

**Mayor**  
Melinda Bales

**Mayor Pro Tem**  
Stacy Phillips

**Commissioners**  
Dan Boone  
Rob Kidwell  
Amber Kovacs  
Lance Munger  
Derek Partee



**Town Manager**  
Anthony Roberts

**Deputy Town Manager**  
Jackie Huffman

**Assistant Town Manager**  
Bobby Williams

**Town Attorney**  
Emily Sloop

**Town Clerk**  
Janet Pierson

**AGENDA**  
**Regular Town Board Meeting**  
**October 16, 2023 - 6:00 PM**  
**TOWN HALL (101 Huntersville-Concord Road)**

**Live Stream available via YouTube**  
**@townofhuntersvillenc28078**

- 1. Pre-meeting - 5:15 p.m.**
  - 1.A. Mayor's Affordable Housing Task Force Presentation. *(Justin Ckezepis)*
- 2. Call to Order**
- 3. Invocation/ Moment of Silence**
- 4. Pledge of Allegiance**
- 5. Staff Questions**
- 6. Public Comments, Requests, or Presentations**
  - 6.A. Proclamation for National Arts & Humanities Month. *(Mayor Melinda Bales)*
  - 6.B. Proclamation for Mount Olive Missionary Baptist Church 155 Anniversary. *(Mayor Melinda Bales)*
  - 6.C. Recognition of Jack Simoneau's 22 years of service to the Town and his retirement as of November 1, 2023. *(Brian Richards)*
- 7. Agenda Changes/Adoption of Agenda**
- 8. Consent Agenda**
  - 8.A. Approve the minutes of the October 2, 2023 Regular Town Board Meeting. *(Janet Pierson)*

- 8.B. Approve updated Fee Schedule to comply with House Bill 488. (*Stephen Trott*)
- 8.C. Adopt Resolution to award the Seagle-4th Street Improvements Construction Contract to Efficient Developments. (*Kevin Fox*)

**9. Public Hearings**

**10. Other Business**

- 10.A. Discuss and select a preferred alternative for Beatties Ford Road at Brown Mill Road Intersection for NC73 (R-5721B) Project. (*Brett Canipe, NCDOT*)
- 10.B. Consider decision 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. (*David Peete*)
- 10.C. Consider decision 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*)
- 10.D. Consider decision 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*)
- 10.E. Consider decision 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*)
- 10.F. Consider approving the Lake Norman Charter School Joint Use Gym Agreement. (*Michael Jaycocks*)
- 10.G. Consider approving budget amendment appropriating Fund Balance and Capital Expense in the amount of \$53,500 for the replacement of supply ductwork to fabric ductwork for Huntersville Family Fitness and Aquatics Center. (*Zach Brown*)
- 10.H. Consider adopting Resolution to amend Capital Improvement Program and apply for the Charlotte Regional Transportation Planning Organization Discretionary Grant Program 2023 Fall Call for Applications - Funding Request for NC 73 Greenway Bridge. (*Heather Maloney*)



- 10.I. Discuss and consider approving a budget amendment for \$1,112,130 to fund 19 firefighter positions January - June in FY 24 and related line items. (*Commissioner Boone, Commissioner Kovacs, Commissioner Partee, Jackie Huffman*)

**11. Mayor and Commissioner Reports/Closing Comments**

**12. Adjourn**

**GENERAL MEETING INFORMATION**

Town Board:

The Town of Huntersville Mayor and Board of Commissioners are elected for two-year terms. Huntersville operates under the council-manager form of government, which establishes the Town's policies that are carried out by the Town Manager and staff. For more information visit [www.huntersville.org](http://www.huntersville.org).

Meeting Time, Place and Agenda:

All meetings of the Board are open to the public and the public is invited and encouraged to attend. The Board meets in the Town Hall at 6:00 p.m. on the first and third Monday of each month (unless otherwise posted). Agendas are published Thursdays before the meeting on our website. The Board reserves the right to deviate from the agenda.

Public Comment and Public Hearing Policy:

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

Special Accommodations:

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

**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Bobby Williams, Assistant Town Manager

**Date:** October 16, 2023

**Subject:** Mayor's Affordable Housing Task Force Presentation

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**EXPLAIN REQUEST:**

Hear a presentation summarizing discussions by the Mayor's Affordable Housing Task Force over the past 8 months with recommendations for actions the Town should take to play a more active role locally in supporting affordability of housing.

**ACTION RECOMMENDED:**

Hear presentation

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

None

**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Melinda Bales, Mayor

**Date:** October 16, 2023

**Subject:** Proclamation for National Arts & Humanities Month

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**EXPLAIN REQUEST:**

Present proclamation.

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

1. National Arts and Humanities Month, 2023



## **A Proclamation for National Arts and Humanities Month**

**WHEREAS**, the month of October has annually been recognized as National Arts and Humanities Month by thousands of arts and culture organizations – including the Arts & Science Council, the local arts agency of the Town of Huntersville and Mecklenburg County – and by communities, counties, and states across the country for nearly 30 years; and

**WHEREAS**, the arts and humanities help community members explore their diverse history and culture with the support and creativity of large, midsize, and small cultural organizations, creative individuals, educational institutions, and local businesses; and

**WHEREAS**, despite significant losses to the coronavirus pandemic, the creative industries remain among the most vital sectors of the American economy - providing new opportunities for development, and creating jobs and economic activity across sectors; and

**WHEREAS**, the collective nonprofit arts industry of the Town of Huntersville, surrounding towns, Mecklenburg County and Charlotte strengthens our local economy by generating \$243 million in total economic activity annually, \$21.6 million in state and local government revenue, and by supporting the full-time equivalent of 7,600 jobs; and

**WHEREAS**, the arts and humanities embody so much of the accumulated wisdom, intellect, and imagination of humankind, and play a unique role in the lives of our families and our community.

**NOW, THEREFORE**, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim October “**NATIONAL ARTS AND HUMANITIES MONTH**” 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 16 of October, 2023.

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Melinda Bales, Mayor

**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Melinda Bales, Mayor

**Date:** October 16, 2023

**Subject:** Proclamation for Mount Olive Missionary Baptist Church 155 Anniversary.

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**EXPLAIN REQUEST:**

Present proclamation for Mount Olive Missionary Baptist Church 155 Anniversary to Edwin Quarles, Deacons Chairperson.

**ACTION RECOMMENDED:**

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

None

**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Janet Pierson, Town Clerk

**Date:** October 16, 2023

**Subject:** Approval of Minutes

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**EXPLAIN REQUEST:**

Consider approving the minutes of the October 2, 2023 Regular Town Board Meeting Minutes.

**ACTION RECOMMENDED:**

Approve Minutes

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

1. Draft Minutes

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**October 2, 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 October 2, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

**STAFF QUESTIONS**

Commissioner Kidwell requested clarification on if votes on upcoming rezonings would require a super majority vote.

Emily Sloop, Town Attorney, explained voting is governed by Subsection 75 of 160A of the General Statutes which requires for anything that has the effect of an ordinance, which a rezoning would have the effect of creating an ordinance, to have a majority of those members of the Board not excused from voting. If you are merely absent, you are not excused from voting. You are excused from voting if you are recused due to a conflict of interest. If you have, for example, one board member that's recused, that leaves you with five unexcused members, so if all five are participating, you would need four out of five. On the other hand if you, for example, had two board members absent but not excused from voting, you would still require four out of six not excused from voting to pass.

Mayor Bales requested clarification on how the 150<sup>th</sup> Committee and the Affordable Housing Task Force were created.

Ms. Sloop said for the 150<sup>th</sup> Committee, the Town Board directed me to create bylaws for that committee that included a specific composition of membership, so members from diverse backgrounds,

and then the Board as a whole appointed the members to the 150<sup>th</sup> Committee. As to the Mayoral Task Force, again the Board gave me direction on the composition that they wanted to see included in the Task Force. The Board voted to move forward with the Task Force and then the Mayor and Mayor Pro Tem worked to make the appointments to that Task Force.

### **PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS**

**HOMES Program.** Jamie Nagle, Mecklenburg County HOMES Program Supervisor, presented presentation on the HOMES Program (Helping Out Mecklenburg's Homeowners with Economic Support). *PowerPoint attached hereto as Exhibit No. 1.*

**Proclamation – Dysautonomia Awareness Month.** Mayor Bales proclaimed October 2023 as Dysautonomia Awareness Month.

#### **A Proclamation For Dysautonomia Awareness Month**

**WHEREAS**, Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for “automatic” bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more; and

**WHEREAS**, Dysautonomia impacts over 70 million people around the world, and includes conditions such as Diabetic Autonomic Neuropathy, Neurogenic Orthostatic Hypotension, and Postural Orthostatic Tachycardia Syndrome; and

**WHEREAS**, Dysautonomia impacts people of any age, gender, race or background, including many individuals living in Huntersville; and

**WHEREAS**, Dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship; and

**WHEREAS**, some forms of dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones; and

**WHEREAS**, increased awareness about dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with dysautonomia in our community; and

**WHEREAS**, Dysautonomia International, a 501(c)(3) non-profit organization that advocates on behalf of patients living with dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world; and

**WHEREAS**, we seek to recognize the contributions of medical professionals, patients and family members who are working to educate our citizenry about dysautonomia in Huntersville.

**NOW, THEREFORE**, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim the Month of October “**DYSAUTONOMIA AWARENESS MONTH**” 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 2<sup>nd</sup> of October, 2023.

**Proclamation – Hispanic Heritage Month.** Mayor Bales proclaimed September 15, 2023 through October 15, 2023 as Hispanic Heritage Month.

#### **A Proclamation for Hispanic Heritage Month**

**WHEREAS**, each year, the United States observes National Hispanic Heritage Month by celebrating the culture, heritage and countless contributions of those whose ancestors were indigenous to North America including Mexico, as well as those who came from Central America, South America, Spain, and the Caribbean; and

**WHEREAS**, what began in 1968 as Hispanic Heritage Week under President Johnson was expanded by President Reagan in 1988 to cover a 30-day period starting on September 15 and ending on October 15; and



**WHEREAS**, the date September 15 is significant because it is the anniversary of independence for the Latin American countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. Additionally, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively; and

**WHEREAS**, this year's theme, "Latinos: Driving Prosperity, Power, and Progress in America," encourages us to focus on the themes of prosperity, power, and progress, recognizing the significant strides of Hispanics in the economic, political, and social growth of the U.S.; and

**WHEREAS**, the Hispanic population of the United States is now 63.7 million, constituting 19.1% of the total population; and

**WHEREAS**, in the Town of Huntersville, the Hispanic population represents a wide range of nationalities and backgrounds, all of whom make a positive contribution to educational, non-profit, government and business sectors which reflect the remarkable diversity of the American people; and

**WHEREAS**, Hispanic Heritage Month is an incredible opportunity to speak with one voice, acknowledge the crucial role that Hispanics play in shaping the future of our country and the world, and to celebrate and recognize Latinos as employees, suppliers, consumers, and community. Hispanics need to be seen, heard, and valued and are more likely to engage with individuals or organizations that actively invest in and celebrate their contributions to America, which are driving prosperity, power, and progress.

**NOW, THEREFORE**, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim September 15 to October 15, 2023 "HISPANIC HERITAGE MONTH" 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 2<sup>nd</sup> of October, 2023.

**Eric Dietrich**, 5835 Deer Meadows Lane, said I'm here today regarding opposition to Rezoning Case 23-07, EPCON Beatties Ford Road. The rezoning and proposed community would involve 118 homes with an entrance approximately 200 yards south of the intersection of Gilead and Beatties Ford. The area is already a traffic backlog several times per day stretching over a half mile long down Beatties Ford and Gilead from 73. The Gilead/Beatties Ford intersection has already been identified as an area in need of traffic improvement. I think that might even be a topic for later today or tonight. I routinely see traffic blocking the drive to the fire station, a critical service to the western side of town. During construction the area would be subject to heavy equipment, utility operations, contractor vehicles, which would eventually lead to 118 plus passenger vehicles in addition to refuse and recycling, landscape and maintenance vehicles, delivery vehicles, UPS, FedEx, Amazon, far beyond the traffic impact that EPCON indicates in their information. Just a few years ago the city approved a vision of the community that continued the zoning in the area of question as Rural Conservation. LU-1, LU-3, LU-7, LU-11 do not support the proposal. LU-3.1 states "There is constant pressure to rezone to higher density districts on edges of town. Growth management was the #1 priority for survey responses. There needs to be a concerted effort to uphold previous policy decisions to limit density and increase open space preservation in the more underdeveloped areas outside of the Town Core." The ask for a Transitional Residential does not abut another Transitional Residential or Residential, it stands out by itself and basically opens a pandoras box to set bad precedence for future rezoning opportunities. EPCON has stated that exceptions and deviations to current building codes would also be required for their proposal including buffer relief, entry medians, cul-de-sac length, driveway width, and design around their wet pond. It's more than just rezoning, it's a plan that does not fit with existing building codes in addition to community vision and plans. Affordable housing, I think I just heard that here tonight. Declared starting price of \$600,000 for homes in there, for EPCON. The community would further swing the balance against affordable housing within this community. At the last Town Hall meeting several people came forward in support of EPCON indicating they made nice communities. Unfortunately, not one of them was a Huntersville resident. Two were from Matthews, one from Concord and one with a realtor with a vested interest. Unfortunately, EPCON as a developer is not really what's at debate here. What's at debate is whether or not the community should put high density housing in that area.

**Saadiq Singleton**, 11807 Midnight Way, said I want to address the traffic issue. Me and Chief Graham have had a couple of conversations. We have roundabouts in our community, and I would say about 80 to 85 percent, if not higher, of the people don't use those roundabouts properly and what I'm trying to do is prevent an accident from happening by getting more presence out in the community. We have a Facebook group and I think if you stop one person or two people at your discretion, maybe give them a warning, it would get around in the neighborhood to use the roundabouts properly. I was persistent in getting traffic signs or traffic directions on roundabouts so it's a stickler with me because my granddaughter got hit by a car that was parked, up north we say left wheel of the curb, so I'm particular about traffic.

**Crystal Camp**, 11800 Swansboro Lane, said I'm here tonight about the traffic speed hump petition that's been ongoing. I wanted to just come and speak again tonight and to again ask for your vote tonight to please allow the three speed humps is what we would prefer in our community. The reason is the road is about 1,200' in length and just the way you'll see tonight when Lora does her presentation that the three speed humps just make more sense. The way the road is laid out, there's two corresponding streets. Swansboro is a cul-de-sac and then there's two corresponding streets, so just the way the layout presents, it would be better in my opinion for the three, so I ask that you please consider that, even though that may not be the recommendation. Again, with no sidewalks in the neighborhood for the kids to play it's just not currently safe. We definitely do need the speed humps.

**Jeff Sny**, 13945 Old Vermillion, said I'm here tonight simply as a Huntersville citizen. As we've all noticed it is once again sign season, so that means that a local election is near. To all the candidates up on the dais tonight and in the audience and watching from home, I'd like to deliver a message of encouragement to you. I encourage you to make Huntersville your priority. Instead of measuring signs and researching rights-of-way, I encourage you to use that time to earn some votes. Instead of courting Charlotte residents, I encourage you to court some residents from here in the Ville. If you are excited about a mailer that says Meck looks good in blue, I would encourage you to double-check which race you've actually entered, because this is Huntersville. If you want your party in red to put out a big mailer as well, I would encourage you to check the Huntersville website, because our dominant color is green. If you want to buddy up with some naysayers or some red sign people, some green sign people, or the non-transparent transparency people, then I would encourage you to weed through the noise and find the actual message that they have. If this is one you can truly embrace as a representative of Huntersville, then run with it. If it's not, I would encourage you to seek a different audience. I would encourage you to do what's right when you think no one is looking. I'll give a great example. I saw someone putting out signs for candidates Saturday morning. They were putting out signs of one particular party in this non-partisan race, but they noticed a sign from someone in the other party was laying on the ground. They took the time to reinsert that sign. I don't know who that person was. I thought that was a nice touch and that's exactly what I'm talking about. I'm looking forward to a clean, respectful race where you earn as many votes as you possibly can, but do it the right way. In the meantime, I will be encouraged by the thought that I won't have to check any of you again.

#### **AGENDA CHANGES**

Commissioner Phillips made a motion to adopt the agenda.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

## **CONSENT AGENDA**

**Approval of Minutes – September 5, 2023.** Commissioner Phillips made a motion to approve the minutes of the September 5, 2023, Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

**Approval of Minutes – September 18, 2023.** Commissioner Phillips made a motion to approve the minutes of the September 18, 2023, Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

**Electric Fund Write-offs.** Town staff and ElectriCities have cooperatively worked at collecting final electric accounts to accurately reflect the amount customers owe the Town. As we did in FY22, staff recommends that annually the Board approve the write-offs of amounts that have proven uncollectible for more than three years. While this will not stop our collection efforts (these amounts will remain with our collection agency and we will continue to seek collection through debt set off program for accounts over \$50), our financial statements will no longer report the amounts as likely collectible. Staff is recommending the Board approve write-offs for FY20 totaling \$24,453.96.

Commissioner Phillips made a motion to approve Electric Fund write-offs for FY20 totaling \$24,453.96. Commissioner Kovacs seconded motion. Motion carried unanimously.

## **PUBLIC HEARINGS**

**Traffic Calming – Cambridge Grove Drive.** Mayor Bales called to order public hearing to receive input on proposed traffic calming measures on Cambridge Grove Drive between Glencrest Drive and NC 73.

Lora Mastrofrancesco, Transportation Engineer, said I'm here to go through the public hearing process. We are going to go over the location of this street, the process that was carried out to conduct the traffic calming. I'll give you some of the results and then our proposed solutions.

We are at Town Hall which is the bottom right corner of this image. Cambridge Grove is off of 73 between 115 and 21. If we zoom in, you will see the subdivision is also called Cambridge Grove. It's about 950 linear feet. It's the red line. That's the area that we are talking about today. It's from Sam Furr to a four-way stop at Glencrest.

I'd like you to notice there are no homes on the east side, which is the right side. That's owned by the HOA. On the west side, the left side, you'll see two cul-de-sacs with a total of around 22 residences.

I would like to bring to your attention to the existing speed humps as traffic calming measures in this area. Some in the Cambridge Grove neighborhood, which is outlined in blue, and the little ovals are my indication of a speed hump. They already have some in there. And then we have some in the surrounding neighborhoods, which is Hampton Ridge and Knoxwood Drive.

Let's look at a street view. It's a fairly wide section. It's actually 33' pavement to pavement and then there's two 2' curbs on either side. If you notice, there's no driveways. This is just a straight through street. It has a little bit of a curve in it, but it's important to note that there's no driveways right here.

We conducted our first study in November of last year. The first collection stated that the 85<sup>th</sup> percentile of speeders were going 32 mph, which exceeds the threshold per the policy of 31 mph. After

that, the neighborhood itself conducts their neighborhood awareness campaign and returns them to the Town for review and acceptance, which has been completed by the HOA.

Then we move into Type 1 implementation which means I give the police the data that I've collected and they can then come out to monitor at the appropriate times and after that happens we put up the temporary radar feedback signs which helps people driving, it's start to flash so you know how fast you are actually going, because you could not realize how fast you're going.

Then we revisit this again and we do a second collection of the speeds. Again, the 85<sup>th</sup> percentile, it really didn't change, it was still at 32 mph. That means we have to move into physical calming measures. Our staff came up with several items and submitted it to the HOA to review. They have their own Traffic Subcommittee and they have sent me a list of their comments, which I would like to enter into the record and the Clerk has a copy of that. *HOA Comments attached hereto as Exhibit No. 2.* And now we are here for the public hearing.

Let's go through the options. We'll start with simple speed hump. This is total 950 linear feet, so a simple speed hump would be right in the middle. We try not to space them out any further than 500', so this would be a valid idea.

Another one would be to put two if you felt that this was necessary. I put them slightly past the two intersections because you can't really put one in the middle of an intersection.

The next option is mini traffic circles, which are newer in our town and we're working out some kinks there, but for this one if I offset the mini traffic circle, I would not need to get any more right-of-way. What you're looking at is the traffic circle is in the middle which is 16' in diameter, but then we would add what's called a chicane to try to tighten in the road so that a vehicle has to meander through and you have to slow down to do this. This is how we could control the speeds there.

This is typically where I stop and that's all I show you. Those are all we really have, but this roadway is really wide, so I have more to show you.

Here's another option. When I showed you the original picture it was just one big piece of asphalt. What if we put two lanes and showed some striping down the middle. It has got a little bit of a curve so this would help keep vehicles to their side of the road. The markings would not happen at the intersection to allow the vehicles to make their lefts in and out. This would end up with 16' wide lanes, which is rather large. I have an example. I was told that Stratton Farm Road in the Cedarfield neighborhood had an issue with speeding and they implemented this I'm not sure how many years ago, but they found that this was very helpful in their community.

Let's go a little bit further to stripe out three lanes and then we would have three 11' markings and again we would stop them short of the two cul-de-sac intersections and they would really just be for left-hand turns coming in. That would narrow your lanes again and that also makes you feel a little more constrained, you would feel like you needed to travel a little slower. This would be an example – Ferrelltown Parkway which is the Walden neighborhood off of Huntersville-Concord has this exact striping that widens out to the three lanes. It looks similar to this.

Here's another idea – it's our sixth alternate, but still in the lines of the three lanes, but the middle lane, the center, we would make it a concrete median. This would then make two 12' lanes. The lanes would be a little bit bigger if anyone had concerns for larger vehicles traveling through, but the center could be

an island or we would just recommend just a concrete median, again cut short on either side so the vehicles can get in.

The last tool in our toolbox that we could use there are raised intersections. It's a cross between a speed hump and a speed table. A table is flat. This would go up a little bit and then you would be flat through the whole intersection and then you would come back down. It would be in all directions of the intersection. It's very large. Here are some images. On the left you see a four-way intersection and it's slightly raised and on the right you see how wide it could go. It would be very large, which then also increases in cost for that one.

Those would be our proposals. I did speak with both chiefs from fire and police. Same as my last presentation, the Fire Department would prefer mini circles. They can drive over one with half their vehicle safely and not damage their ladder truck. Police is fine with speed hump or speed table. Our staff here would recommend one speed hump because it matches into the neighborhood as well. None of these would really need any right-of-way acquisition, just material and our staff time for that.

The HOA had provided me with a list of their review after I submitted the seven. They didn't particularly pick out just one and so let me just back up here to try to explain something. On the east side/right side, there's sidewalk all the way up to Glencrest. On the west side, the sidewalk goes from 73 to Drew Court. Their HOA was suggesting that we add some sidewalk to the middle there and put what would be like a speed table and mark it for pedestrians to cross over, and extending that sidewalk would make it accessible to both sides and for everyone to walk over. Now extending the sidewalk is not really a speed calming measure, but that would have some connectivity there. They also would like to have the centerline marked, so they picked sort of the two of some of these suggestions. They had some other ones that aren't specifically related to speed calming, so that could be dealt with another time.

They wanted to add some bike lanes in this area. I probably wouldn't recommend that. We don't have bike lanes on 73 or anywhere else in the neighborhood and the Town, actually the Mobility Plan, is to go towards multi-use paths instead, so this just doesn't follow under the Mobility Plan as well.

Another one that they were asking for is for No Parking Signs, which again can be addressed at a later time.

That's all the presentation that I have and I wanted to know if you have any questions and I do know we have a speaker.

Commissioner Kidwell said are there any traffic calming devices on Hampton Crossing?

Ms. Mastrofrancesco said there are speed humps there.

Commissioner Boone said what time did you collect the speed data?

Ms. Mastrofrancesco said they are put up for two full weeks.

Commissioner Boone said so there's 24/7 that they are collecting the speed.

Ms. Mastrofrancesco said yes, unless the battery dies, unless a vehicle is parked right in front of it, but yes.

Commissioner Boone said is there a school bus stop any place along that line?

Ms. Mastrofrancesco said that I do not know.

Commissioner Boone said would that affect the speed if there's a bus stop?

Ms. Mastrofrancesco said no, because I'm collecting the data and then it's calculated with the 85<sup>th</sup> percentile, so they are going over, even if the school bus is going pretty slow.

Commissioner Boone said it's stopping and picking up children I would think. That's my question. Is there a CMS school bus stop along that line?

Ms. Mastrofrancesco said I don't know, I would have to look into that for you.

Commissioner Boone said but that would affect the speed, you think.

Ms. Mastrofrancesco said what do you mean, I'm sorry.

Commissioner Boone said you say the speed limit is 32 mph during your.....

Ms. Mastrofrancesco said 25 mph.

Commissioner Boone said you can pull the slide back that says 32 mph I believe.

Ms. Mastrofrancesco said yes, the 85<sup>th</sup> percentile.

Stephen Trott, Director of Engineering, said so if somebody stops in the street then whatever speed they are going when they cross the device is what would be picked up. It doesn't discriminate on.....we don't know what kind of vehicle crossed, just when it crosses it records the speed at that time.

Commissioner Partee said what is the least expensive alternative out of all the seven that you presented?

Ms. Mastrofrancesco said it would be the single speed hump. It would be around \$4,000 to \$5,000 for one speed hump.

Commissioner Partee said to piggyback on Commissioner Boone's question on data collection, what is the timeframe as far as days or weeks between the first data collection and the second data collection?

Ms. Mastrofrancesco said the request from them was in November and we had a to discuss the process. The first collection was in January 2023 and then my second collection was in June 2023.

Commissioner Partee said the speed limit, there was an uptick, it went from 32 mph to 21 mph. What was the uptick in the speed collection between the first and the second.

Ms. Mastrofrancesco said they stayed the same. And I also checked.....there's other ways to check that I'm getting accurate data. If one of the results tells me I have 10,000 cars going through this area when I know 10,000 cars don't go through there, then we would re-do the study, because I would know I didn't

have the proper data. If one of the radars runs out of batteries and I don't get my full two weeks, we would then re-do those two weeks again.

Commissioner Partee said now that you mention it, how many cars were read on the data collection.

Ms. Mastrofrancesco said the first one in January was 2,213 and the second one was 2,800.

Commissioner Kovacs said what's the cost of the mini circles?

Ms. Mastrofrancesco said those are around \$10,000 and I would put one at each intersection. For these mini circles I had shifted it so it would also have the chicane that would increase the price. For this suggested one, for two of these layouts would be around \$20,000 to \$25,000.

Commissioner Kovacs said but this is what the Fire Department would prefer.

Ms. Mastrofrancesco said yes. They could drive straight over it and only put maybe one side of the truck over it without damaging the bottom of the ladder truck, which is the truck style that they are going forward with.

Commissioner Kovacs said I only worry because there's so many traffic calming devices down the road. It is such a long road and there are so many that adding more seems detrimental, but also the safety of the people that live here is important in both ways. That's why I asked about the mini circles. Do you have any way to predict how many cars might be added due to the daycare being to the right of that.

Ms. Mastrofrancesco said the daycare access is not onto this street. The entrance and exit is off of 73. Stephen would be able to talk more to the TIA that was done for that.

Stephen Trott, Director of Engineering, said the daycare access is on 73, so there could be people that drive to and from the neighborhood, they are all public streets, so they could connect to wherever they want to go, so it's possible.

There were no questions from the Planning Board.

Bob Soroosh, 10302 Islay Court (Mike Russell, 17443 Glassfield Drive, deferred his time), said I may have met some of you a week ago at the candidate meet and greet and look forward to hearing your responses to our questionnaire. As I think you are aware I'm coming before you today as the Chairman of the Traffic Committee for the Cambridge Grove Homeowners Association which has 250 homeowners and about 750 registered voters. I do have several years' experience as a police officer. Other members of our Traffic Committee have experience that directly relates to traffic engineering. I just want to say I thought Lora's research was excellent. As you have a copy of the diagram which is hand drawn, you will see what may be a very simplified version of what you have been looking at. At the bottom of this diagram is Glencrest. Pretty much the center is Cambridge Grove Drive going up to Sam Furr. One person asked where does the school bus stop. The school bus stops at Glencrest and Cambridge Grove Drive in what you are looking at the left corner of Cambridge Grove Drive. As you look across this drawing, and I'll get into our recommendations which are actually noted on here, part of what you can see as you had some question about the location of the preschool is where that's going to be and you can also see the traffic coming from that that's not on tonight's agenda.

After we discussed this over a period of months and reviewed it and looked at Lora's data, our recommendations, as actually Lora has mentioned, are several. If you look at Item A, the new sidewalk. As you look up at Cambridge Grove Drive where it enters into Sam Furr you can see there is a pre-existing sidewalk on the right or west side of Cambridge Grove Drive, but it only extends to Drew Court. Our recommendation was add a new sidewalk, Item A, that takes you halfway from Drew to Truitt and then add a new speed hump which doubles as a pedestrian crossing. That is probably a least cost alternative. Certainly, one speed hump is less expensive than two. I'll come back to the pedestrian crossing in a minute.

Item C is the skipped yellow center line. A skipped line then would enable cars to drive around a service vehicle that might be parked on the side of Cambridge Grove Drive.

Item D is where Cambridge Grove enters into Sam Furr and Mike Russell and I are here together, Mike having lived there for 25 years. I've lived there for 10. I have driven down Cambridge Grove Drive over 3,000 times, in day, at night, in rain and every kind of condition. I have witnessed pedestrians crossing there at Sam Furr. As a matter of fact, just a few days ago there was a young man who was completely fixated on his iPhone and didn't even look up to see if there was any traffic coming. After the preschool opens there will be increased traffic and just based on my experience as a police officer, I wouldn't want to cross there. If it gets progressively less safe, then one alternative is to extend the sidewalk that we already talked about and allow pedestrian crossing across that speed hump to provide an alternative way for pedestrians to cross Cambridge Grove Drive.

Item E is a white stripe for bike lanes on either side and I know this may sound strange, but I've seen people riding their bike in the middle of Cambridge Grove Drive, so maybe a bike lane would help them be a little bit more rational as to where they are riding their bicycle.

And finally, No Parking signs could be added on both sides. Throughout the last 10 years, throughout my 3,000 times, I've seen various vehicles parked.

If you want to calm Cambridge Grove, we think that these six recommendations would help achieve that. They are actually fairly low cost and if you will turn past the diagram, we summarize all those. A is sidewalk extension; B is single speed hump doubling as pedestrian crossing; C is a skipped yellow center line; D is to remove the current pedestrian crossing at Sam Furr; E is to add bike lanes; and F is to add No Parking signs. What we ask tonight is we respectfully ask that the Huntersville Town Board of Commissioners adopt a motion instructing the Huntersville Town Manager to instruct the Town Traffic Engineering Department to work with the Cambridge Grove HOA Traffic Committee on both the feasibility and the implementation of recommendations A through F shown above and illustrated on the diagram.

Commissioner Boone said I've got a question for the Town Manager. Can you have a crosswalk and a traffic calming device all in one? I can't think of any place in town that we do that.

Mr. Roberts said I don't know if we have any in town, but I'm sure it can be done.

Ms. Mastrofrancesco said you'll normally see a speed table on Sherwood by the greenway, that's what he was explaining a speed table. It would be a speed hump because you have to go up and then it's going to go flat so that the pedestrians can still walk across it.

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



## **OTHER BUSINESS**

**Traffic Calming Measures – Swansboro Lane.** Lora Mastrofrancesco said the two studies did not reduce the speeds per the policy and so staff would recommend the two speed humps. Earlier today Ms. Camp said that the community would prefer the three speed humps now. They are spaced less than 500' which is what we usually look for. *Staff PowerPoint attached hereto as Exhibit No. 3.*

Commissioner Phillips made a motion to approve Alternate 2 which is the three speed humps for the Swansboro Lane traffic calming solution.

Commissioner Kovacs seconded motion.

Commissioner Kidwell said with the three speed humps, do any of them fall in a driveway or impact anybody's home.

Ms. Mastrofrancesco said these are approximate lengths and our Public Works Department knows to adjust accordingly, so not to put it in front of a driveway.

Mayor Bales called for the vote to approve three speed humps.

Motion carried unanimously.

**Beatties Ford Road/Brown Mill Road Intersection Preferred Alternative Discussion.** Commissioner Kidwell made a motion to postpone this until October 16 at Huntersville Town Hall, 101 Huntersville-Concord Road, at 6 p.m.

Commissioner Boone seconded motion.

Motion carried unanimously.

## **MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS**

Commissioner Partee

- Noted October is National Breast Cancer Awareness Month.
- Provided safety tips for using area greenways.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.
- If you have a charity that you want to give to, please do so.

Commissioner Kidwell

- Provided update from Charlotte Regional Transportation Planning Organization. Going forward, the maximum funding for the Discretionary Grants Program will be 25 percent with a 10 percent cost estimate. Pointed out that Huntersville received Discretionary Funding for the Stumptown Road Extension Project in the amount of \$5.156 million and the Greenway Tunnel under US 21 Project in the amount of \$2.6 million.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Boone

- Boy Scout Troop 19 will pick up campaign signs following the election for a donation of \$1 per sign.
- Tomorrow night is National Night Out at the Recreation Center.

Commissioner Phillips

- Provided update from Visit Lake Norman.

Mayor Bales

- The six Mecklenburg County towns and Mecklenburg County have hired an attorney to represent our interests as we go into discussions to update the bylaws to the Metropolitan Transit Commission interlocal agreement.
- Commended Parks & Recreation staff and the 150<sup>th</sup> Committee for a successful Hay Days event.

There being no further business, the meeting was adjourned.

Approved this the \_\_\_\_ day of \_\_\_\_\_, 2023.

**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Stephen Trott, Director of Engineering

**Date:** October 16, 2023

**Subject:** Updated Fee Schedule October 2023

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**EXPLAIN REQUEST:**

Update the Town Fee Schedule to comply with House Bill 488. Only change is to the wording in Erosion Control Plans. The fee is now chosen by Applicant for either acres disturbed or the number of single family lots developed.

**ACTION RECOMMENDED:**

Approval

**FINANCIAL IMPLICATIONS:**

Land Development Fund

**ATTACHMENTS:**

1. Huntersville Fee Schedule Effective 10172023



# FEE SCHEDULE

**Mecklenburg County Fees**  
**POSSE Payment Link:** Emailed to you  
**Meck County Only:**  
 Contact Meck County  
 about payment options  
**Do NOT send any checks to**  
**Meck County for**  
**Town of Huntersville fees.**

## Town of Huntersville Fees

**TOH Website:**  
[www.huntersville.org/planning](http://www.huntersville.org/planning)  
 (Select the round button on  
 bottom of page for "Pay Fees")  
**In Person:**  
**Mailing Address:**  
 PO BOX 664 Huntersville NC 28070  
**Physical Address:**  
 105 Gilead Road, Third Floor  
 Huntersville NC 28078  
**Payable to:** Town of Huntersville  
**Hours:** Mon - Fri, 8 a.m. - 5 p.m.  
**Contact:** 704-875-7000

| Permits                                                                                                                                                                 | Fee    | Payment Method   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------|
| Building Permit<br>(new single-family, modular home, manufactured home, garage, deck, shed, pier, residential addition)                                                 | \$40   | Meck County Only |
| Sign Permit                                                                                                                                                             | \$140  | Meck County Only |
| Demolition or Encroachment Permit                                                                                                                                       | No Fee | -                |
| Home Occupation Permit                                                                                                                                                  | \$140  | TOH Website      |
| Commercial Up-Fit Zoning Review                                                                                                                                         | \$40   | TOH Website      |
| Zoning Use Permit<br>(mobile food sales, temporary markets, temporary accessory structures, structures less than 144 sq. feet and 12' in any dimension, bona fide farm) | \$40   | TOH Website      |

## Concept, Sketch, Preliminary & Revision Plans

|                                                         |          |              |
|---------------------------------------------------------|----------|--------------|
| Sketch and Concept Plan - Subdivision                   | \$2,000  | Payment Link |
| + Sketch and Concept Plan - Subdivision (per lot)       | \$5      | Payment Link |
| Small Subdivision Preliminary Plan (<10 acres denuded)  | \$12,500 | Payment Link |
| + Small Subdivision Preliminary Plan per acre           | \$750    | Payment Link |
| + Small Subdivision Preliminary Plan per lot            | \$5      | Payment Link |
| Large Subdivision Preliminary Plan (>10 acres denuded)  | \$17,500 | Payment Link |
| + Large Subdivision Preliminary Plan per acre           | \$500    | Payment Link |
| + Large Subdivision Preliminary Plan per lot            | \$5      | Payment Link |
| Concept Plan - Commercial                               | \$2,000  | Payment Link |
| Small Commercial Plan (<1 acre)                         | \$1,500  | Payment Link |
| Medium Commercial Plan (1 acre up to 4 acres)           | \$4,500  | Payment Link |
| Large Commercial Plan (>4 acre denuded or PCO applies)  | \$9,000  | Payment Link |
| + Large Commercial per acre                             | \$500    | Payment Link |
| Roadway/Intersection only Plans (per intersection/road) | \$2,000  | Payment Link |
| Traffic Impact Study (\$/peak hour trip)                | \$10     | Payment Link |

## Erosion Control Plans (option of applicant)

|                                                                                                                                                                                         |       |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------|
| Erosion Control Plan Review per acre disturbed                                                                                                                                          | \$500 | Payment Link |
| Erosion Control Plan Review per single-family lot developed that is less than one acre (including single-family lots less than one acre contained in larger common plan of development) | \$100 | Payment Link |

## Site Plans & As Builts

|                                           |         |              |
|-------------------------------------------|---------|--------------|
| Commercial Site Plans (Over \$1-3,000)    | \$220   | Payment Link |
| Commercial Site Plans (Over \$3-50,000)   | \$240   | Payment Link |
| Commercial Site Plans (Over \$50-100,000) | \$555   | Payment Link |
| Commercial Site Plans (Over \$100,000-1M) | \$925   | Payment Link |
| Commercial Site Plans (Over \$1M - \$10M) | \$1,125 | Payment Link |
| Commercial Site Plans (Over \$10M)        | \$1,385 | Payment Link |
| As Built—Storm Drainage or BMP            | \$600   | Payment Link |

| Plan Revisions                                                                                                                                    |  | Fee                                      | Payment Method                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------|----------------------------------------------------|
| Site Plan Revisions (zoning revisions only, no land development revisions)                                                                        |  | \$200                                    | Payment Link                                       |
| Minor Revision to Approved Plans<br>(less than 1 acre, two lengths of storm drainage pipe, one floodway cross-section, or two single-family lots) |  | \$800                                    | Payment Link                                       |
| Major Revision to Approved Plans                                                                                                                  |  | \$1,500                                  | Payment Link                                       |
| Plats                                                                                                                                             |  |                                          |                                                    |
| Review (Major or Minor)                                                                                                                           |  | \$1,250                                  | Payment Link                                       |
| Revision (Major, Minor or Exempt)                                                                                                                 |  | \$500                                    | Payment Link                                       |
| Special Use Permits                                                                                                                               |  |                                          |                                                    |
| Residential District (R, TR)                                                                                                                      |  | \$200                                    | Payment Link                                       |
| Mixed-Use District (NC, TC, TND-O)                                                                                                                |  | \$400                                    | Payment Link                                       |
| Commercial District (HC, CB, SP)                                                                                                                  |  | \$600                                    | Payment Link                                       |
| Driveway Permits                                                                                                                                  |  |                                          |                                                    |
| Driveway Permit (excluding Single Family Dwelling)                                                                                                |  | \$200                                    | Payment Link                                       |
| Rezoning Petitions                                                                                                                                |  | - GENERAL -<br>Payable by<br>TOH Website | - CONDITIONAL -<br>Payment Method-<br>Payment Link |
| Rezoning to a Residential District (R, TR, GR, NR, MH-O)                                                                                          |  | \$520                                    | \$705                                              |
| Rezoning to a Mixed-Use District (NC, TC, TND-U, TND-R, CI) 2 acres or less                                                                       |  | \$400                                    | \$550                                              |
| Rezoning to a Mixed-Use District (NC, TC, TND-U, TND-R, CI) 2+ acres or less than 10 acres                                                        |  | \$700                                    | \$850                                              |
| Rezoning to a Mixed-Use District (NC, TC, TND-U, TND-R, CI) 10+ acres                                                                             |  | \$1,270                                  | \$1,700                                            |
| Rezoning to a Commercial District (HC, CB, SP, VS) 2 acres or less                                                                                |  | \$350                                    | \$550                                              |
| Rezoning to a Commercial District (HC, CB, SP, VS) 2+ acres or less than 10 acres                                                                 |  | \$500                                    | \$800                                              |
| Rezoning to a Commercial District (HC, CB, SP, VS) 10+ acres                                                                                      |  | \$1,270                                  | \$1,700                                            |
| Rezoning Amendments                                                                                                                               |  | Fee                                      | Payment Method                                     |
| Administrative Amendments                                                                                                                         |  | \$200                                    | TOH Website                                        |
| Variances, Appeals, and Density Averaging Certificates                                                                                            |  |                                          |                                                    |
| Subdivision Variance (waiver)                                                                                                                     |  | \$150                                    | TOH Website                                        |
| Residential (individual property)                                                                                                                 |  | \$150                                    | TOH Website                                        |
| Commercial (individual property)                                                                                                                  |  | \$300                                    | TOH Website                                        |
| Bonds                                                                                                                                             |  |                                          |                                                    |
| Posting/Renewing/Reducing/Replacing/Releasing Bonds                                                                                               |  | \$500                                    | TOH Website                                        |
| Text Amendments                                                                                                                                   |  |                                          |                                                    |
| Text Changes to Zoning/Subdivision Ordinance                                                                                                      |  | \$400                                    | TOH Website                                        |
| General Planning                                                                                                                                  |  |                                          |                                                    |
| Zoning Verification Letter                                                                                                                        |  | \$25                                     | TOH Website                                        |
| Zoning/Subdivision Ordinance                                                                                                                      |  | \$30                                     | TOH Website                                        |
| Master Signage Program                                                                                                                            |  | \$200                                    | TOH Website                                        |
| Master Signage Program - Revision                                                                                                                 |  | \$50                                     | TOH Website                                        |
| Code Enforcement Administrative Fee (Nuisance)                                                                                                    |  | \$150                                    | TOH Website                                        |
| Pavement Degradation Fee (10'x10' minimum patch area) per square foot                                                                             |  | \$5                                      | In Person                                          |
| Street Name Change Application Fee                                                                                                                |  | \$150                                    | TOH Website                                        |
| Street Name Double-Blade Sign                                                                                                                     |  | \$100                                    | TOH Website                                        |
| Maps (black and white)                                                                                                                            |  | \$5                                      | In Person                                          |
| Maps (color), Small (24"x30")                                                                                                                     |  | \$15                                     | In Person                                          |
| Maps (color), Large (36"x40")                                                                                                                     |  | \$20                                     | In Person                                          |
| Plan copies                                                                                                                                       |  | Actual                                   | In Person                                          |
| Copies (per page)                                                                                                                                 |  | \$0.10                                   | In Person                                          |
| Public Projects                                                                                                                                   |  |                                          |                                                    |
| Public Projects                                                                                                                                   |  | \$3,000                                  | Payment Link                                       |
| Public Projects per acre                                                                                                                          |  | \$550                                    | Payment Link                                       |

**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Kevin Fox, Director of Public Works

**Date:** October 16, 2023

**Subject:** Seagle-4th Construction Contract

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**EXPLAIN REQUEST:**

Resolution to accept Seagle-4th Street Improvements construction contract

**ACTION RECOMMENDED:**

Accept resolution

**FINANCIAL IMPLICATIONS:**

Transportation Reserve funds

**ATTACHMENTS:**

1. R-2023-43 Resolution Awarding Construction Contract - 10.16.23
2. Seagle 4th Street - Contract - for board



## **RESOLUTION OF THE TOWN OF HUNTERSVILLE TO ACCEPT THE SEAGLE-4<sup>TH</sup> STREET IMPROVEMENTS CONSTRUCTION CONTRACT**

**WHEREAS**, the Town of Huntersville proposes to enter into a construction services agreement for the Seagle-4th Street Improvements Project (the "Project"); and

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

**WHEREAS**, pursuant to N.C.G.S. 143-129(b), the contract proposal invitation to bid was advertised electronically on the Town of Huntersville website and Historically Underutilized Businesses (HUB) website; and

**WHEREAS**, formal bid procedures were conducted in accordance with N.C.G.S. 143-129, the lowest responsible bidder being Efficient Developments; and

**WHEREAS**, the Town now desires to enter into a construction services agreement with Efficient Developments, (the "Agreement"), the Agreement being attached hereto as Exhibit A;

### **NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Board of Commissioners approves and awards the Project to Efficient Developments, the lowest responsible responsive bidder
2. The Agreement for the project attached hereto as Exhibit A is approved.
3. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to effect the provisions of this Resolution, including signing the Agreement and any related documents; and
4. This Resolution shall be effective as of the date its adoption.

Adopted this 16 day of October, 2023.

ATTEST:

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Janet Pierson, Town Clerk

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Melinda Bales, Mayor

APPROVED AS TO FORM:

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Emily Sloop, Town Attorney

**EXHIBIT A**





Engineering & Public Works  
105 Gilead Road, Suite 300  
Huntersville, NC 28078  
(704) 875-7007

## CONTRACT FOR CONSTRUCTION SERVICES

**CONTRACTOR:** Contractor Name  
Address 1  
City, State Zip  
Contact Name  
Contact Email

**PROJECT:** Project Name  
**SITE** Location  
**LOCATION(S):**

This Contract for Construction and Repair, and all exhibits, (collectively this "Contract") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Town of Huntersville, a municipal corporation of the State of North Carolina, (the "Town") and \_\_\_\_\_ located at \_\_\_\_\_ (the "Contractor").

