

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**September 18, 2023
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on September 18, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Munger requested details on the planned power outage tomorrow.

Bobby Williams, Assistant Town Manager, reported that Electricities will replace a failing transformer affecting the Walden neighborhood. The outage will begin at 9 a.m. and should last 3 to 4 hours. Approximately 200 customers will be affected.

Commissioner Kovacs requested update on salary study.

Lara Cagle, Human Resources Director, reported that an RFP went out last week for a full classification and compensation study. Proposals are due next Friday, with a decision hopefully by the beginning of October.

Mayor Bales requested details on Hay Days event this Saturday.

Mr. Williams noted Huntersville Hay Days is part of the Town's 150th celebration and will take place this Saturday at Huntersville Athletic Park.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales presented Proclamation proclaiming September 18, 2023 as Central Piedmont Community College Day, to Reggie Pincham, Executive Director of CPCC – Merancas Campus.

Town of Huntersville Proclamation

WHEREAS, Central Piedmont Community College was founded on September 18, 1963 and is now celebrating its 60th anniversary; and

WHEREAS, Central Piedmont Community College is vital to the function of higher education and life in our region, providing an outstanding opportunity for the education of our citizens and through the civic involvement of their students, faculty and staff; and

WHEREAS, Central Piedmont Community College has an enrollment of 43,600 students this year in basic skills courses, continuing education and for-credit programs, making it one of the largest colleges in the Carolinas; and

WHEREAS, Central Piedmont Community College is our community's first stop for postsecondary education and workforce training across its six campuses in Mecklenburg County; and

WHEREAS, Central Piedmont Community College has provided 60 years of service, connecting the past, present and future for this community; and

WHEREAS, The Merancas Campus, in Huntersville, has been supporting our town since it opened in 1990.

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim September 18, 2023 **"CENTRAL PIEDMONT COMMUNITY COLLEGE DAY"** in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 18th of September, 2023.

Mr. Pinchman said on behalf of the faculty, staff and students of Central Piedmont Community College I thank the Mayor and the Town for this proclamation in honoring its 60th anniversary. Central Piedmont is proud to be a long-time member of the Huntersville community. It's an honor and a privilege to serve the residents of North Mecklenburg County, here in Huntersville and at the Merancas Campus. We are excited about the recent growth of the Merancas Campus and look forward to more growth in the years to come.

Mayor Bales recognized the Lake Norman 9U and Lake Norman 10U little league teams who both won the state championship.

Darren Best expressed appreciation to the Town and the Parks & Recreation Department for the fields to practice and play games on.

Commissioner Boone noted when he found out Huntersville had two state championship little league teams, invited them to a Town Board meeting to be recognized.

BeeJay Caldwell, 14521 New Haven Drive, said we have new leadership in the Pottstown area, three young ladies, they are Huntersville Heritage, and so I kind of backed out. You don't need two administrations trying to administer at the same time, so you won't be surprised when I tell you today that I didn't know that voting was going to start the 30th of September and that some of the people in Pottstown were expecting me to put on a candidate forum. This call came about 3 p.m., so since 3 p.m. I have two sites. I'll have to get back with you as to which site it will be. It will either be David Beatty's Barber Shop or the shelter at Waymer Center, but I'll have to get back with you to let you know for sure. And I had forgotten all about the voting and everything, so I don't think we'll have early voting because

we are not in that arena for whatever reasons. So that's enough for that. I did want you to know that there are certain things that are unique about me and they are that I was able to be employed at the two schools that I graduated from, Old Torrance Lytle, the historic landmark, and Central Piedmont Community College. I'm so proud of that and I did not know that Mr. Pinchman was going to be here. I did not know that it was Central Piedmont Day. I am a graduate. I won't tell you when because I can't remember. But anyway, there's something else unique about the North Campus at Central Piedmont. You may not be aware but in every town from the inception of the United States of America, there was a section for people of African descent and that place was called the quarters, so would you believe the quarters for Huntersville was located between Central Piedmont's lower entrance and the Lake Norman Charter School and for Juneteenth we celebrated that. And for right now nobody knows but me and everybody else who was there during that time, so I'm trying to determine the best way to recreate history so it will not be considered folklore because that definitely is where the slave quarters was for Huntersville, North Carolina and I'm going to rush right out because I had not planned to come, but this happened since 3:00 p.m. today so I'm glad that I was motivated to come and stand before you and give you the information.

