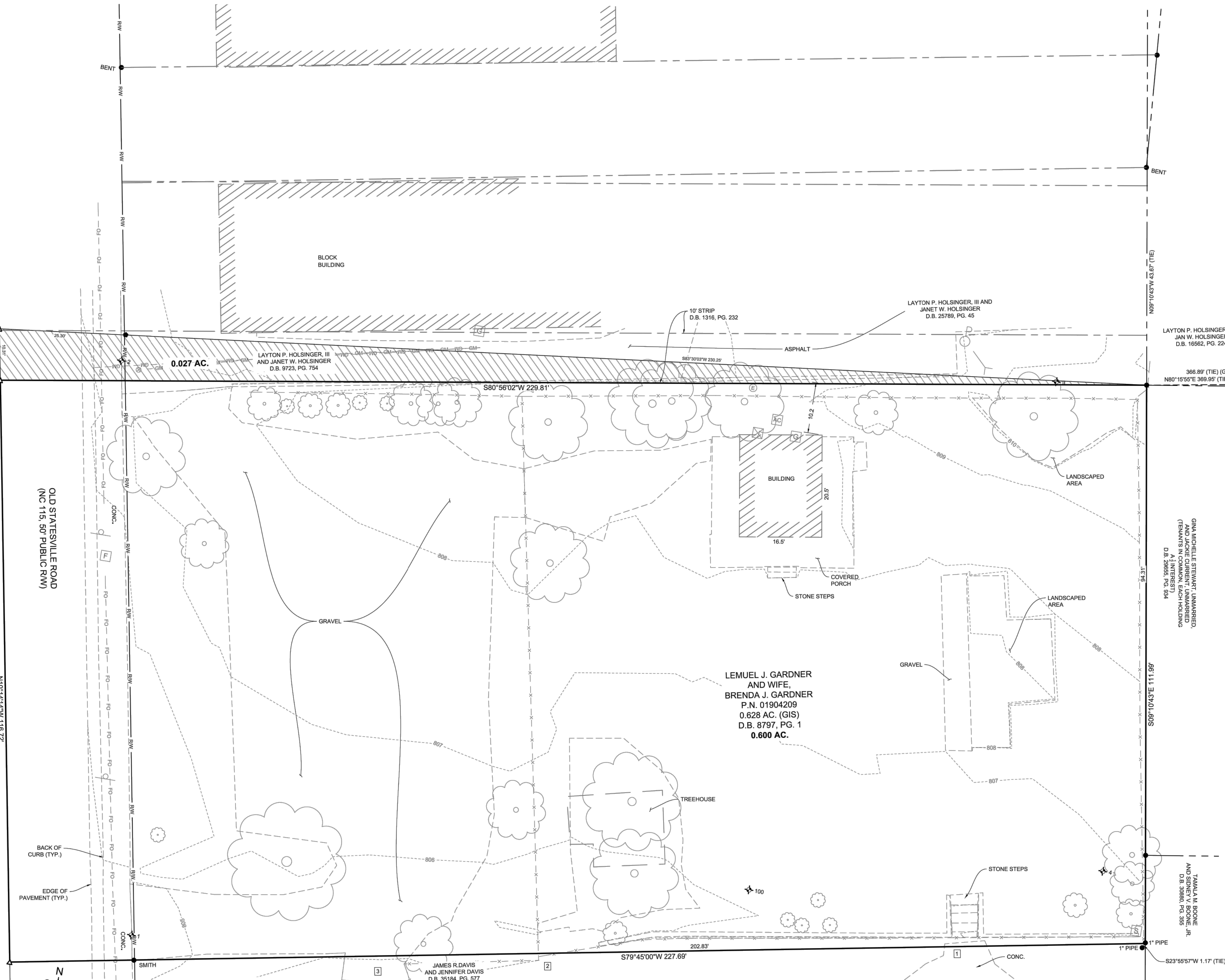
8. Development/Design Firm Contact Information

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

File Location: N:\2022-163 (14516 Old Statesville Rd)\CADD\3D7 - Survey\Bases\22-163_VS_BNDY_BASE.dwg
Last Saved on: 12/06/2022 12:28 AM Last Saved By: Miller



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).