### WITNESSETH:

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

1. Scope of Services. The Contractor agrees to perform for the Town the services according to the following construction design drawings, plans, and specifications in the Seagle-4th Street Project Formal Bid (the "Bid"), which is incorporated herein by reference as Exhibit C3. The Contractor agrees to provide the labor, service, equipment, and materials, and other services included in the bid, which shall constitute the "Work." The Contractor warrants that the Contractor has visited the location of the project and is familiar with all field conditions bearing upon the Contractor's performance of the Work; that the materials and equipment furnished under the Contract are of good quality and new (unless otherwise permitted); that the Work meets or exceeds the standards ordinarily observed in the industry; and that the Work conforms to the requirements of the Contract and to all applicable codes, ordinances, laws, or regulations. The Contractor further warrants and promises that the Work shall be free from defects and nonconformities in materials and workmanship for a period of one year from the later of the "Date of Completion" or such date as the Contractor actually completes all the Work. During such period, the Contractor will remedy at Contractor's expense any nonconformities or defects in the Work within a reasonable time after receiving notice thereof from the Town.
2. Fees: Fees for the Work shall be specified in the bid, (the "Contract Price").

3. Change Orders. The Contractor agrees that the Town may order changes to the general scope of the Work, including additions, deletions, and similar revisions (“Change Orders”). The parties agree to adjust the Contract Price to reflect the effects of such changes. These changes shall be authorized only upon execution of a written Change Order. The amount of any increase or decrease in the Contract Price shall be by mutual acceptance of a total amount supported by sufficient data and information to substantiate the change. If the Town and Contractor do not mutually agree on the amount of the change in the Contract Price, the Contractor will proceed with the Work described in the Change Order and the Town will pay the reasonable costs of any additional work as determined by the Town, including a reasonable amount for the Contractor’s overhead and profit. Any decrease in Contract Price for a decrease in the Work will be the reasonable costs of the Work deleted as determined by the Town, including a reasonable amount for the decrease in the Contractor’s overhead. The Contractor may submit claims for an increase in the Contract Price or an extension of the Date of Completion by means of a written Change Request. The Contractor agrees to submit the Change Request within a reasonable time after the event giving rise to the requested change and before the Contractor undertakes any additional work. Upon receipt of a Change Request, the Town, at its sole discretion, shall inform the Contractor whether to proceed with the additional work and shall approve any adjustment in the Contract Price or Date of Completion by issuing a Change Order as provided above. The timely submission of a written Change Request shall be a condition precedent to the issuance of a Change Order, and the Town will have no obligation to pay the Contractor for additional work performed by the Contractor without a Change Order approved in writing by the Town.
4. Historically Underutilized Businesses (HUB). It is the policy of the Town of to provide minorities and women equal opportunity for participating in all aspects of the Town’s contracting and procurement programs, including but not limited to employment, construction development projects, materials/services contracts and/or lease agreements, consistent with the laws of the State of North Carolina.
5. Personal Protective Equipment (PPE). The Contractor and his/her employees will wear the proper equipment such as, but not limited to, high visibility clothing, safety glasses, hearing protection, etc. at all times when performing the Work at the Site Location(s). Failure to be in the appropriate PPE will result in removal from the project site.
6. Contract Insurance. Contractor shall be required to purchase and maintain, during its performance under this Contract, insurance coverage as shown on the Insurance Requirements as stated in Exhibit C2, which is incorporated herein by reference. All insurance purchased shall have a specific endorsement, copy of which shall be provided to the Town, naming the Town as an additional insured and providing that such insurance will not be cancelled without providing thirty (30) days advance written notice to the Town.
7. Working Drawings and Specifications at the Job Site. The Contractor shall maintain, in readable condition at his job site one complete set of working drawings and specifications for his work including all shop drawings. Such drawings and specifications shall be available for use by the owner, designer, or his authorized representative. The Contractor shall also maintain at the job site, a day-to-day record of work-in-place that is at variance with the contract documents. Such variations shall be fully noted on Project drawings by the Contractor and submitted to the designer upon Project completion and no later than 30 days after acceptance of the Project.
8. Materials, Equipment, Employees. The Contractor shall, unless otherwise specified, supply and pay for all labor, transportation, materials, tools, apparatus, lights, power, fuel, heat, sanitary facilities, water, scaffolding and incidentals necessary for the completion of the work, and shall install, maintain and remove all equipment of the construction, other utensils or things, and be responsible

for the safe, proper and lawful construction, maintenance and use of same, and shall construct in the best and most workmanlike manner, a complete job and everything incidental thereto, as shown on the plans, stated in the specifications, or reasonably implied therefrom, all in accordance with the contract documents.

9. Cleaning Up and Restoration of Site. The Contractor shall keep the sites and surrounding area reasonably free from rubbish at all times and shall remove debris from the site from time to time or when directed to do so by the Owner. Before final inspection and acceptance of the Project, the Contractor shall thoroughly clean the sites, and completely prepare the Project and site for use by the Owner. At the end of construction, the Contractor shall oversee and implement the restoration of the construction site to its original state. Restoration includes but not limited to walks, drives, lawns, trees and shrubs, corridors, stairs, and other elements shall be repaired, cleaned, or otherwise restored to their original state.
10. Protection of Work, Property, the Public, and Safety. The Contractor shall be solely responsible for the entire site and the building or construction of the same and provide all the necessary protections, as required by the owner or designer, and by laws or ordinances governing such conditions. The Contractor shall be responsible for any damage to the owner's property or of that of others on the job, by them, their personnel, or their subcontractors, and shall make good such damages. The Contractor shall be responsible for and pay for any damages caused to the owner.
11. As-Built Marked-Up Construction Documents. Contractor shall provide one complete set of legible "as-built" marked-up construction drawings and specifications recording any and all changes made to the original design during the course of construction. In the event no changes occurred, submit construction drawings and specifications set with notation "No Changes." The Designer/Owner must receive "As-built" marked-up construction drawings and specifications before the final pay request can be processed.
12. Retainage. Retainage on periodic or final payments on public construction contracts in which the total project costs are \$100,000 or more are allowed pursuant to N.C.G.S. § 143-134.1.
13. Addendums. If applicable, Contractor acknowledges that it has received, executed, and shall abide by any addendums issued by the Town prior to this Contract.
14. Standard Terms and Conditions. The Standard Terms and Conditions, attached hereto as Exhibit C1, shall be a part of this Contract. The Standard Terms and Conditions are hereby incorporated by reference, and all parties agree to be bound thereby.
15. Contract Term. Work will begin within ten (10) days of receipt of the Notice to Proceed from the Town. The Contractor and the Town recognize that time is of the essence for completion of the Work. Any Notice to Proceed shall also contain a date that the Contractor shall complete the Work by (the "Date of Completion"). The terms of this Contract shall apply to every Notice to Proceed issued by the Town.
16. Liquidated Damages. Contractor and Town recognize that time is of the essence and that Town will suffer financial and other losses if the Work is not completed by the Date of Completion, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Town if the Work is not completed on time. Accordingly, instead of requiring any such proof, Town and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Town \$1,000 for each day that expires after the end of the Date of Completion (as duly adjusted pursuant to the Contract) until the Work is complete.
17. Payment for Work In consideration of the above Work, the Town will pay the Contractor the sum as further described in the bid.

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

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at Huntersville, North Carolina, this 15<sup>th</sup> day of SEPTEMBER, 2023.

**Contractor**

**Town of Huntersville**

EFFICIENT DEVELOPMENTS LLC

Name of Contractor (type or print)

\_\_\_\_\_  
Town Manager

By: Vernon G. O'Brien  
(Signature)

Attest: \_\_\_\_\_  
Town Clerk

Title: President

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

Attest: \_\_\_\_\_  
(Secretary, if a corporation)

\_\_\_\_\_  
Finance Director

Contractor's Federal Social Security ID No.:

83-3524607

Contractor's License No.:

84611

**EXHIBIT C1**  
**STANDARD TERMS & CONDITIONS**

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

against all claims, losses, costs, damages, expenses, attorneys' fees ("Claims"). In the event that any portion of the Work performed under the Contract shall be defective in any respect whatsoever, the Contractor shall indemnify and save harmless the Town, its officers, agents, employees, and assigns from all loss or the payment of all sums of money, but only to the extent allowed by law.

9. **Invoices and Payment Terms.** It is understood and agreed that orders will be shipped at the established Contract prices in effect on dates orders are placed. Invoicing that does not comply with this provision will subject the Contract to cancellation. Upon satisfactory delivery of the Goods or satisfactory completion of the Work, all invoices and statements shall reference the Contract number and be submitted to: Town of Huntersville, Accounts Payable, PO Box 664, Huntersville, North Carolina, 28070. Payment terms are Net 30 days after receipt of correct, undisputed invoice or acceptance of Goods or Services, whichever is later.

When the Contract is for construction services, the Contractor will submit monthly Requests for Payment for Work performed, for review. The Request for payment shall be based upon the Contractor's estimate of the percentage of the total Work completed during the period represented on the Request for Payment. The Contractor must certify that the Work represented in the Contractor's Request for Payment has been completed in accordance with the Contract Documents and certify that the Request for Payment is appropriate for payment before the Town shall be obligated to make such payment to the Contractor. If any Request for Payment is disputed by the Town, in whole or in part, the Town shall provide a written explanation for such dispute to Contractor within five days of receipt of the certified Request for Payment and shall pay all undisputed amounts therein.

10. **Anti-Discrimination and Equal Employment.** During the performance of the Contract, Contractor shall comply with all federal and state requirements concerning fair and equal employment and shall not discriminate against or deny the Contract's benefits to any person on the basis of race, religion, color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.
11. **Insurance.** The Contractor shall provide the insurance coverages shown on Exhibit C2, attached hereto and incorporated herein by reference. The Contractor shall provide the Town with a North Carolina Certificate of Insurance and such endorsements as may be required by the Contract Documents prior to the commencement of any work under the Contract and agrees to maintain such insurance until the completion of the Contract. Such certificates of insurance shall be considered part of the Contract.
12. **Ethics in Public Contracting.** By submitting their prices and acceptance of this Contract, all Contractors certify that their bids are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other supplier, manufacturer, or subcontractor in connection with their offer, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
13. **Applicable Laws and Courts.** All Town Contracts shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina. The Contractor represents and warrants that it shall comply with all applicable federal, state, and local laws, regulations, and orders, including, not limited to, licensure requirements.

14. **Codes and Permits.** When applicable, the Contractor shall obtain all required permits, give all required notices, and comply with all laws, ordinances, codes, rules, and regulations bearing on the conduct of the work under this contract. If the Contractor observes that the drawings and specifications are at variance therewith, he shall promptly notify the designer in writing. All work under this contract shall conform to the current North Carolina Building Code and other state and national codes as are applicable. If the Contractor performs any work knowing it to be contrary to such laws, ordinances, codes, rules, and regulations, and without such notice to the Town, Contractor shall bear all cost arising therefrom.
15. **License Requirement.** If applicable, the Contractor must be a licensed General Contractor as required by North Carolina General Statutes Section 87-1 and must have a good ethical and professional standing with the North Carolina General Contractor's Licensing Board. The Contractor will be responsible for providing properly qualified, licensed (if required) personnel to complete the Work in accordance with the standard of care ordinarily used by members of the Contractor's profession practicing under similar circumstances and at the same time in Mecklenburg County.
16. **Strict Compliance.** The Town may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.
17. **Assignment.** Contractor may not assign, pledge, or in any manner encumber Contractor's rights under this Contract or delegate the performance of any of its obligations hereunder, without Town's prior, express written consent.
18. **General Provisions.** The Town's remedies as set forth herein are not exclusive. Any delay or omission by the Town in exercising any right hereunder, or any waiver by the Town of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default.
19. **Warranties.** The Contractor warrants it shall adhere to all laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town in the performance of the Work outlined in this Contract and any attached specifications. Contractor warrants that any finished Work completed hereunder shall also adhere to all laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town. Contractor warrants that all Work delivered hereunder will be free from defects in materials and workmanship and will conform strictly to the specifications, drawings, or samples specified or furnished. This warranty shall survive any inspection, delivery, acceptance, or payment by the Town for the Work and shall run to the Town and any user of the Work. Contractor warrants that all Work will be performed in a professional and workman like manner in accordance with best industry practices. This express warranty is in addition to Contractor's implied warranties of merchantability and fitness for a particular purpose which shall not be disclaimed. In addition to any other rights available at law or in equity, the Town shall be entitled to consequential and incidental damages.
20. **Quality and Workmanship.** All Work shall be performed to the satisfaction of the Town. The Work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the Work provided.
21. **Default.** The Town may terminate the Contract, in whole or in part, immediately and without prior notice upon breach of the Contract by the Contractor. In addition to any other remedies available to the Town in law or equity, the Town may procure upon such terms as the Town shall deem appropriate, Work substantially similar to those so terminated, in which case the

Contractor shall be liable to the Town for any excess costs for such similar supplies or services and any expenses incurred in connection therewith.

22. **Termination for Convenience.** The Town shall have the right, without assigning any reason therefore, to terminate any Work under the Contract, in whole or in part, at any time at its complete discretion by providing 10 days' notice in writing from the Town to Contractor. If the Contract is terminated by the Town in accordance with this paragraph, the Contractor will be paid in an amount which bears the same ratio to the total compensation as does the Work actually delivered or performed to the total originally contemplated in the Contract. The Town will not be liable to the Contractor for any costs for materials acquired or contracted for if such costs were incurred prior to the date of this Contract.
23. **Risk of Loss.** Risk of Loss for all supplies, materials, the Work performed, and the Project as it is being constructed, shall be on the Contractor until such time as substantial completion is achieved, and approved by the Town.
24. **No Third-Party Beneficiaries.** There shall be no intended nor incidental third-party beneficiaries of this Contract. Contractor shall include in all contracts, subcontracts, or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third-party beneficiaries.
25. **Exclusivity.** Nothing in this Contract shall require the Town to use the Contractor or prohibit the Town from soliciting third parties for the good or services provided in this Contract.
26. **Confidentiality.** The Contractor acknowledges the Town is subject public records law and no term shall be inconsistent with N.C.G.S. §132 et al.
27. **Valid Contract for Services.** In order for a Contract for Services of the Town to be valid, it must be executed by the Town Manager or his or her authorized designee and must be pre-audited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.
28. **Verification of Work Authorization.** Contractor shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify, for all contractors and subcontractors.
29. **Iran Divestment List.** With the execution hereof, Contractor, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.
30. **Availability of Funds.** Any and all payments to the Contractor are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.
31. **Severability.** If any provision of this Contract is found to be invalid or unlawful, then remainder of this Contract shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
32. **Companies that Boycott Israel.** With the execution hereof, Contractor, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.
33. **Governmental Immunity.** Nothing contained in this Contract shall constitute a waiver of the Town's governmental immunity or of any limitation on liability or damages created by law.



## **EXHIBIT C2**

### **MINIMUM INSURANCE REQUIREMENTS**

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

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

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

b. **Comprehensive General Liability Insurance**

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

Bodily Injury:           \$1,000,000 per occurrence and \$2,000,000 aggregate  
Professional Liability: \$1,000,000 per occurrence and \$2,000,000 aggregate  
Property Damage:     \$1,000,000 per occurrence and \$2,000,000 aggregate

Such coverage for completed operations must be maintained for at least two (2) years following final acceptance of the Work performed under the contract.

c. **Deductible**

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

d. **Other Insurance**

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

e. **Proof of Carriage**

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

## **EXHIBIT C3 – PLANS AND SPECIFICATIONS**

(See Section 4.0 in Bid)

## **EXHIBIT D- PERFORMANCE AND PAYMENT BONDS**

(Insert Bonds Accordingly)

# THE AMERICAN INSTITUTE OF ARCHITECTS



Bond No. ASA-25-A293-0027

AIA Document A311

## Labor and Material Payment Bond

THIS BOND IS ISSUED SIMULTANEOUSLY WITH PERFORMANCE BOND IN FAVOR OF THE OWNER CONDITIONED ON THE FULL AND FAITHFUL PERFORMANCE OF THE CONTRACT

KNOW ALL MEN BY THESE PRESENTS: that Efficient Developments  
(Here insert full name and address or legal title of Contractor)

5430 Stallworth Drive Charlotte, NC 28226

as Principal, hereinafter called Principal, and, Hudson Insurance Company  
(Here insert full name and address or legal title of Surety)

100 William Street, 5th Floor, New York, NY 10038

as Surety, hereinafter called Surety, are held and firmly bound unto Huntersville Public Works Huntersville Town  
(Here insert full name and address or legal title of Owner)

Center  
105 Gilead Road, Suite 300 (3rd Floor) Huntersville, NC 28078

as Obligee, hereinafter called Owner, for the use and benefit of claimants as hereinbelow defined, in the

amount of Nine Hundred Forty Four Thousand Nine Hundred Two Dollars and 75/100  
(Here insert a sum equal to at least one-half of the contract price) Dollars (\$ 944,902.75 ),

for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS,

Principal has by written agreement dated 9/15/2023, entered into a contract with Owner  
for

(Here insert full name, address and description of project)

Seagle-4th Street Improvements

in accordance with Drawings and Specifications prepared by  
(Here insert full name and address or legal title of Architect)

which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

## LABOR AND MATERIAL PAYMENT BOND

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Principal shall promptly make payment to all claimants as hereinafter defined, for all labor and material used or reasonably required for use in the performance of the Contract, then this obligation shall be void, otherwise it shall remain in full force and effect, subject, however, to the following conditions:

1. A claimant is defined as one having a direct contract with the Principal or with a Subcontractor of the Principal for labor, material, or both, used or reasonably required for use in the performance of the Contract, labor and material being construed to include that part of water, gas, power, light, heat, oil, gasoline, telephone service or rental of equipment directly applicable to the Contract.

2. The above named Principal and Surety hereby jointly and severally agree with the Owner that every claimant as herein defined, who has not been paid in full before the expiration of a period of ninety (90) days after the date on which the last of such claimant's work or labor was done or performed, or materials were furnished by such claimant, may sue on this bond for the use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant, and have execution thereon. The owner shall not be liable for the payment of any costs or expenses of any such suit.

3. No suit or action shall be commenced hereunder by any claimant:

a) Unless claimant, other than one having a direct contract with the Principal, shall have given written notice to any two of the following: the Principal, the Owner, or the Surety above named, within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed

and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the Principal, Owner or Surety, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need not be made by a public officer.

b) After the expiration of one (1) year following the date on which principal ceased Work on said Contract, it being understood, however, that if any limitation embodied in this bond is prohibited by any law controlling the construction hereof such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

c) Other than in state court of competent jurisdiction in and for the county or other political subdivision of the state in which the Project, or any part thereof, is situated, or in the United States District Court for the district in which the Project, or any part thereof, is situated, and not elsewhere.

4. The amount of this bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety or mechanics' liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against this bond.

Signed and sealed this

day of 9/15/2023

ATTEST:

By: Traeg H. DiProsperis  
(Witness)

Efficient Developments

(Principal)

(Seal)

By: Vincent J. DiProsperis  
(Title)

WITNESS:

By: Joseph Kelly  
(Witness)



Hudson Insurance Company

(Surety)

(Seal)

By: Ronda W. Bush  
(Title) Attorney-in-Fact



**HUDSON**  
INSURANCE GROUP®

Bond Number: ASA-25-A293-0027

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

**Ronda W. Bush**  
of the State of NC

its true and lawful Attorney(s)-in-Fact, at New York, New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking shall obligate said Company for any portion of the penal sum thereof in excess of the sum of **Twenty Five Million Dollars (25,000,000.00)**.

Such bonds and undertakings when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Senior Vice President thereunto duly authorized, on this 2nd day of June, 2022 at New York, New York.



(seal)

Attest: Dina Daskalakis  
**Dina Daskalakis No. 01MU6067553**  
Corporate Secretary

HUDSON INSURANCE COMPANY

By: Michael P. Cifone  
**Michael P. Cifone**  
Senior Vice President

STATE OF NEW YORK  
COUNTY OF NEW YORK. SS.

On the 2nd day of June, 2022 before me personally came Michael P. Cifone to me known, who being by me duly sworn did depose and say that he is a Senior Vice President of HUDSON INSURANCE COMPANY, the corporation described herein and which executed the above instrument, that he knows the seal of said Corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said Corporation, and that he signed his name thereto by like order.

(Notarial Seal)



Ann M. Murphy  
**ANN M. MURPHY**  
Notary Public, State of New York  
No. 01MU6067553  
Qualified in Nassau County  
Commission Expires December 10, 2025

## CERTIFICATION

STATE OF NEW YORK  
COUNTY OF NEW YORK. SS.

The undersigned **Dina Daskalakis** hereby certifies:

That the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27<sup>th</sup>, 2007, and has not since been revoked, amended or modified:

"RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company's surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company's seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertakings made in the course of this Company's surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOLVED, that the signature of any such Officer of the Company and the Company's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed."

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

Witness the hand of the undersigned and the seal of said Corporation this 15<sup>th</sup> day of SEPTEMBER, 2023.



(seal)

By: Dina Daskalakis  
**Dina Daskalakis, Corporate Secretary**

# THE AMERICAN INSTITUTE OF ARCHITECTS



Bond No. ASA-25-A293-0027

AIA Document A312

## Performance Bond

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

**CONTRACTOR (Name and Address):**

Efficient Developments  
5430 Stallworth Drive  
Charlotte, NC 28226

**OWNER (Name and Address):**

Huntersville Public Works Huntersville Town Center  
105 Gilead Road, Suite 300 (3rd Floor)  
Huntersville, NC 28078

**SURETY (Name and Principal Place of Business):**

Hudson Insurance Company  
100 William Street, 5th Floor  
New York, NY 10038

**CONSTRUCTION CONTRACT**

Date: 9/15/2023

Amount: \$944,902.75 Nine Hundred Forty Four Thousand Nine Hundred Two Dollars and 75/100

Description (Name and Location): Seagle-4th Street Improvements

**BOND**

Date (Not earlier than Construction Contract Date): 9/15/2023

Amount: \$944,902.75 Nine Hundred Forty Four Thousand Nine Hundred Two Dollars and 75/100

Modifications to this Bond:

☒ None

☐ See Page 3

**CONTRACTOR AS PRINCIPAL**

Company: (Corporate Seal)

Efficient Developments

Signature:

Name and Title:

Vincent J. DiProspero JR. PRESIDENT

(Any additional signatures appear on page 3)

**SURETY**

Company: (Corporate Seal)

Hudson Insurance Company

Signature:

Name and Title: Ronda W. Bush  
Attorney-in-Fact



(FOR INFORMATION ONLY - Name, Address and Telephone)

AGENT or BROKER:

McGriff Insurance Services, LLC  
4309 Emperor Blvd., Ste. 300  
Durham, NC 27703  
919-281-4500

**OWNER'S REPRESENTATIVE** (Architect, Engineer or other party):



1 The Contractor and the Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors and assigns to the Owner for the performance of the Construction Contract, which is incorporated herein by reference.

2 If the Contractor performs the Construction Contract, the Surety and the Contractor shall have no obligation under this Bond, except to participate in conferences as provided in Subparagraph 3.1.

3 If there is no Owner Default, the Surety's obligation under this Bond shall arise after:

3.1 The Owner has notified the Contractor and the Surety at its address described in Paragraph 10 below that the Owner is considering declaring a Contractor Default and has requested and attempted to arrange a conference with the Contractor and the Surety to be held not later than fifteen days after receipt of such notice to discuss methods of performing the Construction Contract. If the Owner, the Contractor and the Surety agree, the Contractor shall be allowed a reasonable time to perform the Construction Contract, but such an agreement shall not waive the Owner's right, if any, subsequently to declare a Contractor Default; and

3.2 The Owner has declared a Contractor Default and formally terminated the Contractor's right to complete the contract. Such Contractor Default shall not be declared earlier than twenty days after the Contractor and the Surety have received notice as provided in Subparagraph 3.1; and

3.3 The Owner has agreed to pay the Balance of the Contract Price to the Surety in accordance with the terms of the Construction Contract or to a contractor selected to perform the Construction Contract in accordance with the terms of the contract with the Owner.

4 When the Owner has satisfied the conditions of Paragraph 3, the Surety shall promptly and at the Surety's expense take one of the following actions:

4.1 Arrange for the Contractor, with consent of the Owner, to perform and complete the Construction Contract; or

4.2 Undertake to perform and complete the Construction Contract itself, through its agents or through independent contractors; or

4.3 Obtain bids or negotiated proposals from qualified contractors acceptable to the Owner for a contract for performance and completion of the Construction Contract, arrange for a contract to be prepared for execution by the Owner and the contractor selected with the Owner's concurrence, to be secured with performance and payment bonds executed by a qualified surety equivalent to the bonds issued on the Construction Contract, and pay to the Owner the amount of damages as described in Paragraph 6 in excess of the Balance of the Contract Price incurred by the Owner resulting from the Contractor's default; or

4.4 Waive its right to perform and complete, arrange for completion, or obtain a new contractor and with reasonable promptness under the circumstances:

.1 After investigation, determine the amount for

which it may be liable to the Owner and, as soon as practicable after the amount is determined, tender payment therefor to the Owner; or

.2 Deny liability in whole or in part and notify the Owner citing reasons therefor.

5 If the Surety does not proceed as provided in Paragraph 4 with reasonable promptness, the Surety shall be deemed to be in default on this Bond fifteen days after receipt of an additional written notice from the Owner to the Surety demanding that the Surety perform its obligations under this Bond, and the Owner shall be entitled to enforce any remedy available to the Owner. If the Surety proceeds as provided in Subparagraph 4.4, and the Owner refuses the payment tendered or the Surety has denied liability, in whole or in part, without further notice the Owner shall be entitled to enforce any remedy available to the Owner.

6 After the Owner has terminated the Contractor's right to complete the Construction Contract, and if the Surety elects to act under Subparagraph 4.1, 4.2, or 4.3 above, then the responsibilities of the Surety to the Owner shall not be greater than those of the Contractor under the Construction Contract, and the responsibilities of the Owner to the Surety shall not be greater than those of the Owner under the Construction Contract. To the limit of the amount of this Bond, but subject to commitment by the Owner of the Balance of the Contract Price to mitigation of costs and damages on the Construction Contract, the Surety is obligated without duplication for:

6.1 The responsibilities of the Contractor for correction of defective work and completion of the Construction Contract;

6.2 Additional legal, design professional and delay costs resulting from the Contractor's Default, and resulting from the actions or failure to act of the Surety under Paragraph 4; and

6.3 Liquidated damages, or if no liquidated damages are specified in the Construction Contract, actual damages caused by delayed performance or non-performance of the Contractor.

7 The Surety shall not be liable to the Owner or others for obligations of the Contractor that are unrelated to the Construction Contract, and the Balance of the Contract Price shall not be reduced or set off on account of any such unrelated obligations. No right of action shall accrue on this Bond to any person or entity other than the Owner or its heirs, executors, administrators or successors.

8 The Surety hereby waives notice of any change, including changes of time, to the Construction Contract or to related subcontracts, purchase orders and other obligations.

9 Any proceeding, legal or equitable, under this Bond may be instituted in any court of competent jurisdiction in the location in which the work or part of the work is located and shall be instituted within two years after Contractor Default or within two years after the Contractor ceased working or within two years after the Surety refuses or fails to perform its obligations under this Bond, whichever occurs first. If the provisions of this Paragraph are void or prohibited by law, the minimum period of limitation avail-



able to sureties as a defense in the jurisdiction of the suit shall be applicable.

**10** Notice to the Surety, the Owner or the Contractor shall be mailed or delivered to the address shown on the signature page.

**11** When this Bond has been furnished to comply with a statutory or other legal requirement in the location where the construction was to be performed, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. The intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

## **12 DEFINITIONS**

**12.1** Balance of the Contract Price: The total amount payable by the Owner to the Contractor under the Construction Contract after all proper adjustments have been made, including allowance to the Con-

tractor of any amounts received or to be received by the Owner in settlement of insurance or other claims for damages to which the Contractor is entitled, reduced by all valid and proper payments made to or on behalf of the Contractor under the Construction Contract.

**12.2** Construction Contract: The agreement between the Owner and the Contractor identified on the signature page, including all Contract Documents and changes thereto.

**12.3** Contractor Default: Failure of the Contractor, which has neither been remedied nor waived, to perform or otherwise to comply with the terms of the Construction Contract.

**12.4** Owner Default: Failure of the Owner, which has neither been remedied nor waived, to pay the Contractor as required by the Construction Contract or to perform and complete or comply with the other terms thereof.

## **MODIFICATIONS TO THIS BOND ARE AS FOLLOWS:**

(Space is provided below for additional signatures of added parties, other than those appearing on the cover page.)

CONTRACTOR AS PRINCIPAL  
Company: \_\_\_\_\_ (Corporate Seal)

SURETY  
Company: \_\_\_\_\_ (Corporate Seal)

Signature: \_\_\_\_\_  
Name and Title: \_\_\_\_\_  
Address: \_\_\_\_\_

Signature: \_\_\_\_\_  
Name and Title: \_\_\_\_\_  
Address: \_\_\_\_\_



**HUDSON**  
INSURANCE GROUP®

Bond Number: ASA-25-A293-0027

# POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

**Ronda W. Bush**  
of the State of NC

its true and lawful Attorney(s)-in-Fact, at New York, New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking shall obligate said Company for any portion of the penal sum thereof in excess of the sum of **Twenty Five Million Dollars (25,000,000.00)**.

Such bonds and undertakings when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Senior Vice President thereunto duly authorized, on this 2nd day of June, 2022 at New York, New York.



(seal)

Attest: Dina Daskalakis  
**Dina Daskalakis No. 01MU6067553**  
Corporate Secretary

HUDSON INSURANCE COMPANY

By: Michael P. Cifone  
**Michael P. Cifone**  
Senior Vice President

STATE OF NEW YORK  
COUNTY OF NEW YORK. SS.

On the 2nd day of June, 2022 before me personally came Michael P. Cifone to me known, who being by me duly sworn did depose and say that he is a Senior Vice President of HUDSON INSURANCE COMPANY, the corporation described herein and which executed the above instrument, that he knows the seal of said Corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said Corporation, and that he signed his name thereto by like order.

(Notarial Seal)



Ann M. Murphy  
**ANN M. MURPHY**  
Notary Public, State of New York  
No. 01MU6067553  
Qualified in Nassau County  
Commission Expires December 10, 2025

# CERTIFICATION

STATE OF NEW YORK  
COUNTY OF NEW YORK. SS.

The undersigned **Dina Daskalakis** hereby certifies:

That the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27<sup>th</sup>, 2007, and has not since been revoked, amended or modified:

"RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company's surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company's seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertakings made in the course of this Company's surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOLVED, that the signature of any such Officer of the Company and the Company's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed."

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

Witness the hand of the undersigned and the seal of said Corporation this 15<sup>th</sup> day of SEPTEMBER, 2023.



(seal)

By: Dina Daskalakis  
**Dina Daskalakis, Corporate Secretary**

## Exhibit E - Bid Bond



### BID BOND

Principal: \_\_\_\_\_  
Name of Principal Contractor

Surety: \_\_\_\_\_  
Name of Surety

Contract Number: \_\_\_\_\_ County: \_\_\_\_\_

Date of Bid: \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the Town of Huntersville in the full and just sum of five (5) percent of the total amount bid by the Principal for the project stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

NOW, THEREFORE, the condition of this obligation is: the Principal shall not withdraw its bid within sixty (60) days after the opening of the bids, or within such other time period as may be provided in the proposal, and if the Town of Huntersville shall award a contract to the Principal, the Principal shall, within ten (10) calendar days after written notice of award is received by him, provide bonds with good and sufficient surety, as required for the faithful performance of the contract and for the protection of all persons supplying labor, material, and equipment for the prosecution of the work. In the event the Principal requests permission to withdraw his bid due to mistake in accordance with the provisions of Article 103-3 of the *Standard Specifications for Roads and Structures*, the conditions and obligations of this Bid Bond shall remain in full force and effect until the Town of Huntersville makes a final determination to either allow the bid to be withdrawn or to proceed with award of the contract. In the event a determination is made to award the contract, the Principal shall have ten (10) calendar days to comply with the requirements set forth above. In the event the Principal withdraws its bid after bids are opened except as provided in Article 103-3, or after award of the contract has been made fails to execute such additional documents as may be required and to provide the required bonds within the time period specified above, then the amount of the bid bond shall be immediately paid to the Town of Huntersville as liquidated damages.

IN TESTIMONY WHEREOF, the Principal and Surety have caused these presents to be duly signed and sealed.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Surety

By \_\_\_\_\_  
General Agent or Attorney-in-Fact Signature

*Seal of Surety*

\_\_\_\_\_  
Print or type Signer's Name

## FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_

Efficient Developments \_\_\_\_\_ as  
principal, and Hudson Insurance Company \_\_\_\_\_, as surety, who is  
duly licensed to act as surety in North Carolina, are held and firmly bound unto  
Town of Huntersville \_\_\_\_\_ as obligee,  
in the penal sum of Five Percent of Amount Bid \_\_\_\_\_ 5% \_\_\_\_\_ DOLLARS, lawful money of  
the United States of America, for the payment of which, well and truly to be made, we bind  
ourselves, our heirs, executors, administrators, successors and assigns, jointly and  
severally, firmly by these presents.

Signed, sealed and dated this 13th day of September, 2023

WHEREAS, the said principal is herewith submitting proposal for

HUNTERSVILLE – SEAGLE STREET FROM 4TH STREET PROJECT

and the principal desires to file this bid bond in lieu of making the cash deposit as required  
by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that  
if the principal shall be awarded the contract for which the bid is submitted and shall  
execute the contract and give bond for the faithful performance thereof within ten days after  
the award of same to the principal, then this obligation shall be null and void; but if the  
principal fails to so execute such contract and give performance bond as required by G.S.  
143-129, the surety shall, upon demand, forthwith pay to the obligee the amount set forth in  
the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by  
G.S. 143-129.1

Efficient Developments \_\_\_\_\_ (SEAL)

By: *Vant G. D. Luf* \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL)

Hudson Insurance Company \_\_\_\_\_ (SEAL)

By: *Ronda W. Bush* \_\_\_\_\_ (SEAL)  
Ronda W. Bush, Attorney-in-Fact





Bond Number: Bid Bond

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

**Ronda W. Bush**  
of the State of NC

its true and lawful Attorney(s)-in-Fact, at New York, New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking shall obligate said Company for any portion of the penal sum thereof in excess of the sum of **Twenty Five Million Dollars (25,000,000.00)**.

Such bonds and undertakings when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Senior Vice President thereunto duly authorized, on this 2nd day of June, 2022 at New York, New York.



Attest: Dina Daskalakis  
**Dina Daskalakis No. 01MU6067553**  
Corporate Secretary

HUDSON INSURANCE COMPANY

By: Michael P. Cifone  
**Michael P. Cifone**  
Senior Vice President

STATE OF NEW YORK  
COUNTY OF NEW YORK. SS.

On the 2nd day of June, 2022 before me personally came Michael P. Cifone to me known, who being by me duly sworn did depose and say that he is a Senior Vice President of HUDSON INSURANCE COMPANY, the corporation described herein and which executed the above instrument, that he knows the seal of said Corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said Corporation, and that he signed his name thereto by like order.

(Notarial Seal)



Ann M. Murphy  
**ANN M. MURPHY**  
Notary Public, State of New York  
No. 01MU6067553  
Qualified in Nassau County  
Commission Expires December 10, 2025

## CERTIFICATION

STATE OF NEW YORK  
COUNTY OF NEW YORK. SS.

The undersigned **Dina Daskalakis** hereby certifies:

That the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27<sup>th</sup>, 2007, and has not since been revoked, amended or modified:

"RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company's surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company's seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertakings made in the course of this Company's surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOLVED, that the signature of any such Officer of the Company and the Company's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed."

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

Witness the hand of the undersigned and the seal of said Corporation this 13th day of September, 2023.



By: Dina Daskalakis  
**Dina Daskalakis, Corporate Secretary**

**BID BOND**

**LIMITED LIABILITY COMPANY**

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor

Efficient Developments LLC

Full name of Firm

5430 Stallworth Dr. Charlotte NC 28226

Address as prequalified

Signature of Member/  
Manager/Authorized Agent

Vincent J. DiProspero

Individually

Vincent J. DiProspero JR

Print or type Signer's name

| <b>Seagle-4th St Improvements Bid Tab</b> |                            |                                   |                                     |
|-------------------------------------------|----------------------------|-----------------------------------|-------------------------------------|
| <b>Kemp Sigmon</b>                        | <b>Sealand Contracting</b> | <b>Efficient<br/>Developments</b> | <b>Country Boys<br/>Landscaping</b> |
| \$ 951,381.80                             | \$ 1,215,000.00            | <b>\$ 944,902.75</b>              | \$ 1,550,688.05                     |



|                       |                                                            |
|-----------------------|------------------------------------------------------------|
| <b>Bid Title:</b>     | Invitation to Bid - Seagle-4th Street Improvements Project |
| <b>Category:</b>      | Engineering & Public Works                                 |
| <b>Status:</b>        | Open                                                       |
| <b>Bid Recipient:</b> | Kevin Garton, PE                                           |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>The Town of Huntersville will receive formal bids for the Seagle-4th Street Project until 2:00pm on Wednesday, September 13, 2023 at the Huntersville Town Center, 105 Gilead Rd, 3rd floor Conference Room 302, Huntersville, NC 28070. Alternatively, bids can be mailed to Town of Huntersville Public Works PO Box 664, Huntersville, NC 28070. The bid opening and evaluation shall be open to the public. Notification of the apparent low bidder will be emailed to all bidders.</p> <p>The Town of Huntersville is committed to providing opportunities for small and disadvantaged businesses. The Town encourages bids from Historically Underutilized Businesses (HUB).</p> <p>It is the Contractor's responsibility to ensure that their bid proposals are actually received by the Town by the deadline. The Town of Huntersville Board of Commissioners ("Town Board") reserves the right to reject any and all bid proposals for any reason, at any time, and to waive minor informalities.</p> |
| <b>Publication Date/Time:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 8/15/2023 9:00 AM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Closing Date/Time:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 9/13/2023 2:00 PM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Bid Opening Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| September 13, 2023 2:00 PM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Pre-bid Meeting:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Contact Person:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Kevin Garton, kgarton@huntersville.org, 704-766-2225                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Qualifications:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>All bidders shall comply with all applicable laws regulating the practice of general contracting as contained in chapter 87 of the General Statutes of North Carolina which requires the bidder to be licensed by the NC Licensing Board for Contractors when bidding on any non-federal aid project where the bid is \$30,000 or more, except for certain specialty work as determined by the licensing board.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Related Documents:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <a href="#">Seagle 4th Street - Contract Proposal - FINAL 8.14.2023</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



## Dillon Norton

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**From:** DoaHubBids <hubbids@doa.nc.gov>  
**Sent:** Wednesday, August 16, 2023 5:31 PM  
**To:** Dillon Norton  
**Subject:** HUB Solicitation Opportunity Request #6923, Invitation to Bid - Seagle-4th Street Improvements Project is posted.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for submitting your request!

Your request to post your solicitation has been approved and it will be posted during the next scheduled posting period.

Scheduled posting periods are every few hours, so your post may take a few hours to show up on the dashboard. If your request is posted after hours, then it could take until the next day for the posting to appear online.

WE request that for each bid opportunity you inform the HUB Office if a HUB vendor was awarded the work by replying to this e-mail with the Name of the HUB Vendor and the dollar value of the work. Thank you very much for your assistance and continued efforts to include HUB vendors in your procurement process.

You can access the posting online at the NC HUB Solicitation Requests [Dashboard](#).

**The HUB Office STRONGLY encourages you to print a copy of the Dashboard posting or take screen shot of it. Once the due date passes, the posting will no longer be visible on the Dashboard.**

Office for Historically Underutilized Businesses  
NC Department of Administration.

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Anthony Roberts, Town Manager  
Stephen Trott, Director of Engineering

**Date:** October 16, 2023

**Subject:** Beatties Ford at Brown Mill NCDOT Project Alternative

---

**EXPLAIN REQUEST:**

Discuss and select a preferred alternative for Beatties Ford Road at Brown Mill Road Intersection for NC73 (R-5721B) Project.

**ACTION RECOMMENDED:**

Make choice of current design or Alternative 1 or Alternative 2.

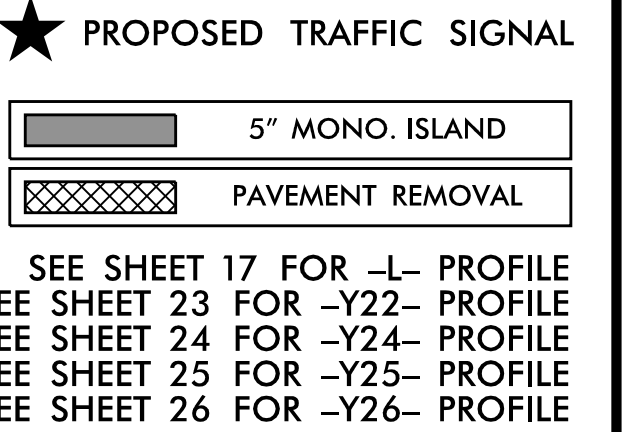
**FINANCIAL IMPLICATIONS:**

None

**ATTACHMENTS:**

1. Sheet 5 from R5721B ROW Plans
2. R5721B\_PSH\_05\_Reverse CFI Exhibit\_ALT1
3. R5721B\_PSH\_05\_Reverse CFI Exhibit\_ALT2

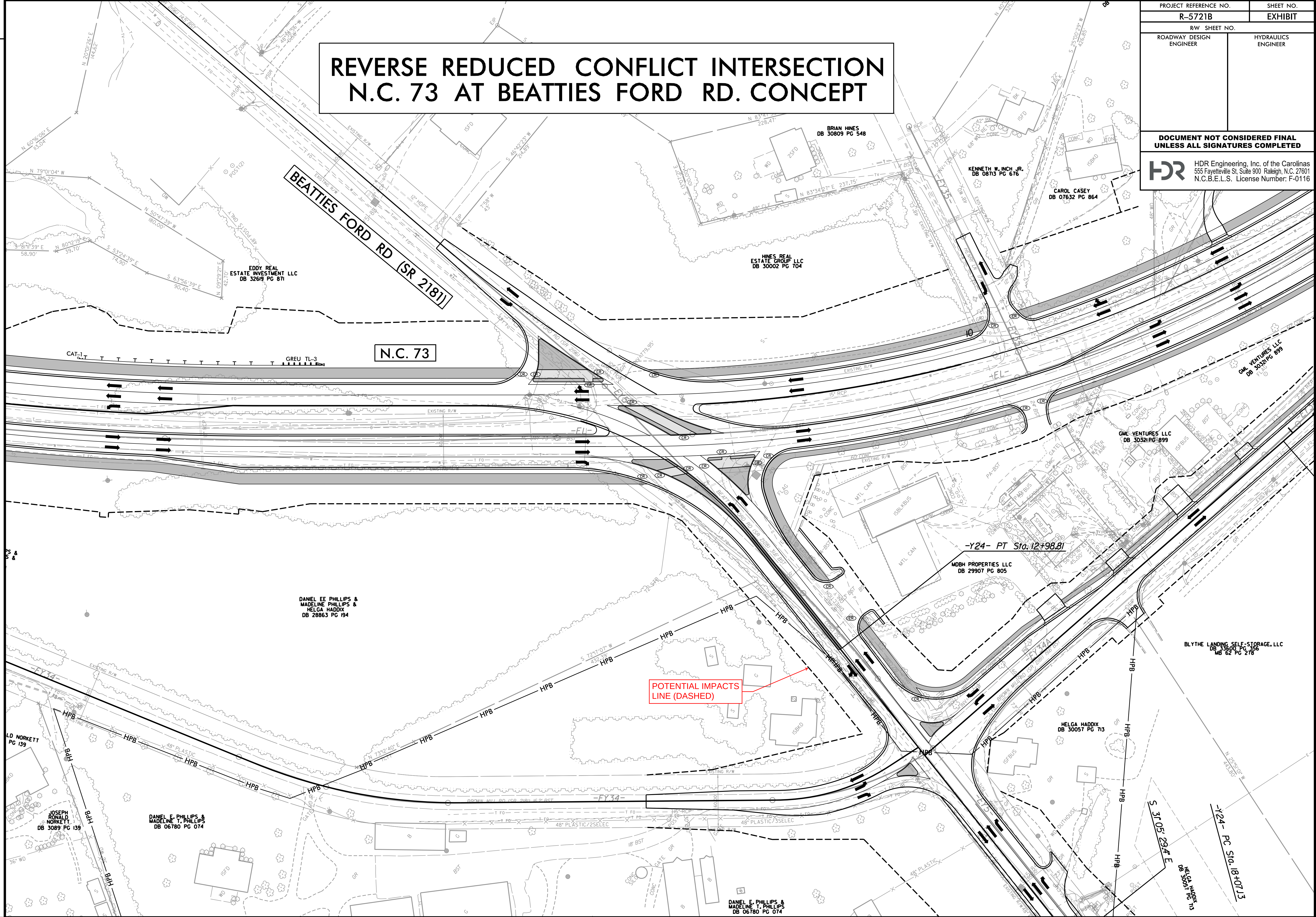






REVERSE REDUCED CONFLICT INTERSECTION  
N.C. 73 AT BEATTIES FORD RD. CONCEPT

|                                                                                                                                                                                                                         |                        |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------|
| PROJECT REFERENCE NO.                                                                                                                                                                                                   |                        | SHEET NO. |
| R-5721B                                                                                                                                                                                                                 |                        | EXHIBIT   |
| RW SHEET NO.                                                                                                                                                                                                            |                        |           |
| ROADWAY DESIGN<br>ENGINEER                                                                                                                                                                                              | HYDRAULICS<br>ENGINEER |           |
| DOCUMENT NOT CONSIDERED FINAL<br>UNLESS ALL SIGNATURES COMPLETED                                                                                                                                                        |                        |           |
|  HDR Engineering, Inc. of the Carolinas<br>555 Fayetteville St, Suite 900 Raleigh, N.C. 27601<br>N.C.B.E.L.S. License Number: F-0116 |                        |           |



REVISIONS

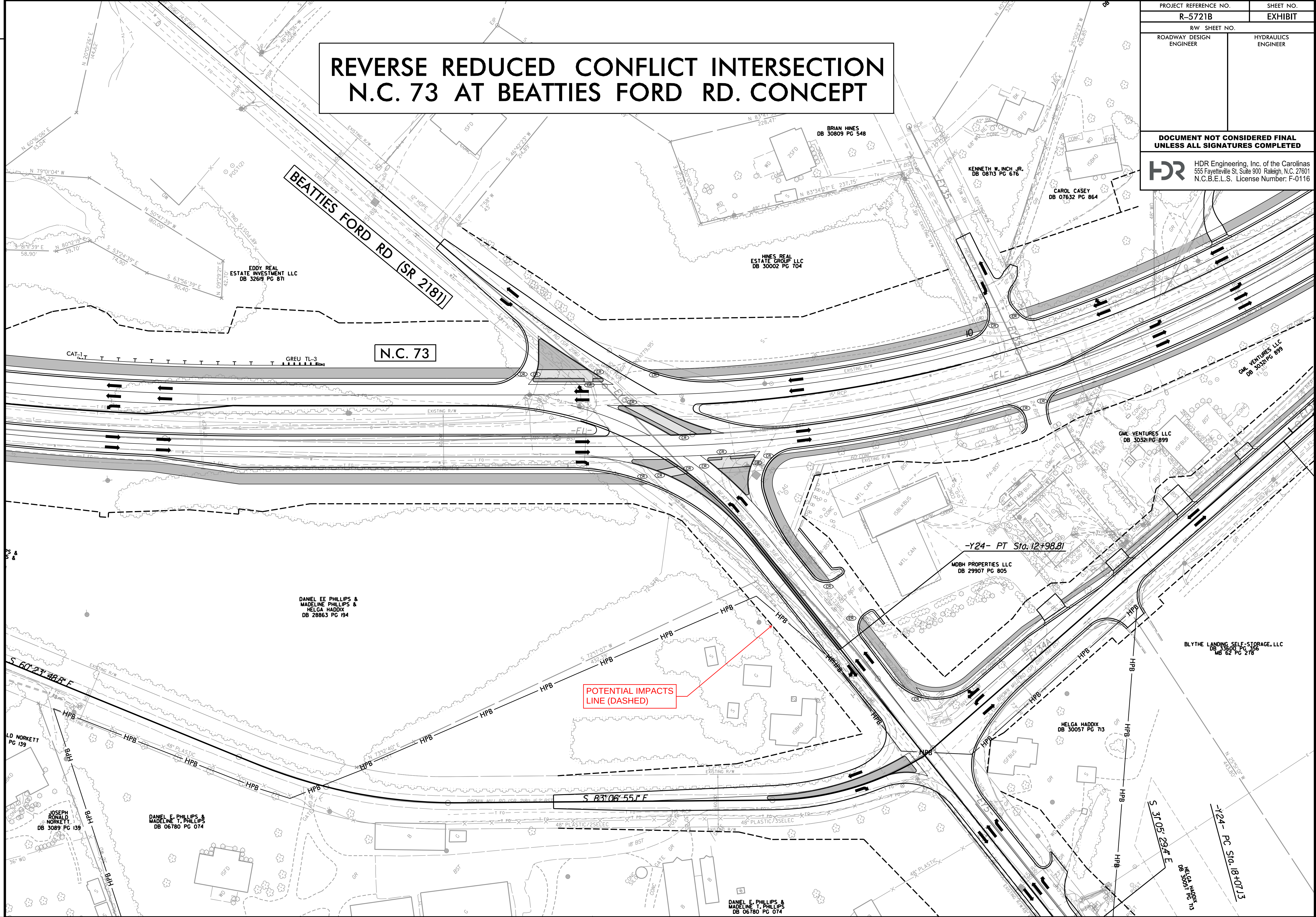
PLOT DRIVER: NCDOT\_pdf\_color\_eng\_50.plt  
USER: JBOND  
FILE: ...NR5721B.PSH.05.Reverse CF1 Exhibit.dgn

PENTABLE: NCDOT\_dshp.fltd  
DATE: 6/30/2023  
TIME: 4:36:37 PM



REVERSE REDUCED CONFLICT INTERSECTION  
N.C. 73 AT BEATTIES FORD RD. CONCEPT

|                                                                                                                                                                                                                         |  |                     |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------|--|
| PROJECT REFERENCE NO.                                                                                                                                                                                                   |  | SHEET NO.           |  |
| R-5721B                                                                                                                                                                                                                 |  | EXHIBIT             |  |
| RW SHEET NO.                                                                                                                                                                                                            |  |                     |  |
| ROADWAY DESIGN ENGINEER                                                                                                                                                                                                 |  | HYDRAULICS ENGINEER |  |
| DOCUMENT NOT CONSIDERED FINAL<br>UNLESS ALL SIGNATURES COMPLETED                                                                                                                                                        |  |                     |  |
|  HDR Engineering, Inc. of the Carolinas<br>555 Fayetteville St, Suite 900 Raleigh, N.C. 27601<br>N.C.B.E.L.S. License Number: F-0116 |  |                     |  |



REVISIONS

PLOT DRIVER: NCDOT.pdf\_color\_eng.50.plt  
USER: JBOND  
FILE: ...NR5721B.PSH.05.Reverse CF1 Exhibit.dgn  
PENTABLE: NCDOT\_pshp.fl.tdi  
DATE: 6/30/2023  
TIME: 4:37:01 PM



**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** David Peete, Principal Planner - Long Range

**Date:** October 16, 2023

**Subject:** Petition #R23-07, EPCON

---

**EXPLAIN REQUEST:**

Consider decision 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.