Bill Russell, 9449 Mt. Holly-Huntersville Road, President of Lake Norman Chamber of Commerce, said to have a state championship baseball team is cool, but to have two is just neat stuff. I really like that. That's awesome. The Lake Norman Chamber of Commerce has been pleased for the last 30 years to bring candidate forums to each of our three North Mecklenburg towns and because Huntersville is so special, we're actually going to have two this year. We are going to have a candidate forum on Tuesday, October 17 and it will be the three mayoral candidates along with five people that were pulled from actually a basket, Alicia Bergsman, Amanda Dumas, Edwin Quarles, John O'Neill and Jennifer Hunt. Those would be the five people on Tuesday. The balance of the commissioners will be on Thursday, October 19. These will be held here at the Huntersville Town Hall. Justin Ckezepis who is the new owner and General Manager of WSIC will be the emcee. The public is encouraged and invited to attend. Questions always come from the floor. The question was asked is it going to be livestreamed or on the radio and the answer is yes. WSIC is our partner. It will be on 105.9 FM, but it will also be livestreamed on their website and social media. We will also be having the Cornelius forum on October 12. I would encourage everybody to come out and support the candidates.

Dee Bailey, 9715 Midas Springs Road, said I'm here today in regards to the proposition for the entertainment center on Beatties Ford Road, as I would just like to express a couple concerns. Do know that I'm kind of for it, but against it as it stands. I do agree that the community does need something like this. We need a place for the community to get together and gather. I fully agree with that. I don't believe that we have the infrastructure in place at the location it is to do this considering there's not going to be enough parking with only 16 spaces when you have a farmer's market, entertainment and sports activities and ice cream and coffee shop and all the different things this has been explained to be. You go to any farmer's market in our area, do you have 16 attendees? No, you have many more, so you're going to have an issue with overflow parking. Overflow parking is going to put people down the street. When they are down the street, they're going to be walking along Beatties Ford Road that has an average speed limit of 40 mph with no sidewalks and no shoulder. And you're going to have people with kids. You are opening that up. Not only that, you're going to have a congestion problem with overflow parking. When it comes into Long Creek School, everything's going to be just mashed together. We already have a lot of issues down there with traffic. They don't have enough space just for the people going to the school, so that is one issue is we need to make sure that the people going to this place are going to be safe. When Oak Grove gets built, you are going to have people walking across the street to this location with no crosswalks. The red light is planned, however it's not in. Planning and existence are two completely different things. And then my other concern that I have is there's nothing being

done for sound mitigation and that is typically required by code enforcement for locations that are going to consistently have noise. The noise ordinance will apply to this location and there is a noise ordinance that was passed in 1985 for Mecklenburg County for the unincorporated zones that says anything that is amplified must stay under 55 decibels. That is an average conversation or the sound of a refrigerator. That's pretty much my main concerns in the sense that I do laud them for trying to do this. I do believe we do need a community center, but I also know that this location is outside the zone. If the rule is changed to Highway zoning, do understand there's not one place on Beatties Ford outside the designated centers that is existing Highway zoning at this time. You are going to be changing and setting a precedence that could be very negative down the road if this happens. Those are just some things that I'd like to throw out. As a neighbor, I love Huntersville. I've been here for 30 some odd years. I love this location. I love what you all do for this city.

Scott Brett, 9331 Broadway Street, said I'm asking you to not approve the R23-06 Beatties Ford Entertainment to rezone it from Residential to Commercial. The Huntersville Planning Staff recommendation says the rezoning is not consistent with the 2040 Community Plan. The rezoning is not consistent with the Beatties Ford Corridor Small Area Plan, Policies LU-6.1, LU-6.2, LU-6.3. If you don't follow Huntersville's 2040 Plan, you have no plan. This outdoor sports bar belongs in a commercial area, not in a residential area due to the noise impact and the visual impact of 40 to 80 people attending 7 days a week, 7 a.m. to 11 p.m. Please put yourself in our position. This is why outdoor sports complexes are zoned Highway Commercial due to this dramatic impact on residential areas. I ask you to follow your Planning staff of Huntersville's 2040 Plan and stand up for the residents of Huntersville, not just for the outside commercial interest and deny this rezoning.

Leo Brett, 3831 Alton Street, said I'm a third generation resident in Huntersville. My grandfather bought the house that is located beside me. It is at 3823 Alton Street and he bought that house and my mother grew up in that house. He fought in Word War II and when he was done he used the money that he had to buy the land that my house is currently located on, along with my parents. I'm sorry, this kind of bothers me pretty heavily because I spent every dollar I had to have a place to live to raise a family, and to have kids. I want my parents to not be affected by this. I do not want them to be stuck dreading this. We don't want to move. We have family all in this area. My entire family – the Blythe's live down the road. Our other neighbors, anybody else.....it's been a family-oriented area forever and we know all of our neighbors and I walked around and got signatures from 37 different neighbors that said they did not want this. There's places for this. It's not where they are wanting to put it. They even mentioned it in their first meeting that it was cheaper to buy this property and turn it commercial. It's not what it's there for. That's not what it is. It's Long Creek. It's supposed to be a community, a place for everybody to come together and we come together as a community and we all don't want this. We already have enough issues. We've had two cars that were broken into in the past six months. We had a garage that was broken into. This is just going to bring nothing but more crime into the area and cause more problems. We don't want people drifting through causing more issues. We want to stay left alone. We want to stay in the area that it was made like it was. And I know if my grandfather was alive today, he'd stand against this. I just want you guys to know that I really hope that you guys don't pass this because my parents have spent every dollar they have to build a house and so have I and I don't want to have to move out of Huntersville and move to another area. I don't want to for this.