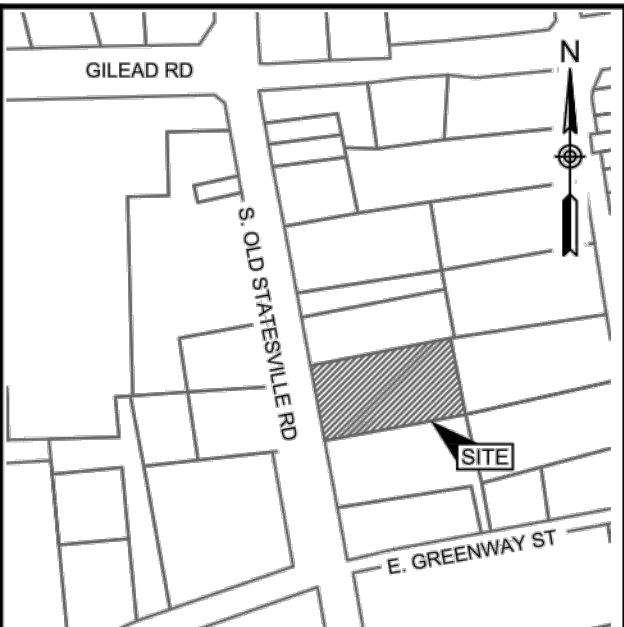
I CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS 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

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
SSMH	SANITARY SEWER MANHOLE
MISC.	MISCELLANEOUS



VICINITY MAP
NOT TO SCALE

PREPARED BY



ACRO-DS
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

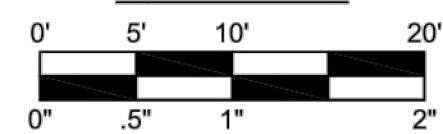
NO.	DATE	DESCRIPTION
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SURVEY TITLE
BOUNDARY AND
TOPOGRAPHIC SURVEY

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



LEGEND

	ASPHALT PAVEMENT
	CONCRETE PAVEMENT
	CONCRETE PAVEMENT - HEAVY DUTY

SITE DATA	
TAX MAP NO:	019-04-209
ZONING:	TOWN CENTER DISTRICT (TC)
SITE AREA:	0.6 AC
EX. USE:	VACANT
PROP. USE:	COMMERCIAL - RETAIL/RESTAURANT
LOT TYPE:	SHOPFRONT
GROSS FLOOR AREA:	5,400 SF
CONSTRUCTION TIMELINE:	JAN 1, 2024 - DEC 31, 2024 (EXPECTED)
WATERSHED	MCDOWELL

DEVELOPMENT STANDARDS

PARKING	
CLASSIFICATION:	COMMERCIAL, INDUSTRIAL, OFFICE
REQUIREMENT:	1 SPACES/ 500 SF
TOTAL SPACES REQUIRED:	11
TOTAL SPACES PROVIDED:	12
ACCESSIBLE SPACES REQUIRED:	2 (1 VAN ACCESSIBLE)
ACCESSIBLE SPACES PROVIDED:	2 (2 VAN ACCESSIBLE)
BICYCLE REQUIRED:	2 SPACES
BICYCLE PROVIDED:	4 SPACES

CONCEPT PLANT SCHEDULE

GENERAL NOTES

REZONING CONDITIONS

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

SEARCH

SCALE _____

AS INDICATED

DRAWING

SITE PLAN

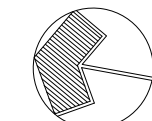
C1.00



SCALE: 1" = 20'

0 10' 20' 40'

The elevation drawing shows a building facade with a scale bar at the top. The scale bar is marked from 0 to 40 feet, with intermediate marks at 10 and 20 feet. The building facade is divided into three vertical sections. The left section is a solid wall. The middle section is a wall with a large, irregularly shaped opening. The right section is a wall with a large, irregularly shaped opening. A circular inset on the right side of the drawing shows a detail of the building's corner, with a line indicating the location of the detail on the main drawing.



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.