**ACTION RECOMMENDED:**

Consider Final Action

**FINANCIAL IMPLICATIONS:**

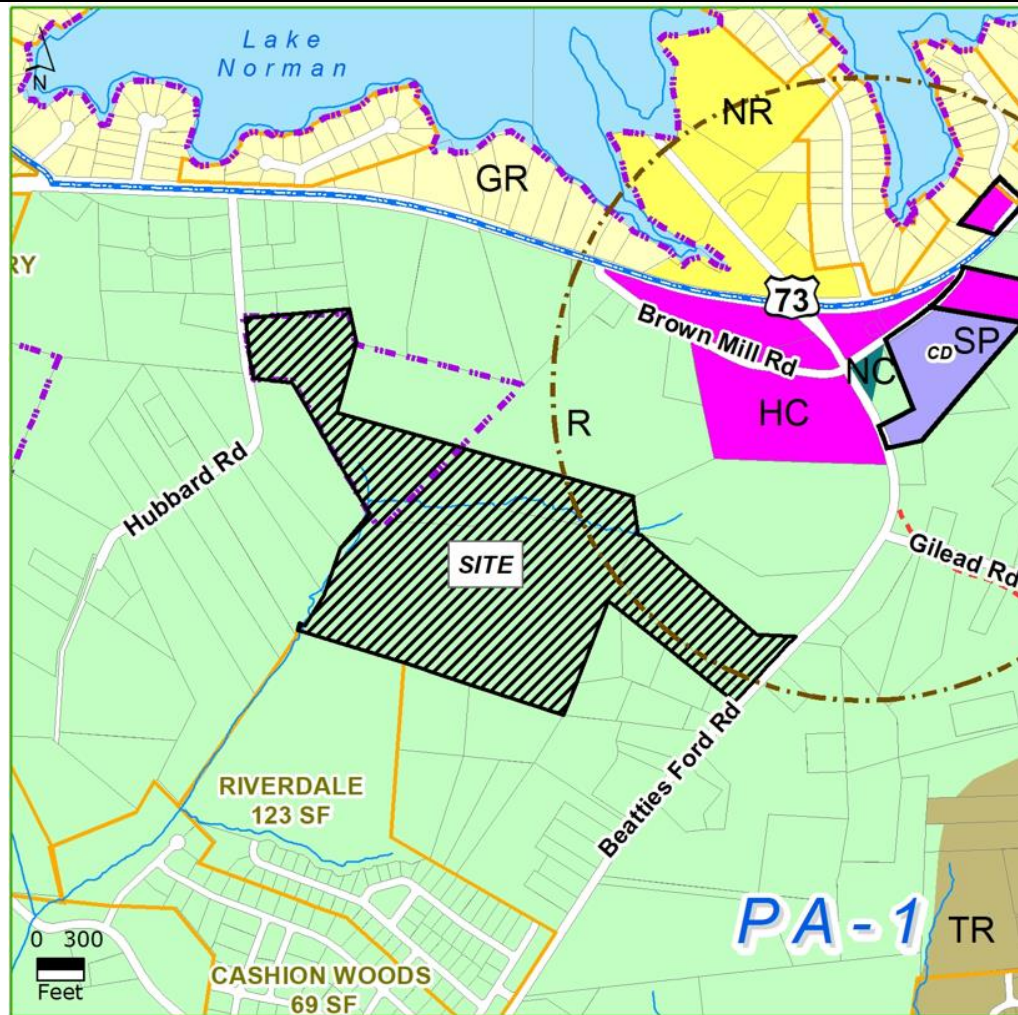
N/A

**ATTACHMENTS:**

1. R23-07 Continued Final Action Staff Report Update 10-16-23
2. Attachment A-1 - General Application (EPCON)
3. Attachment A-2 - General Application (Signature Addendum Browning)
4. Attachment B - EPCON - Beatties Ford Road (Courtyards at Walters Farm) Rezoning & Sketch Plan 09-18-23
5. Attachment C - EPCON - Beatties Ford Rd Community Mtg summary 7.24.23

# **Petition R23-07** **EPCON – Beatties Ford Road Conditional District** **(now titled “EPCON – Courtyards at Walters Farm”)**

## **PART 1: PROJECT SUMMARY**



R – Rural

TR – Transitional Residential

SP – Special Purpose

NR – Neighborhood Residential

GR – General Residential

HC – Highway Commercial

**Applicant:** EPCON Communities Carolinas, LLC.

**Property Owner:** Paul & Ruth Walters Family, LLC & Fred T. & Sandra R. Browning (see Attachment A).

**Property Address:** 15131 Beatties Ford Road.

**Project Size:** (+/-) 78.7-acres

**Parcel Number(s):**

01313125, 01313126, 01313142, 01313143, 01313144, 01313116.

**Current Zoning:** Rural (R).

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

**Proposed Zoning:** Transitional Residential – Conditional District (TR - CD).

**Proposed Land Use:**

118 age-restricted (55+), single-family homes.

1. Purpose: To rezone 78.7-acres located west of Beatties Ford Road (near the intersection of Beatties Ford Road and Gilead Road) from Rural (R) to Transitional Residential – Conditional District (TR-CD), (see map above). The proposed rezoning is for a 118 age-restricted, single-family home subdivision. If the proposed rezoning is approved, a Subdivision Sketch Plan will be reviewed by staff for compliance.

2. Adjoining Zoning and Land Uses.

North: Rural (R) – a church (Gilead Church) & vacant.

South: Rural (R) – large-lot, single-family homes & one (1) new single-family home subdivision, currently under construction (Riverdale – Phase 2).

East: Rural (R) – Beatties Ford Rd. & large-lot, single-family homes.

West: Rural (R) – Large-lot, single-family residential.

3. One Community Meeting was held on Monday, July 24, 2023, at the Huntersville Arts & Cultural Center on Old Statesville Road. A Summary of the meeting is included in Attachment C.
4. Notice for this rezoning petition was given via postcards sent to adjoining property owners within 250 ft. of the project limits; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property in two (2) locations.

## **PART 2: REZONING/SITE PLAN ISSUES**

This proposed EPCON – Beatties Ford Road Conditional District Rezoning / Sketch Plan is generally compliant with the Zoning Ordinance and Subdivision Regulations, with significant elements as follows:

- Proposed principal use is a 118 age-restricted, single-family home subdivision.
- Three (3) Urban Open Spaces (Mini parks) are to be provided on site.
- Forty percent (40%) open space is the minimum required in the Transitional Residential district and 31.59-acres (40.1%) is proposed.
- Thirty-five percent (35%) tree save is the minimum required in the Transitional Residential district and 21.0-acres (35.9%) is proposed. Minimum required specimen tree save is 35% and 52.9% is proposed to be saved.
- Access is provided by one (1) main entry from Beatties Ford Road and a connection to Riverdale – Phase 2 (under construction). In addition, two (2) stubs are provided for future connections as adjacent properties redevelop.
- If approved, the portion of the subdivision along the north that is not within the Town limits would be offered for voluntary annexation.

ISSUES: The applicant requests the following five (5) modifications to Ordinance requirements (see CD Rezoning Plan Sheet RZ-201.

- a) “Remove landscaped median requirement at the entrance of the subdivision.”

STAFF COMMENT: **Staff can support this modification request.** Per Article 3.2.2.d.2.i, “...a landscaped median at least 20 ft. in width shall be required at all entrances into the subdivision”. A landscaped median along Beatties Ford Road would not be in keeping with the rural esthetic of the corridor.

- b) “Increase the driveway width to 18 ft. for lots less than 60 ft. wide.”

STAFF COMMENT: **Staff does not support this modification request.** Per Article 8.16.3, “...lots 60 feet wide or less, driveways shall be no more than 14 feet wide as measured along the public street right-of-way for a detached house”. Developments throughout Town with lots under 60 feet in width function well with the 14 ft. limit. 2) With a proposed build-to range of 20 – 45 feet in depth for this development, there is sufficient room to maneuver vehicles.

- c) “Increase the maximum length of a cul-de-sac by +/- 470 ft. due to constraints imposed by existing easements.”

STAFF COMMENT: **Staff can support this modification request.** The total length of the cul-de-sac is 768 feet, which includes a gas line easement crossing. By deleting the 105 ft. easement width, the remaining cul-de-sac is 663 feet in length. Cul-de-sacs are limited to 350 feet in length.

- d) ~~“Allow disturbance in the first 20 ft. of the undisturbed buffer were noted on the plan. This disturbed area will be replanted according to the Zoning Ordinance and as shown on the site plan.”~~

~~STAFF COMMENT: **Staff does not support this modification request.** Per Article 7.5 of the Zoning Ordinance, “Any major residential subdivision abutting a property zoned residential or developed residential, not internal to a planned community” is required to have a buffer “40 feet minimum when density is two times greater than the existing development. This buffer standard was adopted in March of this year and is intended to protect existing development. The 2040 Community Plan recommends encouraging open space and tree preservation and preserving 40 feet of undisturbed buffer along the subdivision edge will further that goal. **9-18-23 UPDATE - Modification request has been removed by applicant.**~~



- e) “Allow a wet pond, rather than traditional water quality measures, to be used for the density of the site.”  
**STAFF COMMENT:** Staff can support this modification request. Article 8.17.13 of the Zoning Ordinance (Low Impact Development (LID) Approach) states that “the use of LID BMP’s is required by this Ordinance unless mitigation practices are approved and implemented”. The Town can work with the applicant to utilize acceptable alternative techniques to meet the intent of the Water Quality Ordinance and provide desired outcome for the development.

#### OTHER SITE PLAN ISSUES:

1. ~~Per Article 5.5 — Elements of Street Design — part d.3. requires that “an on-street parking lane on at least one side of the street is required on streets serving ... detached houses with lots 60 ft. or less in width”. Per the diagram on Sheet RZ-201, the majority of lots do not front the required 57 ft. width street cross-section. In addition, Town streets are 51 ft. without on-street parking or 57 ft. with on-street parking. 50 ft. and 55.5 ft. are shown on plans, respectively, and must be revised.~~ 9-18-23 UPDATE – On-street parking is now provided where lots are 60 ft. wide or less.
2. A berm is proposed within the 100 ft. buffer along Beatties Ford Road, to be installed subject to the requirements of Article 7.4.2.g. This includes approval by the Planning Board.

### PART 3: TRANSPORTATION ISSUES

A TIA Determination of Need form for the development was submitted on April 13, 2023, and on April 19, 2023, it was determined the Town would not require a TIA. However, NCDOT did require a TIA and the following improvements are to be installed:

- 150 ft. left turn at proposed development entrance.
- 100 ft. right turn at proposed development entrance.

In addition, the Town finds the entry road width at Beatties Ford Road unacceptable and needs to be limited to 26 ft. maximum.

All outstanding redline comments must also be addressed.

### PART 4: REZONING CRITERIA

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

The current Zoning Map (shown above) indicates the area of this request is in the Rural zoning district, with a portion of the entry area also located within an Activity Center.

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

- **Policy LU-2: Encourage residential development that follows the pattern outlined in the future land use map.**
  - LU 2.2: Lower intensity residential uses are expected within the Residential Edge and Rural Conservation areas identified on the Future Land Use Map.

**STAFF COMMENT:** While both the Rural Conservation and Residential Edge areas would both be considered low intensity; the future land use map extended the Residential Edge designation to the outer limits of the Activity Center boundary. Per the 2040 Community Plan, “Planned Activity Centers include a mix of non-residential uses and are usually located at key intersections of major or minor thoroughfares. “Residential uses include a mix of housing types centered around shopping, service or civic uses. Residential uses transition to lower gross density with more open space away from Activity Centers. This boundary is not specific, but rather indicates the extent

of a ¼ mile walkable distance. This proposed development does not connect to the current uses within the Activity Center. Once outside of the Activity Center, the Future Land Use Map indicates Rural Conservation should be preserved.

- **Policy LU-6: Support a mix of land uses in key locations.**

- LU 6.1: A mix of land uses is encouraged in Mixed Use Centers, Activity Centers, Employment Centers identified on the Future Land Use Map.

STAFF COMMENT: The portion of this subdivision, if developed under Rural zoning, would provide low-density housing at the outer edge of an Activity Center. At this time, there is no connection between the proposed subdivision and the rest of the Activity Center.

- **Policy LU-9: New residential development should follow appropriate housing design principles.**

- LU 9.2: Within lower intensity areas including Moderate Density, Residential Edge, Rural Conservation, and Critical Watershed areas conservation design & farmhouse clusters are encouraged.
  - Scenic nature of roadways should be preserved
  - Development should be clustered away from key natural features.
  - Site design should minimize grading and maximize preservation of existing stands of mature, native trees.

STAFF COMMENT: The 100 ft. buffer along Beatties Ford Road will serve to protect the road's historic character and hide the differing house-pattern behind a landscaped berm. The homes are located somewhat close to stream buffers but are not close enough to impact them. And while there are several stands of significant trees located along the entry area, the development is meeting the minimum TR standard for tree preservation. It should be noted that the R zone has a higher standard of tree preservation.

- **Policy LU-10: Encourage a diversity of housing options.**

- LU 10.1: Align housing options with resident needs and promote attainable housing options.
  - Accommodate a mix of housing by type, tenure, and location to serve a growing and increasingly diverse population. Housing offerings should align with workforce opportunities, including management, professional positions, and service positions.
- LU 10.2: Continue to encourage a mix of lot sizes in new developments.
- LU 10.4: Consider allowing additional flexibility in site design in exchange for more quality open space preservation to allow for conservation of natural resources in the Transitional and Rural zoning districts.

STAFF COMMENT: The proposed subdivision consists of age-restricted, single-family homes, which contributes to the mix of housing within town. There are also three (3) different lots sizes, consisting of 55 ft., 68 ft. and 78 ft. wide lots, however, only 7 of the 118 lots are 78 ft. wide.

- **Policy LU-12: Preserve historic structures and landscapes in Huntersville.**

- LU 12.2: Utilize notable projects list from the Architectural Survey, State Historic Preservation Office (SHPO) data, and other resources during design and development review.
- LU 12.3: Blend new development with existing neighborhoods, structures and landscapes through the use of transitions in building types and placement of open space, buffers, and other site features.

STAFF COMMENT: The Gilead Church, located near the entrance along Beatties Ford Road, has been identified as historically significant and the (min.) 40 ft. buffer along the shared border with this church and its cemetery will play a critical role in protecting this community asset.

- **Policy EOS-2: Encourage conservation subdivision design in Residential Edge and Rural Conservation areas.**

- EOS 2.1: Continue to require and incentivize open space reservation in Moderate Density, Residential Edge, Rural Conservation, and Critical Watershed areas.
  - Encourage new development to have at least 40% open space in new development in these areas

- The Residential Edge and Rural Conservation areas on the Future Land Use map are associated with the Transitional and Rural zoning districts. These zoning districts offer a sliding scale in allowable density depending on the amount of open space preserved.
- EOS 2.2: In the Transitional and Rural zoning districts, consider allowing additional flexibility in site design in exchange for more quality open space preservation, which promotes conservation of natural resources.

STAFF COMMENT: The subdivision proposes the minimum amount of open space (40.1%) and tree preservation.

- **Policy EOS-3: Prioritize tree canopy preservation in the lower intensity areas (Residential Edge, Rural Conservation, and Critical Watershed areas).**

STAFF COMMENT: This subdivision proposes to save 52.9% of existing specimen trees and 35% of existing canopy. The current Rural zoning district requires 50% specimen tree save and 50% existing tree canopy, which goes further to prioritize tree canopy preservation.

- **Policy EOS-6: Preserve elements of rural character.**

- EOS 6.1: Enforce existing standards and evaluate new design standards to preserve the character of scenic country roads.
  - McCauley Road, Black Farms Road, Beatties Farm Road, and Ramah Church Road have been identified as scenic resources and should have corridor-specific design controls that preserve scenic beauty.
  - For instance, the planned cross-section for Beatties Ford Road includes a 100ft buffer and multi-use trail

STAFF COMMENT: The subdivision has a 100-ft. wide buffer along the frontage of Beatties Ford Road to preserve the rural character of the corridor. A landscaped berm will be planted within this buffer, as there is very little existing vegetation in that area.

- **Policy EOS-10: Improve bicycle and pedestrian facilities throughout Town.**

- EOS 10.1: Implement the Bicycle and Pedestrian Committee's 30-by-30 plan.
  - Connect all parks, schools, neighborhoods, major shopping into the Greenway System by 2030 incrementally over the next 10 years.
  - Include Greenways, sidewalks, multi-use paths, trails, and dirtways.

STAFF COMMENT: The goals of the 30 x 30 Bike and Pedestrian Plan are furthered by the provision of a 10 ft. wide sidepath along the frontage of Beatties Ford Road. There are no public greenway linkages through this area.

- **Policy T-3: Improve connectivity throughout the study area.**

STAFF COMMENT: Access is provided by one (1) main entry from Beatties Ford Road and a connection to Riverdale – Phase 2 (under construction). In addition, two (2) stubs are provided for future connections as adjacent properties redevelop.

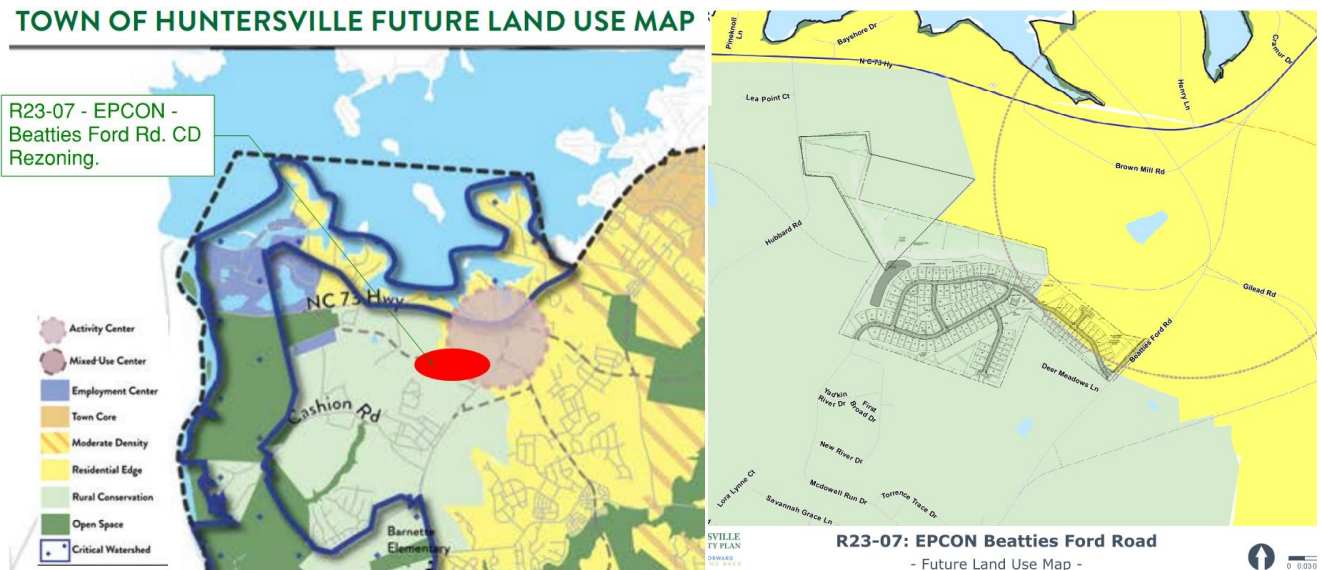
**The 2040 Huntersville Community Plan does not support this project through the following sections:**

- **Policy LU-1: Encourage a development pattern that follows the Future Land Use Map.**

- LU 1.1: Utilize the Future Land Use Map during development approval process to ensure compatibility with long-range plans.

STAFF COMMENT: The parcels requested to be rezoned are shown below. The majority of the subdivision is zoned Rural (R) and is located in the 2040 Community Plan's Rural Conservation designation. The request is to rezone the property to Transitional Residential (TR), which is not adjacent, nor located anywhere on the west side of Beatties Ford Road. Within the Future Land Use Map, the Residential Edge designation – which would accommodate the TR zoning district – is adjacent to the properties. The majority of the Residential Edge area overlaid onto the parcels that make up the Activity Center shown on the Future Land Use Map (see circle area,

below). The Residential Edge designation was not carried over to the parcels west of Beatties Ford Road, to limit the level of development within this very rural area.



- **Policy LU-3: Manage residential growth in the eastern and western parts of Huntersville’s planning jurisdiction.**
  - LU 3.1: Discourage rezonings to higher intensity residential districts in the Residential Edge and Rural Conservation future land use character areas.
    - There is constant pressure to rezone to higher density districts on the edges of town. Growth management was the #1 priority for survey responses. There needs to be a concerted effort to uphold previous policy decisions to limit density and increase open space preservation in the more undeveloped areas outside of the Town Core.

STAFF COMMENT: Again, once the TR zoning district is introduced on the west side of Beatties Ford, with the available acreage that is vacant or under-developed, there will be more pressure to rezone additional properties.

- **Policy LU-7: Require new development to follow design principles that reinforce the vision for the Town as expressed in this plan and other adopted plans.** The town has committed to traditional town planning and urban design principles that are meant to preserve the character of the town. This commitment is noted in adopted plans and the zoning ordinance and has been expressed in new development over the last 25 years.
  - LU 7.1: Require all new development to adhere to the following design principles:
    - In lower intensity areas (including MD, RE, RC, CW) preservation of rural character and natural resources are prioritized.
    - In these areas, structures can be set back further from the road and should blend into the landscape and the scenic nature of roadways should be preserved.

STAFF COMMENT: The current Rural zoning district requires a minimum open space reservation of 45%. This subdivision proposes 40% open space, including the Urban Open Space areas, which is the minimum for the TR zone, but is not in keeping with the Rural Conservation goal of preservation of rural character and natural resources.

- **Policy LU-11: Protect Existing Housing Stock.**

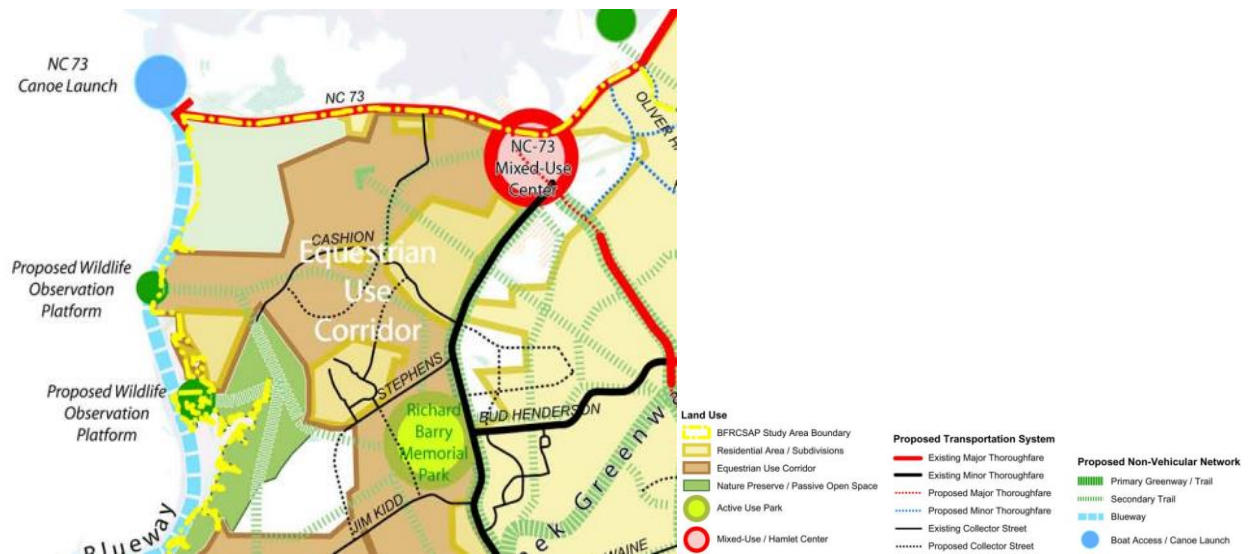
- LU 11.2: Along existing streets, encourage new buildings to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

**STAFF COMMENT:** While the proposed lot pattern and lot size are not in keeping with the majority of the existing housing, the lot pattern is similar to the Riverdale – Phase 2 development. Without the appropriate buffers along the exterior project boundaries, this development would not respect the existing development pattern.

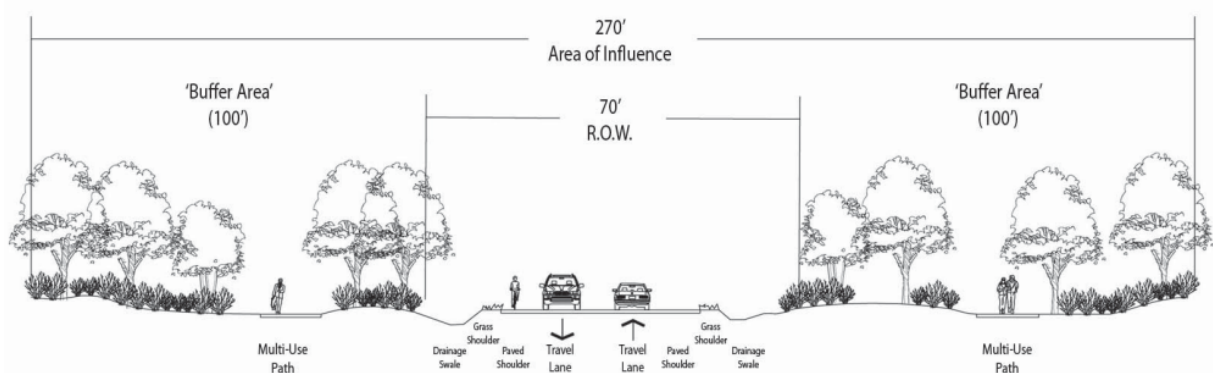
The Beatties Ford Road Corridor Small Area Plan (SAP) (adopted 2007) addresses this request as follows:

The proposed EPCON – Beatties Ford Road development is located in the “Residential Area / Subdivisions” (shown in beige, below) area.

**STAFF COMMENT:** Section 7.2 – Land Use and Zoning, of the Small Area Plan, recommends to “continue the low-density development pattern within the study area”.



The future cross-section for Beatties Ford Road is shown below and the proposed road improvements in the CD Rezoning / Sketch Plan are consistent with what is shown.



**Beatties Ford Road Preferred Cross Section**



**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 EPCON – Beatties Ford Road - Conditional District Rezoning is not supported by the 2040 Community Plan, which calls for the majority of the property to be Rural Conservation, which the existing Rural zoning district most-directly lines-up with. This support is due to development being limited to 0.9-units per acre with a maximum of 45% open space preservation. Rezoning to TR would increase the density in this area to 1.5 units per acre, while reducing minimum required open space to 40%. Tree-save percentage is also reduced in TR, which is not supported by the 2040 Community Plan. Of primary concern is the introduction of TR zoning west of Beatties Ford Road where none exists. The closet TR zoning is located to the east of Beatties Ford Road. Once a pattern of increased-density development is established, a precedent for similar development along the corridor will follow, as there is a significant amount of vacant or under-developed property in the general area. 2040 Community Plan Implementation Policy LU-3.1 states “there is constant pressure to rezone to higher density districts on edges of town. Growth management was the #1 priority for survey responses. There needs to be a concerted effort to uphold previous policy decisions to limit density and increase open space preservation in the more undeveloped areas outside of the Town Core”.

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

STAFF COMMENT:

- A Transportation Impact Analysis (TIA) was not required by the Town for this rezoning, however NCDOT did require transportation improvements – see Part 3 of this report.
- A Willingness-to-serve letter from Charlotte Water was issued by Charlotte Water on 5-5-23.
- A Conceptual Storm Water Drainage Plan (PCO-1) is under review and must be approved by staff.
- The CD Rezoning Plan was sent to Charlotte-Mecklenburg School (CMS) for consideration (see Attachment D).

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

STAFF COMMENT:

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

## **PART 5: STAFF RECOMMENDATION**

The EPCON – Beatties Ford Road Conditional District Rezoning Plan from Rural (R) to Transitional Residential – Conditional District (TR-CD) is **not supported** by staff for the reasons outlined in Part 4 of this report. If the Town Board were to rezone the property, as proposed, the following conditions should apply to the Rezoning / Sketch Plan:

- Staff can support modification “1” – (entry median removal).
- Staff **does not** support modification “2” (increased driveway width).
- Staff can support modification “3” (cul-de-sac length).
- Staff can support modification “4” (wet pond), subject to:
  - The stipulations for allowing Wet Ponds in lieu of standard LID measures are as follows:
  - If Bedrock is encountered at BMP location\*
  - If infiltration rate is too low to accommodate sand filter.\*
  - Wet pond must have a Water Quality volume/Permanent Pool volume = 0.3 (\*These items shall be determined by Geotech study.)

- On-street parking must be provided on (at least) one side for all lots under 60 feet in width. 9-18-23 UPDATE – All streets that abut lots 60 feet wide (or less) will have 57 ft. wide street cross-sections – to accommodate on-street parking on one side.
- Staff **does not** support modification to allow buffer disturbance. 9-18-23 UPDATE – this request has been removed.
- All outstanding redline comments must be addressed.
- RECOMMEND – Add a walking trail throughout the subdivision. 9-18-23 UPDATE – trail has been added through a portion of the development (see Sheet RZ-200).

#### **PART 6: PUBLIC HEARING COMMENTS**

Public Hearing was held on Monday, August 7, 2023.

#### **PART 7: PLANNING BOARD RECOMMENDATION**

APPROVAL: Planning Board recommended approval of Petition R23-07, EPCON – Courtyards at Walters Farm, by 6-2 vote. The Planning Board stated 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 developed 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 the following: 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.

#### **PART 8: SCHEDULED FINAL TOWN BOARD ACTION**

Final Action scheduled continued until October 16, 2023.

**PART 9: ATTACHMENTS/ENCLOSURES**

Attachments

- A – General Application (Rezoning).
- B – EPCON – Beatties Ford Road CD Rezoning Plan.
- C - Community Meeting Report from July 24, 2023 – to be provided prior to public hearing.
- D – CMS Report – to be provided prior to public hearing.

**PART 10: CONSISTENCY STATEMENT - R 23-07 EPCON – Beatties Ford Road Conditional District Rezoning.**

| Planning Department | Planning Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Board of Commissioners                                                                                                                                                                                                                                                                                                                              |
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|                     | <p>APPROVAL: Planning Board recommend Approval of petition R23-07, EPCON – Courtyards at Walters Farm by 6-2 vote. 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.</p> <p>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 developed 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> | <p>APPROVAL: In considering the proposed rezoning application R23-07; EPCON – Beatties Ford Road CD Rezoning, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>DENIAL: In considering the proposed rezoning application R23-07; EPCON – Beatties Ford Road Conditional District Rezoning, Town Staff DOES NOT RECOMMEND APPROVAL of the rezoning as it is not consistent with Implementation Goals LU-1, LU-3, LU-7, &amp; LU-11 of the 2040 Community Plan.</p> <p><u>It is not reasonable, nor in the public interest to rezone these 78.7-acres from Rural (R) to Transitional Residential (TR) to Corporate Business – Conditional District (CB-CD) BECAUSE it would be inconsistent with the 2040 Community Plan.</u></p> |  | <p>DENIAL: In considering the proposed rezoning application R23-07; EPCON – Beatties Ford Road CD Rezoning, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



# 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 04-25-2023

Name of Project Beatties Ford Road Residential Phase # (if subdivision) \_\_\_\_\_

Project Address 15201 Beatties Ford Road, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01313125, 01313126, 01313142,  
01313143, 01313144 & 01313116

Current Zoning District R Proposed District (for rezoning only) TR

Property Size (acres) 78.7 AC Street Frontage (feet) 574 ft

Current Land Use Vacant / Single Family Residential

Proposed Land Use(s) Single Family Detached Residential

Is the project within Huntersville's corporate limits?

Yes X 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.

Proposed Conditional District Rezoning from R to TR

## 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 Epcon Communities Carolinas, LLC Phone 704-607-0152  
☐ 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 Andy Gibbon Printed Name: Andy Gibbon

Title Land Development Director Email agibbon@epconcommunities.com

Address of Applicant 11020 David Taylor Drive, Suite 105, Charlotte, NC 28262

## 7. Property Owner (if different than applicant)

\*Printed Name Paul & Ruth Walters Family LLC 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 Paul Walters Printed Name PAUL S. WALTERS

Title Mgr. Email Jim@LWENGINEERS.COM

Address of Property Owner 102 Sherwood Drive, 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

|                          |                 |              |                            |
|--------------------------|-----------------|--------------|----------------------------|
| Bowman Development Group | Whitney Hodges  | 704-929-8396 | whitneyhodges@gmail.com    |
| Development Firm         | Name of Contact | Phone        | Email                      |
| Timmons Group            | Andrew Allison  | 704-227-1564 | andrew.allison@timmons.com |
| 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:          | <a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a> |



General Application  
Owner/Applicant Signature Addendum

Application Information

Date of Application 04-25-2023 Application Number \_\_\_\_\_

Name of Project Beatties Ford Road Residential Phase # (if subdivision) \_\_\_\_\_

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

\* ^ Printed Name Fred T & Sandra R Browning Phone Number 704-408-3673  
☐ 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 Fred T. Browning Parcel ID(s): 01313125

Title Owner Email Browningf@roadrunner.com

Address of Property Owner/Applicant 15201 Beatties Ford Rd, Huntersville, NC 28078

\* ^ Printed Name Fred T & Sandra R Browning 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): 01313125

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner/Applicant 15201 Beatties Ford Rd, Huntersville, NC 28078

\* ^ 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.

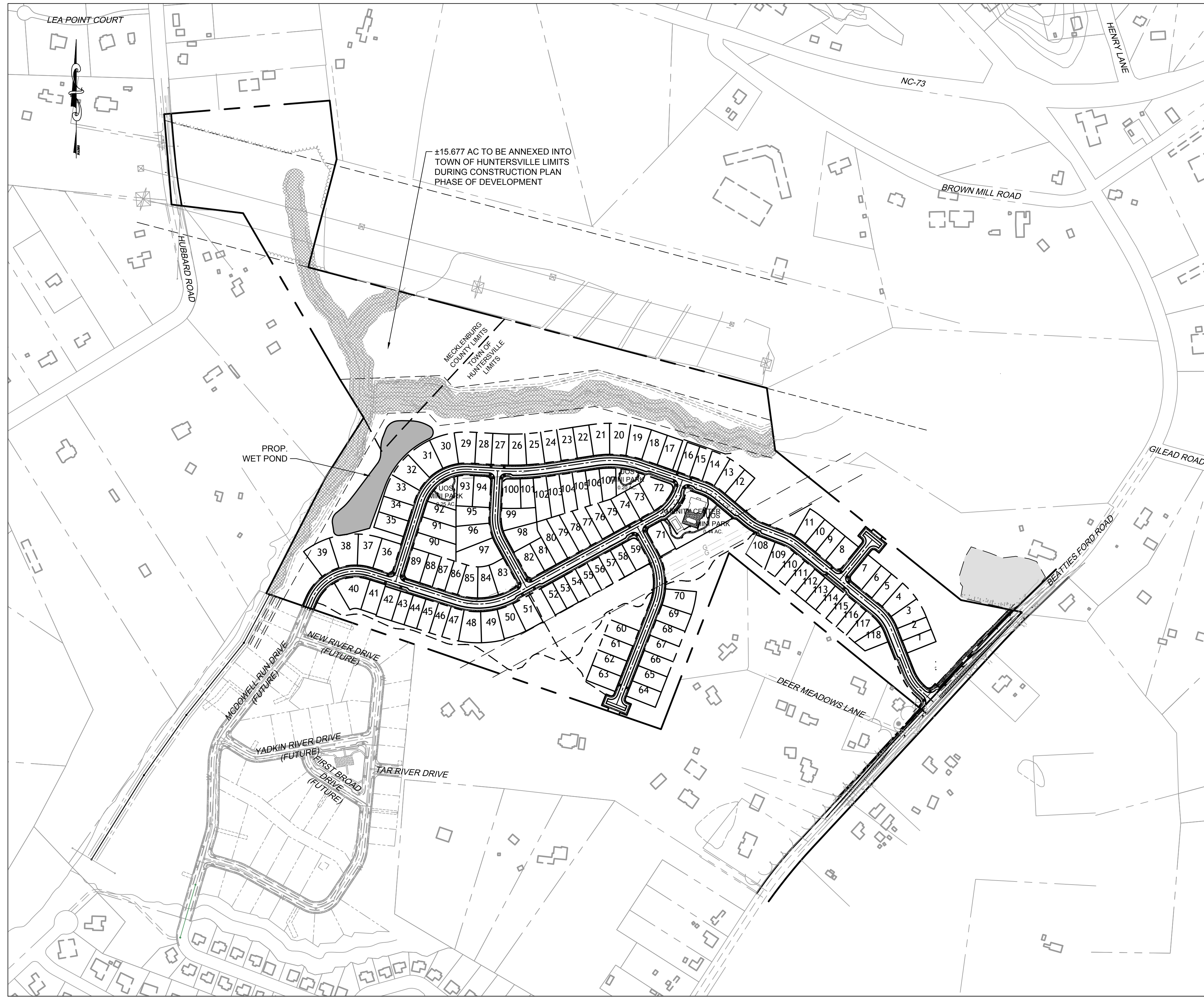


# EPCON - COURTYARDS AT WALTERS FARM

## CONDITIONAL DISTRICT REZONING / SKETCH PLAN

15131 BEATTIES FORD RD  
HUNTERSVILLE, NORTH CAROLINA

EPM PROJECT NO. 449924  
REZONING NO. R23-07



VICINITY MAP  
SCALE: 1" = 250'

| Sheet List Table |                                                  |
|------------------|--------------------------------------------------|
| Sheet Number     | Sheet Title                                      |
| RZ-000           | COVER                                            |
| RZ-100           | EXISTING CONDITIONS                              |
| RZ-101           | EXISTING SLOPE ANALYSIS                          |
| RZ-102           | TREE SURVEY                                      |
| RZ-103           | ADJACENT PROPERTY OWNERS                         |
| RZ-104           | ADJACENT PROPERTY OWNERS INFORMATION & TREE LIST |
| RZ-105           | FOUR STEP DESIGN PROCESS                         |
| RZ-200           | REZONING PLAN                                    |
| RZ-201           | SITE NOTES AND DETAILS                           |
| RZ-202           | SITE NOTES AND DETAILS                           |
| RZ-300           | CONCEPTUAL GRADING & DRAINAGE PLAN               |
| RZ-400           | CONCEPTUAL PLANTING PLAN                         |
| RZ-500           | CONCEPTUAL URBAN OPEN SPACE PLAN                 |

APPROVAL OF THIS SKETCH / CONCEPT PLAN DOES NOT IMPLY OR GUARANTEE APPROVAL AND / OR VESTING OF THE FINAL PRELIMINARY / CONSTRUCTION PLAN. FINAL PRELIMINARY / CONSTRUCTION PLAN WILL BE REVIEWED FOR COMPLIANCE PER ALL TOWN, COUNTY, AND STATE REGULATIONS IN EFFECT AT TIME OF SUBMITTAL.

#### PROPERTY OWNER INFORMATION

PARCEL ID: 01313125  
FRED & SANDRA BROWNING  
15201 BEATTIES FORD ROAD, HUNTERSVILLE, NC 28078

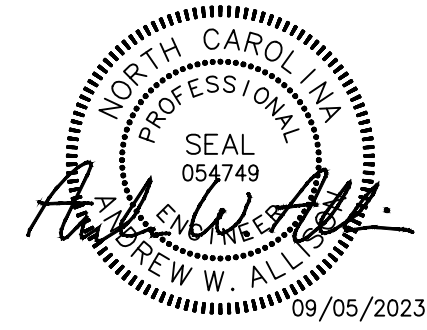
PARCEL ID'S: 01313116, 01313126, 01313142, 01313143 & 01313144  
PAUL & RUTH WALTERS FAMILY LLC  
102 SHERWOOD DRIVE, HUNTERSVILLE, NC 28078

#### REQUIRED NCDOT ROAD IMPROVEMENTS FOR BEATTIES FORD ROAD

150' LEFT TURN LANE AT PROPOSED DEVELOPMENT ENTRANCE  
100' RIGHT TURN LANE AT PROPOSED DEVELOPMENT ENTRANCE

#### FIRE CODE REQUIREMENTS

PER FIRE CODE REQUIREMENTS, UNTIL 'McDOWELL RUN DRIVE' IS OPEN AS A PUBLIC STREET, THIS SUBDIVISION WILL BE LIMITED TO 100 LOTS.



PRELIMINARY  
FOR REVIEW  
PURPOSES ONLY

THIS DRAWING PREPARED AT THE  
CHARLOTTE OFFICE  
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202  
TEL 704.602.8600 FAX 704.376.1076 www.timmons.com  
North Carolina License No. C-1652

EPCON<sup>®</sup>  
COMMUNITIES  
EPCON COMMUNITIES  
11020 DAVID TAYLOR DR, SUITE 05  
CHARLOTTE, NC 28262

REVISION DESCRIPTION  
REVISED PER TOWN COMMENTS  
REVISED PER TOWN COMMENTS

DATE  
07/21/2023  
09/05/2023  
DRAWN BY  
A. CLARK  
DESIGNED BY  
A. ALLSION  
CHECKED BY  
A. ALLSION  
SCALE  
AS SHOWN

TIMMONS GROUP  
YOUR VISION ACHIEVED THROUGH OURS.