Mary Brett, 9331 Broadway Street, said that was my son. I'm a lifelong resident of the Long Creek community. I'm asking you not to approve case #R23-06, Beatties Ford Road Entertainment, to rezone Residential to Commercial. As my son was saying we sent out petitions and once we received those, we emailed the two petitions to all the Town Commissioners and the Mayor. We went to each neighbor in the Long Creek community and got signatures. This was 98 percent of the entire community that signed

this petition who are totally against this rezoning. Many of our neighbors have lived there all their lives. The other petition is from the residents that live in Huntersville who are also against rezoning. Since you have received this email we have gotten more signatures on both petitions totaling to 86. We hope our voices are heard through these petitions. This is extremely important to understand how many lives will be affected by this rezoning. This sports entertainment center would include volleyball tournaments, serving alcohol with music, lighting, open seven days a week 7 a.m. to 11 p.m. with 40 to 80 people in attendance. This would be an extreme amount of noise, bringing traffic and crime into our neighborhood. The front of our house faces the back property of 9339 Beatties Ford Road. Huntersville should deny this project coming into our neighborhood. It would be destructive to everyone's quality of life. This is an old residential neighborhood and commercial zoning does not belong in the Long Creek community which is what the Huntersville 2040 Plan states. My family and the residents of the Long Creek community should be taken into high consideration of how this will affect our lives. You all need to care about our lives and not ask us to live under the conditions of this rezoning. This is a two-way street, not one. Please do not approve this rezoning project.

Sam Crowe, 3920 Shider Lane, Kannapolis, said I'm actually reading an email on behalf of EPCON from Phil Puma, who is the owner of Phil Puma & Associates Realty.

To whom it may concern,

My firm and I have sold many Epcon homes over the years. Every Epcon community is well plan and fits in well with neighboring communities. Epcon does a wonderful job with the landscape and design plans in and around their neighborhoods. The Epcon residents that I have assisted have been a great addition to their neighborhood and community. I would highly recommend a new Epcon community in our area!

Phil Puma
Puma & Associates Realty

Joe Gworek, 15236 Sustar Farm Drive, Matthews, said I live in Matthews which is the Mint Hill EPCON community and quite frankly I could drive a golf ball between our old house with an acre and the maintenance and our nice new house that has a courtyard and the maintenance is all done by someone else. I truly appreciate that. I think if you go with EPCON you are going to do your community a favor because the quality of the house they build is certainly up there with anybody's standards. We have not had a single question by them when we asked the warranty people to fix this or fix that, they've been right on top of it. They have taken care of it. The community is very appealing to look at and I welcome you to drive through the Mint Hill community and you will see there's a certain standard of beauty in that community and it gives us, who we're all in our retirement years, the space that we need for that. I truly believe that they are a little bit superior to the competitors that we looked at other communities like this. I think EPCON has it going on.

Michael O'Connor, 16024 Clear Creek Farm Road, Matthews, said we're here to represent EPCON just because we want to. Like many of my neighbors, we're really happy. It's an unusual neighborhood. We've lived in the Charlotte area for a while. We've seen other EPCON neighborhoods that are different and they are unusual and they're really very nice. I want you guys to go in with an open mind as you vote. I can also say my wife and I have built five different homes across the United States and we're really happy with this. These are courtyard homes. They could be duplexes, but we don't share a wall with anybody, but the houses are built around a courtyard. They've got this beautiful, awesome kind of European modern look to them. There are small lot lines by design and as Joe said they're maintenance free and they're high covenant, like a lot of details about what you can and can't do, so the landscaping is consistent and eloquent. But there's a lot of advantages for the community. If you imagine, you know their luxury homes so it's a good tax-base for your community. I would anticipate things like traffic and

schools and all of that are issues, well these are 55 and older. In my neighborhood that I live in there are no children who go to Charlotte-Mecklenburg Schools. And I say probably 20 percent of the residents work outside of the home, so you don't have the compromise on the rush hour traffic or the noise or the complaints or some of those other things. It's a beautiful neighborhood. I believe it would increase the appeal to your neighborhood or your surrounding area. I'd just like you to keep an open mind as you consider your vote tonight.