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SURVEY

ARCHITECT

PROJECT
GOLDEN COW

14516 OLD STATESVILLE RD.
HUNTERSVILLE, NC 28078

PROJECT NUMBER
22101

DATE
08/03/2023

ISSUED FOR
CONDITIONAL REZONING

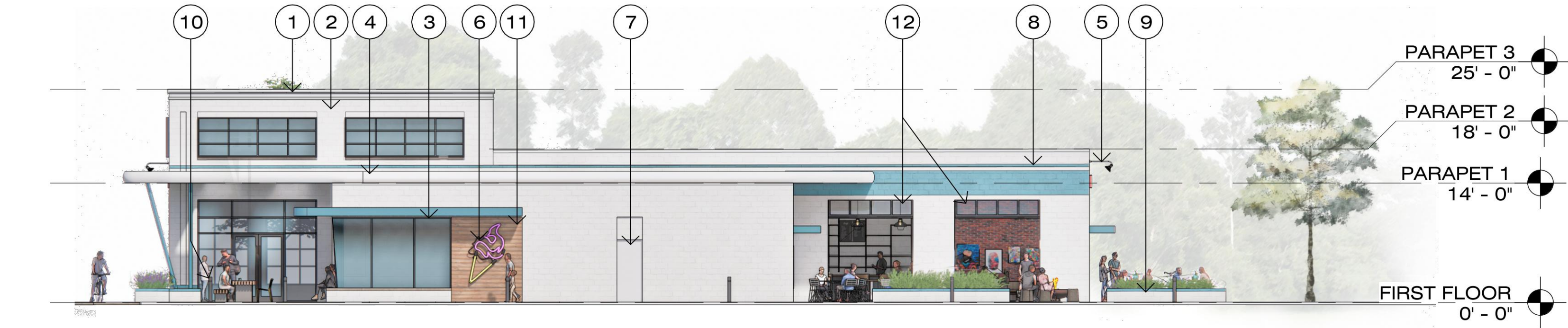
REVISIONS			
NO.	DATE	DESCRIPTION	BY

SEAL

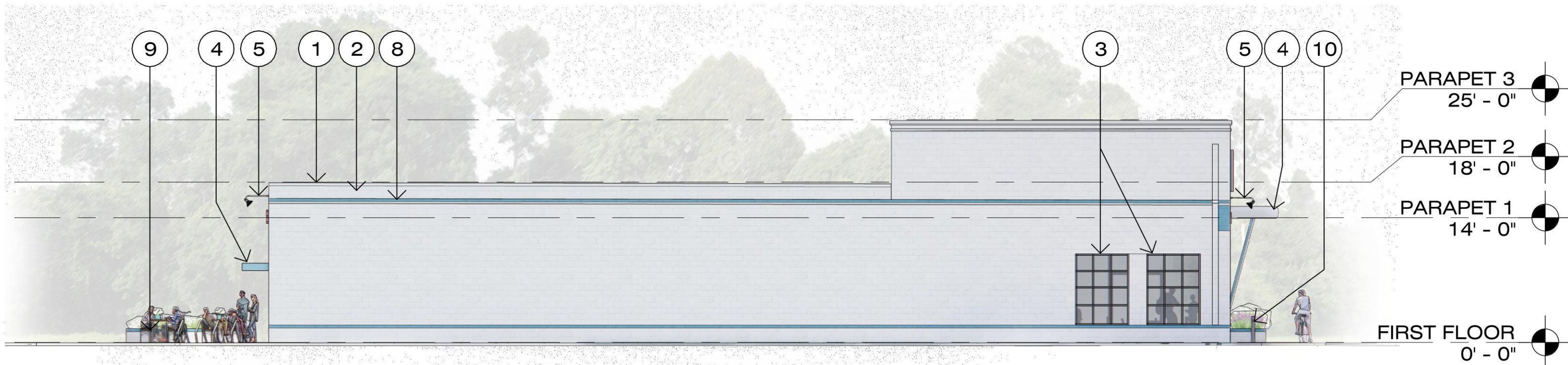
SCALE
AS INDICATED

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 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)

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
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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))

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f petitioned property (SO 6.320.3(b,c,d,e))

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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))

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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