EPCON - COURTYARDS AT WALTERS FARM  
HUNTERSVILLE, NORTH CAROLINA  
COVER

JOB NO.  
57770  
SHEET NO.  
RZ-000



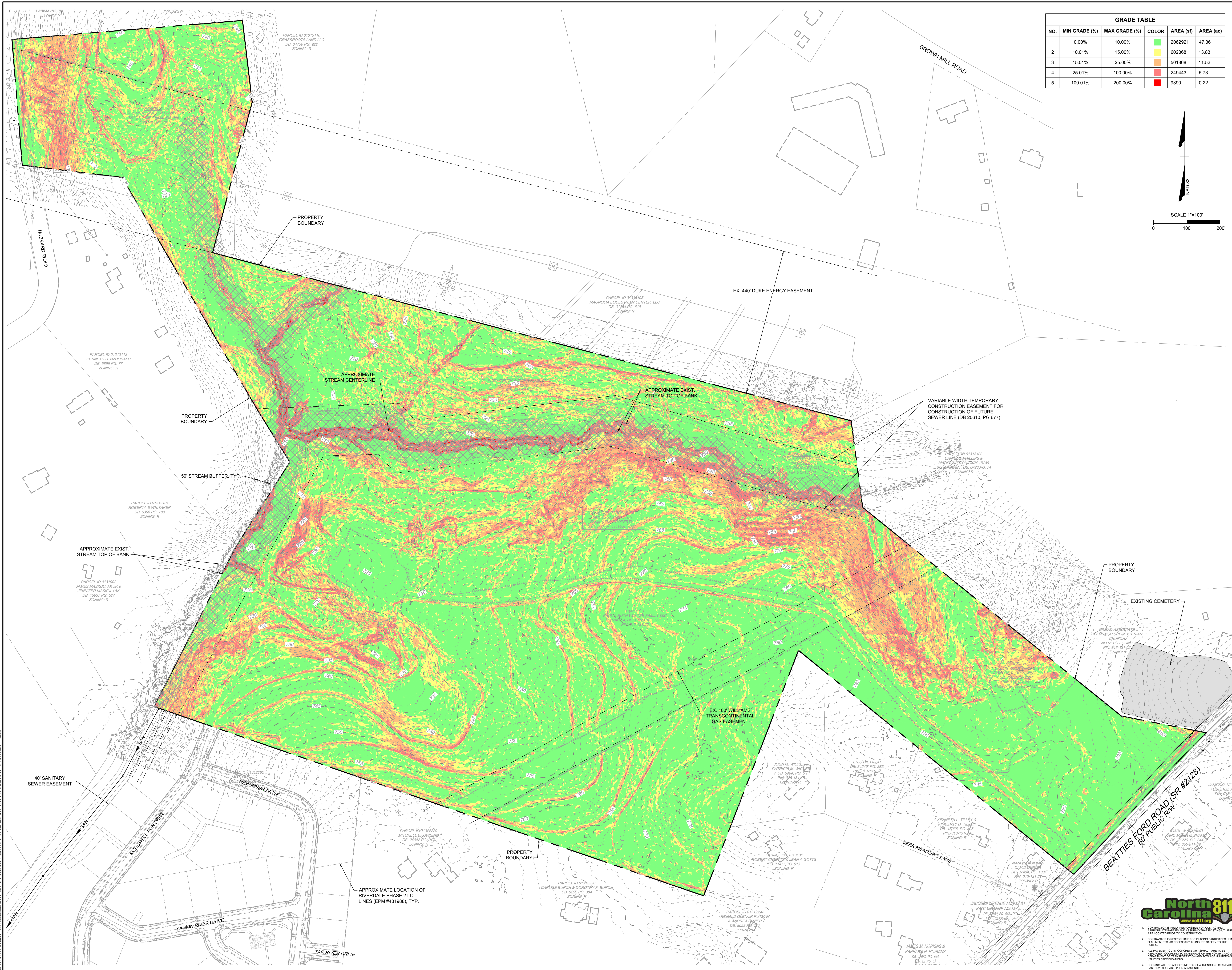
- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAYMENTS DUE TO CONTRACTOR OR SUBS SHALL BE MADE IN ACCORDANCE WITH THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TOWNSHIP OF HUNTERSVILLE UTILITIES SPECIFICATIONS.
- SHOWING WILL BE ACCORDING TO DRAIN TRENCHING STANDARDS PART 108 SUBPART F, OR AS AMENDED.



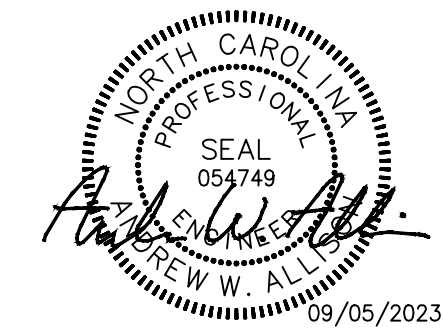
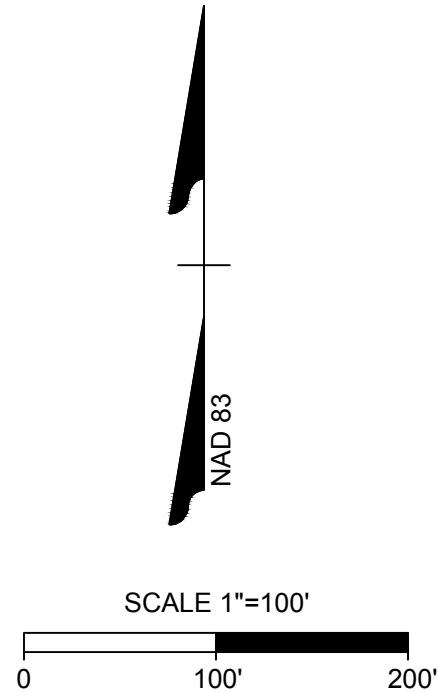




S:\045770-Beatties Ford Residential\Epcor\DWG\Sheet\Revised\57770-C114-S1PE.dwg | Plotted on 8/20/2023 2:00 PM by Andrew Allison



| GRADE TABLE |               |               |       |           |           |
|-------------|---------------|---------------|-------|-----------|-----------|
| NO.         | MIN GRADE (%) | MAX GRADE (%) | COLOR | AREA (sf) | AREA (ac) |
| 1           | 0.00%         | 10.00%        |       | 2062921   | 47.36     |
| 2           | 10.01%        | 15.00%        |       | 602368    | 13.83     |
| 3           | 15.01%        | 25.00%        |       | 501868    | 11.52     |
| 4           | 25.01%        | 100.00%       |       | 249443    | 5.73      |
| 5           | 100.01%       | 200.00%       |       | 9390      | 0.22      |



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TEL 704.602.8600 FAX 704.376.1076 www.timmons.com  
North Carolina License No. C-1652



11020 DAVID TAYLOR DR, SUITE 05  
CHARLOTTE, NC 28262

REVISION DESCRIPTION

REVISED PER TOWN COMMENTS

DATE

07/21/2023

DRAWN BY

A. CLARK

DESIGNED BY

A. ALLISON

CHECKED BY

A. ALLISON

SCALE

1" = 100'

YOUR VISION ACHIEVED THROUGH OURS.

**TIMMONS GROUP**

EPCON - COURTYARDS AT WALTERS FARM

HUNTERVILLE, NORTH CAROLINA

EXISTING SLOPE ANALYSIS

JOB NO.

57770

SHEET NO.

RZ-101



- CONTRACTOR IS FULLY RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND UTILITIES LOCATIONS PRIOR TO CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN ETC. AS NECESSARY TO MAINTAIN SAFETY TO THE PUBLIC.
- ALL MATERIALS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TOWNSHIP OF HUNTERVILLE UTILITIES SPECIFICATIONS.
- SHOWING WILL BE ACCORDING TO OWNER TRENCHING STANDARDS PART 108 SUBPART F, OR AS AMENDED.







S:\0457776-Business Form Residential\Epcon\DWG\Sheet\Resizing\57776-C102-A210.dwg | Printed on 8/25/2023 2:00 PM | by Andrew Allson



SCALE 1"=150'

0 150' 300'

NAD 83

SEE SHEET RZ-104 FOR ADJACENT PROPERTY OWNER INFORMATION

**North Carolina 811**  
www.nc811.org

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.

2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN ETC. AS NECESSARY TO MAINTAIN SAFETY TO THE PUBLIC.

3. ALL PLACEMENTS SHALL CONFORM TO OR BE BETTER THAN THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TOWN OF HUNTERSVILLE UTILITIES SPECIFICATIONS.

4. SHORING SHALL BE ACCORDING TO OWNER TRENCHING STANDARDS PART 108 SUBPART F, OR AS AMENDED.

**TIMMONS GROUP**

YOUR VISION ACHIEVED THROUGH OURS.

**EPCON - COURTYARDS AT WALTERS FARM**

HUNTERSVILLE, NORTH CAROLINA

ADJACENT PROPERTY OWNERS

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610 E. Morehead Street, Suite 250 | Charlotte, NC 28202  
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North Carolina License No. C-1652

**EPCON COMMUNITIES**  
11020 DAVID TAYLOR DR, SUITE 105  
CHARLOTTE, NC 28262

DATE: 07/21/2023

DRAWN BY: A. CLARK

DESIGNED BY: A. ALLSION

CHECKED BY: A. ALLSION

SCALE: 1" = 150'

REVISION DESCRIPTION

| DATE       | REVISED PER TOWN COMMENTS | REVISED PER TOWN COMMENTS |
|------------|---------------------------|---------------------------|
| 07/21/2023 |                           |                           |
| 09/05/2023 |                           |                           |

JOB NO. 57776

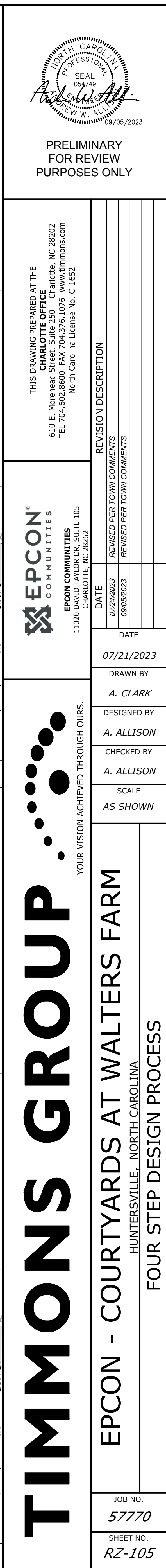
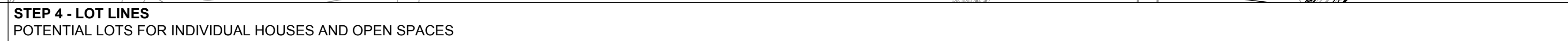
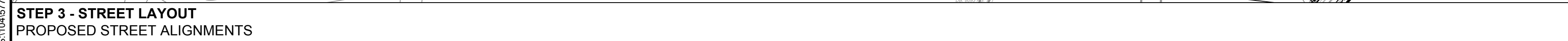
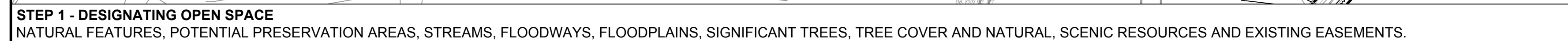
SHEET NO. RZ-103

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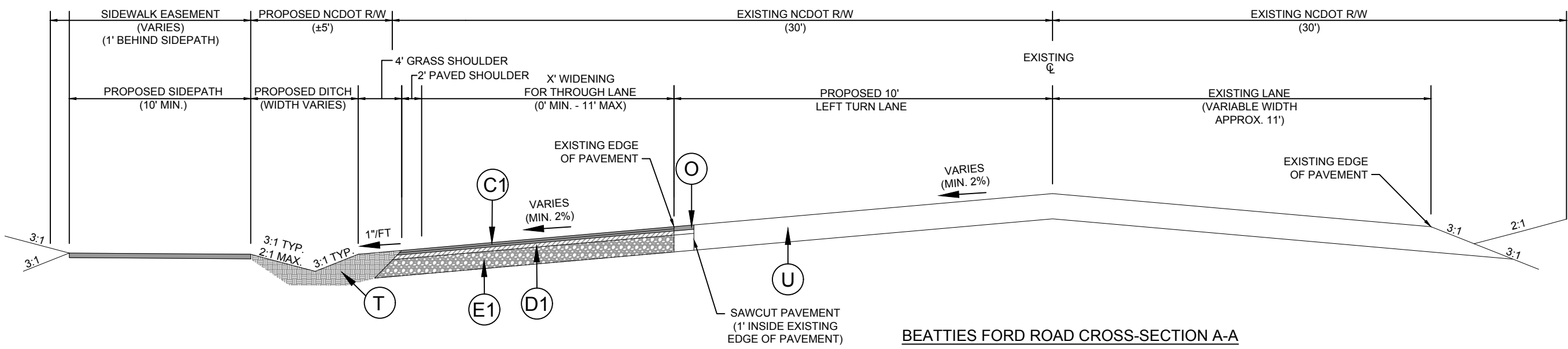




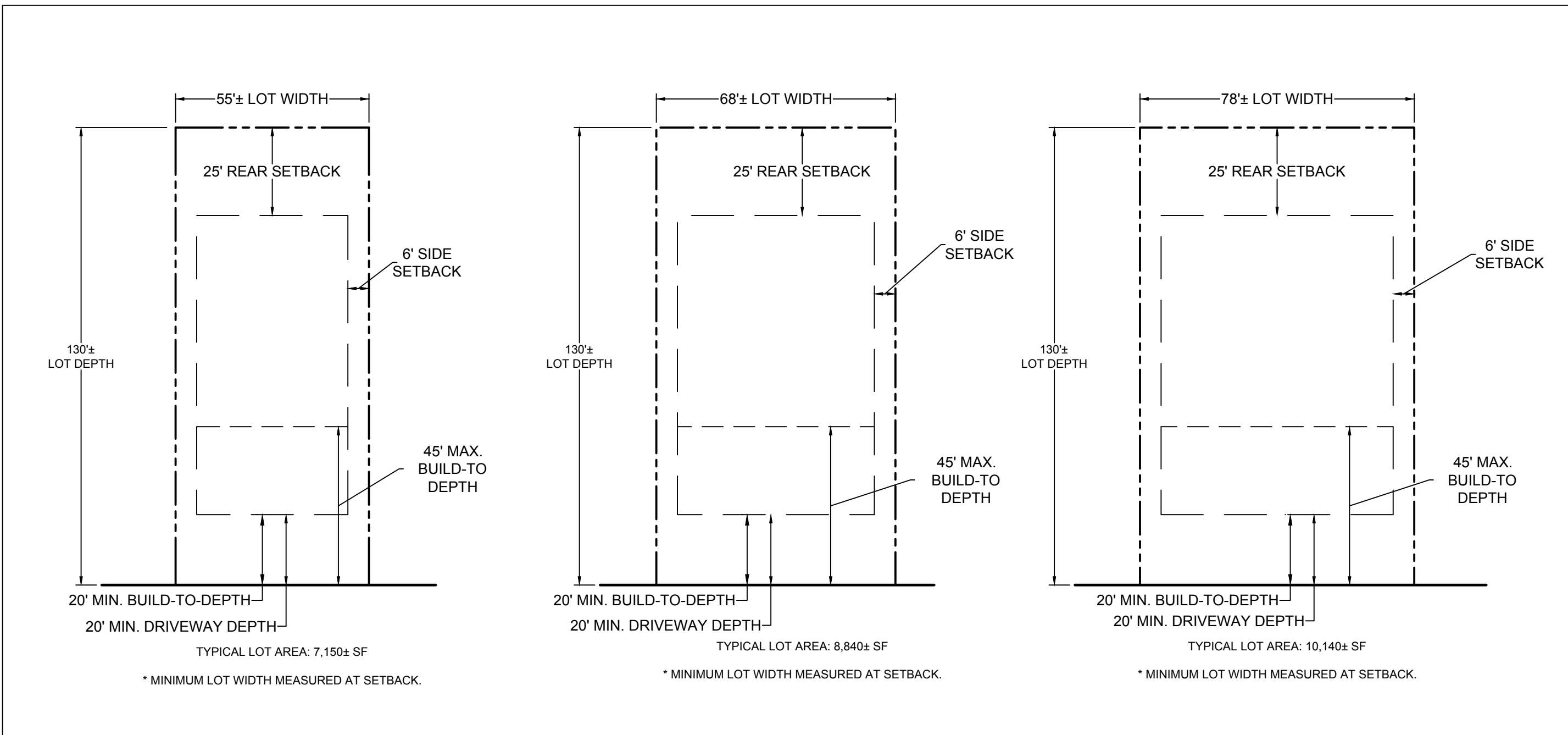


BLOCK LENGTH DIAGRAM  
AND STREET TYPE MAP  
N.T.S

| BEATTIES FORD ROAD<br>PAVEMENT SCHEDULE |                                                                                                                      |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| C1                                      | ASPHALT SURFACE COURSE (1.5' OF 59.5C, 2 LIFTS, RATE 112 LBS/SY/INCH)                                                |
| D1                                      | ASPHALT INTERMEDIATE COURSE (2.5' OF 119.0C, RATE 114 LBS/SY/INCH)                                                   |
| E1                                      | ASPHALT BASE COURSE (8" OF 825.0C, 2 LIFTS, FIRST P' EXTENDING 6' BEHIND CURB, SECOND LIFT 3", RATE 114 LBS/SY/INCH) |
| O                                       | ASPHALT OVERLAY (1.5" 59.5C, RATE 112 LBS/SY/INCH)                                                                   |
| T                                       | EARTH MATERIAL                                                                                                       |
| U                                       | EXISTING PAVEMENT                                                                                                    |



BEATTIES FORD ROAD CROSS-SECTION A-A



TYPICAL LOT DIAGRAMS  
1" = 30'

#### GENERAL PROVISIONS

- THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING APPLICATION FOR EPM PROJECT NO. "R23-07" (449924) FILED BY EPCON COMMUNITIES (THE "PETITIONER") ON MAY 26, 2023 (THE "FILING DATE") FOR AN APPROXIMATELY 78.70 ACRE SITE LOCATED OFF OF BEATTIES FORD ROAD, IN HUNTERSVILLE, NORTH CAROLINA, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). THE SITE IS COMPOSED OF TAX PARCEL NOS. 01313125, 01313126, 01313142, 01313143, 01313144, AND 01313116. THE CURRENT ZONING OF THE SITE IS RURAL DISTRICT (R) LOCATED IN HUNTERSVILLE AND MECKLENBURG COUNTY. THE PURPOSE OF THE REZONING PLAN AND ANNEXATION IS TO CONVERT THE ZONING CLASSIFICATION OF THE ENTIRE SITE TO TRANSITIONAL RESIDENTIAL CONDITIONAL DISTRICT (TR-CD) WITHIN THE TOWN OF HUNTERSVILLE.
- DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE AND SUBDIVISION ORDINANCE IN PLACE ON THE FILING DATE (THE "ORDINANCE").
- UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH OTHER STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE TRANSITIONAL RESIDENTIAL DISTRICT (TR) ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.
- THE LOTS AND PROPOSED IMPROVEMENTS, INCLUDING LOCATION OF STREETS, LOTS, DRIVEWAYS, AND COMMON AREAS, TREE SAVE, SHOWN ON THE SKETCH/REZONING PLAN ARE SCHEMATIC IN NATURE AND MAY BE ALTERED, OR MODIFIED DURING CONSTRUCTION DOCUMENT PHASE 50 LONG AS SUCH MODIFICATION IS COMPATIBLE WITH THE LAYOUT AND LOCATION OF LOTS AND IMPROVEMENTS SHOWN ON THE SKETCH/REZONING PLAN. MODIFICATIONS TO THE SITE PLAN MUST BE APPROVED BY THE TOWN OF HUNTERSVILLE PLANNING AND ENGINEERING STAFF.
- THE DEVELOPMENT OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN MAY BE PHASED. ANY PROPOSED PHASING MUST ALIGN WITH REQUIRED INFRASTRUCTURE AND STORMWATER IMPROVEMENTS, PROVIDED, HOWEVER, EACH PHASE OR SEQUENCE OF IMPROVEMENTS IN THE SITE WILL MEET ALL ORDINANCE REQUIREMENTS, UTILITIES, INFRASTRUCTURE, AND GRADING SHALL BE DELIVERED TO EACH INDIVIDUAL PHASE AS EACH IS DEVELOPED.
- IN DEVELOPING THE PROPERTY, THE LAND MAY NEED TO BE RECOMBINED AND SUBDIVIDED FOR CONVEYANCE OR FINANCING PURPOSES. ANY SUCH RECOMBINATION OR SUBDIVISION WILL MEET THE REQUIREMENTS OF THE ORDINANCE. IN THE COURSE OF DEVELOPMENT, A REDUCTION OF LOTS MAY OCCUR IN ACCORDANCE WITH THE REGULATIONS OF THE ORDINANCE.
- FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF THE ORDINANCE. PROVIDED, HOWEVER, IN THE EVENT ANY PORTION OF THE SITE 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 SITE UNLESS SUCH AMENDMENT CONSTITUTES A CHANGE IN THE BUILDING OR USE OF THE PORTION OF THE SITE OWNED BY SUCH OWNER. ALL REQUIREMENTS IN CONNECTION WITH THE AMENDMENT WILL BE CALCULATED ON THE SITE AS A WHOLE IN THE SAME MANNER SUCH REQUIREMENTS WERE CALCULATED AT THE TIME OF THE INITIAL APPROVAL.
- THE REZONING PLAN IS A SITE-SPECIFIC DEVELOPMENT PLAN, AND APPROVAL THEREOF CONSTITUTES VESTED RIGHTS IN THE REZONING PLAN NOTWITHSTANDING ANY OTHER PROVISIONS OF THESE DEVELOPMENT STANDARDS. IF, AT SOME POINT, MODIFICATIONS ARE MADE TO THE TOWN'S ZONING 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. PROVIDED ORDINANCE MODIFICATIONS DO NOT CONSTITUTE A MAJOR AMENDMENT. SUCH MODIFICATIONS TO THE ORDINANCE SHALL IN NO WAY IMPACT THE PETITIONER'S VESTED RIGHTS.
- APPROVAL OF THE REZONING PLAN SHALL CONSTITUTE ESTABLISHMENT OF VESTED RIGHTS IN THE LANDOWNER (AND ITS SUCCESSORS AND ASSIGNS) FOR A PERIOD OF THREE YEARS PURSUANT TO N.C. GEN. STAT. §160A-385.1.

#### PERMITTED USES

- THE SITE MAY BE DEVELOPED FOR ANY USES THAT ARE PERMITTED BY RIGHT OR PERMITTED WITH CONDITIONS, UNDER THE ORDINANCE, INCLUDING ACCESSORY USES, IN THE TRANSITIONAL RESIDENTIAL DISTRICT, SUBJECT TO THE DEVELOPMENT STANDARDS ASSOCIATED WITH SUCH USE. ANY LABELING ON THE REZONING PLAN MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER BUT SHALL NOT RESTRICT THE SITE IN A MANNER THAT CONFLICTS WITH THESE DEVELOPMENT NOTES.

#### TRANSPORTATION/ACCESS/STREET IMPROVEMENTS

- VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF EACH VEHICULAR ACCESS POINT ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE TOWN OF HUNTERSVILLE AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
- THE ALIGNMENTS OF THE INTERNAL DRIVES AND PARKING AREAS TO BE LOCATED ON THE SITE ARE SUBJECT TO ANY MINOR MODIFICATIONS OR ALTERATIONS REQUIRED DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PERMITTING PROCESSES.
- PETITIONER SHALL INSTALL SIDEWALKS, STREET TREES, PLANTING STRIPS, OR OTHER STREET IMPROVEMENTS AS SHOWN ON THE REZONING PLAN.
- PER THE TRAFFIC IMPACT ANALYSIS (TIA) APPLICATION FOR DETERMINATION OF TIA NEED REVIEWED BY THE TOWN AND ISSUED ON 4/19/2023, A TIA IS NOT REQUIRED FOR THIS DEVELOPMENT. THE FOLLOWING IMPROVEMENTS ARE REQUIRED TO BEATTIES FORD ROAD BY NCDOT:
  - 150' LEFT TURN LANE
  - 100' RIGHT TURN LANE

- ALL NCDOT ROAD IMPROVEMENTS SHALL BE COMPLETED PRIOR TO APPROVAL OF THE FIRST BUILDING PERMIT.

#### LANDSCAPING/BUFFERS

- DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE LANDSCAPING AND SCREENING REQUIREMENTS OF THE ORDINANCE.
- AN UNDISTURBED BUFFER YARD IS INTENDED TO BE A NATURAL, WOODED AREA AND SHALL COUNT TOWARD THE PROVISION OF OPEN SPACE AND TREE SAVE FOR THE DEVELOPMENT WHERE THE BUFFER CONTAINS EXISTING VEGETATION. IS A MINIMUM OF 20 FT WIDE, AND IS NOT PART OF INDIVIDUAL LOTS. ONLY PORTIONS OF UNDISTURBED BUFFER YARD WITH EXISTING TREE COVER SHALL BE COUNTED AS TREE SAVE.
- AREAS OF THE PERMETER BUFFER AND LANDSCAPE AREA THAT ARE DISTURBED SHALL BE REPLANTED ACCORDING TO STANDARDS OUTLINED IN CHAPTER 7 OF THE ORDINANCE. EXISTING VEGETATION MAY BE INCLUDED TO SATISFY BUFFER REQUIREMENTS.
- PETITIONER SHALL SHOW WALKING PATHS WITHIN OPEN SPACE AND URBAN OPEN SPACE AS SCHEMATICALLY SHOWN ON THE REZONING PLAN. THE ACTUAL LOCATION AND DETAILS OF SUCH PATHS AND URBAN OPEN SPACE TO BE DETERMINED DURING THE CONSTRUCTION DOCUMENT PHASE.
- THE 20' UNDISTURBED PERMETER BUFFER WITHOUT EXISTING VEGETATION MAY BE DISTURBED IN ORDER TO PLANT NEW VEGETATION.

- RESIDENTIAL LOT TREES WILL BE PROVIDED AS FOLLOWS:  
LOTS LESS THAN 10,000 SF: 1 FRONT YARD, 1 REAR YARD TREE REQUIRED  
LOTS 10,000 SF - 15,000 SF: 1 FRONT YARD, 2 REAR YARD TREES REQUIRED

#### LANDSCAPING BERMS

- ALL PROPOSED LANDSCAPE BERMS ALONG BEATTIES FORD ROAD WILL REQUIRE ADDITIONAL REVIEW AND APPROVAL PRIOR TO SITE PLAN APPROVAL.

#### UTILITY PROVISIONS

- NEW WATER MAINS WILL BE PLACED UNDER SIDEWALK PER CHARLOTTE WATER STANDARDS.
- NEW SANITARY SEWER MAINS WILL BE PLACED PER CHARLOTTE WATER STANDARDS.

#### TRAIL PROVISIONS

- THE FINAL LOCATION OF ALL TRAILS MAY VARY WITH TOPOGRAPHY AND PERMIT APPROVALS. FINAL TRAIL MATERIALS TO BE DETERMINED DURING THE CONSTRUCTION DOCUMENT PHASE.

#### BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- IF THIS REZONING APPLICATION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
- THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

#### ZONING CODE SUMMARY

|                                   |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PARCEL NUMBERS                    | 01313125 9.6 ACRES<br>01313126 43.86 ACRES<br>01313142 8.43 ACRES<br>01313143 0.977 ACRES<br>01313144 1.215 ACRES<br>01313116 14.63 ACRES                                                                        | OWNER: FRED T & SANDRA R BROWNING<br>OWNER: PAUL & RUTH WALTERS FAMILY LLC<br>OWNER: PAUL & RUTH WALTERS FAMILY LLC<br>OWNER: PAUL & RUTH WALTERS FAMILY LLC<br>OWNER: PAUL & RUTH WALTERS FAMILY LLC<br>OWNER: PAUL & RUTH WALTERS FAMILY LLC |
| TOTAL PARCEL AREA                 | 78.7± AC                                                                                                                                                                                                         |                                                                                                                                                                                                                                                |
| EXISTING ZONING                   | R                                                                                                                                                                                                                |                                                                                                                                                                                                                                                |
| PROPOSED ZONING                   | TR-CD                                                                                                                                                                                                            |                                                                                                                                                                                                                                                |
| EXISTING LAND USE:                | SINGLE FAMILY RESIDENTIAL                                                                                                                                                                                        |                                                                                                                                                                                                                                                |
| PROPOSED LAND USE:                | SINGLE FAMILY RESIDENTIAL - 55+ AGE RESTRICTED                                                                                                                                                                   |                                                                                                                                                                                                                                                |
| BUILDING TYPE:                    | SINGLE FAMILY DETACHED                                                                                                                                                                                           |                                                                                                                                                                                                                                                |
| TOTAL PROPOSED LOTS               | 118 LOTS<br>55' WIDTH 56 LOTS (47.5%)<br>66' WIDTH 55 LOTS (46.6%)<br>78' WIDTH 7 LOTS (5.9%)                                                                                                                    |                                                                                                                                                                                                                                                |
| MAXIMUM DENSITY:                  | 1.5 DUA (WITH 40% OPEN SPACE)                                                                                                                                                                                    |                                                                                                                                                                                                                                                |
| PROVIDING DENSITY:                | 118 LOTS / 78.7 AC = 1.5 DUA                                                                                                                                                                                     |                                                                                                                                                                                                                                                |
| AMENITY SIZE:                     | ±3,360 SF AMENITY BUILDING WITH POOL                                                                                                                                                                             |                                                                                                                                                                                                                                                |
| TYPICAL LOT SIZE:                 | 55' X 130' (±7,150 SF)<br>66' X 130' (±8,840 SF)<br>78' X 130' (±10,140 SF)                                                                                                                                      |                                                                                                                                                                                                                                                |
| AVERAGE LOT SIZE:                 | ±1.07 WIDTH MEASURED AT BUILDING SETBACK LINE<br>±1.07 LOT AREA AND DEPTH MAY VARY BASED ON SITE CONSTRAINTS                                                                                                     |                                                                                                                                                                                                                                                |
| REQUIRED SETBACKS                 | 6'<br>SIDE SETBACK<br>FRONT SETBACK<br>REAR SETBACK<br>CORNER SETBACK                                                                                                                                            |                                                                                                                                                                                                                                                |
| BUILD-TO-LINE                     | 20' MIN. TO 45' MAX. FROM RIGHT-OF-WAY                                                                                                                                                                           |                                                                                                                                                                                                                                                |
| REQUIRED BUFFER                   | 20'/40' UNDISTURBED BUFFER                                                                                                                                                                                       |                                                                                                                                                                                                                                                |
| OPEN SPACE REQUIRED               | 31.48± ACRES (40%)                                                                                                                                                                                               |                                                                                                                                                                                                                                                |
| OPEN SPACE PROVIDED               | 31.61± ACRES (40.17%)                                                                                                                                                                                            |                                                                                                                                                                                                                                                |
| URBAN OPEN SPACE                  | 0.89± ACRES (2.82%)                                                                                                                                                                                              |                                                                                                                                                                                                                                                |
| COMMON OPEN SPACE                 | 9.72± ACRES (30.77%)                                                                                                                                                                                             |                                                                                                                                                                                                                                                |
| NATURAL OPEN SPACE:               | 21.00± ACRES (66.48%)                                                                                                                                                                                            |                                                                                                                                                                                                                                                |
| TREE SAVE REQUIRED:               | 20.47± ACRES (35% OF 58.49± AC EXISTING CANOPY)                                                                                                                                                                  |                                                                                                                                                                                                                                                |
| TREE SAVE PROVIDED:               | 21.00± ACRES (35.9%)                                                                                                                                                                                             |                                                                                                                                                                                                                                                |
| SOILS:                            | CeB2, CeD2, EoD, MO, P&E                                                                                                                                                                                         |                                                                                                                                                                                                                                                |
| WATERSHED:                        | MTN, ISLAND LAKE<br>HIGH DENSITY                                                                                                                                                                                 |                                                                                                                                                                                                                                                |
| PERCENTAGE OF IMPERVIOUS ALLOWED: | 70% WITH BMP (±55.09 ACRES)                                                                                                                                                                                      |                                                                                                                                                                                                                                                |
| IMPERVIOUS AREA:                  | IMPERVIOUS AREA INSIDE LOTS:<br>BUILDING / FUTURE IMPROVEMENTS*: 14.11 ACRES<br>DRIVEWAYS: 1.65 ACRES<br>IMPERVIOUS AREA INSIDE RIGHT-OF-WAY: 5.38 ACRES<br>TOTAL SITE IMPERVIOUS AREA: 21.14 ACRES (26.86% BUA) |                                                                                                                                                                                                                                                |

#### GENERAL NOTES

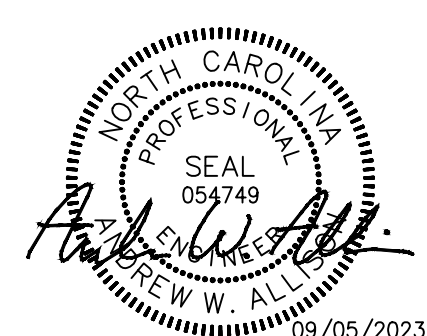
- ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
- THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
- ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.
- ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES. TURN LANE IMPROVEMENTS (INCLUDING RIGHT-OF-WAY) AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MAY RESULT.
- LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS WITH THE EXCEPTION OF RURAL PARKWAYS WHERE EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENT. SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
- CLUSTER BOX UNITS (CBUs) WILL BE PROVIDED FOR MAIL DELIVERY. LOCATION SHOWN ON PLANS IS APPROXIMATE AND SUBJECT TO CHANGE PENDING USPS APPROVAL.
- THE PROPOSED DEVELOPMENT WILL BE SERVED BY PUBLIC WASTE MANAGEMENT FOR TRASH COLLECTION.
- ARTICLE 8.16.1 & 2 OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE SHALL APPLY.
- ARTICLE 8.16.3 & 5 OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE SHALL APPLY.
- DIRECT ACCESS FROM LOTS TO A THOROUGHFARE IS PROHIBITED.
- THE TOWN OF HUNTERSVILLE DEFINES THE BUILD-TO LINE AS A LINE EXTENDING THROUGH A LOT WHICH IS GENERALLY PARALLEL TO THE FRONT PROPERTY LINE AND MARKS THE LOCATION FROM WHICH THE PRINCIPLE VERTICAL PLANE OF THE FRONT BUILDING ELEVATION, EXCLUSIVE OF PORCHES, BAY WINDOWS AND SIMILAR APPURTENANCES, MUST BE ERRECTED, INTENDED TO CREATE AN EVEN BUILDING FACADE LINE ON A STREET. THE BUILD-TO LINE IS ESTABLISHED ON THE RECORD PLAT (FINAL PLAT).

#### MODIFICATION REQUESTS

- REMOVE LANDSCAPED MEDIAN REQUIREMENT AT THE ENTRANCE OF THE SUBDIVISION.
- INCREASE THE DRIVEWAY WIDTH TO 18' FOR LOTS LESS THAN 60' WIDE.
- INCREASE THE MAXIMUM LENGTH OF A CUL-DE-SAC BY 1470' DUE TO CONSTRAINTS IMPOSED BY EXISTING EASEMENTS.
- ALLOW A WET POND RATHER THAN TRADITIONAL WATER QUALITY MEASURES FOR THE DENSITY OF THE SITE.



EPCON COMMUNITIES  
11020 DAVID TAYLOR DR., SUITE 105  
CHARLOTTE, NC 28262



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#### REVISION DESCRIPTION

| DATE       | REVISION                  | DESCRIPTION |
|------------|---------------------------|-------------|
| 07/21/2023 | REVISED PER TOWN COMMENTS |             |
| 09/05/2023 | REVISED PER TOWN COMMENTS |             |

DATE  
07/21/2023

DRAWN BY  
A. CLARK

DESIGNED BY  
A. ALLISON

CHECKED BY  
A. ALLISON

SCALE  
AS SHOWN

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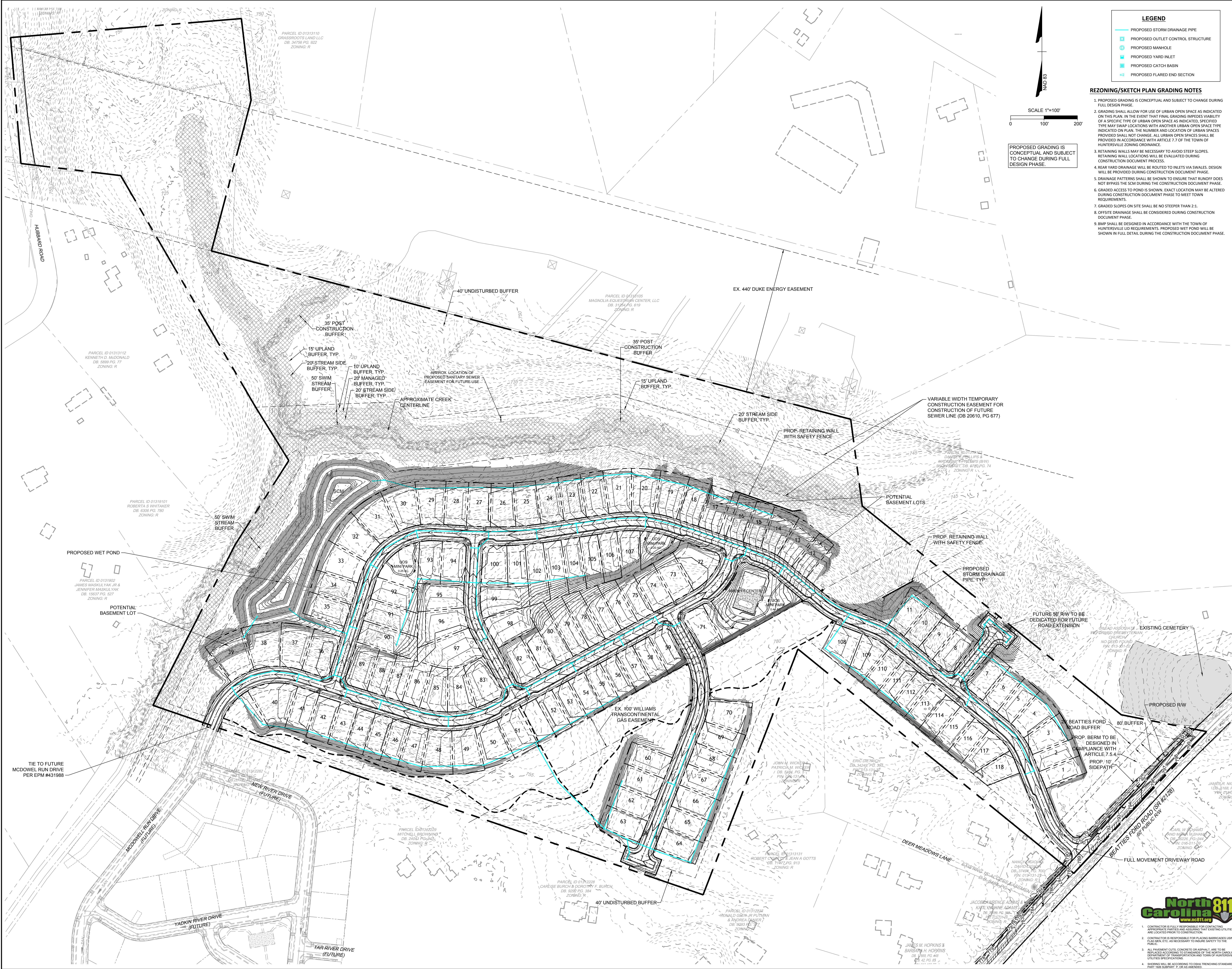
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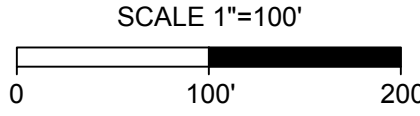


**LEGEND**

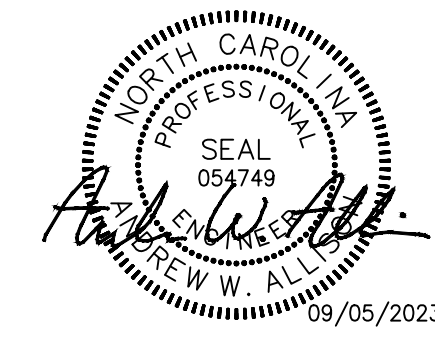
- PROPOSED STORM DRAINAGE PIPE
- PROPOSED OUTLET CONTROL STRUCTURE
- PROPOSED MANHOLE
- PROPOSED YARD INLET
- PROPOSED CATCH BASIN
- PROPOSED FLARED END SECTION

**REZONING/SKETCH PLAN GRADING NOTES**

1. PROPOSED GRADING IS CONCEPTUAL AND SUBJECT TO CHANGE DURING FULL DESIGN PHASE.
2. GRADING SHALL ALLOW FOR USE OF URBAN OPEN SPACE AS INDICATED ON THIS PLAN. IN THE EVENT THAT FINAL GRADING IMPEDES VIABILITY OF A SPECIFIC TYPE OF URBAN OPEN SPACE AS INDICATED, SPECIFIED TYPE MAY SWAP LOCATIONS WITH ANOTHER URBAN OPEN SPACE TYPE INDICATED ON PLAN. THE NUMBER AND LOCATION OF URBAN SPACES PROVIDED SHALL NOT CHANGE. ALL URBAN OPEN SPACES SHALL BE PROVIDED IN ACCORDANCE WITH ARTICLE 7.7 OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE.
3. RETAINING WALLS MAY BE NECESSARY TO AVOID STEEP SLOPES. DESIGN WILL BE PROVIDED DURING CONSTRUCTION DOCUMENT PHASE.
4. REAR YARD DRAINAGE WILL BE ROUTED TO INLETS VIA SWALES. DESIGN WILL BE PROVIDED DURING CONSTRUCTION DOCUMENT PHASE.
5. DRAINAGE PATTERNS SHALL BE SHOWN TO ENSURE THAT RUNOFF DOES NOT BYPASS THE SCM DURING THE CONSTRUCTION DOCUMENT PHASE.
6. GRADED ACCESS TO POND IS SHOWN. EXACT LOCATION MAY BE ALTERED DURING CONSTRUCTION DOCUMENT PHASE TO MEET TOWN REQUIREMENTS.
7. GRADED SLOPES ON SITE SHALL BE NO STEEPER THAN 2:1.
8. OFFSITE DRAINAGE SHALL BE CONSIDERED DURING CONSTRUCTION DOCUMENT PHASE.
9. BMP SHALL BE DESIGNED IN ACCORDANCE WITH THE TOWN OF HUNTERSVILLE LID REQUIREMENTS. PROPOSED WET POND WILL BE SHOWN IN FULL DETAIL DURING THE CONSTRUCTION DOCUMENT PHASE.



PROPOSED GRADING IS CONCEPTUAL AND SUBJECT TO CHANGE DURING FULL DESIGN PHASE.



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CHARLOTTE, NC 28262

| CHM00117, TC 00202 |                           |
|--------------------|---------------------------|
| DATE               | REVISION DESCRIPTION      |
| 07/21/2023         | REVISED PER TOWN COMMENTS |

DATE  
07/21/2023  
DRAWN BY  
A. CLARK  
DESIGNED BY  
A. ALLISON  
CHECKED BY  
A. ALLISON  
SCALE  
1" = 100'

**TIMMONS GROUP**  
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**EPCON - COURTYARDS AT WALTERS FARM**  
HUNTERSVILLE, NORTH CAROLINA  
**CONCEPTUAL GRADING & DRAINAGE PLAN**

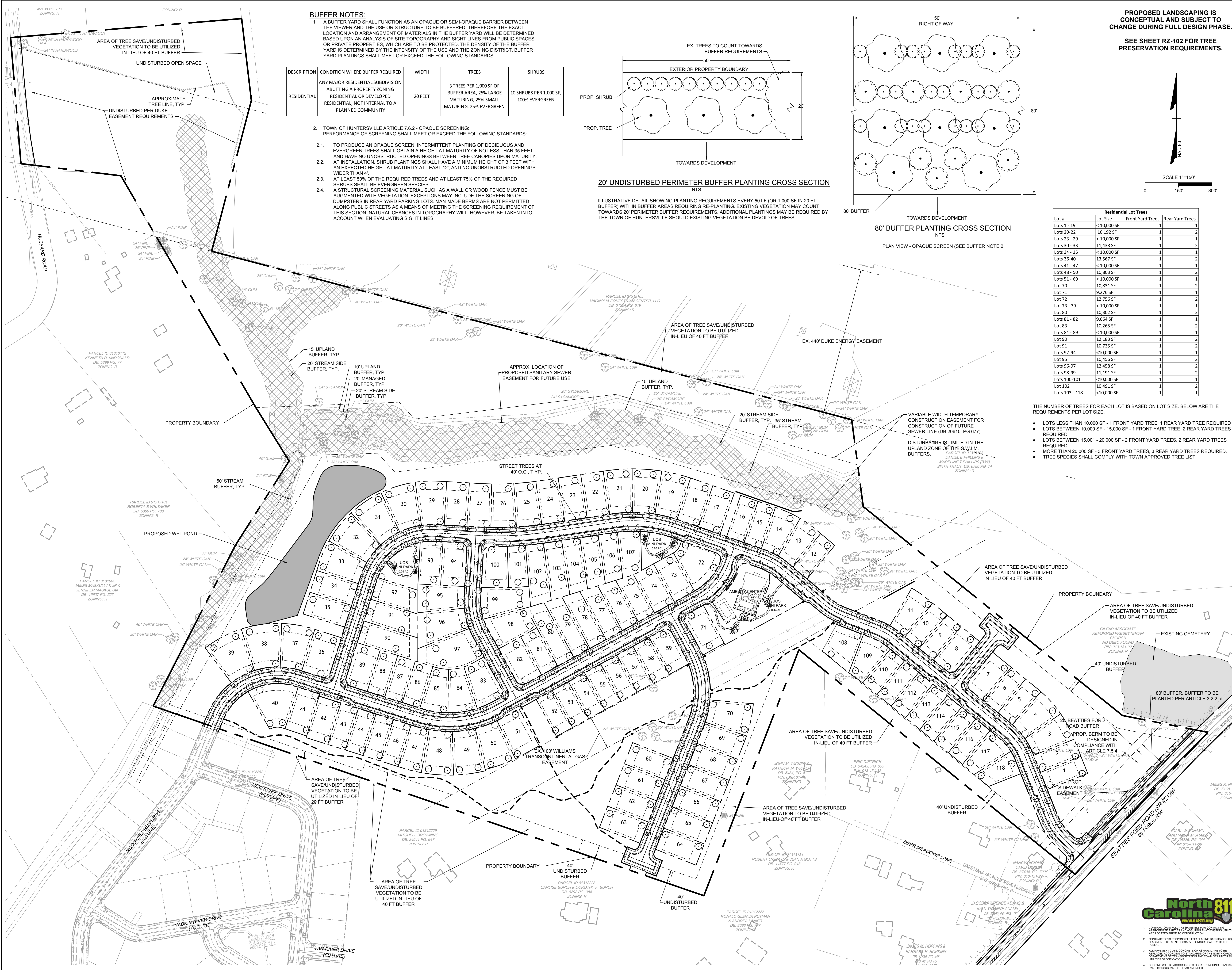
JOB NO.  
57770  
SHEET NO.  
RZ-300



1. CONTRACTOR IS FULLY RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND UTILITIES LOCATIONS PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING TRAFFIC BARRICADES, CONE TRAFFIC CONTROLS, AND/OR OTHER MEANS AS NECESSARY TO MAINTAIN SAFETY TO THE PUBLIC.
3. ALL MATERIALS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TOWN OF HUNTERSVILLE UTILITIES SPECIFICATIONS.
4. SHOWN WILL BE ACCORDING TO DATA FROM TOWN RECORDS, SURVEY PART 108 SURVEY, F. OR AS AMENDED.