Mary Ann Turetsky, 16977 Bridgeton Lane, said I drive my grandson to Spartan Park four days a week for practice for football. We live less than four miles away from the field and we leave at 4:45 p.m. and he just makes it there by 5:30 p.m. with the traffic first on Sam Furr Road, then we make a left onto Beatties and we are crawling down to the field. I can't imagine how the people that live in Stephens Grove, Cashion Woods or Latta Plantation deal with this every day. It's horrendous. On August 22 the Planning staff recommended denial for the EPCON plan. Remember the Planning staff are people that we pay because they are the experts. Their opinions should be valued. They found four different Land Use policies that were in violation. Building 118 new homes on this land contradicts the 2030 Plan and the amended 2040 Plan. Please do not vote to approve the EPCON developers for this project. This plan does not follow the Huntersville Zoning Ordinance or the 2040 Plan.

Kim Baylor, 15015 Beatties Ford Road (Kris Manley, 15015 Beatties Ford Road deferred his time), said my home sits somewhat between the edge of Riverdale as it is now and the proposed EPCON development and where that will go. I'm not sure at this point anything that I'm going to say will sway this vote. I'm just going to be real with you. But what I do want to shine a light on is the Huntersville resident experience at this point. Since moving to our address in 2012 my husband and I have been diligently trying to follow the plans, have tried to follow that the plans were for the undeveloped land in and around our area. We know that these are private properties and we believe deeply that individuals should be able to sell their properties. The reason we are trying to stay ahead of those plans is so we can decide if we want to remain in our home or if we want to move to possibly a more rural area. We have stayed closely aligned to the 2030 Huntersville Plans and the amendments to the 2040 Plan which still very much suggests that significant effort will be made to keep certain areas including the ones that we are discussing tonight as rural as possible, not European or modern in décor. I realize more and more that as a resident that those plans are guides, they are not rules. They are what Huntersville could do. They are not what Huntersville will do. We've learned that. But as residents that's very much what we count on to make decisions about where we want to live. That is what we count on to tell us what the future of our town and our community looks like. I will read you a tiny piece of LU-3.1 because I know you know it more than anything. There needs to be a concerted effort to uphold previous policy decisions to limit density and increase open space preservation in the more undeveloped areas outside Town Core. A few things I want to call attention to. The argument could be made that a 55 plus transitional property may be considered an alternative to higher density districts. I get that. But when you consider EPCON alongside the additional development that is currently taking place in that same Rural zoned area, Riverdale Phase 2 for example, I'm not hearing a lot of talk about that. There is active clearing and land moving underway that connects the current existing Riverdale community with the proposed EPCON development. We are talking about 33.4 additional acres of development that will connect right up to EPCON. The sum total of those equals to me a much higher density district than we are talking about. Incidentally if you try as a resident to find information about the plans for Riverdale Phase 2 on the Town website, you will find this. You will see that the preliminary plan is still in review. There are no scheduled dates for neighborhood feedback, public feedback, Planning Board or Town Board voting. But I can tell you by the clearing and machinery we hear every single day in our backyard, that is happening now. And it's this lack of clarity and this lack of transparency that has residents mad and frustrated and frankly distrusting of what gets spoken about and what candidates are saying. When

I posted on Nextdoor that the EPCON request was being voted on today, there was not a single person out of 60 who responded that was aware of these EPCON plans. Folks were gob smacked. The development on any density is being considered while we all sit stalled and in crawling traffic along Beatties Ford Road, Highway 73 and Gilead. This has gone way outside of commuting times. It has become increasingly difficult to get clear, concise and consumable ideas of what is happening in this town and it shouldn't be this difficult to find and participate in the conversations, yet it is. An example, to notify of the EPCON public hearing a sign was placed at the end of a gravel driveway with a public hearing date. I live right there. I personally didn't notice this until after the date had past and frankly most residents wouldn't have known that a little gravel driveway led way down a road to an 80-acre open area that is in danger of being developed. The EPCON site is not even visible from where the sign was placed. Of the dozens of neighbors I have spoken to in and around this area, only one neighbor received a mailed notification about a public hearing regarding EPCON. We certainly did not nor have we received any information regarding Riverdale Phase 2 work which apparently has already begun and this backs up against and touches 50 percent of our property. No notification. No nothing. So some questions I would ask our Town Board to consider. What is the purpose or value of these 2030 and 2040 Plans? It's giving a false positive narrative to residents to believe in until they read the fine print. Where can residents go in order to clearly see what is going to happen to their community, what has been approved in the past, what is underway and what is still in discussion? Do you really want residents to be part of this conversation or is that just a necessary step in order to move things forward because the way info is made available right now is suggesting that resident perspective is just really not a necessary input.