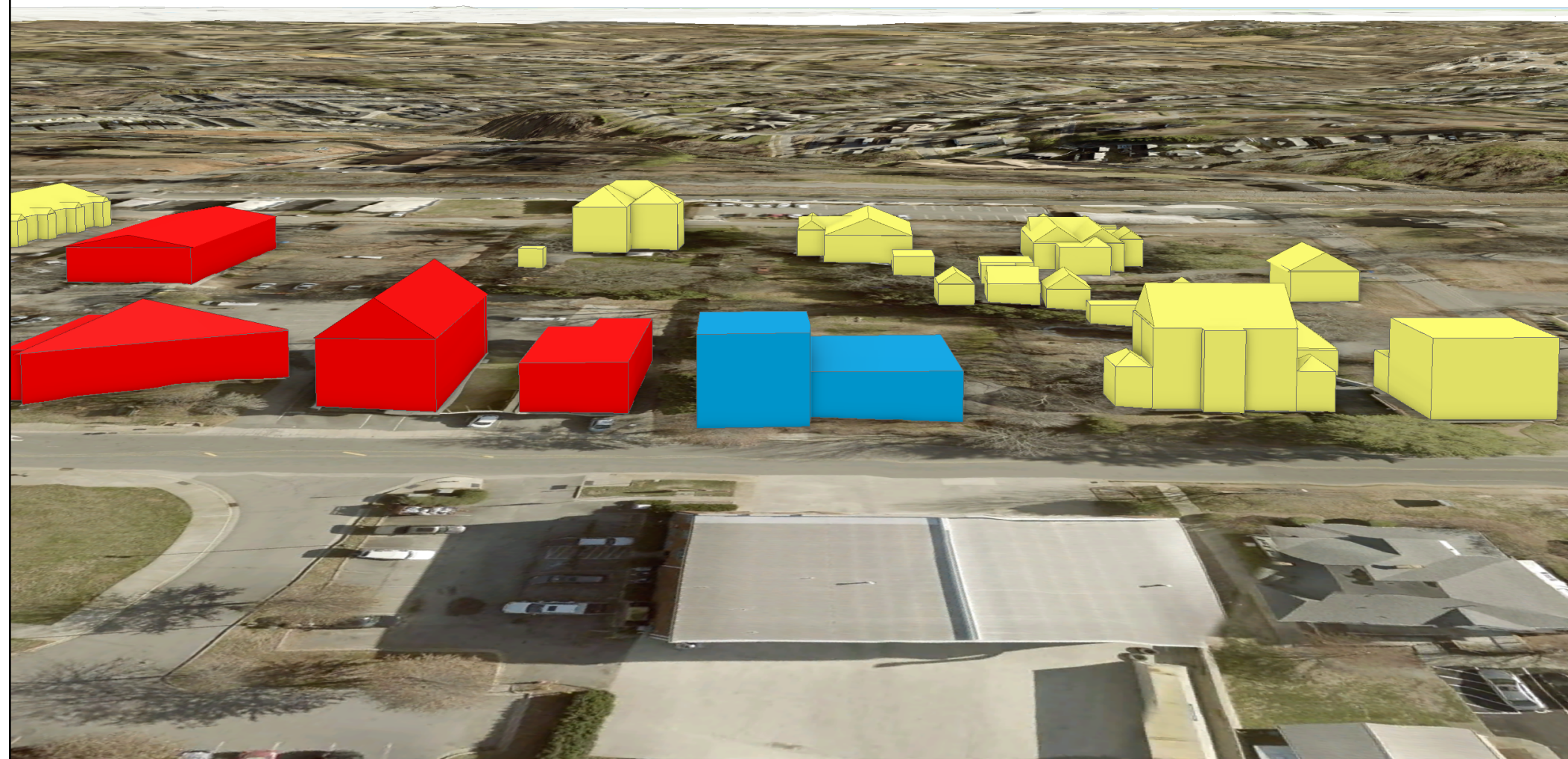
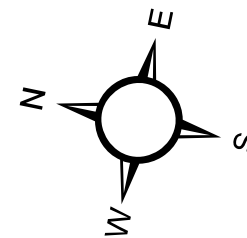
Comments: Determination based on 1,050 square foot ice cream shop, 1,050 square feet of coffee shop, 900 square feet of bar space, and 4,450 square feet of high turnover sit down restaurant.