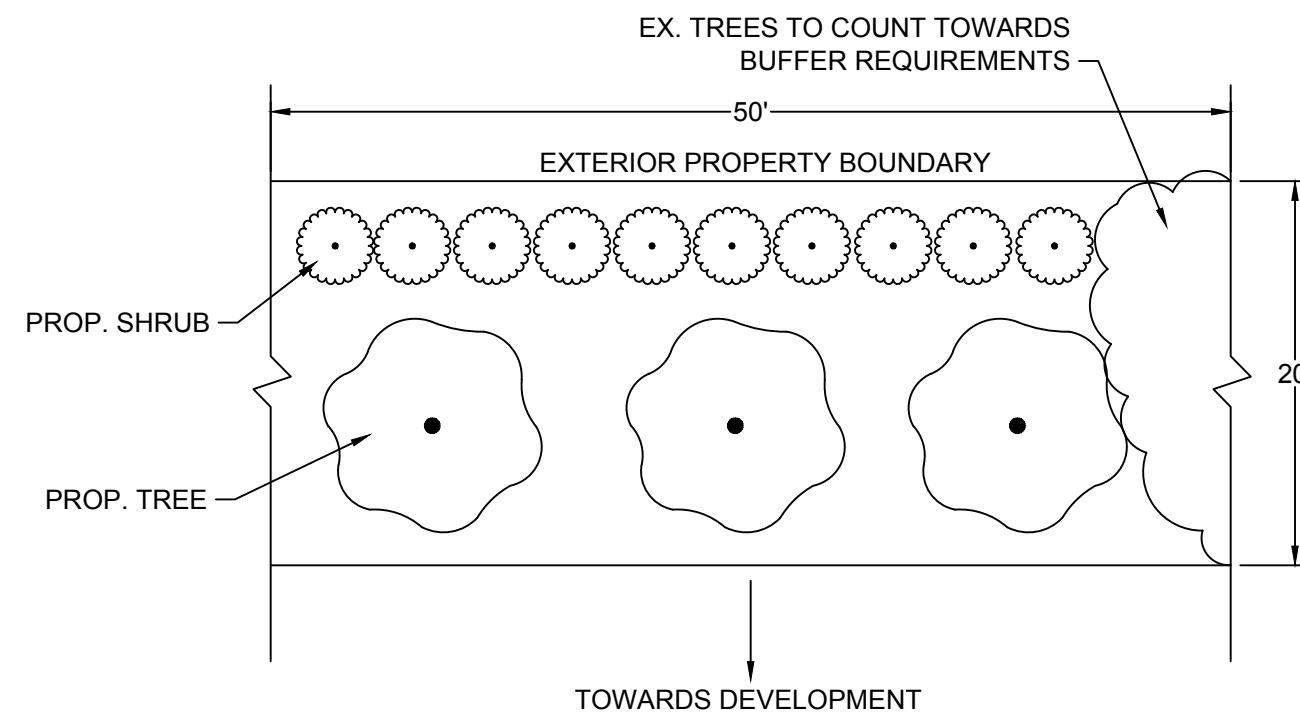
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**BUFFER NOTES:**

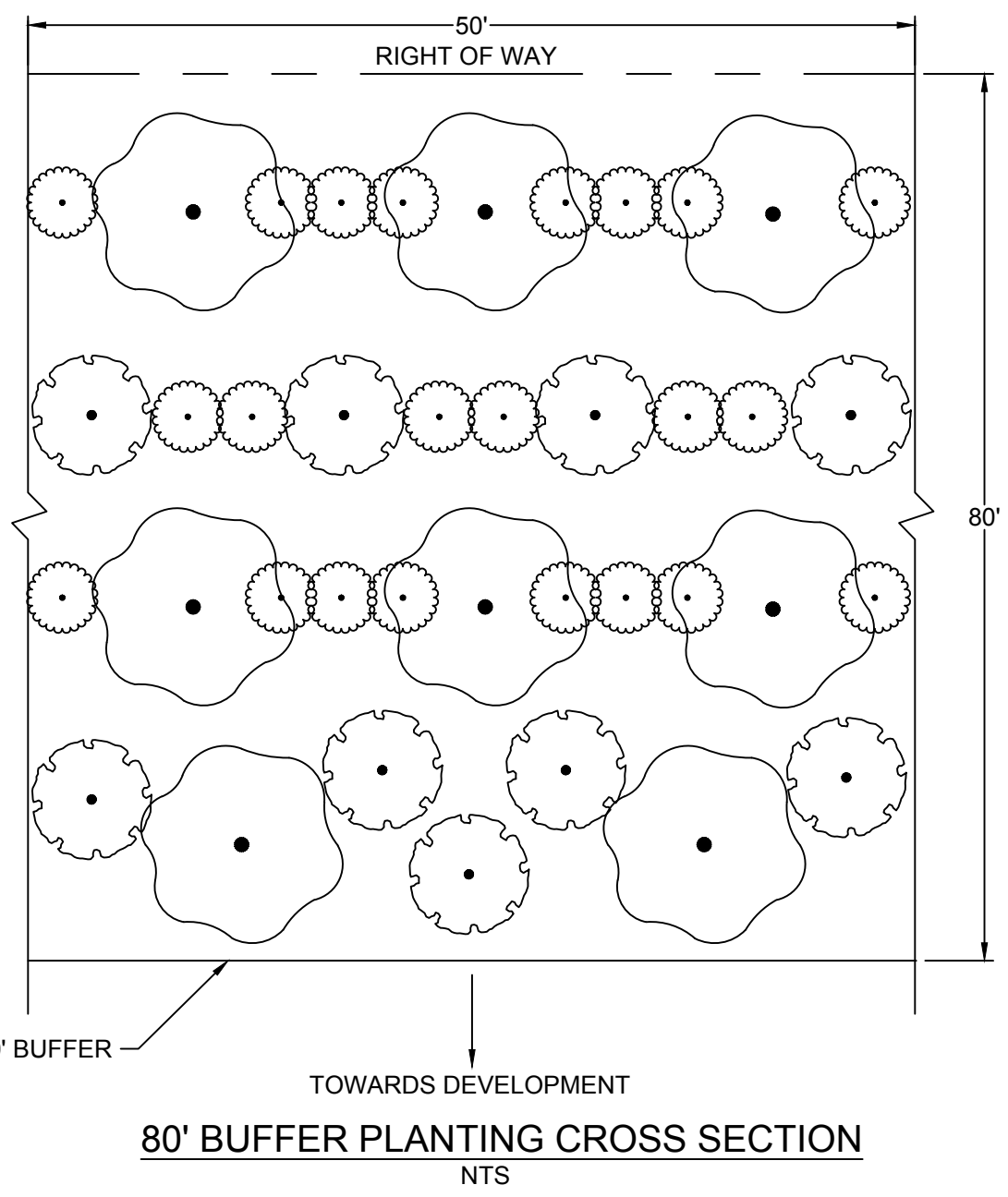
1. A BUFFER YARD SHALL FUNCTION AS AN OPAQUE OR SEMI-OPAQUE BARRIER BETWEEN THE VIEWER AND THE USE OR STRUCTURE TO BE BUFFERED. THEREFORE THE EXACT LOCATION AND ARRANGEMENT OF MATERIALS IN THE BUFFER YARD WILL BE DETERMINED BASED UPON AN ANALYSIS OF SITE TOPOGRAPHY AND SIGHT LINES FROM PUBLIC SPACES OR PRIVATE PROPERTIES, WHICH ARE TO BE PROTECTED. THE DENSITY OF THE BUFFER YARD IS DETERMINED BY THE INTENSITY OF THE USE AND THE ZONING DISTRICT. BUFFER YARD PLANTINGS SHALL MEET OR EXCEED THE FOLLOWING STANDARDS:

| DESCRIPTION | CONDITION WHERE BUFFER REQUIRED                                                                                                        | WIDTH   | TREES                                                                                      | SHRUBS                                 |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------|---------|--------------------------------------------------------------------------------------------|----------------------------------------|
| RESIDENTIAL | ANY MAJOR RESIDENTIAL SUBDIVISION ABUTTING A PROPERTY ZONING RESIDENTIAL OR DEVELOPED RESIDENTIAL, NOT INTERNAL TO A PLANNED COMMUNITY | 20 FEET | 3 TREES PER 1,000 SF OF BUFFER AREA, 25% LARGE MATURING, 25% SMALL MATURING, 50% EVERGREEN | 10 SHRUBS PER 1,000 SF, 100% EVERGREEN |
2. TOWN OF HUNTERSVILLE ARTICLE 7.6.2. OPAQUE SCREENING: PERFORMANCE OF SCREENING SHALL MEET OR EXCEED THE FOLLOWING STANDARDS:
  - 2.1. TO PRODUCE AN OPAQUE SCREEN, INTERMITTENT PLANTING OF DECIDUOUS AND EVERGREEN TREES SHALL OBTAIN A HEIGHT AT MATURITY OF NO LESS THAN 35 FEET AND HAVE NO UNOBSTRUCTED OPENINGS BETWEEN TREE CANOPIES UPON MATURITY.
  - 2.2. AT INSTALLATION, SHRUB PLANTINGS SHALL HAVE A MINIMUM HEIGHT OF 3 FEET WITH AN EXPECTED HEIGHT AT MATURITY AT LEAST 12', AND NO UNOBSTRUCTED OPENINGS WIDER THAN 4'.
  - 2.3. AT LEAST 50% OF THE REQUIRED TREES AND AT LEAST 75% OF THE REQUIRED SHRUBS SHALL BE EVERGREEN SPECIES.
  - 2.4. A STRUCTURAL SCREENING MATERIAL SUCH AS A WALL OR WOOD FENCE MUST BE AUGMENTED WITH VEGETATION. EXCEPTIONS MAY INCLUDE THE SCREENING OF DUMPSTERS IN REAR YARD PARKING LOTS. MAN-MADE BERMS ARE NOT PERMITTED ALONG PUBLIC STREETS AS A MEANS OF MEETING THE SCREENING REQUIREMENT OF THIS SECTION. NATURAL CHANGES IN TOPOGRAPHY WILL, HOWEVER, BE TAKEN INTO ACCOUNT WHEN EVALUATING SIGHT LINES.



**20' UNDISTURBED PERIMETER BUFFER PLANTING CROSS SECTION**  
NTS

ILLUSTRATIVE DETAIL SHOWING PLANTING REQUIREMENTS EVERY 50 LF (OR 1,000 SF IN 20 FT BUFFER) WITHIN BUFFER AREAS REQUIRING RE-PLANTING. EXISTING VEGETATION MAY COUNT TOWARDS 20' PERIMETER BUFFER REQUIREMENTS. ADDITIONAL PLANTINGS MAY BE REQUIRED BY THE TOWN OF HUNTERSVILLE SHOULD EXISTING VEGETATION BE DEVOID OF TREES



**80' BUFFER PLANTING CROSS SECTION**  
NTS

PLAN VIEW - OPAQUE SCREEN (SEE BUFFER NOTE 2)

**PROPOSED LANDSCAPING IS CONCEPTUAL AND SUBJECT TO CHANGE DURING FULL DESIGN PHASE.**

**SEE SHEET RZ-102 FOR TREE PRESERVATION REQUIREMENTS.**

SCALE 1"=150'  
0 150' 300'

| Residential Lot Trees |             |                  |                 |  |
|-----------------------|-------------|------------------|-----------------|--|
| Lot #                 | Lot Size    | Front Yard Trees | Rear Yard Trees |  |
| Lots 1 - 19           | < 10,000 SF | 1                | 1               |  |
| Lots 20-22            | 10,192 SF   | 1                | 2               |  |
| Lots 23 - 29          | < 10,000 SF | 1                | 1               |  |
| Lots 30 - 33          | 11,438 SF   | 1                | 2               |  |
| Lots 34 - 35          | < 10,000 SF | 1                | 1               |  |
| Lots 36-40            | 13,567 SF   | 1                | 2               |  |
| Lots 41 - 47          | < 10,000 SF | 1                | 1               |  |
| Lots 48 - 50          | 10,803 SF   | 1                | 1               |  |
| Lots 51 - 69          | < 10,000 SF | 1                | 1               |  |
| Lot 70                | 10,831 SF   | 1                | 2               |  |
| Lot 71                | 9,276 SF    | 1                | 1               |  |
| Lot 72                | 12,756 SF   | 1                | 2               |  |
| Lots 73 - 79          | < 10,000 SF | 1                | 1               |  |
| Lot 80                | 10,302 SF   | 1                | 2               |  |
| Lots 81 - 82          | 9,664 SF    | 1                | 1               |  |
| Lot 83                | 10,265 SF   | 1                | 1               |  |
| Lots 84 - 89          | < 10,000 SF | 1                | 1               |  |
| Lot 90                | 12,183 SF   | 1                | 2               |  |
| Lot 91                | 10,735 SF   | 1                | 2               |  |
| Lots 92-94            | < 10,000 SF | 1                | 1               |  |
| Lot 95                | 10,456 SF   | 1                | 2               |  |
| Lots 96-97            | 12,458 SF   | 1                | 2               |  |
| Lots 98-99            | 11,191 SF   | 1                | 2               |  |
| Lots 100-101          | < 10,000 SF | 1                | 1               |  |
| Lot 102               | 10,491 SF   | 1                | 1               |  |
| Lots 103 - 118        | < 10,000 SF | 1                | 1               |  |

THE NUMBER OF TREES FOR EACH LOT IS BASED ON LOT SIZE. BELOW ARE THE REQUIREMENTS PER LOT SIZE:

- LOTS LESS THAN 10,000 SF - 1 FRONT YARD TREE, 1 REAR YARD TREE REQUIRED
- LOTS BETWEEN 10,000 SF - 15,000 SF - 1 FRONT YARD TREE, 2 REAR YARD TREES REQUIRED
- LOTS BETWEEN 15,001 - 20,000 SF - 2 FRONT YARD TREES, 2 REAR YARD TREES REQUIRED
- MORE THAN 20,000 SF - 3 FRONT YARD TREES, 3 REAR YARD TREES REQUIRED.
- TREE SPECIES SHALL COMPLY WITH TOWN APPROVED TREE LIST

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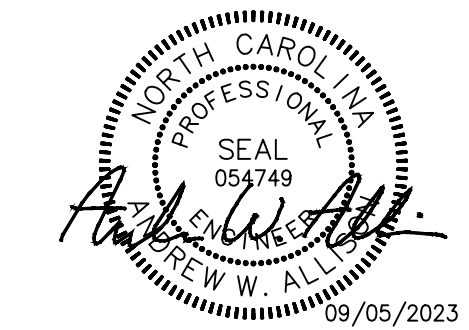
**EPCON - COURTYARDS AT WALTERS FARM**  
HUNTERSVILLE, NORTH CAROLINA  
CONCEPTUAL PLANTING PLAN

JOB NO.  
**57770**  
SHEET NO.  
**RZ-400**

**EPCON**  
COMMUNITIES

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REVISED PER TOWN COMMENTS

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DESIGNED BY

A. ALLISON

CHECKED BY

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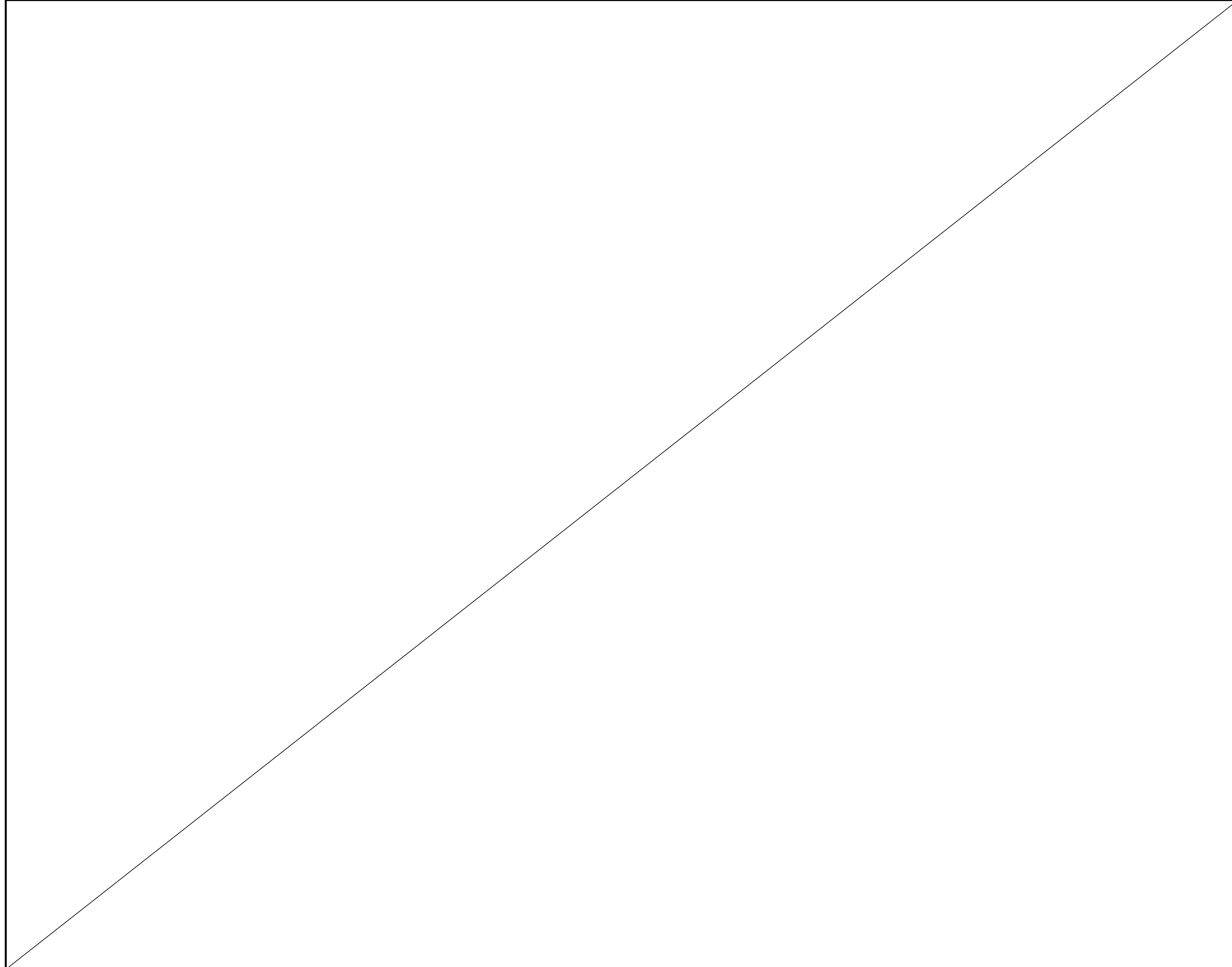
SCALE

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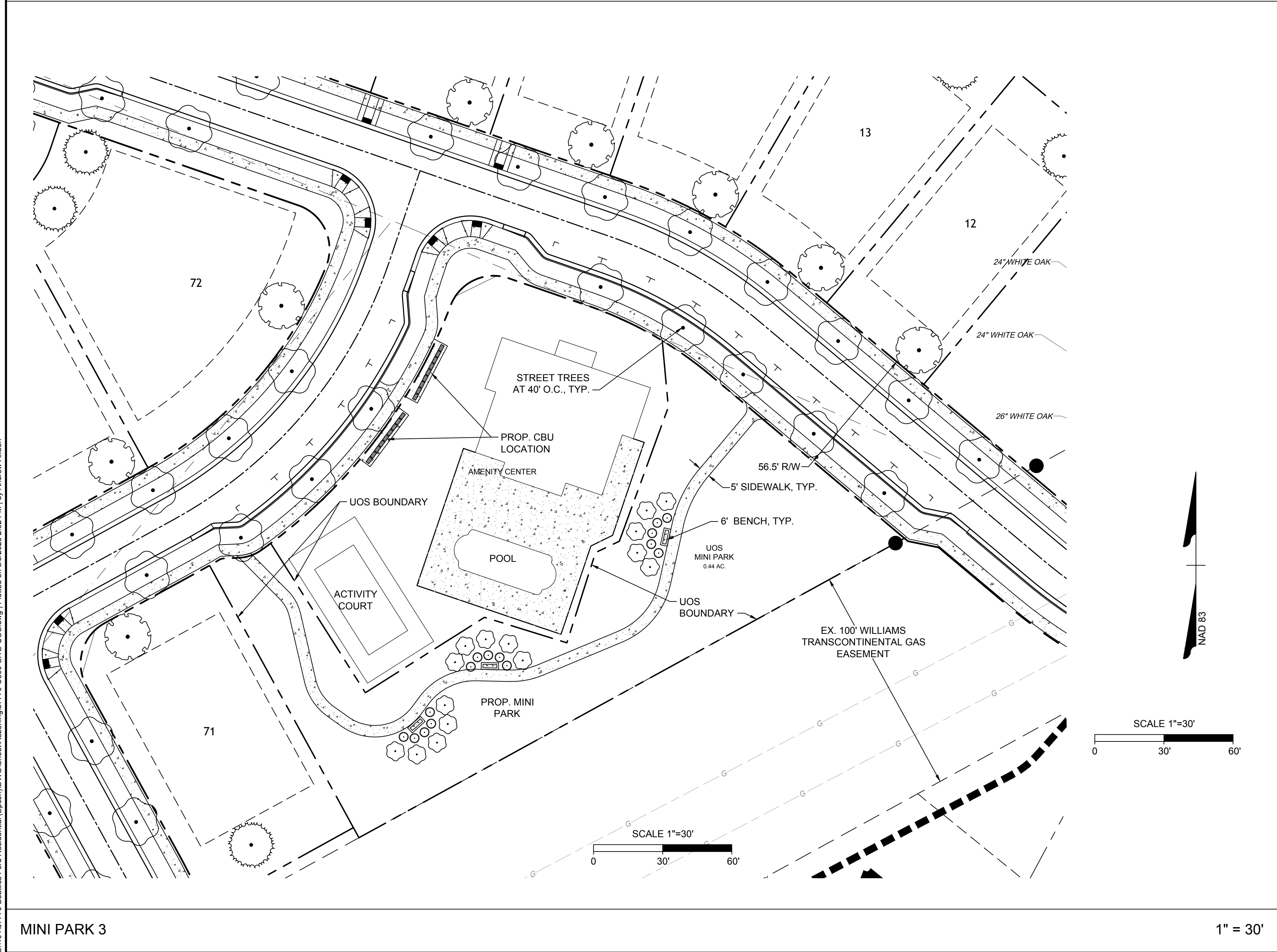


1. CONTRACTOR IS FULLY RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN ETC. AS NECESSARY TO MAINTAIN SAFETY TO THE PUBLIC.
3. ALL PLANTING AND/OR CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF HUNTERSVILLE UTILITIES SPECIFICATIONS.
4. SHOWN HEREIN IS THE PROPOSED PLANTING PLAN. ANY CHANGES TO THE PLANTING PLAN SHALL BE MADE BY THE TOWN OF HUNTERSVILLE.

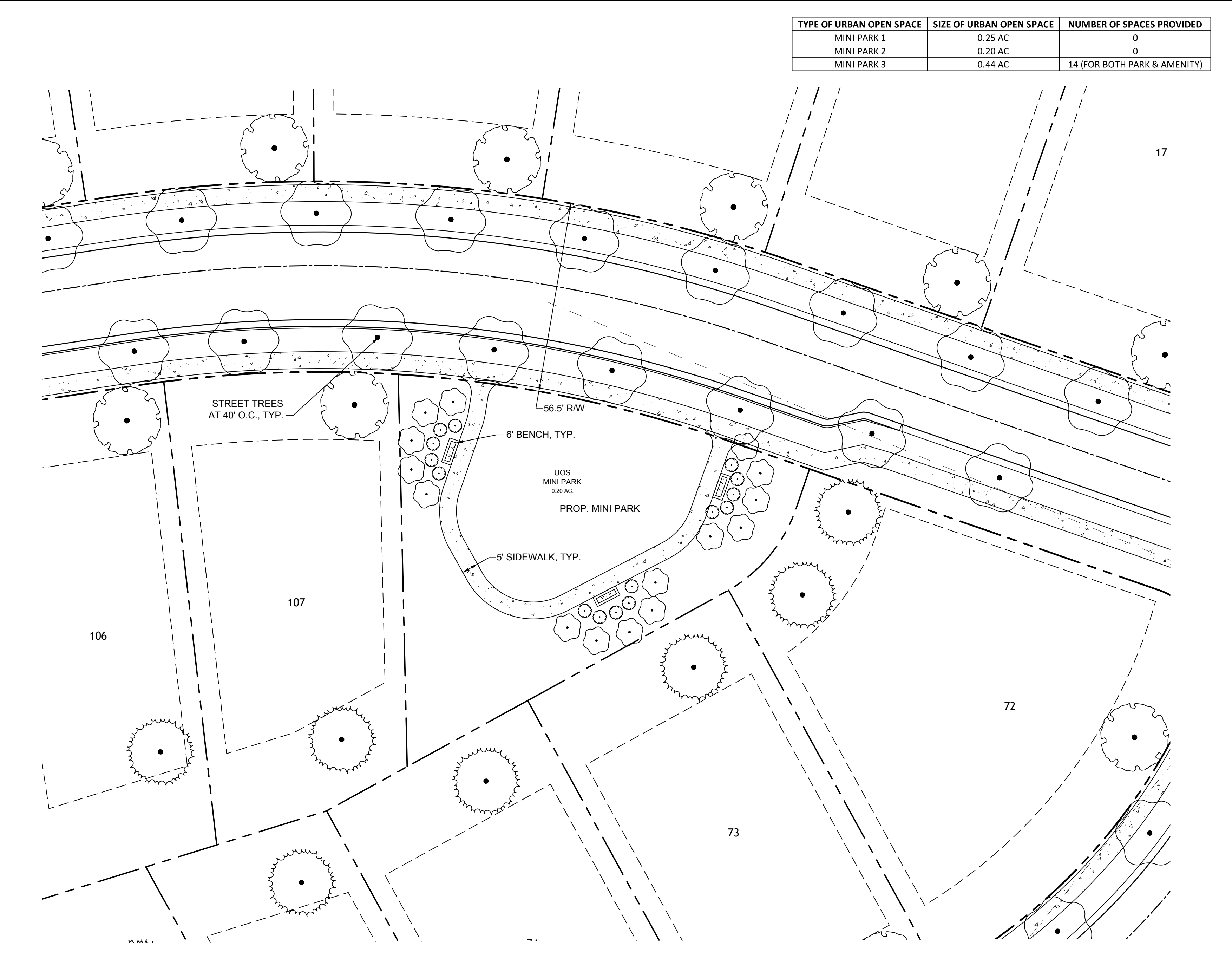




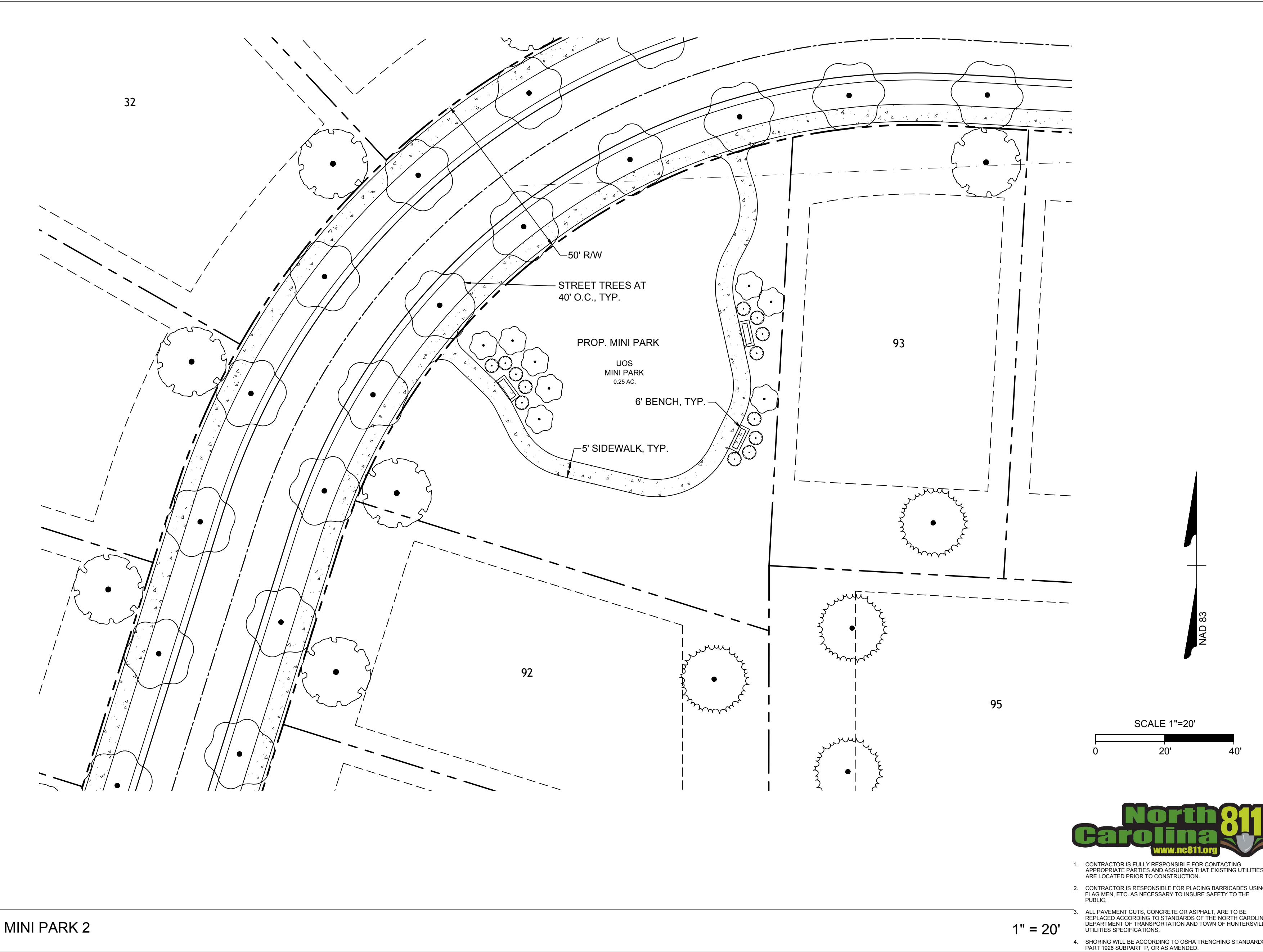
NOT USED



MINI PARK 3

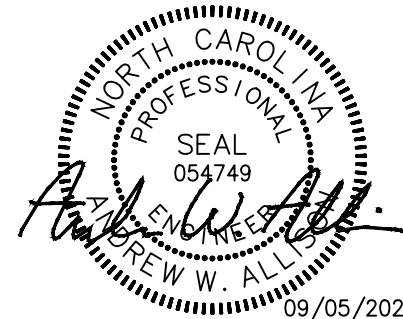


MINI PARK 1



MINI PARK 2

| TYPE OF URBAN OPEN SPACE | SIZE OF URBAN OPEN SPACE | NUMBER OF SPACES PROVIDED    |
|--------------------------|--------------------------|------------------------------|
| MINI PARK 1              | 0.25 AC.                 | 0                            |
| MINI PARK 2              | 0.20 AC.                 | 0                            |
| MINI PARK 3              | 0.44 AC.                 | 14 (FOR BOTH PARK & AMENITY) |



PRELIMINARY  
FOR REVIEW  
PURPOSES ONLY

THIS DRAWING PREPARED AT THE  
**CHARLOTTE OFFICE**  
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202  
TEL 704.602.8600 FAX 704.376.1076 www.timmons.com  
North Carolina License No. C-1652



11020 DAVID TAYLOR DR., SUITE 105  
CHARLOTTE, NC 28262

REVISION DESCRIPTION

REVISED PER TOWN COMMENTS

DATE

07/21/2023

DRAWN BY

A. CLARK

DESIGNED BY

A. ALLISON

CHECKED BY

A. ALLISON

SCALE

AS SHOWN

**TIMMONS GROUP**

YOUR VISION ACHIEVED THROUGH OURS.

**EPCON - COURTYARDS AT WALTERS FARM**

HUNTERSVILLE, NORTH CAROLINA

CONCEPTUAL URBAN OPEN SPACE PLAN

JOB NO.  
57770

SHEET NO.  
RZ-500



- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAYMENT CULS, CONCRETE OR ASPHALT ARE TO BE INSTALLED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TOWN OF HUNTERSVILLE UTILITIES SPECIFICATIONS.
- SHOWING WILL BE ACCORDING TO OWN TRENCHING STANDARDS PART 108 SUBPART F, OR AS AMENDED.



## Beatties Ford Road Subdivision – Neighborhood Meeting Summary

- Location Huntersville Arts and Cultural Center
- Scheduled for 6pm. David Peete requested to hold off meeting start to account for traffic (began 6:03pm)

### Beginning of Meeting:

- Whitney started it off – introduced the EPCON team, engineering team
- John Shamp – brief overview on what EPCON does
  - 55+ communities – age restricted
  - Emphasized private courtyards – every project has ‘courtyards’ in the name
  - Emphasized open space behind the lots (no decks, trampolines, swings, etc.)
    - All manicured lawns, sprinkler systems, etc.
    - Front/rear of homes maintained by HOA
      - All open space
  - Referenced “courtyards at Huntersville” as an example – up the road from Beatties project
  - Went into the benefits
    - Generate 50% less traffic than traditional neighborhoods
    - Higher tax revenues – average price over 600,000
    - Lower services costs
    - Low school impacts
      - Less than 3% of homes have school age children
    - High quality architecture and landscaping – no vinyl
    - Local economy – residents have resources to support local businesses
- Whitney – describing project
  - 118 units, main road off Beatties
  - Left and right turn lane with appropriate storage
  - Providing stubs for potential future development
    - Also tying into Riverdale
  - Urban Open Space – (3) mini parks
    - Other open space to be left undisturbed
  - Tree buffers around most of the development

## Questions/Responses

**Unidentified Resident - Are you providing access to greenway?**

Not currently

**Mary Nicholson – Will the entrance on Beatties Ford Road be the main entrance?**

Yes, that will be the main entrance.

**Christine Summers – Will there be opportunity or be ability to access the neighborhood via the road connecting to the Riverdale subdivision to the south?**

Yes, residents will be able to access development through Riverdale

**Joe Sailors – What are the open areas along the tree line to the north? Is there going to be a walkway along creek and lake? Since these are all ‘old people’ – they like to walk.**

No, not proposing walkway along creek currently.  
Pond is not existing – but will be landscaped.

**Joe Sailors - Is TR zoning okay with town?**

David Peete – Beatties road doesn’t support TR but as a subdivision it meets the requirements.

Whitney – we are looking to feather-in some density; mix up the densities along Beatties Ford Road

**Unidentified Resident – can you define a wetpond?**

Pond to treat stormwater. We will be requesting a modification to the ordinance to propose a wetpond here.

**Unidentified Resident – is access to pond restricted? Will there be a fence?**

There will be an easement, no fence. Pond will be landscaped to provide a more “natural feel”.

**Dan Boone –**

**When will the HOA take over?**

At 75% occupancy, it will be turned over to HOA

**Will property owners to the left be able to use the pond?**

No, pond will not be engineered in a way that would allow others to use it



**Are you looking for any relief on Buffers?**

Yes, we are looking for relief on the 40' buffer along the southern portion of the property. We will hold 20' along Riverdale and will replant as required per the ordinance. Asking for modification to grade within 20' of the 40' buffer. 20' closest to the property line will not be touched.

**Will car lights shine in the windows across from entrance?**

No, there are no homes directly across from entrance.

**Unidentified Resident – plans online show no buffer along right hand side.**

Buffer will be held where required by the ordinance and replanted per the ordinance if disturbed for grading activities.

**Unidentified Resident – is there a drawing of what the entrance looks like? How far down will these go? Can you tell me exactly where the turn lanes will be? Is there a stoplight?**

Nothing will go past the church property. Entire frontage will have turn lanes. Whole frontage of pasture will have turn lane – will stop at property corner. No stop light at this intersection.

**Unidentified Resident – lets say everything goes perfectly – what is estimated project start date? When does demo/grading start?**

May of 2024. We will start earlier if possible, but need to follow Town process to get all permits.

**Unidentified Resident - Will this be split into phases? Will you build roads first, in sections, certain homes?**

We will do as much grading as possible to get the cut/fill ratio balanced all in one go. Pave enough to get a certain number of homes started. Then see how many homes we can accomplish. Start with around 30 homes.

**Follow up question - how long do you hope it takes to get the first homes to sell?**

May 2025, 17ish months

**Unidentified Resident - Initially do you plan to do work Monday-Friday? When you start construction, is it a 7-day deal? Trying to get my head around the vehicles that will be in front of the farm.**

7 days. We want that availability to account for weather.

**Unidentified Resident - Who is responsible for maintaining Beatties Ford Road in regards to construction vehicles coming/going to development? Dirt/debris? Huge detriment on roads from construction equipment along Beatties. Sometimes cannot get out of driveway.**

Anything that comes out of site, we are responsible for. Any damage done to road falls to DOT enforcement. Part of preliminary plan process is to work with DOT to make sure we follow their requirements.

**Unidentified Resident - what are the benefits to the neighboring homes?**

If not us, then who?

**Eric Deitrich–**

**That 20' buffer line along, there is currently a power line running through site. What is this for and what will happen to the power line?**

There is a mobile home in the back of the property. Power line is on our site of the buffer, so it will be removed.

**Is power line within buffer?**

Line will be abandoned. Will hold at least 40' from power line. Trees between power lines and property line will remain if possible. Whitney also mentioned 100' panting buffer at the front of the development

**David Peete – Wanted to elaborate on lights/noise. Requirements do not go away during construction. Police make the call. M-S 7 to 8, Sunday - noon to 8. We do not usually see any major issues.**

**Unidentified Resident – are the houses all single story?**

They are not all single story. Some have bonus room option.

**Unidentified Resident – Will there be a privacy fence along rear of lots?**

No, there will not be a solid privacy fence behind every home. Will install privacy fence as needed. Folks want both options – completely private and to enjoy the open space behind their home.



**Frank Gammon -**

**Have you gotten the TIA done?**

We do not meet the threshold – not required.

**When in the process will lanes be installed? Beatties is busy at rush hour. Will help with traffic for both normal and construction traffic. Go out there at peak traffic hours and see for yourself.**

Whitney asked David Peete if there will be a traffic light going in. Design is started.

Traffic at Gilead – 99% of traffic takes right turn

David Peete – DOT owns Beatties so they have deciding factor. Don't have firm date in mind on when traffic light is in. Looking at other parallel roads as well – we'd like to replicate Beatties Ford. Work is unknown and unfunded.

Whitney – last questions?