Fred Wilson, 9004 Treetop Way, Concord, said I live in an EPCON community. We've lived in North Mecklenburg all our lives, me and my wife. I was born in Presbyterian Hospital so you can't get much more native than that. I lived in Huntersville, North Mecklenburg. I worked with Anthony Roberts over there when he was in Cornelius and we had a good Town Manager and how you've got him. We worked on a lot of projects together. I want to say one thing. I live in an EPCON community and I'm proud of it. They do a good job. They build a good house. They have a good product. They have good people working for them and what we found, I wanted to live in Huntersville but there was none available. There's two projects in Huntersville that's completed and if you didn't get in, you are just out of luck and you very seldom find any come up for sale. The people in there are 55 and older, so you don't have people going to school, you don't have traffic going in and out near as much. The one we are in now over off Poplar Tent has 80 some houses in there and about half of that community is common area and it's my understanding that the one that they are talking about here, about half of that community is going to be common area. The only thing I can say if you give them the okay maybe me and my wife can come back and live in Huntersville again and we can get in on the upside of this thing whenever they get started because we would definitely consider doing that and I don't think there's anything negative about the construction, the houses, the people that live there and remember everybody is going to be 55 and older someday.

AGENDA CHANGES

Commissioner Munger made a motion to adopt the agenda.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Commissioner Munger made a motion to adopt the Consent Agenda.

Commissioner Partee seconded motion.

Mayor Bales said there's a motion and there is a second for the Consent Agenda. All those.....well, there is no Consent Agenda. I just looked down and went hey, wait a minute, there's nothing under there. So, we will pass that Consent Agenda as nothing. That's a first. I don't think we've ever not had a Consent Agenda.

PUBLIC HEARINGS

Petition #TA23-05. Mayor Bales called to order public hearing 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, Assistant Planning Director, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 1.*

Back in 2004, 2005, and 2006, the Town held a series of meetings to create a Downtown Master Plan Charrette. Some of the outcomes of that was what you are starting to see in development today, some of the older homes being turned over into business and so forth. As part of that there was a text amendment, TA05-11, which allowed for commercial uses to be within residential buildings within a ¼ mile of the Town Center district. Today that's what we have here highlighted in yellow. Through a series of events and potential businesses looking to move in, we thought it would be a good time to do some clarifications as to what those conditions that are allowed for under Article 9.51. As it's written today, it says no outdoor display of goods is permitted. We wanted to take that a little bit further and have some additional clarification of what that actually meant. The staff came up with this language which clarifies that no outdoor activity, including outdoor seating, is permitted in these homes along the corridor of the Neighborhood Residential district within ¼ mile of the Town Center. Where those occur, you can see there's a ¼ mile black outline. You see highlighted in pink are the parcels that are eligible. That doesn't mean it's actually going to occur there. You can see Huntersville Elementary School is there as well as some churches and some other things if there was ever an adapted reuse potentially but typically these are going to occur in homes that are up and down along 115, Gilead Road and Huntersville-Concord Road. I zoomed in just a little bit for you guys to see those identified properties. Again we thought this is just really serves for further clarification is what type of activities can occur on the front porch. We did take this to the Huntersville Ordinances Advisory Board back in July and they recommended 6-2 to approve it as written.

Commissioner Kovacs said what does this do to places that already have seating?

Mr. Richards said there are none that already have seating to my knowledge.

Commissioner Kovacs said does Hunter House fall into that?

Mr. Richards said no, Hunter House is zoned Neighborhood Center, so it's a different zoning category, similar to Neighborhood Café.

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

Amy Hallman, 100 Cambridge Road, said when this came up it seemed like it was a really important thing for downtown residents to be aware of and it is something, especially the ones that live in downtown versus just simply a business downtown, needed to be aware of and that's why I'm here tonight is to bring attention to that. Because it is a Neighborhood Residential zoning by name, I want to make sure that those families are considered that live in those areas so that until they make a decision to change the use of their own properties, that as long as it is a residence that they are not in any danger of having who knows what 30' outside their bedroom just because there's a buffer somewhere because we know what happens, buffers are only as good as the people who are on the other side. They could certainly want to be in a resident's yard next door and fences aren't necessarily going to take care of that. Mr. Richards showed you it's not that many properties that are in the downtown and I'm afraid you're probably going to have lots of decisions to make as we build downtown and it gets bigger and it grows and it does different kinds of things, but this one is just strictly to protect the residents until it becomes completely commercial or Town Center. I believe in the ordinance it says it should be low intensity commercial uses in our buildings and that restricting outdoor activities is going to help to keep things low intensity until that changes.

Commissioner Boone said what was the thought process of the ¼ mile and not ½ mile?

Mr. Richards said I think when they debated this back in the early 2000's that they looked at what the actual walking distance was, so ¼ mile walk is what's considered comfortable. Additionally, if you go much further than that you're really taking a lot of properties that aren't in downtown. If you're looking at those approaches from Exit 23 from out east or towards Metrolina as you are coming to the downtown area what makes good logical sense in that ¼ mile is that 10 minute walk so that's where we came up with the ¼ mile distance.

Commissioner Boone said so basically this is saying that if I have a residential home and somebody opens a business next to me, which you can do in this district, they cannot have any outdoor type of seating where you would go outside and drink a cup of coffee or something like that.

Mr. Richards said correct. If you were to have a coffee shop you could have maybe some drinks or something on the front porch during the day, but no, you could not have outdoor seating.