Building
Classification

Commercial

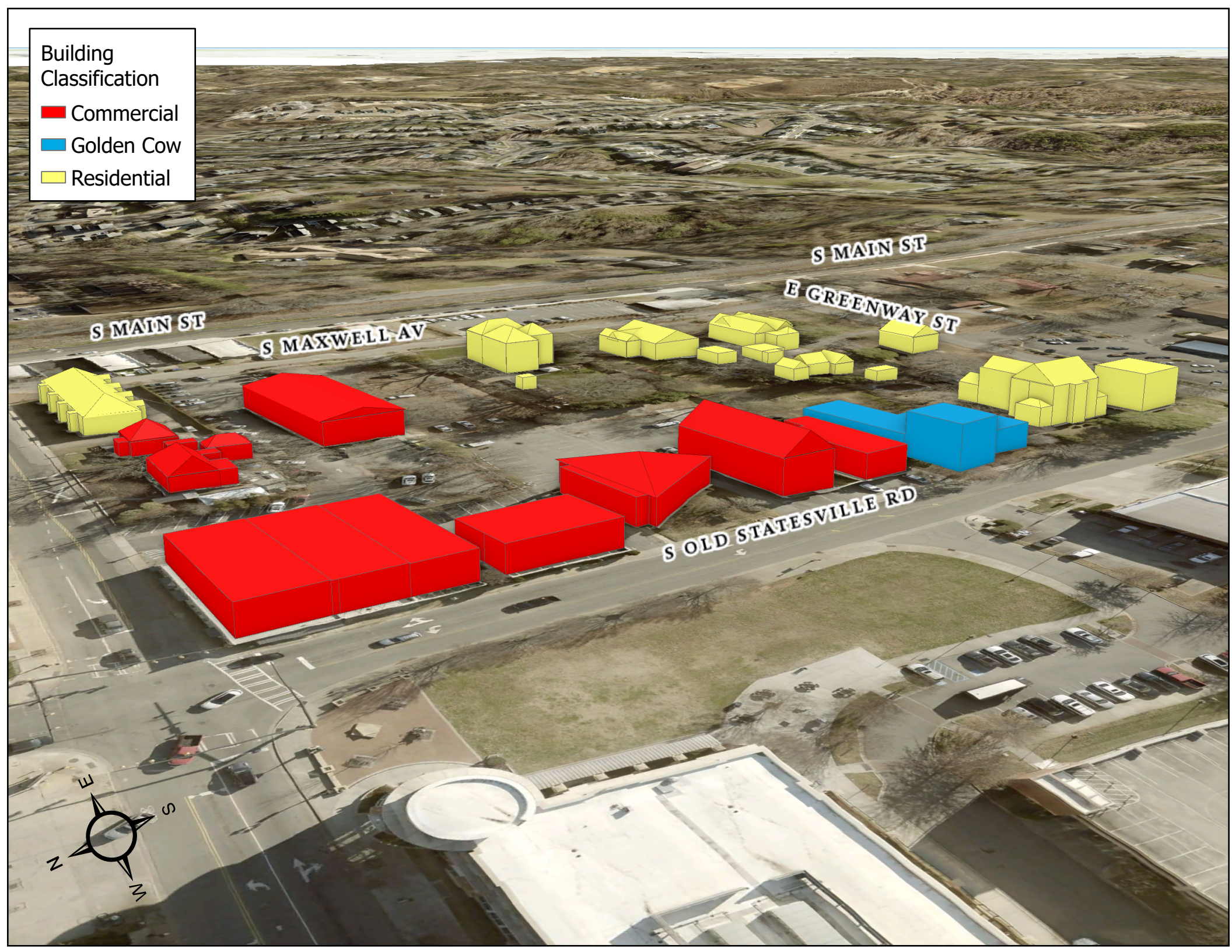
Golden Cow

Residential



Building
Classification

- Commercial
- Golden Cow
- Residential



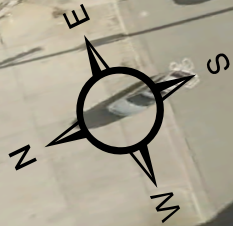
S MAIN ST

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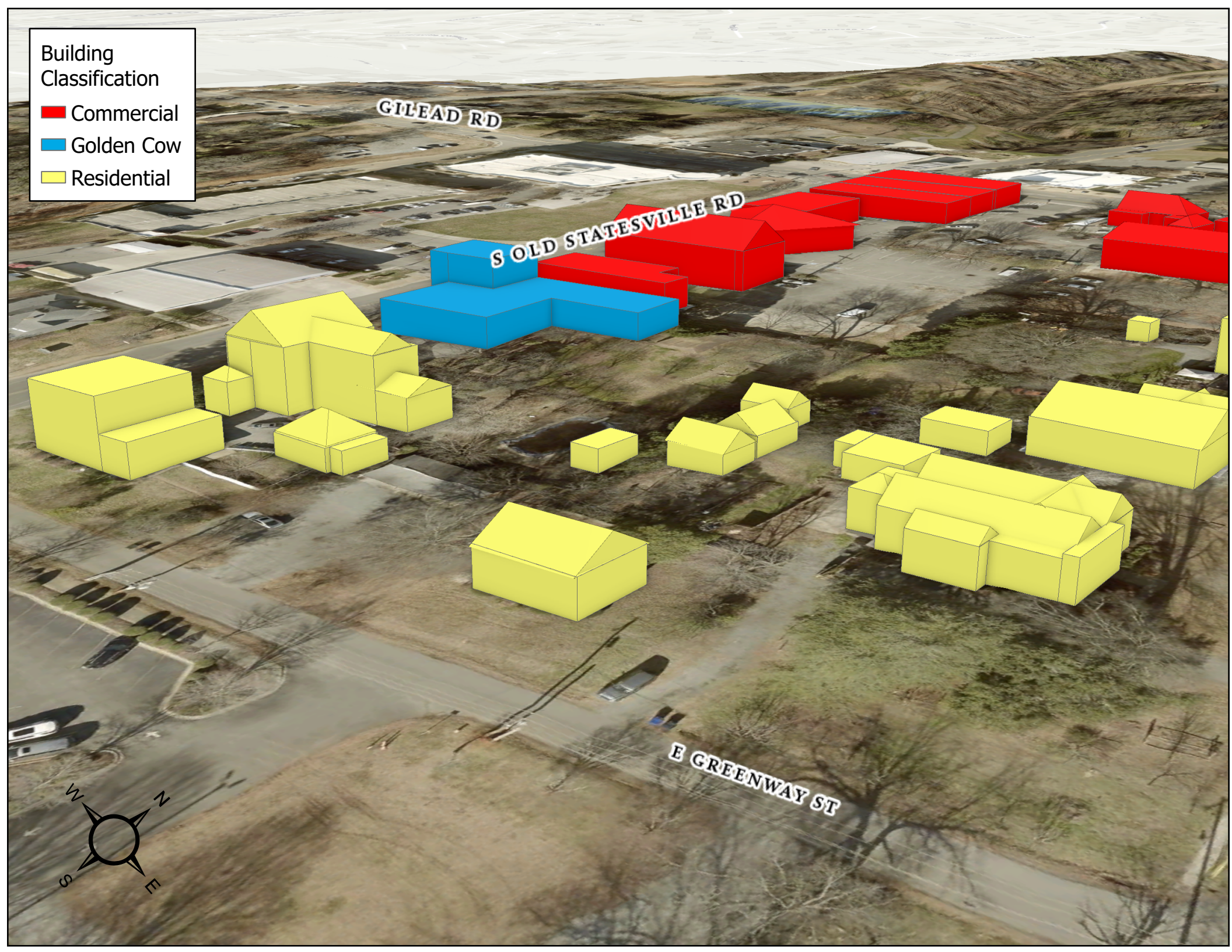
E GREENWAY ST

S OLD STATESVILLE RD



Building
Classification

- Commercial
- Golden Cow
- Residential



**Town of Huntersville
Planning Board
September 26, 2023**

To: Town Board

From: Brian Richards, Assistant Planning Director

Date: September 26, 2023

Subject: Consider making a recommendation 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.

EXPLAIN REQUEST:

Consider making a recommendation 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.

ACTION RECOMMENDED:

Consider making a recommendation 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.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. TA23-05 Staff Report PB
2. A - TA23-05 Application
3. B - TA23-05 Commercial Use in NR
4. C - TA23-05 HOAB July 6 2023 Minutes

TA23-05 – Commercial Use in NR Zoning

PART 1: DESCRIPTION

TA23-05 is a text amendment request by the Town of Huntersville Planning Department to amend Zoning Ordinance Article 9.51 “Commercial Use in a detached House Building Type”. Staff is proposing changes to Article 9.51 to clarify non-residential outdoor activities allowed within the Neighborhood Residential (NR) zoning district within ¼ mile of the Town Center (TC) zoning district.