-no further questions

Meeting adjourned @ 6:45pm

**Town of Huntersville  
Planning Board  
October 16, 2023**

**To:** Town Board

**From:** Jesse James, Senior Planner

**Date:** October 16, 2023

**Subject:** Petition #R23-08 Dearness Gardens

---

**EXPLAIN REQUEST:**

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

**ACTION RECOMMENDED:**

Consider making a decision

**FINANCIAL IMPLICATIONS:**

NA

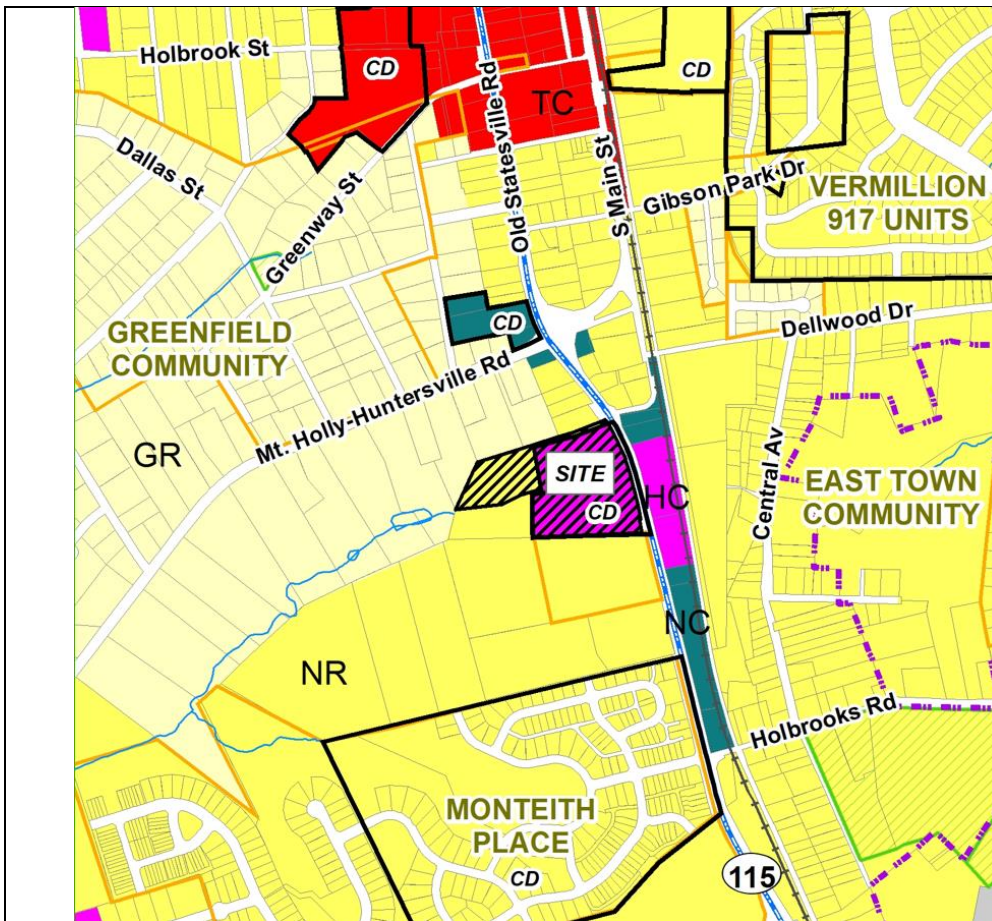
**ATTACHMENTS:**

1. R23-08 Dearness Gardens Town Board Staff Report
2. Dearness\_Gardens\_Rezone\_-\_Plan\_Set
3. ToH\_General\_Application\_-\_Signed
4. General\_Application\_-\_Signature\_Addendum
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

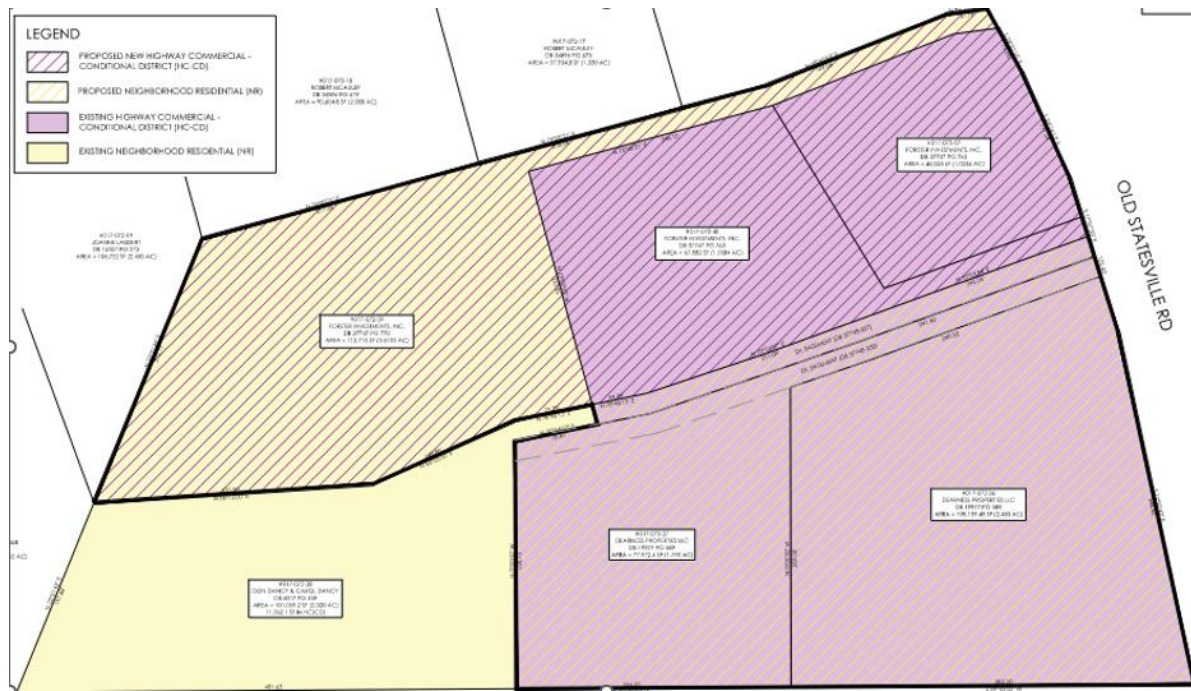
**Current Zoning:** Highway Commercial Conditional District (HC-CD)

**Current Land Use:** Commercial Retail

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

**Proposed Land Use:** Commercial Retail

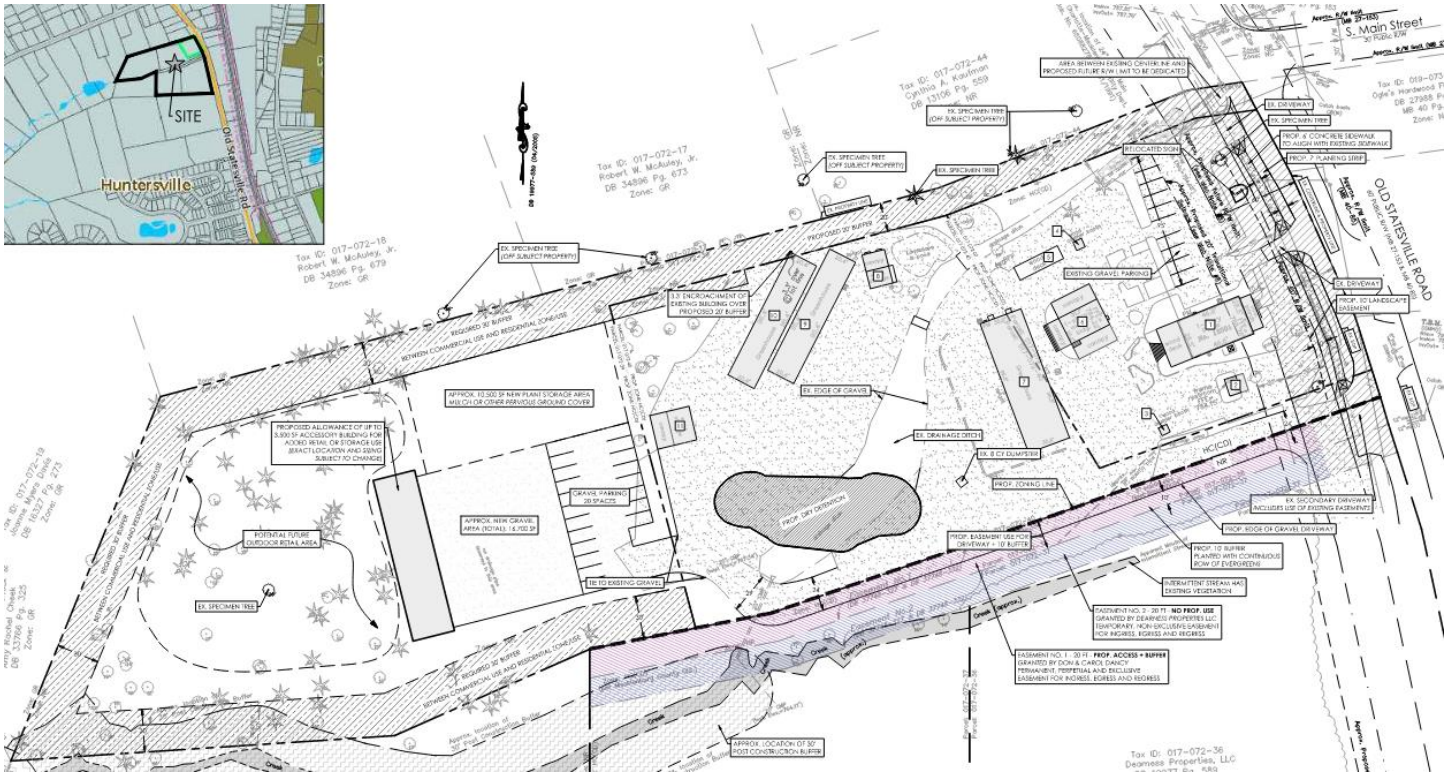
1. Purpose: Rezone Approximately 5.2025-acres at 13501 Old Statesville Road from Highway Commercial-Conditional District (HC-CD) to Highway Commercial-Conditional District and Neighborhood Residential (NR) for amendments to the zoning boundaries and for site plan changes from the original R93-01 Dearness 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





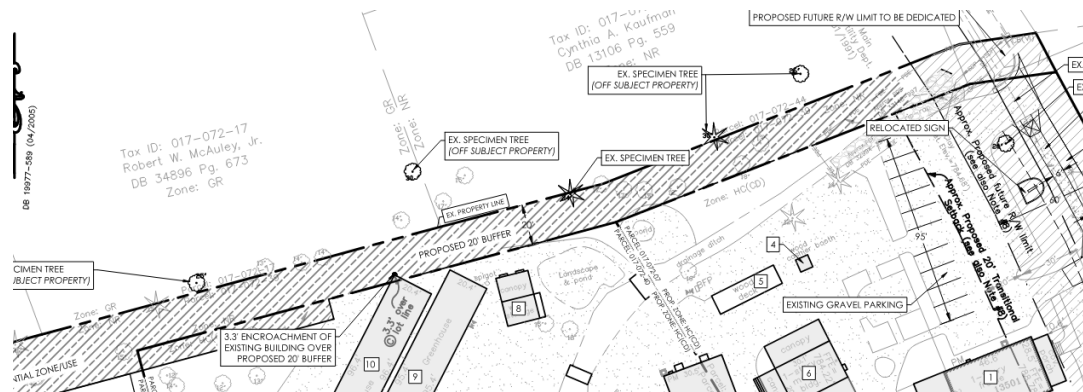
The proposed Conditional District Rezoning Plan is generally compliant with the Zoning Regulations with exception to three modification requests detailed herein. Significant elements of the plan include:

- 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

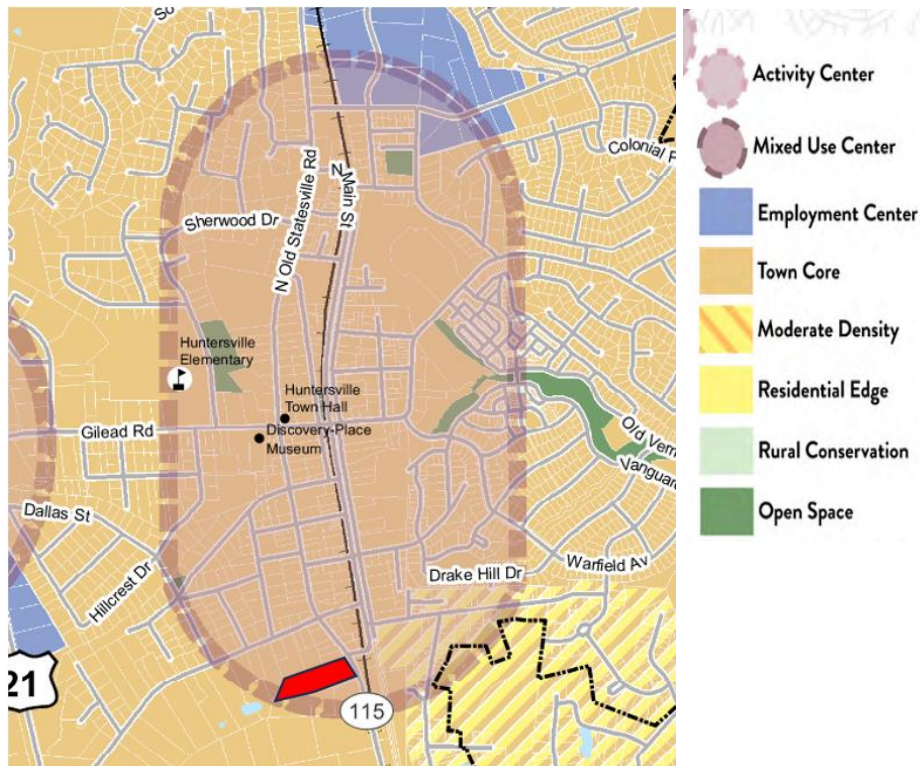
#### Traffic Impact Analysis (TIA)

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**

The Planning Board met on September 26, 2023 with a 7-0 unanimous approval vote with a recusal by Jay Henson. S. Hensley made a Motion to recommend Approval of petition R23-08, Dearness Gardens. The amendment is consistent with the Huntersville 2040 Community Plan, specifically policies LU-6.3, EV-2.1, EV-2.2, EV-2.3. The proposed plan is consistent with the current land use and character of the surrounding properties. The Planning Board recommended approval is subject to the following conditions, modification request 1) for the northern boundary to reduced to 20' versus the required 30'; 2) allow for an off-site buffer on the



south side as noted on the plan; 3) allow existing and proposed commercial driveway and parking areas to remain in gravel form; 4) allow more accessory square footage than principal square footage currently allows; 5) all other minor staff comments and redlines are addressed. It is reasonable and in the public interest to approve the rezoning plan because the rezoning is consistent with envisioned use and the development pattern set forth in the 2040 Community Plan. This rezoning allows the Town of Huntersville to support an existing small business that was first established on the current site in 1995 and further supports policy EV-2.1, “promote and encourage local businesses, particularly small businesses.” G. Baber seconded the motion.

#### 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
5. Easement Documents

#### PART 10: CONSISTENCY STATEMENT – R23-08 Dearness Gardens

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Planning Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Board of Commissioners                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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.</p> <p>Conditions for Approval:</p> <ol style="list-style-type: none"><li>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</li></ol> | <p>APPROVAL: APPROVAL: In considering the proposed rezoning application R23-08, Dearness Gardens, the Planning Board recommends approval based on the Plan being consistent with the Huntersville 2040 Community Plan, specifically policies LU-6.3, EV-2.1, EV-2.2, EV-2.3. The proposed plan is consistent with the current land use and character of the surrounding properties. The Planning Board recommended approval is subject to the following conditions, modification request 1) for the northern boundary to reduced to 20’ versus the required 30’; 2) allow for an off-site buffer on the south side as noted on the plan; 3) allow existing and proposed commercial driveway and parking areas to remain in gravel form; 4) allow more accessory square footage</p> | <p>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>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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.</p> <p>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.</p> <p>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.</p> <p><b><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></b></p> | <p>than principal square footage currently allows; 5) all other minor staff comments and redlines are addressed.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because the rezoning is consistent with envisioned use and the development pattern set forth in the 2040 Community Plan. This rezoning allows the Town of Huntersville to support an existing small business that was first established on the current site in 1995 and further supports policy EV-2.1, "promote and encourage local businesses, particularly small businesses".</u></b></p> |                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>DENIAL: In considering the proposed rezoning application R23-08, Dearness Gardens, the Town Board recommends denial based on the Plan being <b><u>(consistent OR inconsistent) with (insert applicable plan reference).</u></b></p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p> |



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

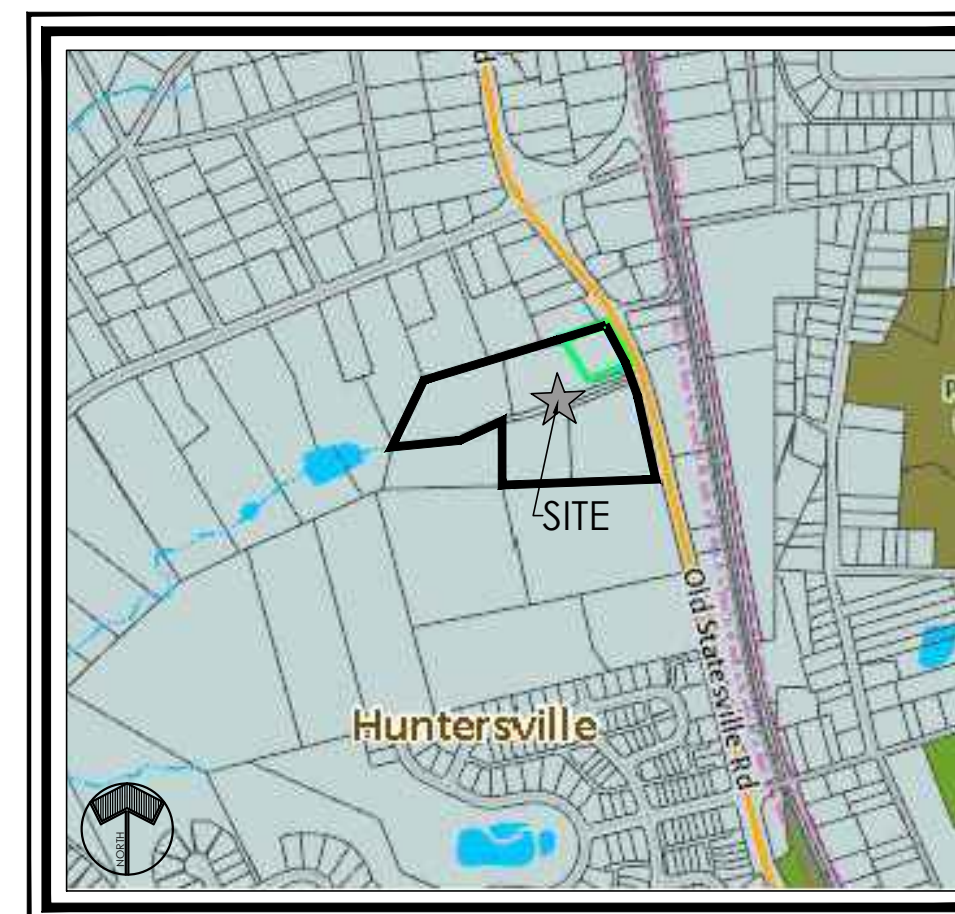
SURVEYOR:

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                     |



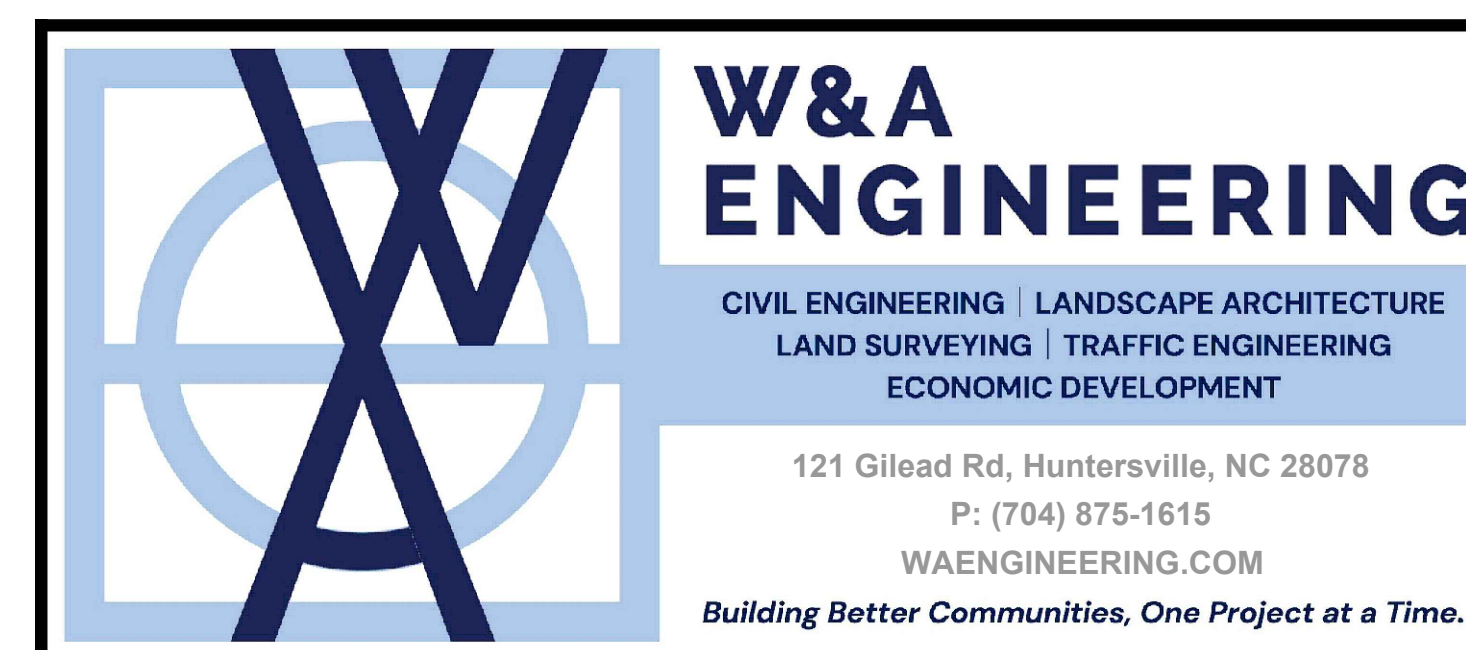
VICINITY MAP  
NTS

## 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.



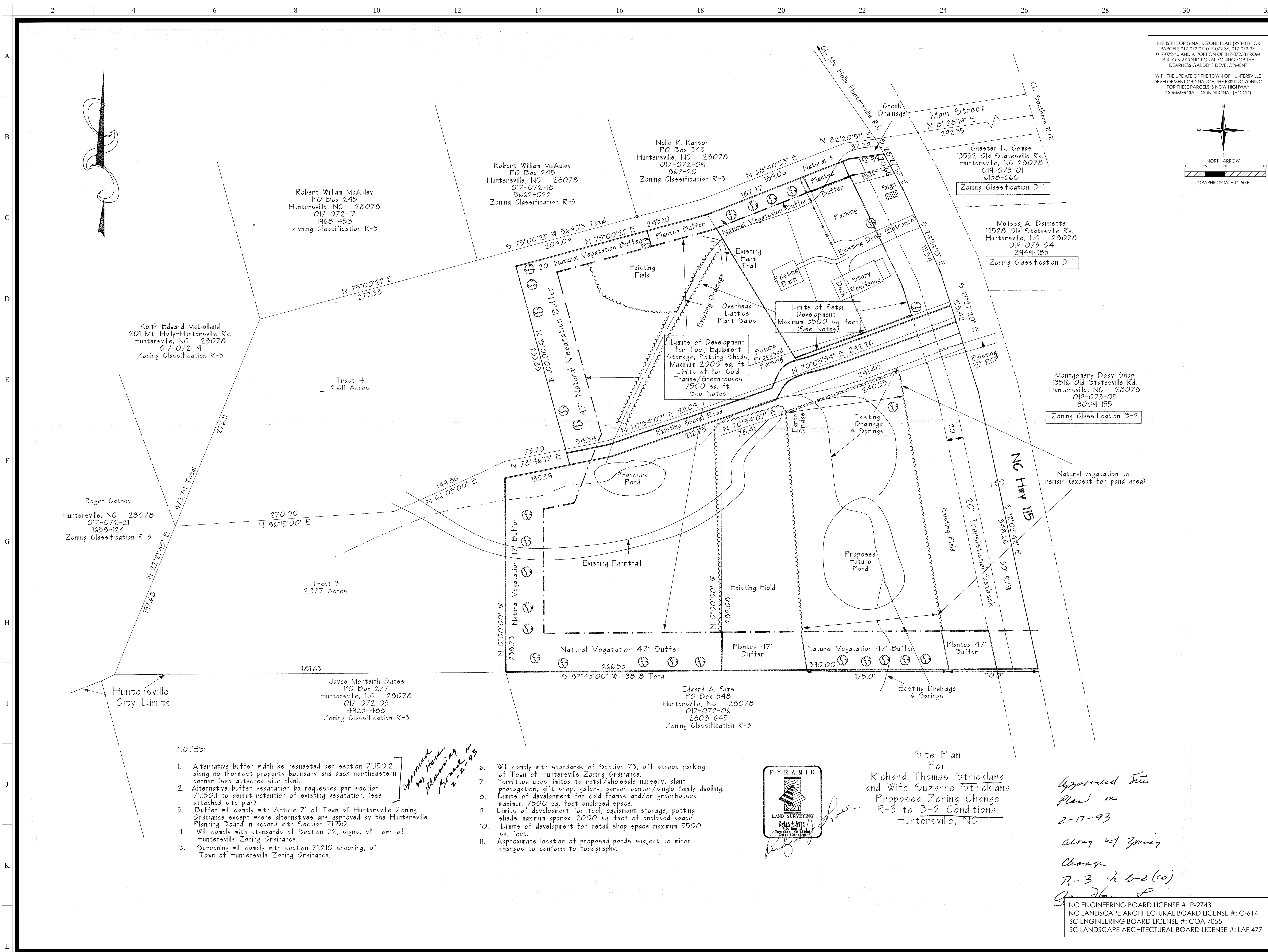
NC ENGINEERING BOARD LICENSE #: P-2743  
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614  
SC ENGINEERING BOARD LICENSE #: COA 7055  
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477



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

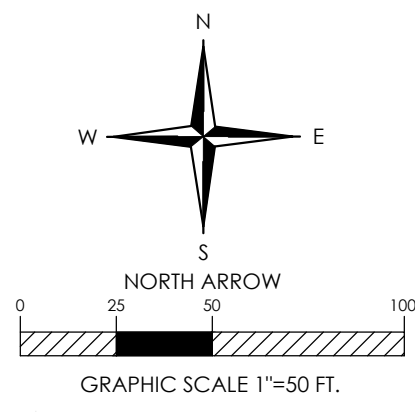






THIS IS THE ORIGINAL REZONE PLAN [R93-01] FOR PARCELS 017-072-07, 017-072-36, 017-072-37, 017-072-40 AND A PORTION OF 017-072-38 FROM R-3 TO B-2 CONDITIONAL ZONING FOR THE DEARNESS GARDENS DEVELOPMENT

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

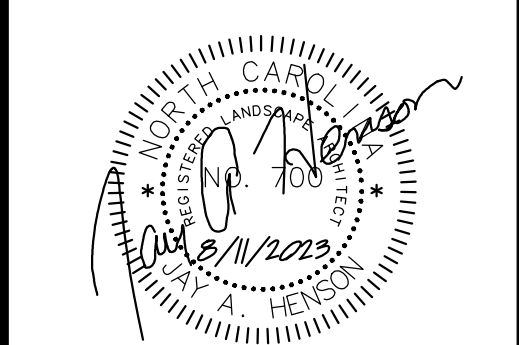
Know what's below.  
Call before you dig.

**REVISIONS**

| 7/3/23 | 1ST EPM COMMENTS |
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INITIAL SUB. DATE: 6/1/2023

ISSUANCE DATE: 8/11/2023



HFI PROJECT #: 222109

**ORIGINAL REZONE  
PLAN**

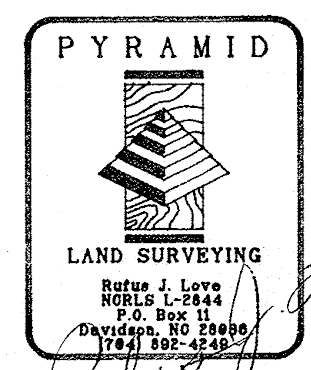
**Z02A**

**NOTES:**

- 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.

*Approved by Huntersville Planning Board 8-2-23*

- 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.

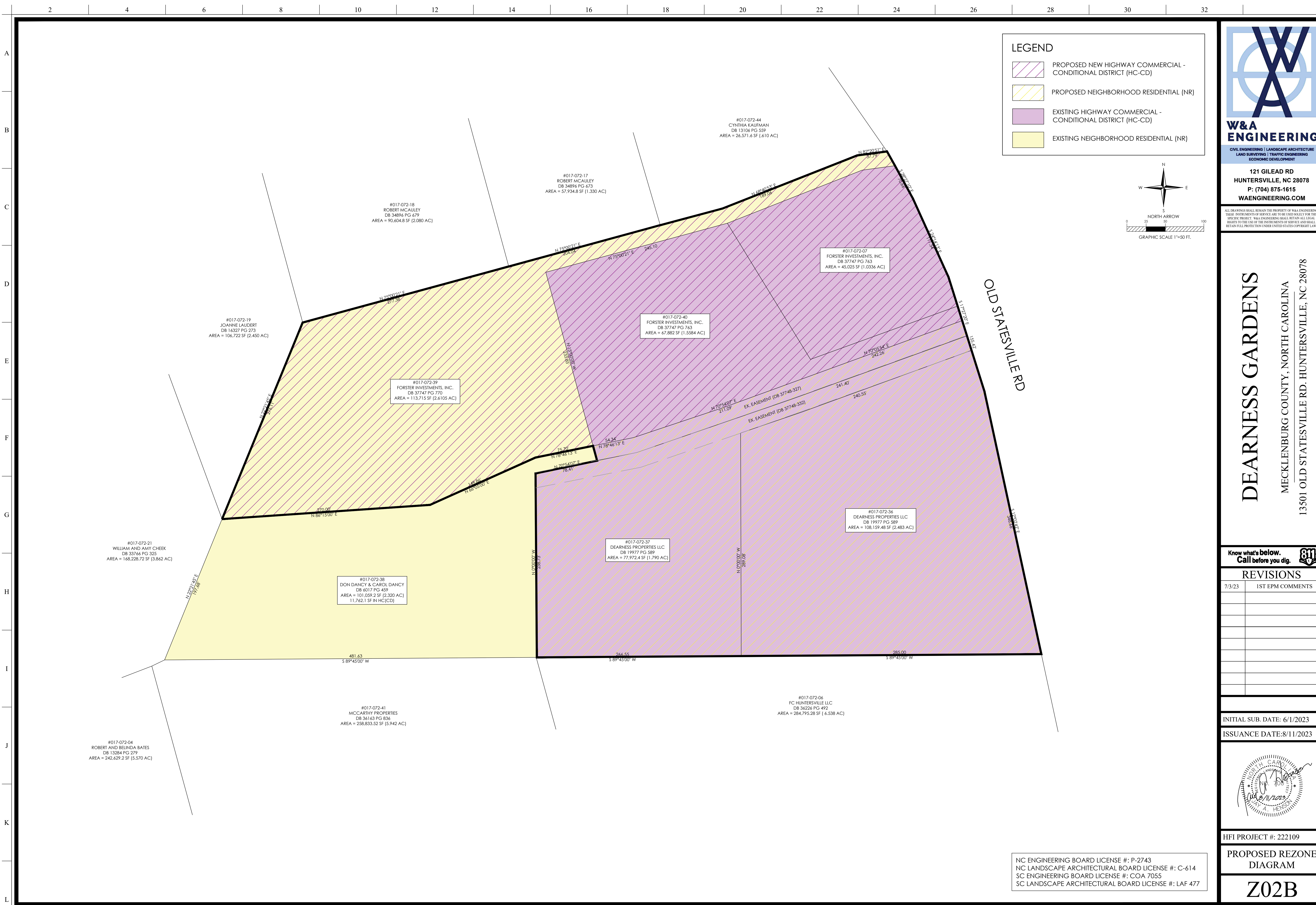


Site Plan  
For  
Richard Thomas Strickland  
and Wife Suzanne Strickland  
Proposed Zoning Change  
R-3 to B-2 Conditional  
Huntersville, NC

*Approved Site Plan on 2-17-93 along w/ zoning change R-3 to B-2 (co) [Signature]*

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  
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LAND SURVEYING | TRAFFIC ENGINEERING  
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**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 |
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INITIAL SUB. DATE: 6/1/2023

ISSUANCE DATE: 8/11/2023



HFI PROJECT #: 222109

**PROPOSED REZONE  
DIAGRAM**

**Z02B**

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



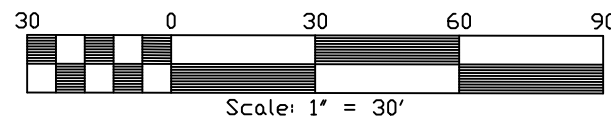
# GENERAL NOTES

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

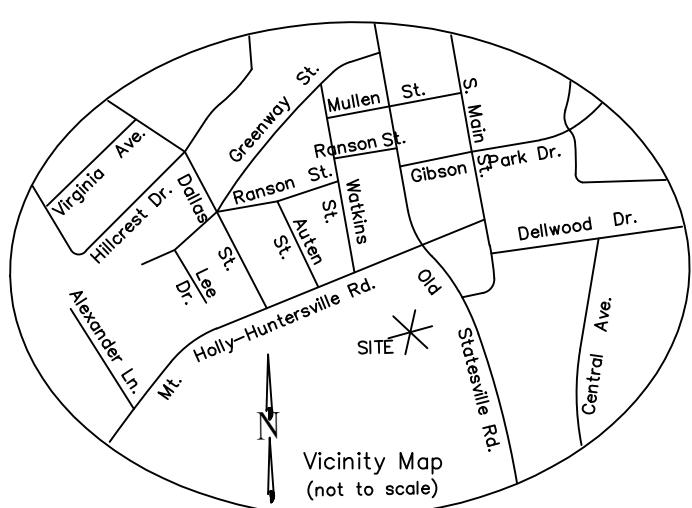
Tax ID: 017-072-38  
Approx. location of  
30' Post Construction Buffer

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

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

| INVERT DATA:                                                                                     |                                                                                                    |                                                                                                  |                                                                                                   |
|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Catch basin, CB(I):<br>Rim= 789.92'<br>Invert= 788.32'<br>Invert(1)=787.72'<br>Invert(2)=787.67' | Catch basin, CB(III):<br>Rim= 789.21'<br>Invert= 788.51'<br>Invert(1)=787.81'<br>Invert(2)=787.76' | Catch basin, CB(V):<br>Rim= 789.28'<br>Invert= 788.28'<br>Invert(1)=787.58'<br>Invert(2)=787.53' | Catch basin, CB(VI):<br>Rim= 789.82'<br>Invert= 788.82'<br>Invert(1)=788.12'<br>Invert(2)=788.07' |
| Catch basin, CB(II):<br>(full of debris)                                                         | Catch basin, CB(IV):<br>Rim= 790.53'<br>bottom of structure= 785.58'<br>(unable to see inverts)    | Catch basin, CB(VI):<br>Rim= 789.82'<br>bottom of structure= 785.12'<br>(unable to see inverts)  |                                                                                                   |

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



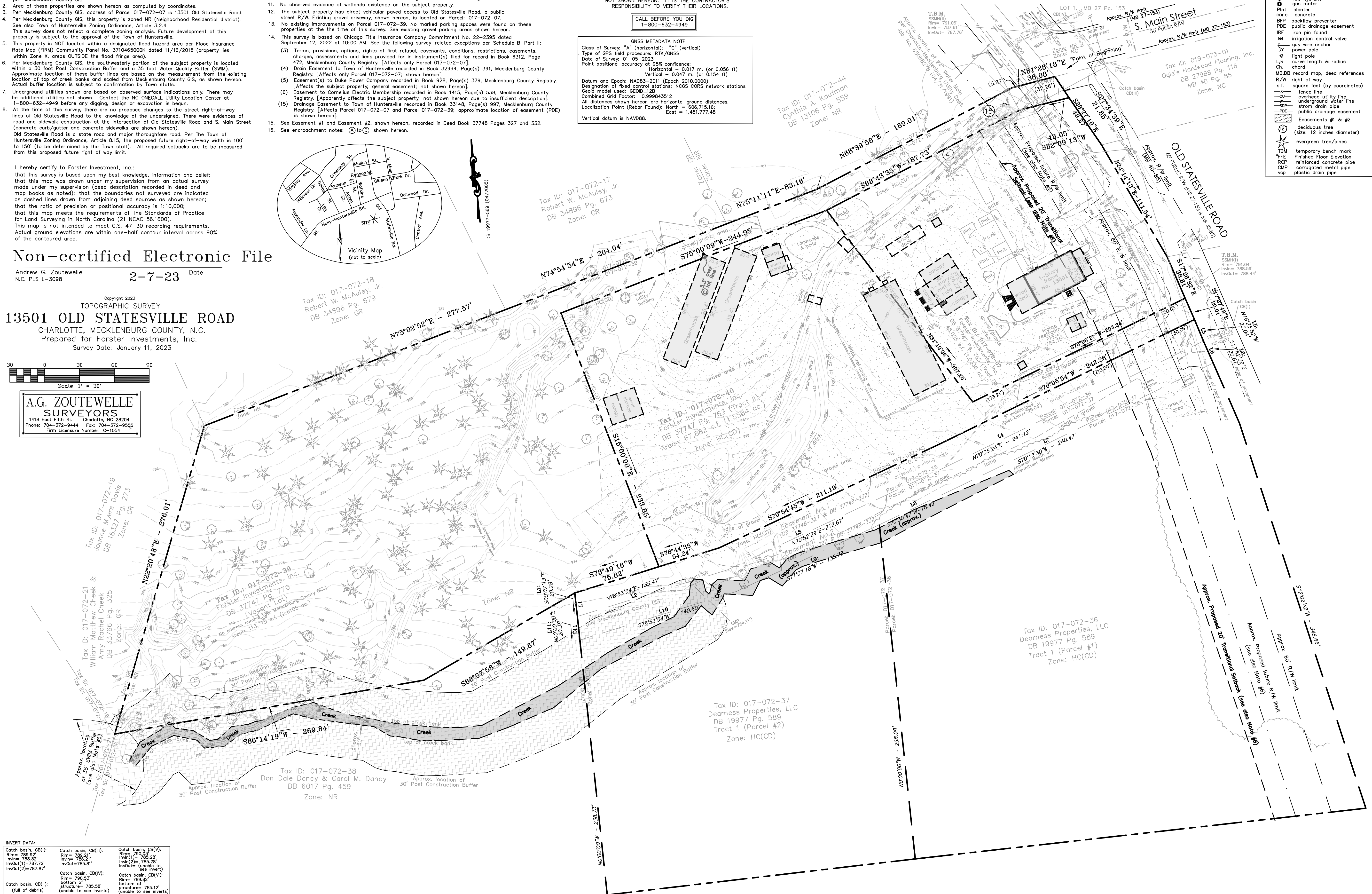
\*\*\* CAUTION NOTE \*\*\*  
THERE MAY BE UTILITIES OTHER THAN THOSE SHOWN.  
THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR UTILITIES  
NOT SHOWN HEREON. IT IS THE CONTRACTOR'S  
RESPONSIBILITY TO VERIFY THEIR LOCATIONS.

**CALL BEFORE YOU DIG**  
1-800-632-4949

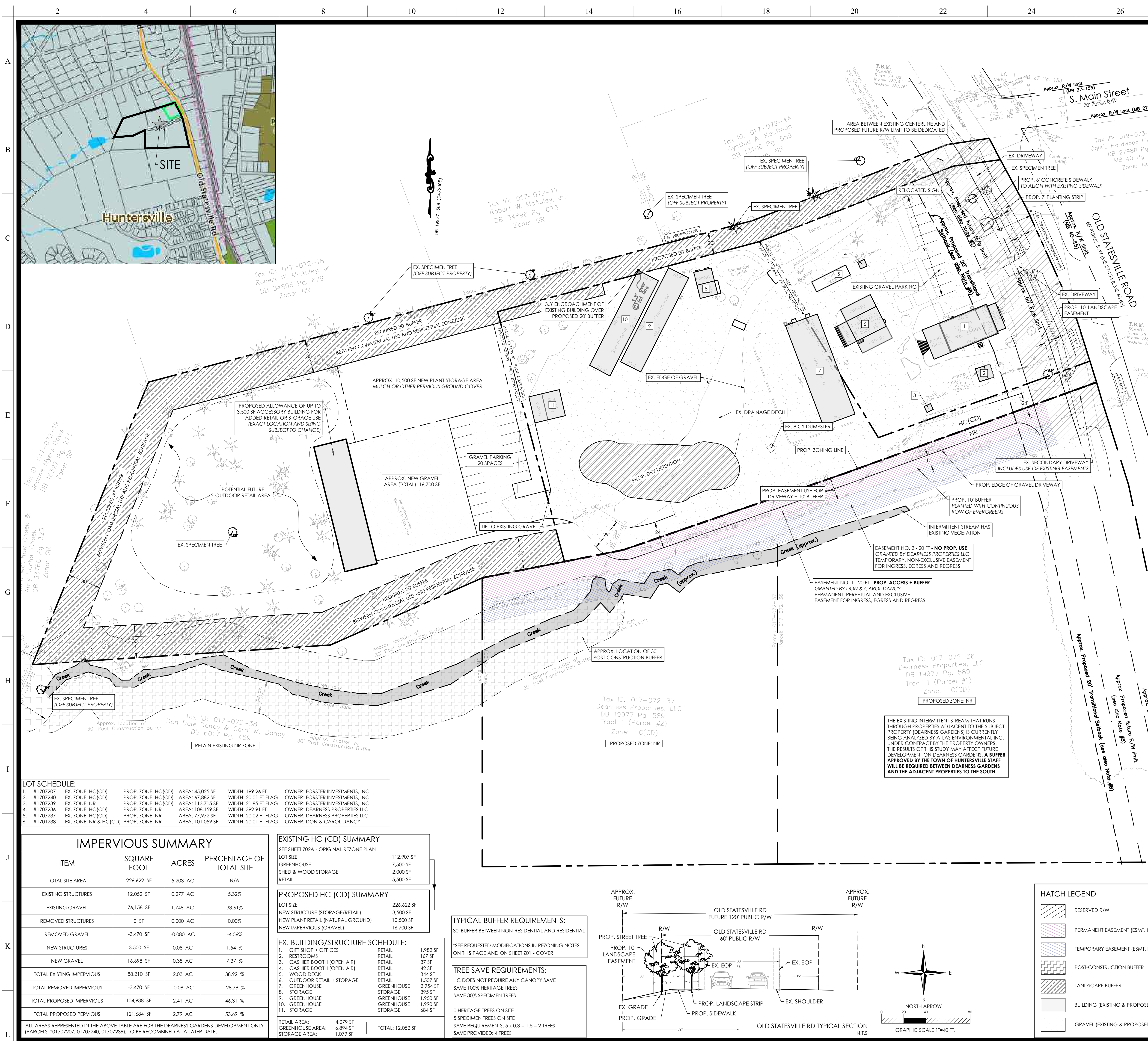
**GNSS METADATA NOTE**  
Class of Survey: "A" (horizontal); "C" (vertical)  
Type of GPS field procedure: RTK/GNSS  
Date of Survey: 01-05-2023  
Point positional accuracy at 95% confidence:  
Horizontal = 0.017 m. (or 0.056 ft)  
Vertical = 0.047 m. (or 0.154 ft)  
Datum and Epoch: NAD83-2011 (Epoch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

# SYMBOL LEGEND

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







### REZONING NOTES

- REZONING PETITION. THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS ("DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY FORSTER INVESTMENTS, INC. ("PETITIONER"), APPROXIMATELY 9.47 ACRE COMBINED TRACTS OF LAND IDENTIFIED ON THIS SITE PLAN AS DEARNESS GARDENS (THE "PROJECT"). IN CONNECTION WITH TAX PARCEL #01707207, #01707236, #01707237, #01707238, AND #01707240 (THE "PROPERTY"), THE PURPOSE OF THE REZONING PETITION IS TO CONVERT THE ZONING CLASSIFICATION OF THE PROPERTY FROM THE EXISTING NEIGHBORHOOD RESIDENTIAL (NR) AND HIGHWAY COMMERCIAL - CONDITIONAL DISTRICT (HC-CD) TO A NEW HIGHWAY COMMERCIAL - CONDITIONAL DISTRICT (HC-CD) THAT INCLUDES THE NEWLY ACQUIRED PROPERTY (TAX PARCEL NUMBER #01707239) AND TO CONVERT THE PROPERTIES NOT OWNED BY THE PETITIONER TO NEIGHBORHOOD RESIDENTIAL (NR) PURSUANT TO THE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE").
- DEVELOPMENT STANDARDS. DEVELOPMENT OF THE PROPERTY WILL BE GOVERNED BY THESE DEVELOPMENT STANDARDS, WHICH ARE PART OF THE REZONING PETITION, AND THE APPLICABLE PROVISIONS OF THE ORDINANCE IN PLACE ON THE DATE OF SUBMITTAL OF THE REZONING PETITION, UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, OR UNLESS OTHERWISE NOTED ON THE REZONING PLAN OR IN THESE DEVELOPMENT STANDARDS. THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE DATE OF SUBMITTAL OF THE REZONING PETITION FOR THE HIGHWAY COMMERCIAL - CONDITIONAL DISTRICT (HC-CD) ZONING GOVERN DEVELOPMENT OF THE PROPERTY AS SHOWN ON THE REZONING PLAN.
- SCHEMATIC NATURE OF REZONING PLAN. THE PROPOSED IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE. MINOR MODIFICATIONS TO THE PLAN MAY OCCUR DURING DESIGN, ENGINEERING AND CONSTRUCTION PHASES OF THE DEVELOPMENT. THE REMOVAL OF TREES AND VEGETATION TO ACCOMPLISH THE IMPROVEMENTS IS GENERALLY COMPLETED AS SHOWN ON THE REZONING PLAN.
- VESTED RIGHTS. THIS REZONING PLAN IS A SITE-SPECIFIC DEVELOPMENT PLAN AND APPROVAL THEREOF CONSTITUTES VESTED RIGHTS IN THE REZONING PLAN PURSUANT TO THE PROVISIONS OF THE ORDINANCE. NOTWITHSTANDING ANY OTHER PROVISIONS OF THESE DEVELOPMENT STANDARDS, IF, AT SOME POINT, MODIFICATIONS ARE MADE TO THE ORDINANCE BY THE TOWN BOARD, PETITIONER MAY VOLUNTARILY AGREE TO APPLY SUCH MODIFICATIONS TO THE REZONING PLAN IN A MANNER CONSISTENT WITH THE ORDINANCE AS IT CHANGES FROM TIME TO TIME, AND WITHOUT PURSUING A REZONING. SUCH MODIFICATIONS TO THE ORDINANCE SHALL IN NO WAY IMPACT THE PETITIONER'S VESTED RIGHTS.
- USE AND COMPATIBILITY. THE SITE IS LOCATED ALONG OLD STATESVILLE ROAD AND WAS PART OF A CONDITIONAL DISTRICT IN 1993 THAT INCLUDED ALL OF THE PARCELS THAT ARE CURRENTLY ZONED HC-CD, WHICH HAD THE PURPOSE OF ALLOWING THE DEVELOPMENT OF THE EXISTING DEARNESS GARDENS CENTER. THE ADJACENT LAND USES ARE PREDOMINANTLY SINGLE FAMILY OR UNUSED. THE APPLICANT IS ASKING TO MODIFY THE ORIGINAL REZONE CONDITIONS FOR THESE PARCELS TO BRING ALL EXISTING IMPROVEMENTS UP TO CURRENT TOWN OF HUNTERSVILLE STANDARDS ALONG WITH INCLUDING A NEW PARCEL (#01707239) FOR USE BY THE PETITIONER AND REMOVING THE PARCELS NOT OWNED BY THE PETITIONER (#01707236, #01707237, AND A PORTION OF #01707238). THE PETITIONER INTENDS TO COMBINE PARCELS #01707207, #01707240, AND #01707239 IN THE FUTURE.
- PERMITTED USES. ARTICLE 3.2.7 - COMMERCIAL USE.  
A. "COMMERCIAL USE" INCLUDES RETAIL ESTABLISHMENTS, OFFICES, PROFESSIONAL AND PERSONAL SERVICES, LIGHT MANUFACTURING AND ASSEMBLY, ETC., AND EACH USE PERMITTED IN THE COMMERCIAL USE CATEGORY SHALL ALSO MEET ANY APPLICABLE CONDITIONS SET FORTH IN ARTICLE 3.2.7 - CONDITIONS FOR CERTAIN USES.  
B. PARKING SHALL BE LOCATED TO THE REAR AND/OR SIDE OF THE BUILDING. SIDE YARD PARKING MAY OCCUPY NO MORE THAN 45% OF THE PRINCIPAL FRONTAGE LINE.  
FRONTAGE LENGTH: 241' (INCLUDES #01707207 & FLAG OF #01707240 AND #01707239).  
EXISTING PARKING LENGTH: 95' (39.4% OF FRONTAGE).
- ACCESS. THE PRIMARY VEHICULAR ACCESS IS THE TWO SINGLE ACCESS DRIVEWAYS LOCATED ON OLD STATESVILLE ROAD AT THE NORTHERN END OF THE PROPERTY, WITH A SECONDARY VEHICULAR ACCESS POINT ALSO ON OLD STATESVILLE ROAD AT THE SOUTHERN PROPERTY LINE AND WITHIN THE ACCESS EASEMENTS ON LOTS #01707236 & #01707237. LISTED IN DB 37748-327.
- AMENDMENT. IN THE EVENT ANY PORTION OF THE PROPERTY IS CONVEYED TO A THIRD PARTY, PETITIONER MAY REQUEST AN AMENDMENT TO THE REZONING PLAN WITHOUT THE WRITTEN CONSENT OF ANY OTHER OWNER OF ALL OR ANY PORTION OF THE PROPERTY UNLESS SUCH AMENDMENT CONSTITUTE A CHANGE IN THE BUILDING OR USE OF THE PORTION OF THE PROPERTY OWNED BY SUCH OWNER. PROVIDED PETITIONER PROVIDES FOR SUCH AMENDMENT RIGHT IN THE RECORDED PRIVATE RESTRICTIVE COVENANTS THAT GOVERN THE PROJECT. ALL REQUIREMENTS IN CONNECTION WITH THE AMENDMENT WILL BE CALCULATED ON THE PROPERTY AS A WHOLE IN THE SAME MANNER SUCH REQUIREMENTS WERE CALCULATED AT THE TIME OF THE INITIAL APPROVAL. THIS NOTE SHALL BE SHOWN ON THE FINAL PLAT WHEN RECORDED.
- STORMWATER ELEMENTS. BUILT-UPON AREAS SHALL BE IN ACCORDANCE WITH THE ORDINANCE AS REQUIRED FOR THE HIGHWAY COMMERCIAL ZONING DISTRICT AND THE WATERSHED OVERLAY, AND STORMWATER DETENTION AND WATER QUALITY PROTECTION WILL BE INCLUDED AS REQUIRED.
- MODIFICATION. DESIGN ELEMENTS THAT EXCEED THE REQUIREMENTS OF THE ORDINANCE HAVE BEEN INCLUDED IN THIS REZONING PLAN TO ACHIEVE EXCEPTIONAL DESIGN. TOWN BOARD APPROVAL OF THIS REZONING PLAN CONSTITUTES APPROVAL OF UNIQUE DESIGN ELEMENTS SHOWN ON THE REZONING PLAN THAT ARE MINOR MODIFICATIONS FROM THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO:
  - THE PETITIONER REQUESTS A MODIFICATION TO THE REQUIRED 30' BUFFER ALONG THE NORTHERN PROPERTY LINE ABUTTING RESIDENTIALLY ZONED PROPERTY TO BE A **PARTIALLY REDUCED 20' BUFFER** THAT WILL RETAIN EXISTING VEGETATION AND SUPPLEMENT WITH NEW PLANTINGS WHERE REQUESTED BY TOWN OF HUNTERSVILLE STAFF, AND WILL MEET THE FULL 30' WIDTH REQUIREMENT PAST THE EXISTING POINT OF GREENHOUSE ENCROACHMENT.
  - THE PETITIONER REQUESTS A MODIFICATION TO THE REQUIRED 30' BUFFER ALONG THE SOUTHERN PROPERTY LINE WHERE IT ABUTS EXISTING RESIDENTIALLY ZONED PROPERTY AND PROPOSED RESIDENTIALLY ZONED PROPERTY TO BE REDUCED TO A **10' WIDTH BETWEEN PROPOSED EDGE OF DRIVEWAY AND THE ADJACENT PROPERTY LINE** UP TO THE POINT WHERE THE NEWLY ACQUIRED PARCEL (#01707239) BEGINS. THE PROPOSED DRIVEWAY AND BUFFER WILL FALL COMPLETELY WITHIN THE PERMANENT EASEMENT (EASEMENT NO.1) GRANTED TO FORSTER INVESTMENTS BY DON & CAROL DANCY.
  - THE PETITIONER REQUESTS A MODIFICATION TO THE REQUIREMENT FOR ALL COMMERCIAL DRIVEWAY AND PARKING AREAS TO BE PAVED WITH ASPHALT, CONCRETE, OR BRICK PAVERS. THE PETITIONER PROPOSES A NEW **GRAVEL PARKING AREA** TO KEEP THE CHARACTER OF THE EXISTING DEVELOPMENT.