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

OTHER BUSINESS

Petition #R23-06, Beatties Ford Family Entertainment. Petition #R23-06, Beatties Ford Family Entertainment, is 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.

Nathan Farber, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 2.*

The applicants are proposing to rezone the site from Rural to Highway Commercial with conditions. Planning staff recommends denial as stated in the Staff Report. The Planning Board recommended approval of the rezoning, while denying Modifications 1 and 2, which would require the applicants to build sidewalk along Broadway Street outside the Town intersection project boundaries and it would deny the use of mulch within parking stalls, though the board did recommend approving Modification 3 allowing the existing shed to encroach into required buffer. The Planning Board made a recommendation for approval based on the rezoning site being part of the Long Creek Activity Center. While staff does not recommend approval of the rezoning, we would like the Board to consider that if approved the Activity Center shift slightly north to include the rezoning site.

Commissioner Boone said just for clarification, if this business, and I hope it's successful, but if it doesn't succeed, what happens to the property.

Mr. Farber said the same uses and the same structure would be the only things allowed on the property and if anybody wanted to do anything different than what is approved on the rezoning site plan, they would have to come back in for a rezoning.

Commissioner Boone said so once it's zoned Commercial, it stays commercial.

Mr. Farber said correct, the specific uses on the site plan.

Commissioner Partee said do we have a timeline as to when the state will come in and I think that's that three corners, that four corners, which they will install the light and upgrade that area.

Brian Richards, Assistant Planning Director, said per Stephen Trott it's at least a year away and that's a Town project.

Mayor Bales asked the applicant to come forward and introduce themselves.

Jon Eury, 9339 Beatties Ford Road and Katie Carpenter, 9339 Beatties Ford Road.

Commissioner Munger said one of the things I noticed is your operating hours are you open as early as 7 a.m., some days 8 a.m., and you are open until 11 p.m. On the early, I have to assume that's just for a coffee shop. Can you explain the earliness.

Ms. Carpenter said that's for the meeting space that's inside so that anyone who's working from home or would rather not work from home and want to bring their laptop over, they can set up inside and meet with whoever they want to meet with, bring somebody over and sit and have a cup of coffee.

Commissioner Munger said so there would be no volleyball activities at that hour.

Ms. Carpenter said correct.

Commissioner Munger said one of the questions that I have in general is it something you would be willing to commit to, to close at 10 p.m. instead of 11 p.m.?

Ms. Carpenter said we have proposed to all of you, I don't know if you all read our email that we sent in, but for the outdoor activities on any school night, so the Sunday through Thursday, we would plan to be done with any outdoor activities by 10 p.m. Friday and Saturday would be 11 p.m. for outdoor activities.

Commissioner Munger said would you be open to putting a 6' solid privacy fence along Broadway, essentially the north and west boundaries of your property?

Ms. Carpenter said we absolutely would. I assume you're asking for sound mitigation purposes.

Commissioner Munger said yes.

Ms. Carpenter said would we be able to do dense trees there instead of a fence. I don't know what the difference between.....I'd love to be able to increase and add more trees.

Commissioner Munger said I'm looking for a fence.

Mr. Eury said yes to the fence.

Ms. Carpenter said then fence it is, yes.

Commissioner Munger made a motion in considering the proposed Rezoning Application R23-06, the Town Board recommends approval. The amendment is consistent with the Huntersville 2040 Community Plan Policy LU-1 which encourages 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, LU-6.1, 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 Long Creek Hamlet as an urban hamlet or urban village mixed-use center generally located between McCoy Road and Mt. Holly-Huntersville Roads. The urban hamlet development pattern is defined in the plan as a 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 Town Board further recommends that the following modifications be approved: (1) allow an existing storage shed to encroach into the required 30' buffer in the south side of the property; (2) that mulch be allowed for the individual parking stalls; (3) that a 6' solid privacy fence be installed along Broadway Street on north and west boundaries of the property; (4) that the hours of operation end at 10 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday; (5) all redline comments must be addressed. The Town Board does not recommend approval of the following modification: (1) request not to install sidewalks along Broadway Street. The sidewalk is an infrastructure improvement required by the Zoning Ordinance, the sidewalk shall be located along the property frontage but outside the boundaries of the Town's planned intersection project at the intersection of Broadway Street, McCoy Road and Beatties Ford Road. 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, Beatties Ford Road Corridor Small Area Plan and the Beatties Ford 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. This rezoning approval shall further serve to amend the 2040 Community Plan to shift the Long Creek Village Activity Center northward to include the property subject to this rezoning.

Commissioner Kidwell said I need a confirmation on the motion. Could you say the hours of operation once again. I heard 1 p.m. Did you mean 11 p.m.?

Commissioner Munger said I apologize. The hours of operation would be Sunday through Thursday ending at 10 p.m., Friday and Saturday ending at 11 p.m. If that's not what I said, that was my intent.

Commissioner Kidwell seconded motion.