PART 2: BACKGROUND

In 2006 TA05-11 was approved by the Town Board which allowed for a commercial use in a detached style house in the NR zoning district. Prior to the TA05-11 approval a Downtown Planning Charrette was held (September 27- October 1, 2004). The purpose of the Charrette was to establish a clear framework for the revitalization of downtown Huntersville. One of the recommendations that was made included allowing commercial uses in detached style house.

Planning staff is requesting this minor adjustment to clarify uses allowed on the front porch of the detached style house.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

EV 2.2: Leverage Downtown as a unique destination.

Comment: The proposed text amendment serves to further clarify the ordinance language, therefore, making it easier to interpret uses allowed on the front porch of a detached style house.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment TA23-05 based on consistency EV 2.2 of the Huntersville 2040 Community Plan.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD-

On July 6, 2023, The Huntersville Ordinances Advisory Board (HOAB) recommended approval with a vote of 6-2 with a recommendation to approve as written. (See Attachment 3)

PART 6: PUBLIC HEARING

The Public Hearing was held on September 18, 2023.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for September 26, 2023.

PART 8: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance
3. HOAB Minutes

PART 9: STATEMENT OF CONSISTENCY – TA23-05		
Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA23-05, Planning Staff recommends approval based on consistency with EV 2.2 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will provide further clarification to the language.	APPROVAL: In considering the proposed amendment TA23-045 the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA23-05, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
DENIAL: N/A	DENIAL: In considering the proposed amendment TA23-05, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)	DENIAL: In considering the proposed amendment TA23-05, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)



Text Amendment Application

Date of Application 7/03/2023

Fee

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

Type of Change

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

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

Description of Change

Proposed text amendment will affect the following:

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

See Attached

Current Ordinance

See Attached

Proposed Text

**Reason for Proposed
Change**

Make revisions to the Neighbored Residential section in order to clarify the
intent of the language.

Attach additional pages if needed.

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

Applicant

Printed Name Town of Huntersville Planning Department

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

Signature   Date 7/03/2023

Title Assistant Planning Dir. Email brichards@huntersville.org

Address of Applicant 105 Gilead Rd, Floor 3

Property Owner (if different than applicant)

* Printed Name _____

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

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

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

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

Date Received By Planning Department: _____

Staff Initials: _____

TA23-05: Commercial Use in NR ZONING

The purpose of this text amendment is 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.

AN ORDINANCE AMENDING ARTICLE 9.51 COMMERCIAL USE IN A DETACHED HOUSE BUILDING TYPE

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.51 Commercial Use in a Detached House Building Type of the Zoning Ordinance be amended as follows:

- .1 All outdoor display of goods shall be located immediately adjacent to the storefront on the front porch during the hours of operation only; display goods shall not block building access. No other outdoor activity, including outdoor seating, display is permitted.

Huntersville Ordinance Advisory Board: July 6, 2023

Public Hearing Date: September 18, 2023

Planning Board Meeting: September 28, 2023

Town Board Meeting: October 16, 2023

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, July 6, 2023.

Call to Order/Roll Call

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

Voting Members Present: A. Hallman, K. Jones, M. Jones, H. Whittaker, J. Kluttz, S. Harrington, M. Pollard, and F. Gammon

Voting Members Absent: J. Palillo

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

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the April 6, 2023, Regular Meeting Minutes

Motion: S. Harrington made a Motion to Approve the April 6, 2023, regular meeting minutes. K. Jones seconded the motion.

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

Public Comments

Elaine Kerns, 301 Hillcrest Drive

Action Agenda

4A. Consider a recommendation on petition #TA23-05, a request by the Huntersville Planning Department for a text amendment to Article 9, Section 9.51.1 clarifying allowed commercial uses in a detached house in the NR zoning district

B. Richards, Assistant Planning Director reviewed the proposed text amendment to further clarify non-residential uses or outdoor activities allowed within the Neighborhood Residential (NR) zoning district within ¼ mile of Town Center (TC) zoning. Staff reviewed what the ordinances currently allow and limitations, a map view of which properties would be eligible for this based on current zoning, existing commercial within this zoning district and how it has been implemented, the previous public workshop process that was conducted and what was ultimately adopted.