### SITE DATA TABLE

|                             |                                                                                                                                              |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| PARCEL ID                   | 01707207, 01707239, 01707240                                                                                                                 |
| LOCATION                    | 13501 OLD STATESVILLE RD, HUNTERSVILLE, NC 28078                                                                                             |
| JURISDICTION                | HUNTERSVILLE                                                                                                                                 |
| OWNER                       | FORSTER INVESTMENTS INC<br>4601 GRANITE HILLS DR<br>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).<br>PART OF LOTS 01707237 & 01707238 AS SHOWN - HC(CD).<br>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)<br>10,383 SF / 500 = 21 SPACES                                                                    |
| PARKING SPACES PROVIDED     | 28 SPACES (GRAVEL PARKING, NO STRIPING)                                                                                                      |
| FEMA MAP NUMBER             | 3710465000K                                                                                                                                  |
| FEMA MAP DATE               | 11/16/2018                                                                                                                                   |
| WATERSHED                   | MTN ISLAND LAKE PA-2                                                                                                                         |
| SOIL TYPES                  | MeB (15.5%), VoB (20.5%), EnD (64%)                                                                                                          |
| TRASH COLLECTION            | (1) DUMPSTER                                                                                                                                 |
| BUFFER REQUIREMENTS         | NORTH, WEST, SOUTH: NON-RES > 5' - 30' BUFFER                                                                                                |

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

## W&A ENGINEERING

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

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

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

# DEARNESS GARDENS

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

Know what's below.  
Call before you dig.

### REVISIONS

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

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

HFI PROJECT #: 222109

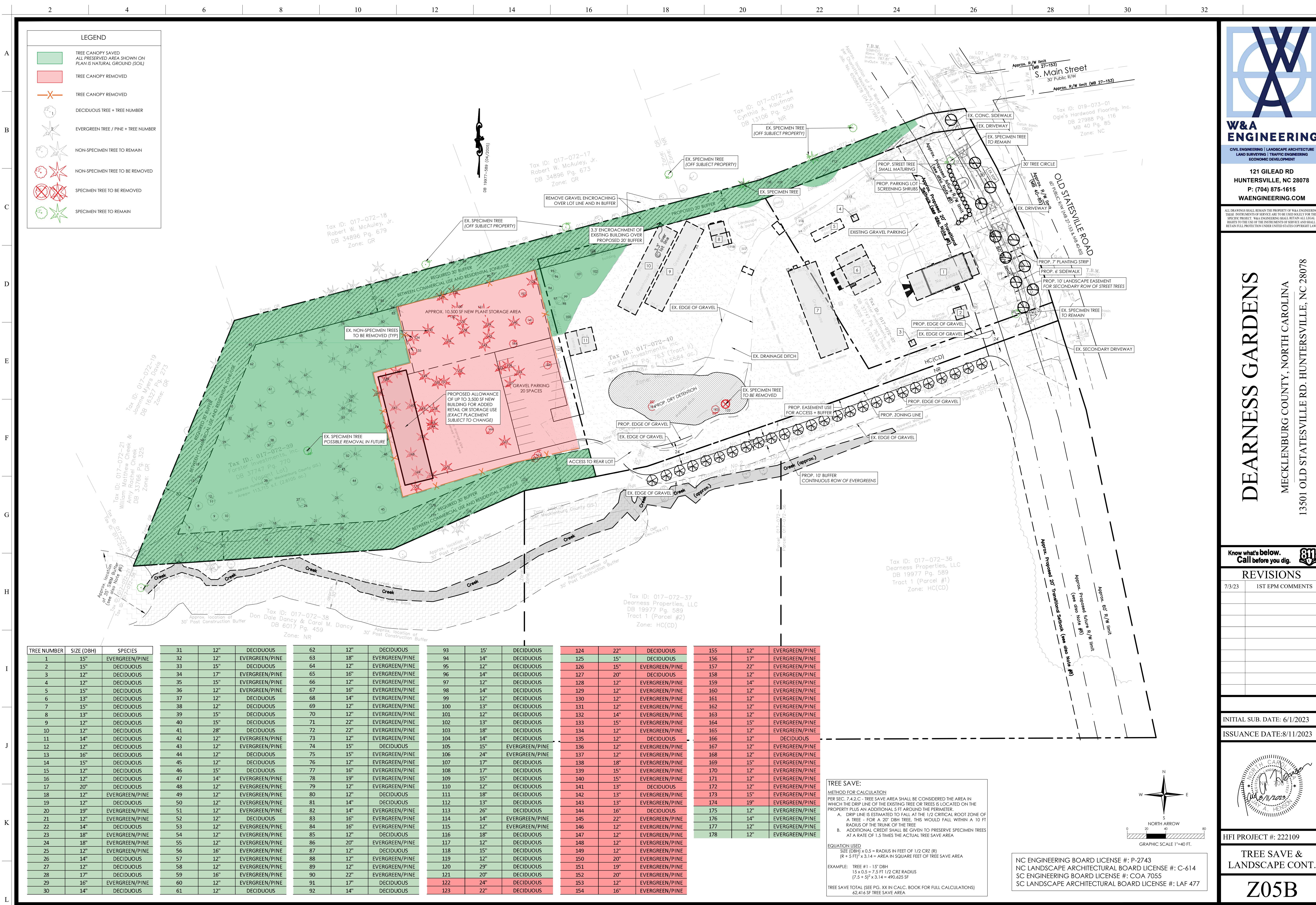
## SITE PLAN

# Z04









LEGEND

TREE CANOPY SAVED  
ALL PRESERVED AREA SHOWN ON  
PLAN IS NATURAL GROUND (SOIL)

TREE CANOPY REMOVED

TREE CANOPY REMOVED

DECIDUOUS TREE + TREE NUMBER

EVERGREEN TREE / PINE + TREE NUMBER

NON-SPECIMEN TREE TO REMAIN

NON-SPECIMEN TREE TO BE REMOVED

SPECIMEN TREE TO BE REMOVED

SPECIMEN TREE TO REMAIN

W&A  
ENGINEERING

CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE  
LAND SURVEYING | TRAFFIC ENGINEERING  
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RIGHTS TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL  
RETAIN FULL PROTECTION UNDER UNITED STATES COPYRIGHT LAW.

DEARNESS GARDENS

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

Know what's below.  
Call before you dig.

811

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

INITIAL SUB. DATE: 6/1/2023

ISSUANCE DATE: 8/11/2023



HFI PROJECT #: 222109

TREE SAVE &  
LANDSCAPE CONT.

Z05B

| TREE NUMBER | SIZE (DBH) | SPECIES        | 31 | 12" | DECIDUOUS      | 62 | 12" | DECIDUOUS      | 93  | 15' | DECIDUOUS      | 124 | 22" | DECIDUOUS      | 155 | 12" | EVERGREEN/PINE |
|-------------|------------|----------------|----|-----|----------------|----|-----|----------------|-----|-----|----------------|-----|-----|----------------|-----|-----|----------------|
| 1           | 15"        | EVERGREEN/PINE | 32 | 12" | EVERGREEN/PINE | 63 | 18" | EVERGREEN/PINE | 94  | 14" | DECIDUOUS      | 125 | 15" | DECIDUOUS      | 156 | 17" | EVERGREEN/PINE |
| 2           | 15"        | DECIDUOUS      | 33 | 15" | DECIDUOUS      | 64 | 12" | EVERGREEN/PINE | 95  | 12" | DECIDUOUS      | 126 | 15" | EVERGREEN/PINE | 157 | 22" | EVERGREEN/PINE |
| 3           | 12"        | DECIDUOUS      | 34 | 17" | EVERGREEN/PINE | 65 | 16" | DECIDUOUS      | 96  | 14" | DECIDUOUS      | 127 | 20" | DECIDUOUS      | 158 | 12" | EVERGREEN/PINE |
| 4           | 12"        | DECIDUOUS      | 35 | 15" | EVERGREEN/PINE | 66 | 12" | EVERGREEN/PINE | 97  | 12" | DECIDUOUS      | 128 | 12" | EVERGREEN/PINE | 159 | 14" | EVERGREEN/PINE |
| 5           | 15"        | DECIDUOUS      | 36 | 12" | EVERGREEN/PINE | 67 | 16" | EVERGREEN/PINE | 98  | 14" | DECIDUOUS      | 129 | 12" | EVERGREEN/PINE | 160 | 12" | EVERGREEN/PINE |
| 6           | 13"        | DECIDUOUS      | 37 | 12" | DECIDUOUS      | 68 | 14" | EVERGREEN/PINE | 99  | 12" | DECIDUOUS      | 130 | 12" | EVERGREEN/PINE | 161 | 12" | EVERGREEN/PINE |
| 7           | 15"        | DECIDUOUS      | 38 | 12" | DECIDUOUS      | 69 | 12" | EVERGREEN/PINE | 100 | 13" | DECIDUOUS      | 131 | 12" | EVERGREEN/PINE | 162 | 12" | EVERGREEN/PINE |
| 8           | 13"        | DECIDUOUS      | 39 | 15" | DECIDUOUS      | 70 | 12" | EVERGREEN/PINE | 101 | 12" | DECIDUOUS      | 132 | 14" | EVERGREEN/PINE | 163 | 12" | EVERGREEN/PINE |
| 9           | 12"        | DECIDUOUS      | 40 | 15" | DECIDUOUS      | 71 | 22" | EVERGREEN/PINE | 102 | 13" | DECIDUOUS      | 133 | 15" | EVERGREEN/PINE | 164 | 15" | EVERGREEN/PINE |
| 10          | 12"        | DECIDUOUS      | 41 | 28" | DECIDUOUS      | 72 | 22" | EVERGREEN/PINE | 103 | 18" | DECIDUOUS      | 134 | 12" | EVERGREEN/PINE | 165 | 12" | EVERGREEN/PINE |
| 11          | 14"        | DECIDUOUS      | 42 | 12" | EVERGREEN/PINE | 73 | 12" | EVERGREEN/PINE | 104 | 14" | DECIDUOUS      | 135 | 12" | DECIDUOUS      | 166 | 12" | DECIDUOUS      |
| 12          | 12"        | DECIDUOUS      | 43 | 12" | EVERGREEN/PINE | 74 | 15" | DECIDUOUS      | 105 | 15" | EVERGREEN/PINE | 136 | 12" | EVERGREEN/PINE | 167 | 12" | EVERGREEN/PINE |
| 13          | 16"        | DECIDUOUS      | 44 | 12" | DECIDUOUS      | 75 | 15" | EVERGREEN/PINE | 106 | 24" | EVERGREEN/PINE | 137 | 12" | EVERGREEN/PINE | 168 | 12" | EVERGREEN/PINE |
| 14          | 15"        | DECIDUOUS      | 45 | 12" | DECIDUOUS      | 76 | 12" | DECIDUOUS      | 107 | 17" | DECIDUOUS      | 138 | 18" | EVERGREEN/PINE | 169 | 15" | EVERGREEN/PINE |
| 15          | 12"        | DECIDUOUS      | 46 | 15" | DECIDUOUS      | 77 | 16" | EVERGREEN/PINE | 108 | 17" | DECIDUOUS      | 139 | 15" | EVERGREEN/PINE | 170 | 12" | EVERGREEN/PINE |
| 16          | 12"        | DECIDUOUS      | 47 | 14" | EVERGREEN/PINE | 78 | 19" | DECIDUOUS      | 109 | 15" | DECIDUOUS      | 140 | 15" | EVERGREEN/PINE | 171 | 12" | EVERGREEN/PINE |
| 17          | 20"        | DECIDUOUS      | 48 | 12" | EVERGREEN/PINE | 79 | 12" | EVERGREEN/PINE | 110 | 12" | DECIDUOUS      | 141 | 13" | DECIDUOUS      | 172 | 12" | EVERGREEN/PINE |
| 18          | 12"        | EVERGREEN/PINE | 49 | 12" | EVERGREEN/PINE | 80 | 12" | DECIDUOUS      | 111 | 18" | DECIDUOUS      | 142 | 13" | EVERGREEN/PINE | 173 | 15" | EVERGREEN/PINE |
| 19          | 12"        | DECIDUOUS      | 50 | 12" | EVERGREEN/PINE | 81 | 14" | DECIDUOUS      | 112 | 13" | DECIDUOUS      | 143 | 13" | EVERGREEN/PINE | 174 | 19" | EVERGREEN/PINE |
| 20          | 19"        | EVERGREEN/PINE | 51 | 12" | EVERGREEN/PINE | 82 | 14" | EVERGREEN/PINE | 113 | 26" | DECIDUOUS      | 144 | 16" | DECIDUOUS      | 175 | 12" | EVERGREEN/PINE |
| 21          | 12"        | EVERGREEN/PINE | 52 | 12" | DECIDUOUS      | 83 | 16" | EVERGREEN/PINE | 114 | 14" | EVERGREEN/PINE | 145 | 22" | EVERGREEN/PINE | 176 | 14" | EVERGREEN/PINE |
| 22          | 14"        | DECIDUOUS      | 53 | 12" | EVERGREEN/PINE | 84 | 16" | EVERGREEN/PINE | 115 | 12" | EVERGREEN/PINE | 146 | 12" | EVERGREEN/PINE | 177 | 12" | EVERGREEN/PINE |
| 23          | 18"        | EVERGREEN/PINE | 54 | 12" | EVERGREEN/PINE | 85 | 12" | DECIDUOUS      | 116 | 18" | DECIDUOUS      | 147 | 12" | EVERGREEN/PINE | 178 | 12" | EVERGREEN/PINE |
| 24          | 18"        | EVERGREEN/PINE | 55 | 12" | EVERGREEN/PINE | 86 | 20" | EVERGREEN/PINE | 117 | 12" | DECIDUOUS      | 148 | 12" | EVERGREEN/PINE |     |     |                |
| 25          | 12"        | EVERGREEN/PINE | 56 | 16" | EVERGREEN/PINE | 87 | 12" | DECIDUOUS      | 118 | 15" | DECIDUOUS      | 149 | 12" | EVERGREEN/PINE |     |     |                |
| 26          | 14"        | DECIDUOUS      | 57 | 12" | EVERGREEN/PINE | 88 | 12" | EVERGREEN/PINE | 119 | 12" | DECIDUOUS      | 150 | 20" | EVERGREEN/PINE |     |     |                |
| 27          | 12"        | DECIDUOUS      | 58 | 12" | EVERGREEN/PINE | 89 | 12" | EVERGREEN/PINE | 120 | 29" | DECIDUOUS      | 151 | 19" | EVERGREEN/PINE |     |     |                |
| 28          | 17"        | DECIDUOUS      | 59 | 16" | EVERGREEN/PINE | 90 | 22" | EVERGREEN/PINE | 121 | 20" | DECIDUOUS      | 152 | 20" | EVERGREEN/PINE |     |     |                |
| 29          | 16"        | EVERGREEN/PINE | 60 | 12" | EVERGREEN/PINE | 91 | 17" | DECIDUOUS      | 122 | 24" | DECIDUOUS      | 153 | 12" | EVERGREEN/PINE |     |     |                |
| 30          | 14"        | DECIDUOUS      | 61 | 12" | DECIDUOUS      | 92 | 14" | DECIDUOUS      | 123 | 22" | DECIDUOUS      | 154 | 16" | EVERGREEN/PINE |     |     |                |

TREE SAVE:

METHOD FOR CALCULATION

PER SEC. 7.4.2.C - TREE SAVE AREA SHALL BE CONSIDERED THE AREA IN WHICH THE DRIP LINE OF THE EXISTING TREE OR TREES IS LOCATED ON THE PROPERTY PLUS AN ADDITIONAL 5 FT AROUND THE PERIMETER.

A. DRIP LINE IS ESTIMATED TO FALL AT THE 1/2 CRITICAL ROOT ZONE OF A TREE - FOR A 20" DBH TREE, THIS WOULD FALL WITHIN A 10 FT RADIUS OF THE TRUNK OF THE TREE

B. ADDITIONAL CREDIT SHALL BE GIVEN TO PRESERVE SPECIMEN TREES AT A RATE OF 1.5 TIMES THE ACTUAL TREE SAVE AREA

EQUATION USED

SIZE (DBH) x 0.5 = RADIUS IN FEET OF 1/2 CRZ (R)

(R + 5 FT)² x 3.14 = AREA IN SQUARE FEET OF TREE SAVE AREA

EXAMPLE: TREE #1 - 15" DBH

15 x 0.5 = 7.5 FT 1/2 CRZ RADIUS

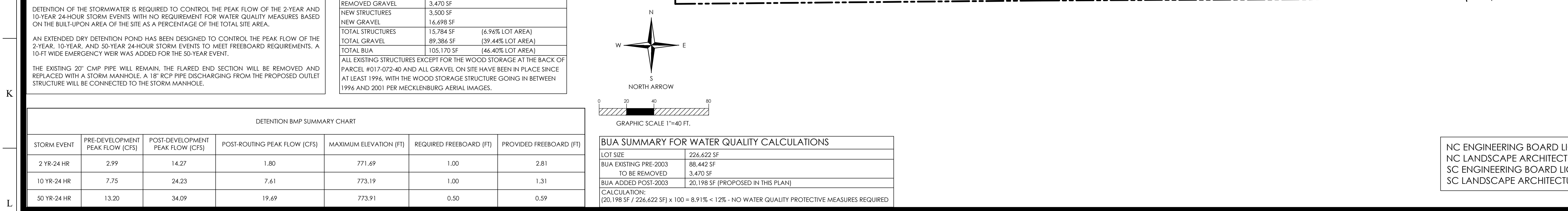
(7.5 + 5)² x 3.14 = 490.625 SF

TREE SAVE TOTAL (SEE PG. XX IN CALC. BOOK FOR FULL CALCULATIONS)

62,416 SF TREE SAVE AREA

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





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

100

100





# 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>.

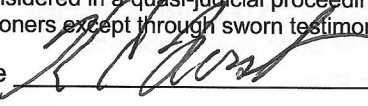
## 5. Outside Agency Information

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)

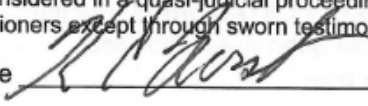
Signature  Printed Name: Ken Forster  
Title Owner Email ken@dearnessgardens.net

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:          | <a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a> |





# 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.

# Community Meeting Notices

|                     |                         |
|---------------------|-------------------------|
| <b>Project Name</b> | Dearness Gardens Rezone |
|---------------------|-------------------------|

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

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

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



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

# Community Meeting Attendance Log

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

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

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

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



## **Community Meeting Report Dearness Gardens Rezoning EPM#450113**

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

### **COMMUNITY MEETING ATTENDANCE AND LOCATION:**

The meeting was held on Tuesday, August 1<sup>st</sup>, 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 19<sup>th</sup> 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 19<sup>th</sup> day of August, 2022.

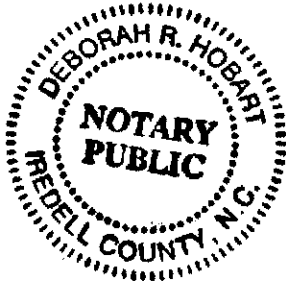
Deborah R. Hobart  
Notary Public

My Commission Expires: 4-8-2026

Deborah R. Hobart  
Notary's Printed or Typed Name

(Affix Seal)

[NOTARY BLOCKS]





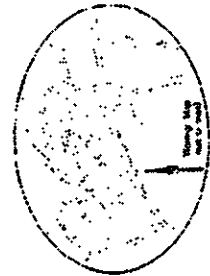
## Exhibit A

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 3<sup>rd</sup> 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 13<sup>TH</sup> 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

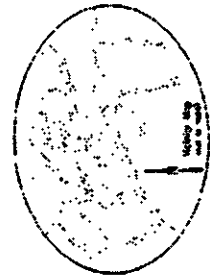
BEGINNING at a point ("Beginning Point") located in the center of Old Statesville Road (also known as North Carolina Highway 115), said Beginning Point being located the following six (6) calls from a point ("Commencement Point") located at the southeasterly corner of Cynthia A. Kaufman as described 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  
October 16, 2023**

**To:** Town Board

**From:** Jesse James, Senior Planner

**Date:** October 16, 2023

**Subject:** Petition #R23-09 Golden Cow

---

**EXPLAIN REQUEST:**

Consider decision 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.

**ACTION RECOMMENDED:**

Consider making a decision

**FINANCIAL IMPLICATIONS:**

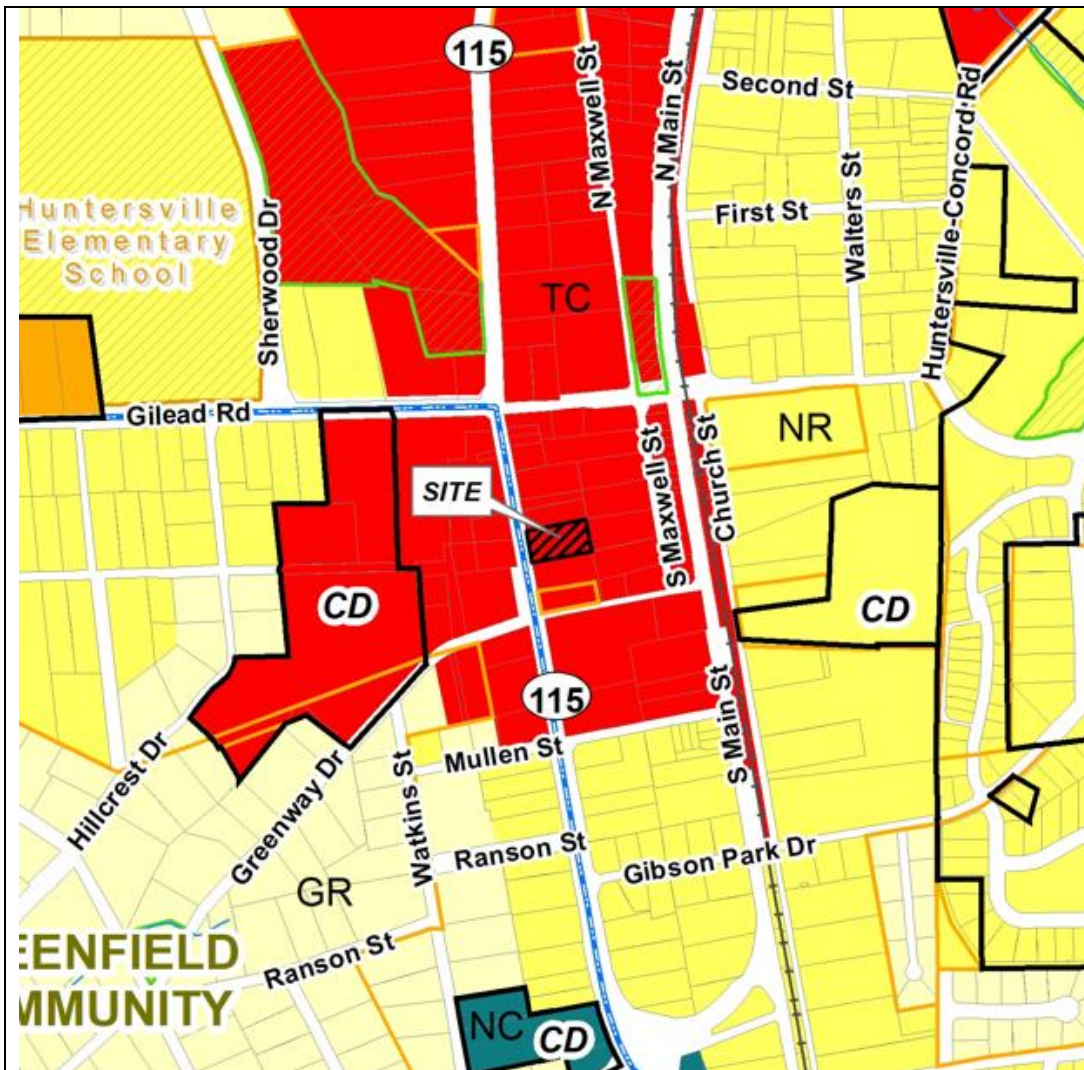
NA

**ATTACHMENTS:**

1. R23-09 Golden Cow Town Board 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 4: REZONING CRITERIA

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

### 2040 Huntersville Community Plan

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

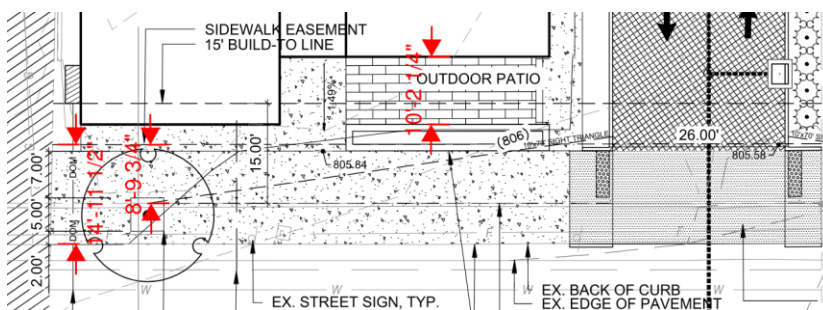
- **Policy DT-2: Step down in intensity and density near established residential neighborhoods. (year homes built also noted)**

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

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

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

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



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



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

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

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

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

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

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

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

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





## 2023 Downtown Plan

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



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



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

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



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

**c. Bicycle and Pedestrian Facilities.**

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

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

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

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

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



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

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

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



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

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

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

Under Organizing Principles (Page 9):

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

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



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

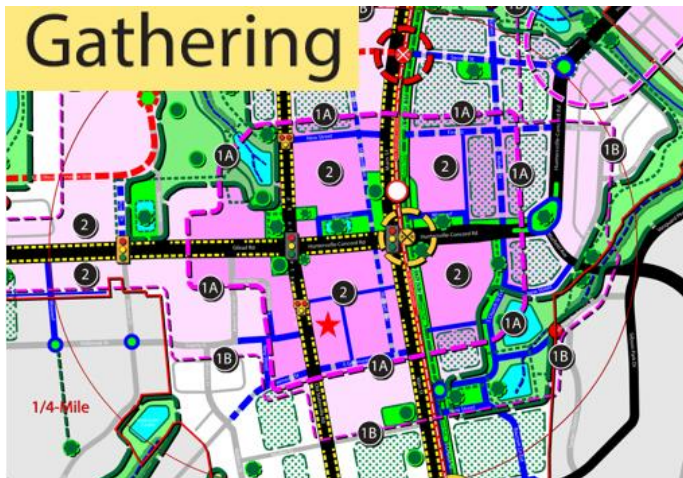
Staff Comment: The applicant is proposing a sidewalk approximately 15'-wide, a patio in front of Golden Cow Creamery, and a façade on Old Statesville Road where windows comprise 56% of the building mass.

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

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

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

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



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

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

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

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

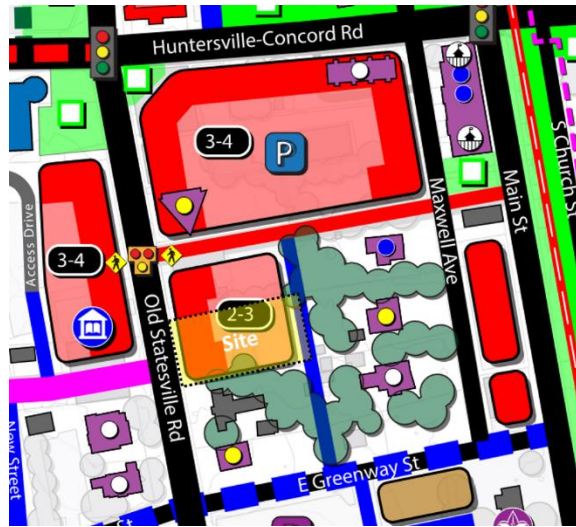




Staff finds the proposed project/use **is not consistent** with the following policy of the 2022 Downtown Plan:

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

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

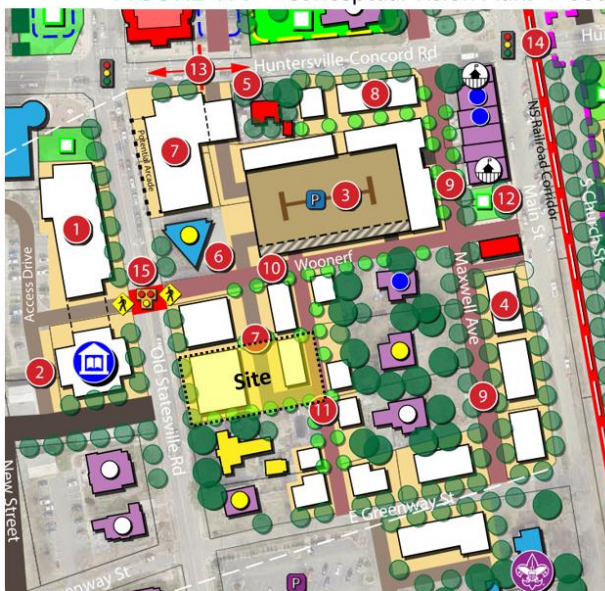


PROPOSED BUILDING HEIGHTS (RANGE) PROPOSED ACTIVE FRONTAGES

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

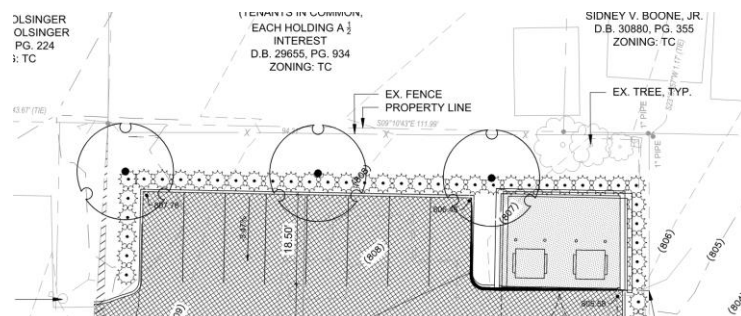
Staff Comment: As proposed, a new alley is not accommodated unless the required rear buffer is removed.

FIGURE 17: Conceptual Vision Plan: Southwest Quadrant



#### KEY NOTES & INITIAL CONSIDERATIONS

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



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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

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

STAFF COMMENT:

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

## **PART 5: STAFF RECOMMENDATION**

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

Conditions for Approval:

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

## **PART 6: PUBLIC HEARING COMMENTS**

A Public Hearing 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**

The Planning Board Met on September 26, 2023, with a unanimous 8-0 vote. L. Hallman made a Motion to recommend Approval of petition R23-09, Golden Cow with the condition that all minor staff comments remaining addressed. The amendment is consistent with the Huntersville 2040 Community Plan Policy 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 an occupiable second story it does offer creative design indicative of a traditional downtown site and an active and welcoming frontage for gathering, a store front height of a 2-story building at 25'. Conditions for approval are 1) modification to allow a one-story proposal; 2) locate the dumpster adjacent to the southern property lines we recommend they find the best practical location for this dumpster; 3) 5' parking driveway buffer screening with evergreen shrubs and no trees. J. Sny seconded the motion. It is reasonable and in the public interest to approve the rezoning plan because the site is small and not being developed with the adjacent properties. It will bring several small businesses to Downtown, this building blends with the surrounding development, and also enhances the visual interest and walkability of Downtown.

**PART 10: CONSISTENCY STATEMENT – R23-09 Golden Cow**

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Planning Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Board of Commissioners                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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.</p> <p><u><b>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.</b></u></p> | <p>APPROVAL: APPROVAL: In considering the proposed rezoning application R23-09, Golden Cow, the Planning Board recommends approval based on the Plan being consistent with the Huntersville 2040 Community Plan Policy 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 an occupiable second story it does offer creative design indicative of a traditional downtown site and an active and welcoming frontage for gathering, a store front height of a 2-story building at 25'. Conditions for approval are 1) modification to allow a one-story proposal; 2) locate the dumpster adjacent to the southern property lines we recommend they find the best practical location for this dumpster; 3) 5' parking driveway buffer screening with evergreen shrubs and no trees.</p> <p><u><b>It is reasonable and in the public interest to approve the Rezoning Plan because the rezoning It is reasonable and in the public interest to approve the rezoning plan because the site is small and not being developed with the adjacent properties. It will bring several small businesses to Downtown, this building blends with the surrounding development, and also enhances the visual interest and walkability of Downtown.</b></u></p> | <p>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><b>(insert applicable plan reference)</b></u>.</p> <p><u><b>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</b></u></p>                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>DENIAL: DENIAL: In considering the proposed rezoning application R23-09, Golden Cow, the Town Board recommends denial based on the Plan being <u><b>(consistent OR inconsistent) with (insert applicable plan reference)</b></u>.</p> <p><u><b>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</b></u></p> |



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# 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>.



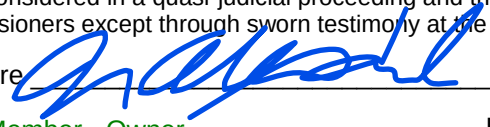
## 5. Outside Agency Information

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                      |

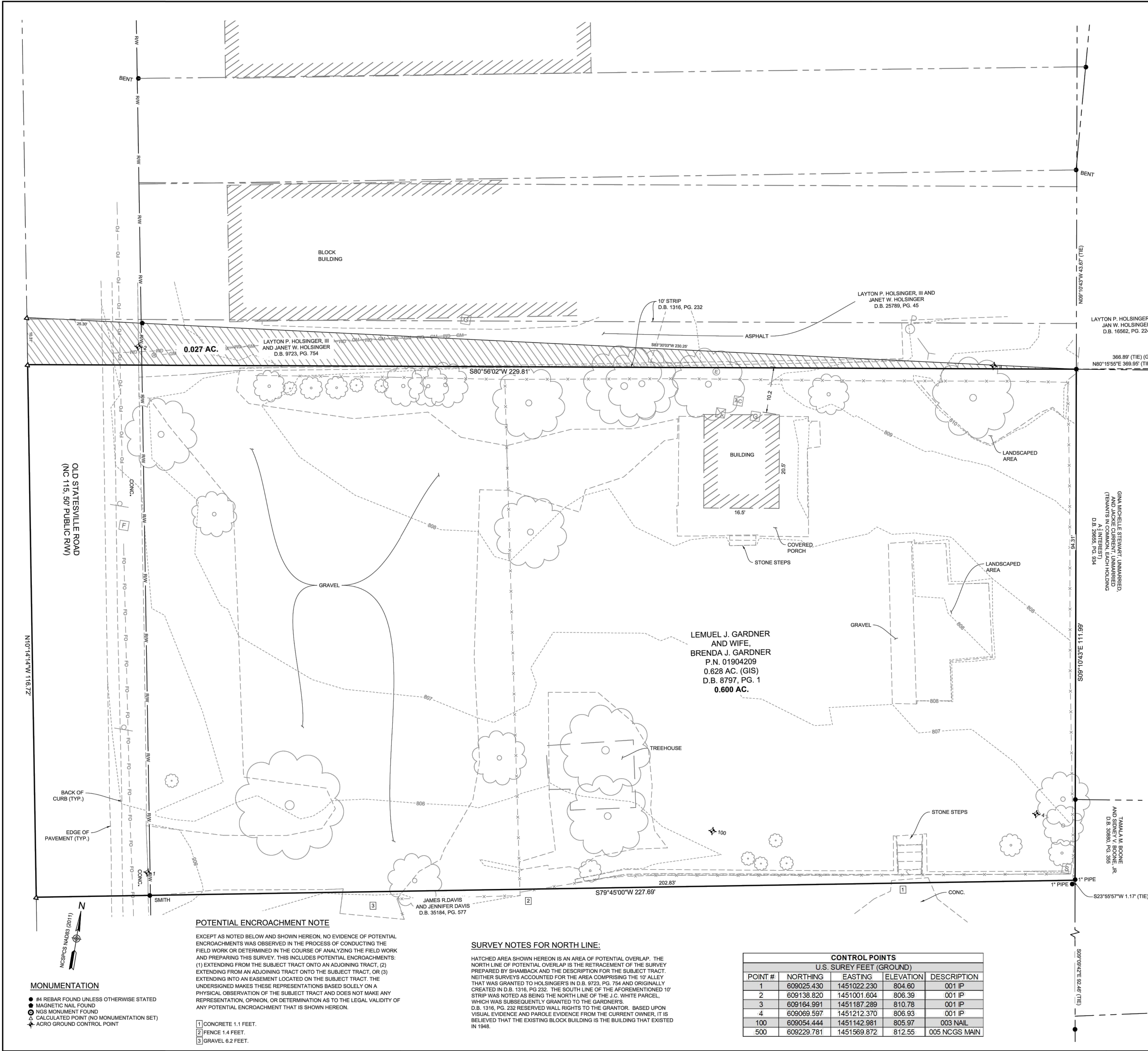
## Contact Information

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









#### 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"           |
| GEOID MODEL:                           | 18 (CONUS)           |
| COMBINED GRID TO GROUND FACTOR:        | 1.0001576814         |
| UNITS:                                 | US SURVEY FEET       |

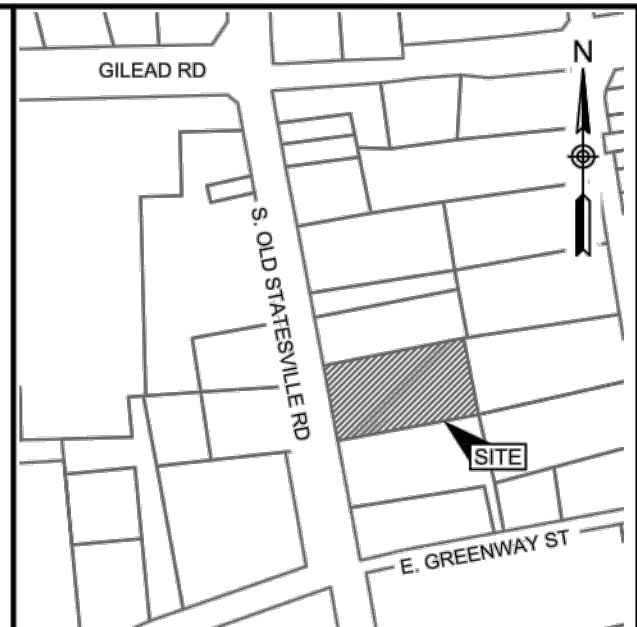
#### SURVEYOR'S CERTIFICATION

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, P.L.S. L-4888 DATE: EMILLER@ACRO-DS.COM



VICINITY MAP  
NOT TO SCALE

#### NOMENCLATURE

|        |                                              |
|--------|----------------------------------------------|
| M.B.   | MAP BOOK                                     |
| P.N.   | PARCEL NUMBER                                |
| PG.    | PAGE                                         |
| AC.    | ACRE                                         |
| D.B.   | DEED BOOK                                    |
| R/W    | RIGHT-OF-WAY                                 |
| CF     | COMBINED FACTOR (GROUND TO GRID)             |
| NGS    | NATIONAL GEODETTIC SURVEY                    |
| GIS    | GEOGRAPHIC INFORMATION SYSTEM                |
| RTN    | REAL-TIME NETWORK                            |
| CORS   | CONTINUOUSLY OPERATING REFERENCE SYSTEM      |
| CONUS  | CONTINENTAL UNITED STATES                    |
| GPS    | GLOBAL POSITIONING SYSTEM                    |
| GNSS   | GLOBAL NAVIGATION SATELLITE SYSTEM           |
| CALCD  | CALCULATED                                   |
| S.F.   | SCALE FACTOR                                 |
| TYP    | TYPICAL                                      |
| CONC.  | CONCRETE                                     |
| NAD    | NORTH AMERICAN DATUM                         |
| NAVD   | NORTH AMERICAN VERTICAL DATUM                |
| NCSPCS | NORTH CAROLINA STATE PLANE COORDINATE SYSTEM |
| SDE    | STORM DRAINAGE EASEMENT                      |
| SSMH   | SANITARY SEWER MANHOLE                       |
| MISC.  | MISCELLANEOUS                                |

#### PREPARED BY



ACRO DEVELOPMENT SERVICES  
ENGINEERS & SURVEYORS  
601 S. Cedar Street, Suite 101  
Charlotte, NC 28202  
P: 980-224-8518  
E: acro@acro-ds.com

#### COA SEAL



PROJECT LOCATION  
CITY OF HUNTERSVILLE,  
COUNTY OF MECKLENBURG,  
NORTH CAROLINA

SURVEY PREPARED FOR / OWNER  
DPR ASSOCIATES

PROJECT NAME  
14516 OLD STATESVILLE RD

PROJECT NUMBER  
2022-163

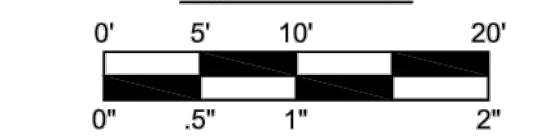
REVISIONS  
NO. DATE DESCRIPTION

SURVEY TITLE  
BOUNDARY AND  
TOPOGRAPHIC SURVEY

SHEET NUMBER  
1/1

DATE  
12/06/2022

SCALE: 1" = 10'



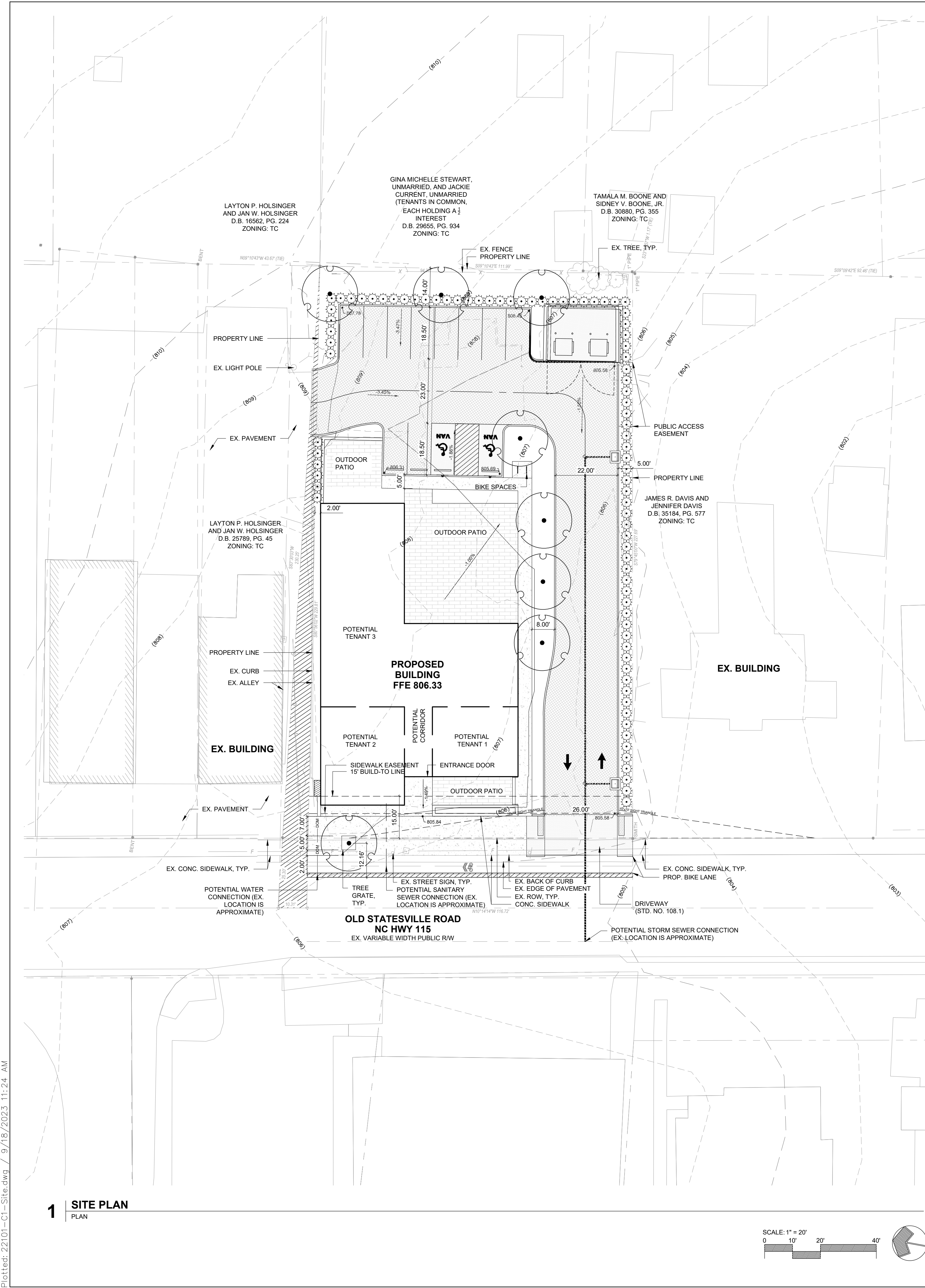




| Number of Children | Percentage of Families |
|--------------------|------------------------|
| 0                  | 10%                    |
| 10'                | 20%                    |
| 20'                | 30%                    |
| 40'                | 40%                    |



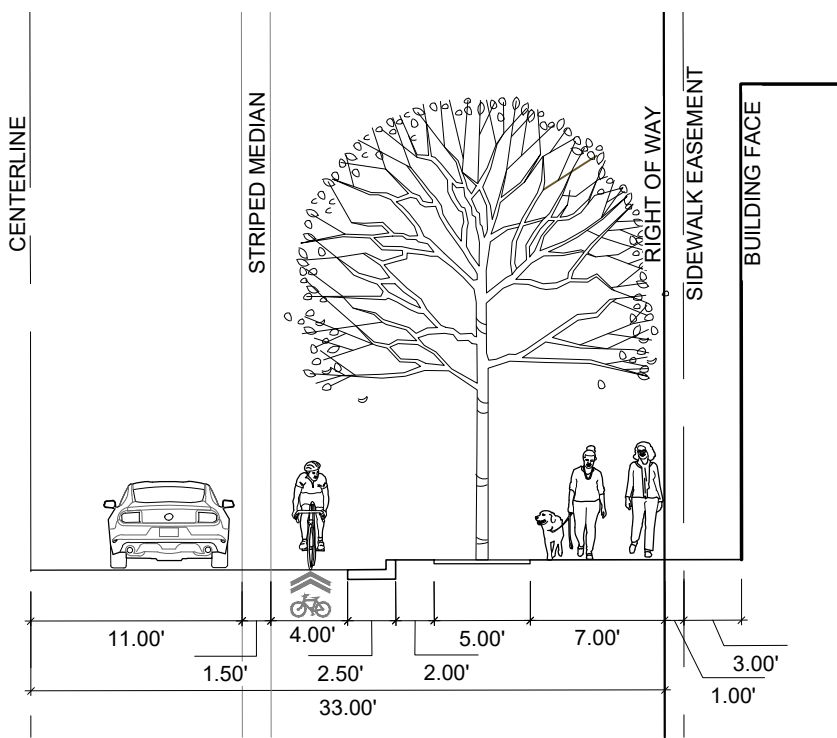
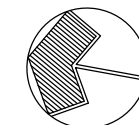
Plotted: 22101-C1-Site.dwg / 9/18/2023 11:24 AM



## 1 SITE PLAN

PLAN

SCALE: 1" = 20'



## 2 TYPICAL STREET SECTION- NC HWY 115

SECTION

SCALE: 1" = 10'

### LEGEND

|  |                                   |
|--|-----------------------------------|
|  | ASPHALT PAVEMENT                  |
|  | CONCRETE PAVEMENT                 |
|  | CONCRETE PAVEMENT<br>- 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/BUILDING TYPE:     | SHOPFRONT                             |
| GROSS FLOOR AREA:      | 5,400 SF                              |
| CONSTRUCTION TIMELINE: | JAN 1, 2024 - DEC 31, 2024 (EXPECTED) |
| WATERSHED:             | MCDOWELL                              |

### DEVELOPMENT STANDARDS

|                        |                                |
|------------------------|--------------------------------|
| <b>BUILDING/SITE</b>   |                                |
| BUILDING HEIGHT:       | PROP. BUILDING HEIGHT = 25'-0" |
| BUILD-TO-LINE:         | 0' MIN. - 15' MAX. FROM R/W    |
| SIDE YARD:             | 0' MIN.                        |
| REAR YARD:             | 0' MIN.                        |
| OPEN SPACE:            | N/A                            |
| IMPERVIOUS AREA:       | ±0.42 ACRES                    |
| IMPERVIOUS PERCENTAGE: | ±86%                           |
| BUILDING USES:         |                                |
| -ICE CREAM SHOP        | 1,060 SF MAX                   |
| -COFFEE SHOP           | 1,050 SF MAX                   |
| -BAR                   | 900 SF MAX                     |
| -RESTAURANT            | 4,450 SF MAX                   |

### 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

|  |                     |
|--|---------------------|
|  | LARGE MATURING TREE |
|  | EVERGREEN SHRUB     |

### GENERAL NOTES

- 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.
- THIS IS A REZONING PLAN AND SHALL BE A GRAPHIC REPRESENTATION OF WHAT IS PROPOSED. THE FINAL SITE DESIGN PLANS MAY 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.
- 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.