Commissioner Kovacs said this is actually extremely hard because it's tugging me in two different directions. I have very much enjoyed hearing Jon and Katie talk and hearing your passion and loving the idea of a community space for people to be able to gather, but I would also be hypocritical if I didn't put myself in the shoes of the residents that are living right there and would be experiencing their neighborhood altering quite a bit. While I do believe Jon and Katie in that you would do everything you can to make sure it doesn't affect the residents and that you genuinely want a place for people to have fun safely and do what they love, I just can't get over the fact that we would be altering those lives so much. I appreciate this and I've told you guys I wish I could pick it up and move it somewhere, but clearly that's not possible. I do want to thank you for your entrepreneurship and the small business ideas and everything that you are trying to do and if it does pass, I hope that it works out well for you guys.

Mayor Bales said before you vote I do need to remind this Board that even with Commissioner Phillips not attending, this takes four to pass. All three of our votes this evening, 10.A, 10.B and 10.C, will take four votes to pass. Is that correct, Ms. Sloop?

Ms. Sloop said yes.

Commissioner Munger said that is not at all what I had understood coming into tonight. I should have asked Emily. I did ask a staff member.

Mayor Bales said would you please explain to everyone why it requires the 2/3 vote.

Ms. Sloop said 160A-75 requires a majority vote of all members of the council not excused from voting on the question and issue if it has the effect of creating an ordinance, which this does as a conditional rezoning. Even if Commissioner Phillips had been here and recused herself for a conflict of interest, it still would have been four votes.

Commissioner Munger said I'm just thinking out loud here. If a motion is made and it fails to pass, they have to wait a year. Is that my understanding?

Ms. Sloop said no. If you make a motion to approve it and the motion to approve fails, it's just not approved.

Commissioner Munger said and we could potentially bring this back up a month for now.

Ms. Sloop said you could consider it anew.

Commissioner Boone said point of order. This is a question for the Town Attorney. The person who is on the majority would have to bring it up.

Ms. Sloop said that's for a motion to reconsider.

Commissioner Boone said Mr. Munger, could you restate your position here.

Commissioner Munger said I made a motion. Hypothetically, if it went 3 to 2, it's not going to pass, based on the 3 to 2. Thirty days from now if we have all six commissioners come up here and it passes and I or someone on this Board says I'd like to reintroduce at that point and it passes 4 to 2, could that happen.

Ms. Sloop said if you make a motion and the motion to approve fails, it's not denied, it's just not approved.

Commissioner Munger said for 100 percent clarity, October 16 I come back up here and I say I want to reintroduce this and it passes 4 to 2, it could happen, that's a viable path.

Ms. Sloop said a motion to consider something anew would be what you are referring to.

Mayor Bales called for the vote to approve Petition #R23-06.

Motion failed 2 to 3 – Commissioners Munger and Kidwell in favor; Commissioners Boone, Kovacs and Partee opposed.

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

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

This is the item that was before you last month for final action. You can see the property located here on Everett Keith Road, south of Hambright Road and north of Eastfield. It is 100 percent zoned currently Transitional Residential. The request is to rezone to Corporate Business – Conditional District. This nearly 60 acres is for 750,000 sq. ft. of light industrial flex space and the plan set would allow between two and three buildings. Since the last time that we were here the staff's position has not changed and that is that this project is not consistent with the 2040 Plan, however there is the Eastfield Road Small Area Plan which indicates that if the infrastructure was in place that there could be support for rezoning to Employment Generating and so if the Board finds that this particular property and project is doing that, then the 2040 Plan could be amended to be an Employment Center or Employment Generating designation.

The staff recommendation is to support Modification B, which was to allow disturbance of the buffers that we went over and that is specifically along the edges to the north and to the east. Item C is the block length and that is prescriptive. There is a specific length in the plan. It is not just an open block length modification. And then A was to reduce some of the buffers utilizing the existing Duke Energy land and power lines to the east in combination with the buffer on the east side to allow for slightly less than would normally be seen when you have light manufacturing up against residential. You can see there that there are several of the modifications that are not needed and then there is one dealing with.....I'm sorry, I'm going to go to this one because it is clearer and takes out all the unnecessary. I've gone over the reduced buffers. I've gone over the disturbed buffers, the block length. The right-of-way at the end of Everett Keith Road where the cul-de-sac is, it last time did not extend to the edge of the

project. That is not Eastfield, that is the project. And I can show you that on the site plan if you would like to see that, just a very small extension and they have done that. The findings Article 14 has been satisfied. There are no off-site requirements for this project. You can see in Part 3 of the Staff Report that there will be upgrades to the site access points for the driveways as you might call it, 1, 2, 3 and 4. And then there would be internal protected stem of 100' for those. Any improvements that are required by DOT and CDOT would be required. And then all the rest of the improvements that are shown on the rezoning plan within the red boundary and again just to show you very quickly you can see that would be the cul-de-sac down here, the roundabout there and then there's a 10' wide side path along Everette Keith as well.