F. Gammon asked staff to confirm that the pink hatched areas on the map are the eligible parcels. Staff confirmed that is correct as of today, it is possible for property within the Town Center designated area to rezone to Town Center which could potentially increase the properties eligible for this NR zoning use.

H. Whittaker asked about safety concerns related to parking lots at the rear of the buildings adjacent to residential properties. Staff confirmed that there is a buffer requirement between the uses and these businesses in residential settings are low intensity uses.

Commissioner Munger asked what the difference is in the zoning where Neighborhood Café and Harvey's are located that both have a residential type feel and allow outdoor seating. Staff confirmed that Harvey's was approved as part of a TND overlay rezoning and Neighborhood Café is zoned Town Center so it is not affected by these proposed amendments. Staff further confirmed that the language in the amendment further clarifies the existing standard that was intended in 2006 and that matches what is existing.

M. Jones commented that it appears the intent is limited commercial use so the proposed language may be more clear to say what those limited uses are. Staff confirmed that it may be too narrow to come up with a long specific list of uses, this in staff's opinion is cleaner.

F. Gammon commented that he agrees we do not want to limit the use further. It may be a good location to serve as a kiosk or incubator type set up for small start-up businesses.

M. Pollard asked if there is a definition of low-intensity commercial use. Staff stated there is not a definition but if you read the context in the Huntersville 2040 Plan in addition to the limiting factors that are present such as the hours of business allowed and the lighting allowed, it works to define that business use without requiring a specific list.

F. Gammon asked staff if the proposed, 'no other outdoor seating' would include a bench, typically seen for those waiting for someone shopping, would be included in this. Staff confirmed a bench would be allowed and would be required to be located on the porch.

A. Hallman asked for further clarification regarding the potential growth to the properties this could affect as parcels are rezoned to Town Center. Staff indicated that would increase the area of eligible properties but you could potentially run into other zoning areas that would act as natural deterrents to rezoning.

M. Jones asked staff if they have considered an overlay to indicate a specific versus dynamic area eligible for Town Center (TC) zoning and thus also create a specific versus dynamic area eligible for the Neighborhood Residential (NR) use being discussed. Staff confirmed that a Downtown business district was considered as part of the Downtown Plan. If a formation of a Downtown Business Association then that type of overlay would be reconsidered. This would also be the time that business hours, sign requirements, things of that nature would be considered.

K. Jones asked staff to confirm that the increase to the area this would apply to would only occur if a property rezoned to Town Center and it would then be measured as a ¼ mile from that property. Staff confirmed that is correct.

S. Harrington asked how the term, 'all outdoor display of goods can be shown on the front porch,' applies to a property without a front porch. Staff confirmed that business would not be allowed to display outside without building a front porch. Staff is comfortable with this because the goal was to keep the residential feel, possibly of existing structures, leading in to Downtown to create a nice transition between Commercial buildings and residential neighborhoods. Limiting display of goods to the front porch was a simple way to encourage this.

J. Kluttz asked if a large deck on the back of the property could be used. Staff stated that would not be allowed because it must be a front porch.

Commissioner Munger asked what type of signs are allowed and what are the limitations as it relates to these properties. Staff confirmed that originally a post and beam sign of 12 square feet was permitted, that was recently updated to 16 square feet which is located in Article 10 of the Zoning Ordinance.

Motion: S. Harrington made a Motion to Approve TA23-05 as written. H. Whittaker seconded the motion.

F. Gammon requested that the Planning Staff consider wording to allow an outdoor waiting bench so there is no confusion between business owners and so the proposed language does not appear to restrict all outdoor seating, just limit it to the porch. Staff confirmed they could review and revise that.

S. Harrington commented that this is why he asked why limit the wording to a front porch versus a specific size or area. Staff commented that the idea is to have the business build a front porch if they want the permitted use. This allows for a flexible set of standards while achieving a look and feel to the Downtown area.

Vote: The motion passed (6-2) with M. Jones and M. Pollard opposed.

Other Business

No other business.

Adjourn

Motion: J. Kluttz made a Motion to Adjourn. H. Whittaker seconded the motion.

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

Approved this ____ day of _____ 2023.

Chair or Vice Chair

Board Secretary