The parcel south of Everette Keith, the remnant parcels as we call them, those are the ones that are not being rezoned but are part of the land that is part of this project. They are going to have up against the roadway either a 4' berm or a 20' opaque buffer as specifically shown with the having the permission to accommodate such and with permission of the parcel owners to the south.

A willingness to serve letter from Charlotte Water is to be provided. The outstanding redline comments would be addressed and of course staff still makes the recommendation of extending Everette Keith all the way down to Eastfield, which is just a recommendation.

That recommendation went to the Planning Board and they voted unanimously 5-0 to approve. They found that it was not consistent with the 2040 Community Plan, but they did recommend that the 2040 Plan be amended as follows: (1) the property proposed for conditional rezoning be included as an extension of an Employment Center located along its western boundary. This amendment is supported by the Eastfield Road Small Area Plan and that the proposed Foundry – Everette Keith Road development is in Planning Zone 1A of that plan. That plan states that the area Everette Keith and south of the proposed Hambright alignment could be developed for light industrial, among other things as you can read there. If the Board amends the 2040 Plan, then the Planning Board recommends approval of the rezoning because it would be consistent with the following policies – LU-5, LU-7, EV-1, T-3 and T-5. The recommendation is based on all the conditions for the approval outlined in the report being addressed to the satisfaction of staff except for two items: (1) the applicant would work with staff to enhance the northern buffer berm to which is acceptable by staff and that I have alluded to, they have done that; and (2) is not to include the requirement of the extension of Everette Keith Road down to Eastfield.

With those conditions, the Planning Board stated it is reasonable and in the public interest to extend the Employment Center designation and then rezone the 59.66 acres from Transitional Residential to Corporate Business – Conditional district because it would then be consistent with the 2040 Community Plan.

Commissioner Boone made a motion in considering the proposed Rezoning Application R23-01, the Town Board recommends approval. The Town Board finds the request inconsistent with the Huntersville 2040 Community Plan Policy LU-1. However, the Town Board would encourage the development pattern that supports expanding the Employment Center located to the west of the property subject to this rezoning request by amending the Zoning Map to facilitate increased employment and tax base opportunities as stated in Part 4 of the Staff Report. Therefore, the 2040 Community Land Use Map is amended as follows: the property subject to conditional rezoning R23-01 shall be included as an expansion of the Employment Center located along the project's western border. This amendment is supported by the Eastfield Road Small Area Plan, specifically the proposed Foundry – Everette Keith Road development is in Planning Zone 1A of the small area plan and the plan recommends that this area

of Everette Keith Road and south of the proposed Hambright Road alignment be developed as office, light industry, multi-family with limited commercial/retail to support primary office and light industrial uses. The rezoning is further consistent with the following policies of the 2040 Community Plan: LU-5, LU-7, EV-1, T-3 and T-5. Approval is based on all the conditions for approval outlined in the Staff Report being addressed to the satisfaction of the staff. The applicant will work with the staff to enhance the northern buffer berm to the satisfaction of the staff. With those conditions, it is reasonable and in the public interest to expand the Employment Center area and rezone the 59.66 acres from Transitional – Residential to Corporate Business – Conditional District because it is consistent with the 2040 Community Plan, as amended. The request is also consistent with the Eastfield Road Small Area Plan and the applicable provisions of the Zoning Ordinance. It is essential to the Town of Huntersville to have a balanced and diverse tax base that also includes development projects that provide for employment opportunities for citizens within or close to the Town limits.

Commissioner Kovacs seconded motion.

Mayor Bales called for the vote to approve Petition #R23-01.

Motion carried unanimously.

Petition #R23-07 – EPCON – Beatties Ford Road. Petition #R23-07, EPCON – Beatties Ford Road, is 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.

Commissioner Kidwell made a motion to defer Petition #R23-07, EPCON – Beatties Ford Road, until October 16 at 6:00 p.m. to take place here at Town Hall, 101 Huntersville-Concord Road.

Commissioner Munger seconded motion.

Motion carried unanimously.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Munger

- On September 28 CMS Superintendent Dr. Crystal Hill will be hosting a Town Hall community meeting at North Mecklenburg High School.
- Reported Crys Roeder who served on the Huntersville Public Arts Commission and as Huntersville's representative to the Arts & Science Council North/West Advisory Council, passed away on September 3.

Commissioner Partee

- No Report

Commissioner Kidwell

- No Report.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Boone

- Attended ceremony at the Police Department where two officers received life-saving awards.

Mayor Bales

- Building Carolina at the Joint Employer Education Center will have an open house on September 28.

Commissioner Kovacs announced Girls Night In Create and Elevate on October 7 sponsored by the Pottstown Heritage Group.

There being no further business, the meeting was adjourned.

Approved this the 2nd day of October 2023.