### REZONING MODIFICATIONS

- PER ARTICLE 3.2.6(D)(5) A MODIFICATION REQUEST TO REDUCE THE REQUIRED HEIGHT FROM A MINIMUM 2 STORIES TO 1 STORY.
- PER ARTICLE 6 DUMPSTERS SHALL NOT BE LOCATED ABUTTING RESIDENTIAL PROPERTIES. A MODIFICATION IS REQUESTED TO LOCATE DUMPSTER ENCLOSURE ADJACENT TO RESIDENTIAL USE LOTS AND SHALL BE SCREENED BY A MASONRY BLOCK WALL, MASONRY BLOCK TO MATCH THE PROPOSED ARCHITECTURAL MATERIALS.
- ARTICLE 6 REQUIRES A 10 FOOT PLANTING STRIP FOR PLACEMENT OF PARKING LOT SCREENING TREES PLACED AT A MAXIMUM OF 40' OC AND SHRUBS AT 4' OC. A MODIFICATION REQUEST IS FOR A FIVE (5) FOOT WIDTH PLANTING STRIP PROVIDED FOR PARKING LOT/DRIVEWAY SCREENING AND CONSIST OF EVERGREEN SHRUBS, SHRUBS TO BE 30" HEIGHT AT TIME OF PLANTING AND SPACED 3' ON CENTER.



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

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### ARCHITECT

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### PROJECT

## GOLDEN COW

14516 OLD STATESVILLE RD.  
HUNTERSVILLE, NC 28078

### PROJECT NUMBER

22101

### DATE

09/15/2023

### ISSUED FOR

### CONDITIONAL REZONING

### REVISIONS

| NO. | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
|-----|------|-------------|----|

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### SCALE

AS INDICATED

### DRAWING

SITE PLAN

# C1.00





SCALE: 1" = 20'

0 10' 20' 40'

The elevation shows a building facade with a horizontal line at the top and a vertical line on the left. The facade is divided into three sections by vertical lines. The first section is 10' wide, the second is 10' wide, and the third is 20' wide. The total width is 40'. A scale bar at the top indicates 1" = 20'. A circular inset on the right shows a detail of the building's corner, with a vertical line and a horizontal line meeting at a right angle.



Plotted: 22101-A1-Elev.dwg / 9/18/2023 11:25 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 MAY 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

DATE

09/15/2023

ISSUED FOR

CONDITIONAL REZONING

REVISIONS

| NO. | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
|-----|------|-------------|----|

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SEAL

SCALE  
AS INDICATED

DRAWING  
ARCHITECTURAL ELEVATION

A1.00

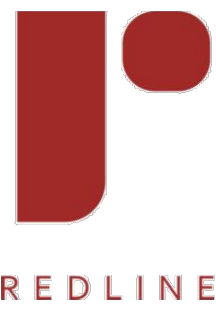


1 Front (West) Elevation  
1/16" = 1'-0"



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







## **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 |
|--------------|------------|

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))

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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

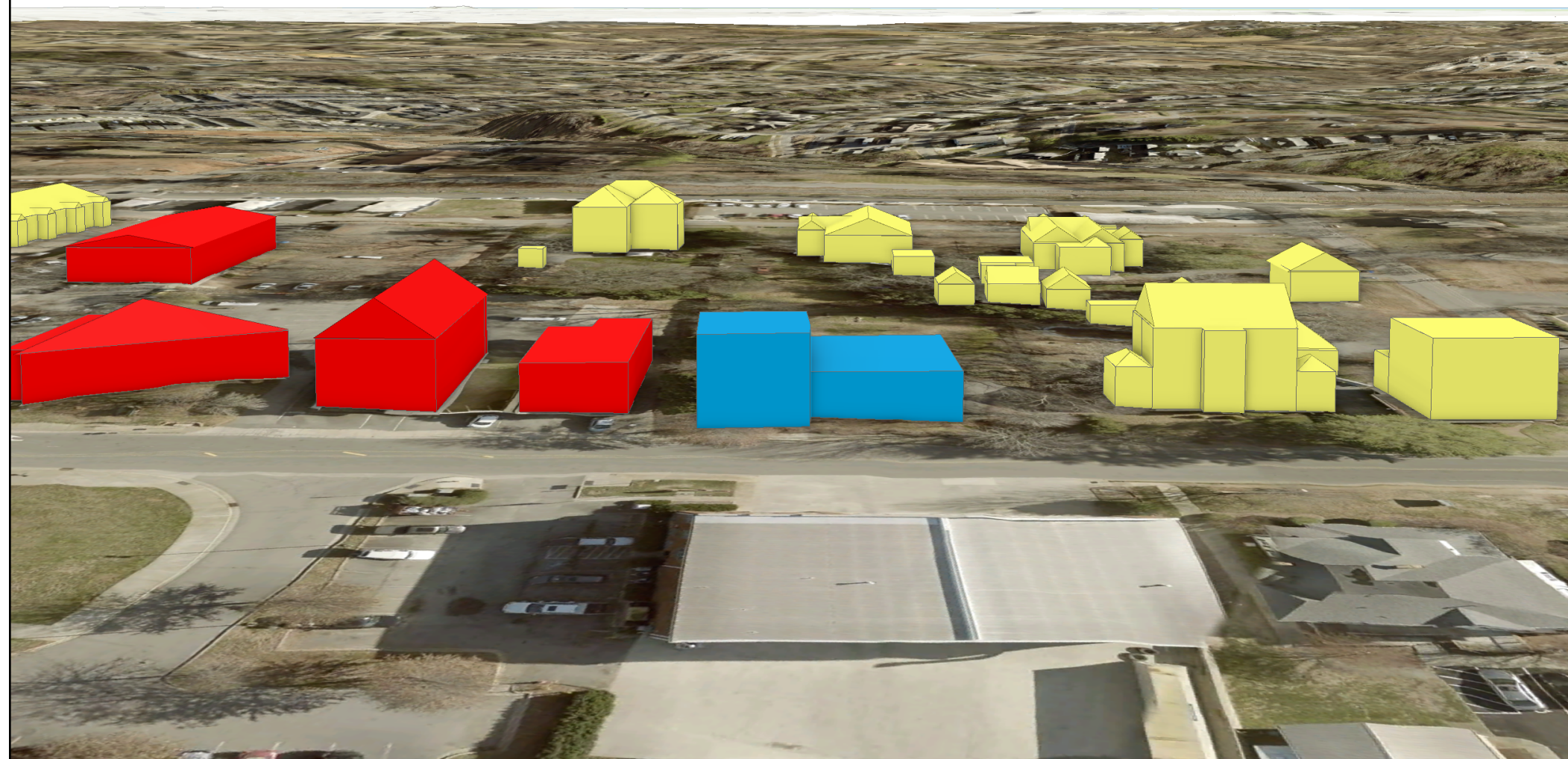
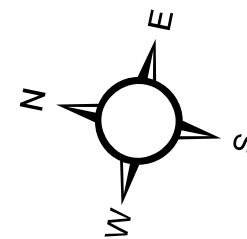
Comments: Determination based on 1,050 square foot ice cream shop, 1,050 square feet of coffee shop, 900 square feet of bar space, and 4,450 square feet of high turnover sit down restaurant.

Building  
Classification

Commercial

Golden Cow

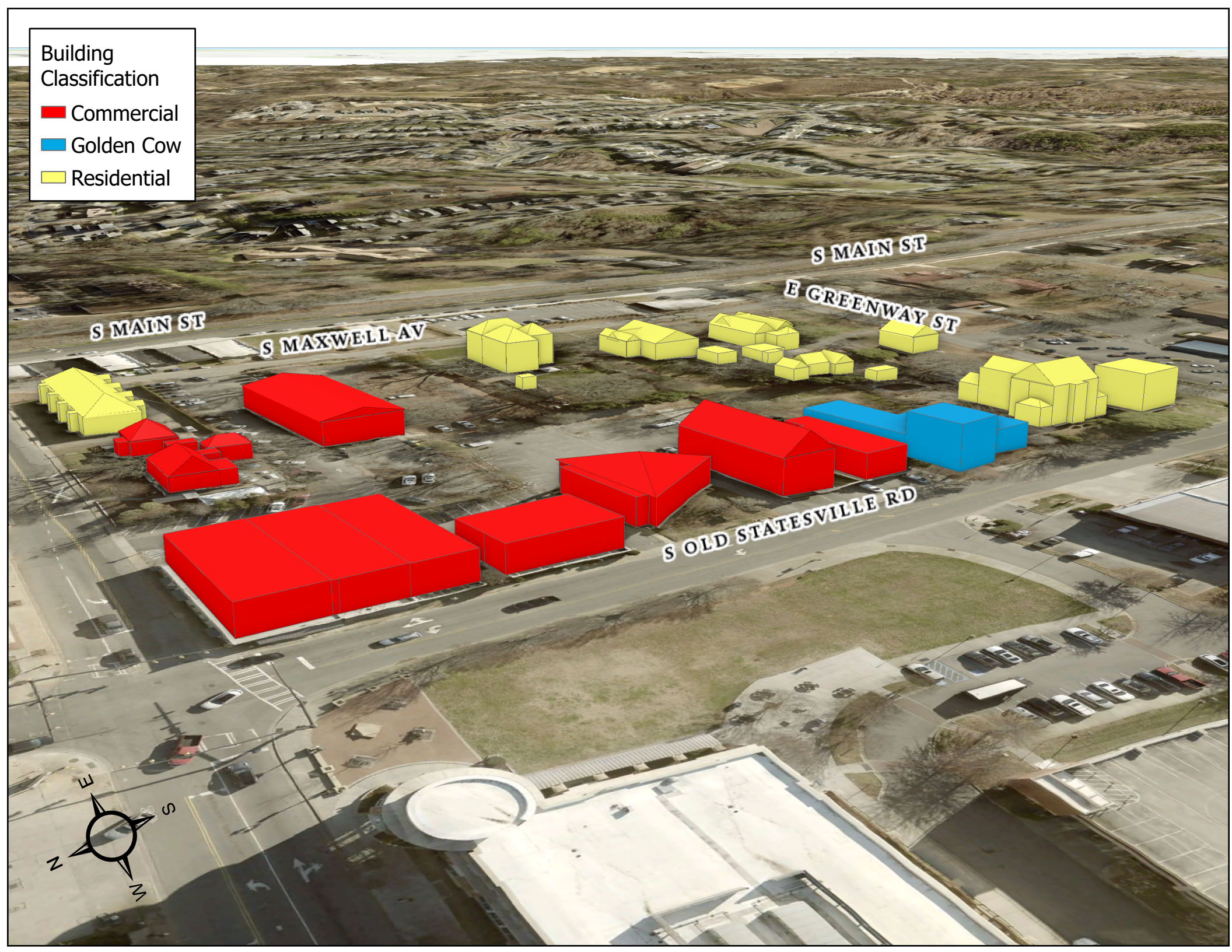
Residential





Building  
Classification

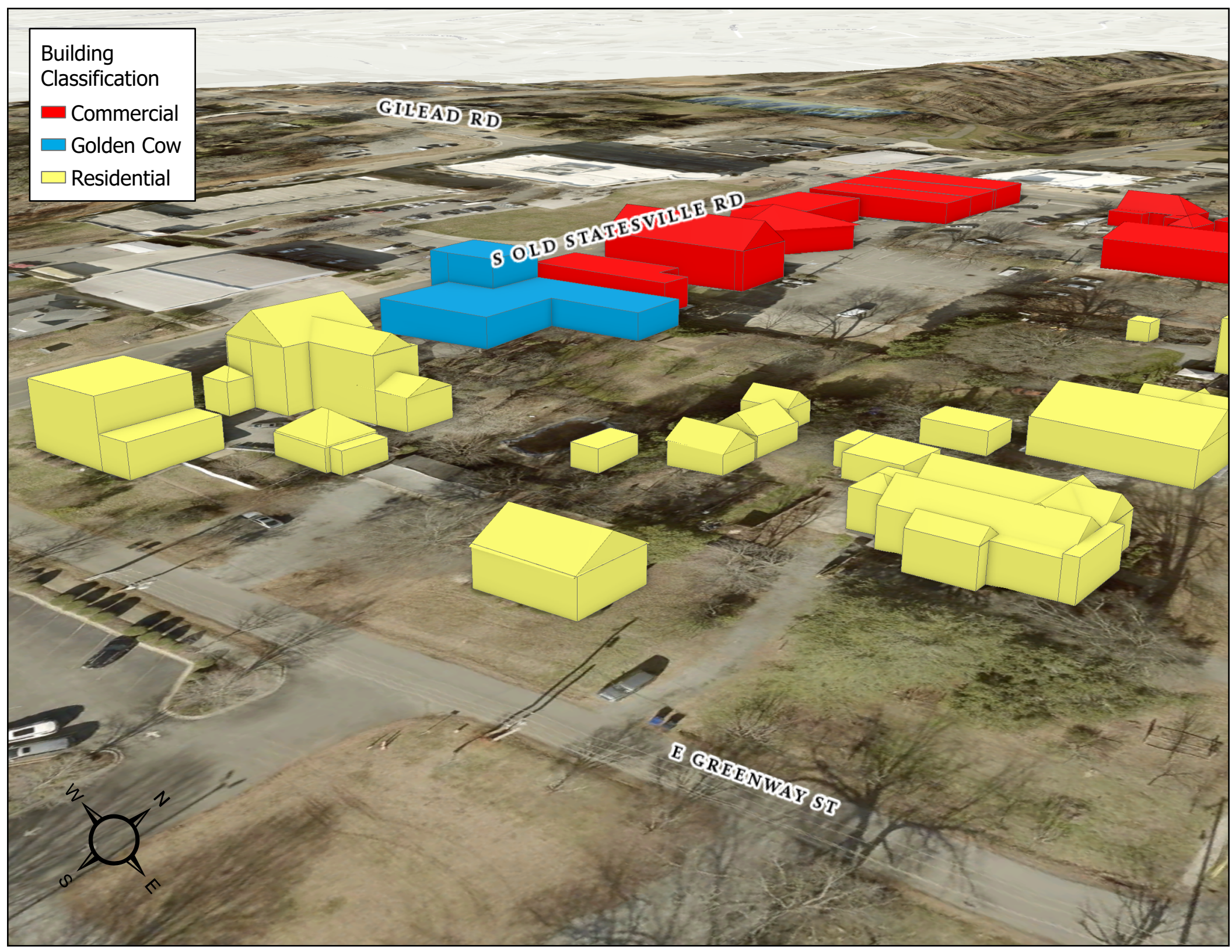
- Commercial
- Golden Cow
- Residential





Building  
Classification

- Commercial
- Golden Cow
- Residential



GILEAD RD

S OLD STATESVILLE RD

E GREENWAY ST





**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Brian Richards, Assistant Planning Director

**Date:** October 16, 2023

**Subject:** Petition #TA23-05 - Article 9.51 of the Zoning Ordinance to further clarify non-residential outdoor activities allowed within the Neighborhood Residential

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**EXPLAIN REQUEST:**

Consider a decision 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 a decision

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

1. TA23-05 Staff Report TB
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

Planning Board September 26, 2023.

**Motion:** G. Baber made a Motion to recommend Approval of petition TA23-05, to amend Article 9.51 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. F. Gammon seconded the motion.

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



**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                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>APPROVAL:</b> In considering the proposed amendment TA23-05, Planning Staff recommends approval based on consistency with EV 2.2 of the Huntersville 2040 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it will provide further clarification to the language.</p> | <p><b>APPROVAL: Motion:</b> G. Baber made a Motion to recommend Approval of petition TA23-05, to amend Article 9.51 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. F. Gammon seconded the motion.</p> <p><b>Vote:</b> The motion passed unanimously (8-0).</p> | <p><b>APPROVAL:</b> 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></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>                                 |
| <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                                           | <p><b>DENIAL:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>DENIAL:</b> 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>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<br/><i>(Explain)</i></p> |



# 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



**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Michael Jaycocks, Director of Parks and Recreation

**Date:** October 16, 2023

**Subject:** Lake Norman Charter School Joint Use Gym Agreement

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**EXPLAIN REQUEST:**

The Lake Norman Charter School is planning the construction of a new elementary school on McIlwaine Road just to the west of Fire Station No. 4. The Town currently has joint use agreements with the Lake Norman Charter School at their existing elementary school, middle school and high school. Currently, those agreements will expire in July of 2039. This new agreement will add the new elementary school gym for 15 years and extend the other three gyms by an additional two years each. The new elementary school is anticipated to be open by August of 2026. The town would make a one-time payment of \$500,000 for this new agreement once the school is opened.

The Parks and Recreation Commission unanimously made a recommendation at their September meeting to approve this agreement. The 2030 Huntersville Parks and Recreation Master Plan calls for an additional 44,000 square feet of indoor recreation space by 2030. This project will include over 10,000 square feet of indoor gym space.

**ACTION RECOMMENDED:**

Consider approving the Lake Norman Charter School Joint Use Agreement

**FINANCIAL IMPLICATIONS:**

\$500,000 in FY27

**ATTACHMENTS:**

1. Lake Norman Charter - Gymnasium Joint Use Agreement 8-15-2023-
2. LNCS Elementary School Site

## GYMNASIUM JOINT USE AGREEMENT

This Gymnasium Joint Use Agreement ("Agreement") is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_ 2023, by and between **TOWN OF HUNTERSVILLE**, a North Carolina Municipal Corporation ("hereinafter "Town"), and **LAKE NORMAN CHARTER SCHOOL, INC.**, a North Carolina Non-Profit Corporation (hereinafter "LNCS").

**WHEREAS**, the Town and LNCS entered into a Lease and Operating Agreement ("Lease") dated December 17, 2004, wherein LNCS was seeking to acquire property for a new school, and the parties agreed to cooperate in the design, construction, operation and use of a gymnasium. The term of the Lease was ten (10) years as of the date of delivery, with an option to renew and extend the term for a period of ten (10) additional years. The subject gymnasium is referred to herein as the "Middle School Gym"; and

**WHEREAS**, the Town and LNCS entered into a Lake Norman Charter School Joint Use Agreement ("LNCS Joint Use Agreement") dated January 5, 2009, wherein LNCS intended to construct a new high school facility with a gymnasium, and the parties agreed upon the design, construction, operation and use of the gymnasium. The term of the LNCS Joint Use Agreement was until October 31, 2019, and any extension was subject to negotiation. The subject gymnasium is referred to herein as the "High School Gym"; and

**WHEREAS**, LNCS acquired property for a new Elementary School located on Hambright Road in Huntersville, North Carolina, and constructed a facility with a gymnasium and basketball court, and the parties agreed upon the design, construction, operation and use of the gymnasium. The subject gymnasium is referred to herein as the "Elementary School Gym"; and

**WHEREAS**, the Town and LNCS entered into a Joint Use Agreement dated March 21<sup>st</sup>, 2017, wherein the parties set forth the terms and conditions of the joint use of the Elementary School Gym and merged the Lease and LNCS Joint Use Agreement into a single Joint Use Agreement ("Joint Use Agreement"); and

**WHEREAS**, LNCS has acquired property for a new Elementary School, including a gymnasium and basketball court, to be located on McIlwaine Road in Huntersville, North Carolina with an anticipated delivery date of August 1, 2026. The subject gymnasium is referred to herein as the "Elementary School Gym II"; and

**WHEREAS**, the parties hereto wish to enter into this Agreement to incorporate the terms and conditions of the joint use of the Elementary School Gym II into the Joint Use Agreement. All subject gymnasiums are referred to collectively herein as the "Gymnasiums".



## **AGREEMENT**

**Therefore,** for the recited considerations, the parties agree as follows:

1. **Design.** LNCS will design the Elementary School Gym II, which will include certain reserved secured space for Town's exclusive use consistent with the space reserved for the Town at the Elementary School Gym, Middle School Gym, and the High School Gym. The Elementary School Gym II will accommodate at a minimum an 84' x 50' basketball court and seating for 300 spectators. The Town shall have the right to review and approve the design plans for the Elementary School Gym. The Town's approval may not be unreasonably withheld and will be deemed given unless the Town provides reasonable and specific objections to the design plans within 14 days of receipt.
2. **Construction.** LNCS shall be responsible for constructing the Elementary School Gym II.
3. **Contribution.** Town shall make a one-time lump sum payment toward the construction cost of the Elementary School Gym II in the amount of \$500,000. This payment shall be made directly to LNCS and shall be due within 30 days of LNCS's receipt of a Certificate of Occupancy for the school. The Town acknowledges that the contribution made through this agreement does not give it ownership rights to the Gymnasiums or other LNCS property.
4. **Upgrades.** If Town requests any additional upgrades to the Elementary School Gym II in addition to the approved plans, and LNCS agrees to such upgrades, Town shall be responsible for payment to LNCS for the additional upgrades.
5. **Termination and Replacement of the Lease and LNCS Joint Use Agreement.** Upon execution of this Agreement, the Joint Use Agreement dated March 21st, 2017, shall be deemed terminated, and the parties' joint use of the Gymnasiums shall be governed by this Agreement.
6. **Joint Use.**
  - a. LNCS and Town shall jointly use the Gymnasiums. LNCS shall have exclusive use as needed: (i) during school operating hours, as that term is defined by LNCS and which will include weekday hours until 6:00pm.; and (ii) during certain other days, evenings and weekends as needed for at dates and times reasonably determined by LNCS ("Reserved Hours"). Notwithstanding the foregoing, Town may use the Gymnasiums for public purposes for the operation of recreation and athletic activities,

which will mainly be held during weekend hours, and weekday evening hours beginning at 6:00 p.m. that are not in conflict with school operating hours or Reserved Hours. The use of the Gymnasiums is subject to the provisions herein, and shall be coordinated pursuant to Term 7 below.

- b. The Town shall not use any of the Gymnasiums at any time for a purpose that would be deemed a "Private Business Use" as that term is defined in the Arbitrage and Tax Regulatory Agreement among LNCS, the North Carolina Capital Facilities Finance Agency, and Branch Banking & Trust Company dated as of May 16, 2008. Nor shall the Town use any of the Gymnasiums for any other purpose which may cause the interest on the North Carolina Capital Facilities Finance Agency Tax-Exempt Variable Rate Educational Facilities Revenue Bonds (Lake Norman Charter School), Series 2008A and 2008B to be included in the gross income of the Holders thereof or any other future tax-exempt financing that LNCS may issue in the future.
  - c. During mutually agreed upon times and days reasonably determined by Town, LNCS shall be allowed to reserve and use the Town's Athletic Fields ("Athletic Fields") and Tennis Courts ("Tennis Courts") including, but not limited to: three (3) Lacrosse practice fields in the spring; two (2) football practice fields in the fall; two (2) soccer practice fields in the fall and spring; two (2) baseball practice fields in the spring; two (2) softball practice fields in the spring; three (3) tennis courts in the fall and spring; two (2) baseball game fields in the spring; and two (2) softball game fields in the spring. LNCS shall enjoy the same usage of these Town facilities as it has experienced during the calendar year of 2016 as noted above, and the Town shall maintain that level of usage. Use of said Town facilities are subject to the provisions herein, and shall be coordinated pursuant to Term 7 below.
  - d. The Town shall continue to have access to the Middle School's community room at mutually agreed upon times outside of regular school hours.
7. **Scheduling.** Subject to the other terms of this Agreement, the Town shall be responsible for coordinating the scheduling of the Gymnasiums in cooperation with LNCS. LNCS shall provide to the Town's Parks and Recreation Department Director, or designee, an annual schedule of school operating hours and Reserved Hours no later than July 1st annually. Within thirty (30) days thereafter, Town will provide LNCS a schedule of dates and times it intends to operate programs on the premises. These procedures shall not preclude either party from requesting additional time, either within the LNCS school hours or Reserved Hours, or within those times



designated by the Town, and each party will work in good faith to accommodate the other. LNCS shall make its field and court requests to Town semi-annually in the fall and spring. Additional details as to scheduling and other operational policies and procedures are to be established by the parties in a Memorandum of Understanding described in Term 8 hereof.

Notwithstanding the foregoing, if LNCS should schedule school use during school operating hours and Reserve Hours to the extent that Town is unable to reasonably utilize a certain LNCS gymnasium during Town's normal and customary recreation usage throughout the year, then Town shall be given additional usage of another LNCS gymnasium so that no shortages in usage occur. For purposes of usage, a year shall be deemed to begin on August 1st and end on the ensuing July 31st. Exclusive rights over outside third-party users shall be subject to Town's use.

8. **Rules and Regulation; Memorandum of Understanding.** The parties shall have the right to establish, modify, publish, and enforce reasonable and uniform rules and regulations applicable to the use of the Gymnasiums, grounds, Athletic Fields, and Tennis Courts, consistent with each party's use of said premises and grounds. Each party agrees to comply with such rules, regulations, policies, and procedures, and to use its best efforts to cause its employees, agents, guests, and invitees to comply. Such rules and regulations, in addition to scheduling and other operational policies and procedures to be established by the parties, shall be documented in a separate, annual Memorandum of Understanding, as the same may be modified from time to time, and which Memorandum of Understanding can be incorporated as a single Memorandum of Understanding in connection with usage of all facilities referenced herein. The annual Memorandum of Understanding need only be approved by the Superintendent of LNCS, or designee, and the Town's Parks and Recreation Department Director, or designee. The Memorandum of Understanding shall include provisions relating to the requirement that each party shall have a responsible employee present during all times that it is using the other party's property and/or facility.
9. **Maintenance.** LNCS shall pay and be responsible for all costs of operation, utilities, security, and routine maintenance, including but not limited to janitorial service of the Gymnasiums, excepting such repairs as would be the Town's responsibility pursuant to Section 10. Town shall pay and be responsible for all costs of operation, utilities, security, and routine maintenance, including but not limited to janitorial service of its Athletic Fields and Tennis Courts, excepting such repairs as would be the LNCS's responsibility pursuant to Term 10.

**10. Indemnity; Insurance.** To the extent permitted by law, LNCS and Town shall each defend, indemnify and save harmless the other party and its employees, agents and officers, and elected officials from and against any and all losses, claims, suits, damages or expenses, including but not limited to reasonable attorney's fees arising out of or in any manner connected with the indemnitor's occupancy, use or operation of the premises, excepting however, losses, damages, suits, claims or expenses caused by the sole negligence of the indemnitee, its officers, agents, elected officials, or employees. Each of the parties hereto shall at its expense secure and maintain in full force and effect during the term hereof, a policy of automobile, bodily injury, and property damage liability insurance covering owned, non-owned, and hired vehicles for an amount not less than One Million Dollars (\$1,000,000.00), combined single limits, a policy of comprehensive general insurance for bodily injury and property damage in the amount not less than One Million Dollars (\$1,000,000.00), combined single limits; and a policy of workers compensation insurance with applicable statutory limits. In lieu of the policies required hereunder, each party may elect to provide the equivalent insurance under a self- insurance program reasonably acceptable to the other party. All policies of insurance (including participation certificates in a self-insurance program) shall provide that the same shall not be canceled or materially altered until a ten (10) day written notice of cancellation, material change, or non-renewal has been served upon the other party.

**11. Damage.** LNCS shall be solely responsible for obtaining all property damage insurance on the subject properties to provide for rebuilding of the property in the event of damage by fire or other casualty. In the event of such property damage so that any of the Gymnasiums become untenable and LNCS elects to rebuild the premises, this Agreement shall remain in force and effect but shall be extended for a period of time equal to that time that the premises was unusable. If, however, a premises becomes damaged or destroyed by fire or other casualty and LNCS elects not to rebuild, then this Agreement shall terminate for that particular premises, and Town shall be entitled to a pro-rated refund of its initial contribution towards the construction of the premises based upon the unused time remaining under the terms of this Agreement.

**12. Town Space.** LNCS shall provide, within the Gymnasiums, an area for the exclusive use of Town, such as for storing of any non-hazardous fixtures, equipment, or supplies. Town shall be responsible for the maintenance of that area in addition to its other responsibilities hereunder. Upon termination of this Agreement, Town shall promptly remove its equipment, supplies, and fixtures from these areas.



13. **Default.** If either party shall default in any of its obligations hereunder, and if that default is not remedied within thirty (30) days after written notice by the other, or if such default cannot be remedied within that period or is not diligently pursued within that time period, the non-defaulting party shall have all remedies available to it in law and in equity, including the right to terminate the Agreement. In the event that the Agreement is terminated, Town shall be entitled to a pro-rated refund of its initial contribution based upon the unused time remaining under the terms of the Agreement.

14. **Term.** This Agreement for the joint use of the Gymnasiums shall be for a term beginning upon the completion and availability of the Elementary School Gym II (anticipated date being August 1, 2026) and ending fifteen years after (anticipated date ending July 31, 2041), provided that if the Elementary School Gym II is not available for usage by August 1, 2026, then the termination date shall be extended by the number of months of delayed availability. Any extension beyond the termination date shall be subject to negotiation by the parties.

15. **Waiver of Subrogation.** LNCS and the Town agree that in the event any part or parts of the Gymnasiums or the Town's Athletic Fields and Tennis Courts or contents thereof are damaged or destroyed by fire or other casualty, the rights or claims of either party, its agents, successors or assigns against the other with respect to such liability for any loss, destruction, or damage resulting therefrom, including loss suffered as a result of the negligence of either party or its agents, are hereby released and discharged to the extent such loss, destruction, or damage is covered by the insurance or equivalent self-insurance program required by this Agreement, and any and all subrogation rights or claims under any insurance coverages insuring the premises, fixtures, and contents are hereby waived to the extent such loss, destruction, or damage is covered by insurance.

All policies of fire or other insurance covering the Gymnasiums and the Town's Athletic Fields and Tennis Courts (and contents of each) shall contain a clause or endorsement providing, in substance, that the insurance shall not be prejudiced if the insureds have waived any rights of recovery or subrogation against any person or persons prior to the date of loss, destruction, or damage.

16. **Notices.** Any and all notices are to be given under this Agreement or otherwise may be served by enclosing the same in a sealed envelope addressed to the party intended to receive the same as registered or certified mail with postage prepaid, or by hand delivery, or overnight mail by nationally known carrier, as follows:

TOWN: Town of Huntersville  
Attn: Park and Recreation Director Post Office Box 664  
Huntersville, North Carolina 28070

LNCS: Lake Norman Charter  
School Attn:  
Superintendent  
12435 Old Statesville Road  
Huntersville, North Carolina 28070

nteH

17. **Amendments.** This Agreement may be amended only by written instrument executed by the parties hereto.
18. **Applicable Law.** This Agreement shall be governed and construed in accordance with the laws of the State of North Carolina, and the sole venue for any action brought in connection herewith shall be brought in a State or Federal court sitting in Mecklenburg County, North Carolina.
19. **Entire Agreement.** The entire agreement between LNCS and Town concerning the Gymnasiums, Athletic Fields, and Tennis Courts, including the combined termination date for all three (3) Gymnasiums, is contained in the provisions of this Agreement. Any stipulation, representations, promises or agreements, written or oral, made prior to or contemporaneously with this Agreement shall have no legal or equitable effect or consequences unless reduced in writing herein or in other such written agreements.
20. **Consent.** Wells Fargo Bank, National Association ("Bank"), is named as Beneficiary of the Third Amended and Restated Deed of Trust, Assignment of Rents, Security Agreement and Financing Statement (Secures Future Advances) (the "Deed of Trust"), dated July 7, 2016, which is of record in the Register of Deeds, Mecklenburg County, North Carolina in Deed Book 30978, at Page 251. As a condition of this Agreement, LNCS will obtain and provide to Town Bank's consent to this Agreement as required in Paragraph 11 of the Deed of Trust.
21. **Availability of Funds.** Any and all payments to the LCNS are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.
22. **Anti-Discrimination and Equal Employment.** During the performance of the Contract, Contractor shall comply with all federal and state requirements concerning fair and equal employment and shall not discriminate against or deny the Contract's benefits or services to any person on the basis of race, religion,



color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.

**23. Governmental Immunity.** Nothing contained in this Agreement shall constitute a waiver of the Town's governmental immunity or of any limitation on liability or damages created by law.

REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be executed in duplicate, by authority duly given with all the formality required by law as of the date here first above written.

ATTEST:

**Town of Huntersville**

\_\_\_\_\_  
Janet Pierson, Town Clerk

By: \_\_\_\_\_  
Melinda Bales, Mayor

Approved as to Form:

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

\_\_\_\_\_  
Emily Sloop, Town Attorney

\_\_\_\_\_  
Pattie McGinnis, Finance Director

**Lake Norman Charter School, Inc.**

By: \_\_\_\_\_  
Shannon Stein, Superintendent



New School  
Location

### TOWN-OWNED FACILITIES

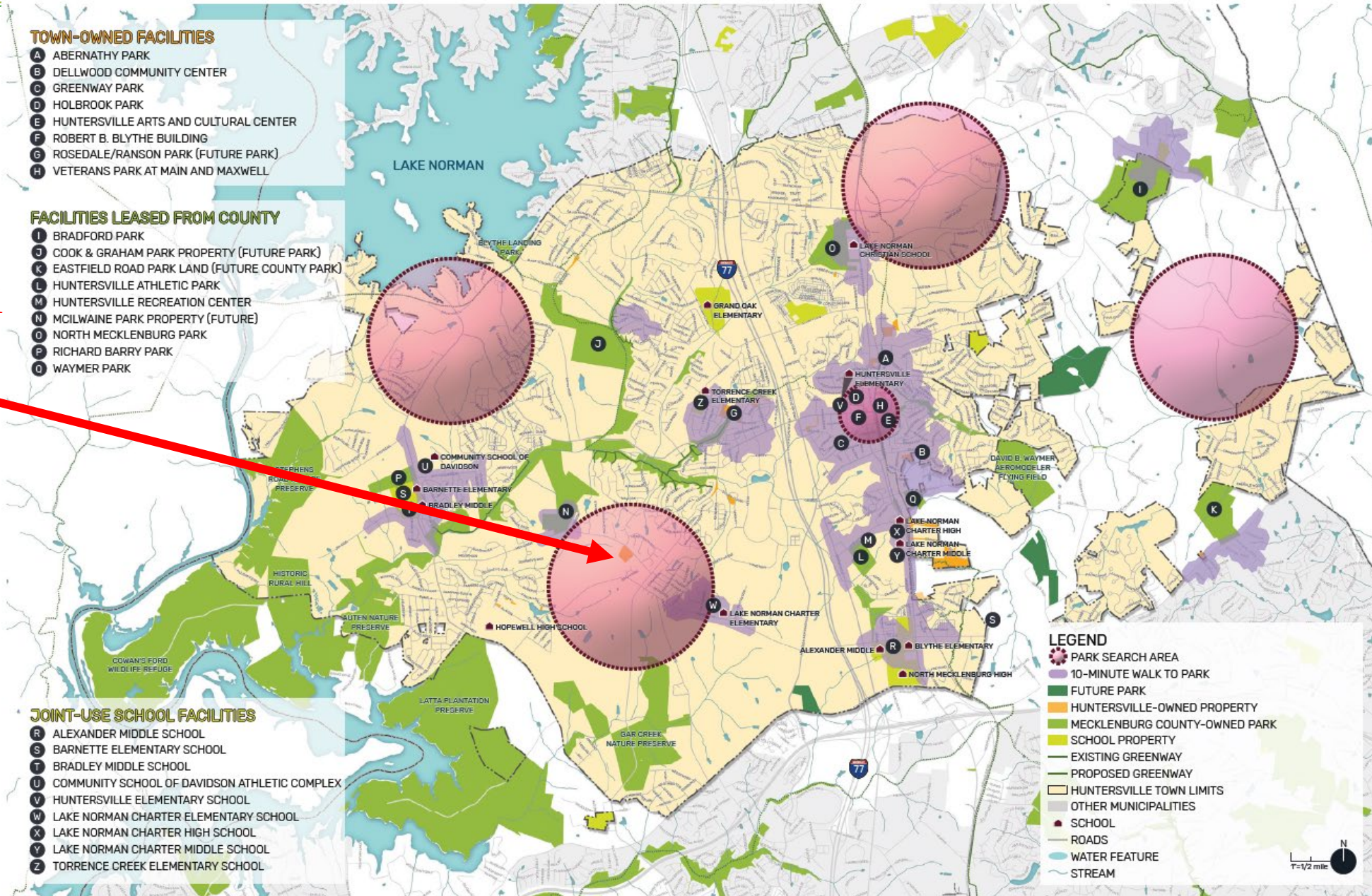
- A ABERNATHY PARK
- B DELLWOOD COMMUNITY CENTER
- C GREENWAY PARK
- D HOLBROOK PARK
- E HUNTERVILLE ARTS AND CULTURAL CENTER
- F ROBERT B. BLYTHE BUILDING
- G ROSEDALE/RANSON PARK (FUTURE PARK)
- H VETERANS PARK AT MAIN AND MAXWELL

### FACILITIES LEASED FROM COUNTY

- I BRADFORD PARK
- J COOK & GRAHAM PARK PROPERTY (FUTURE PARK)
- K EASTFIELD ROAD PARK LAND (FUTURE COUNTY PARK)
- L HUNTERVILLE ATHLETIC PARK
- M HUNTERVILLE RECREATION CENTER
- N MCILWAINE PARK PROPERTY (FUTURE)
- O NORTH MECKLENBURG PARK
- P RICHARD BARRY PARK
- Q WAYMER PARK

### JOINT-USE SCHOOL FACILITIES

- R ALEXANDER MIDDLE SCHOOL
- S BARNETTE ELEMENTARY SCHOOL
- T BRADLEY MIDDLE SCHOOL
- U COMMUNITY SCHOOL OF DAVIDSON ATHLETIC COMPLEX
- V HUNTERVILLE ELEMENTARY SCHOOL
- W LAKE NORMAN CHARTER ELEMENTARY SCHOOL
- X LAKE NORMAN CHARTER HIGH SCHOOL
- Y LAKE NORMAN CHARTER MIDDLE SCHOOL
- Z TORRENCE CREEK ELEMENTARY SCHOOL









**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Zach Brown, Executive Director

**Date:** October 16, 2023

**Subject:** Budget Amendment - HFFA

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**EXPLAIN REQUEST:**

Appropriate fund balance (103890.9999) and capital expense (104200.0500.23011) in the amount of \$53,500 related to a change order for the air filtration system at HFFA. This additional cost is for the replacement of supply ductwork to fabric ductwork and additional scaffolding needed to complete the project.

A total of \$2 million was previously approved by the board and this additional \$53,500 will update the project budget to include the full amount of the change order of 118,613.

**ACTION RECOMMENDED:**

Approve Budget Amendment.

**FINANCIAL IMPLICATIONS:**

Decrease in general fund balance of \$53,500.

**ATTACHMENTS:**

1. HFFA Pool Units Replacement Change Order Proposal

**TO:** Huntersville Family Fitness & Aquatics

**LOCATION:** 11725 Verhoeff Drive  
Huntersville, NC 28078

**ATTN:** Town of Huntersville

**JOB NAME:** HFFA (x2) Pool Unit Replacements  
**MSS CR #:** 233086-M  
**DATE:** 9/7/2023

---

MSS Solutions, LLC proposes to provide additional scope of work for the labor, material, and equipment to perform the work described below for the net price of:

**ONE HUNDRED EIGHTEEN THOUSAND SIX HUNDRED THIRTEEN DOLLARS-----\$118,613.00 USD**

---

For the above price, this proposal includes the Addition of the following scope items:

- Remove the existing supply ductwork and replace with fabric duct
  - MSS to provide a 60' articulating BOM lift to access the ductwork on the long side of the pool
    - \*Bleachers must be folded in by the owner and all equipment surrounding the pool removed to provide safe operating clearance
    - \*Chainlink fence on the SW side of the pool must be removed by the owner
  - MSS to use scaffolding to access ductwork on the short sides of the pool
    - Scaffolding to be erected on both short sides of the pool
    - Scaffolding to remain in place for the duration of the removal of the existing ductwork and installation of the new fabric duct.
    - Scaffolding to be safely disassembled and removed from site.
    - Daily clean up
    - \*Pool will need to be shutdown for a total of 3 weeks.

---

This proposal does not include:

- If not specifically included above the item has been excluded
- Liquidated damages
- Contingency for pool repairs
- Removal of equipment surrounding work/pool areas
- Structural engineering and or structural steel supports



## Signatures

### IMPORTANT:

- SALES TAX WILL BE ADDED TO THE ABOVE AMOUNTS UNLESS A NCDOR E-589CI AFFIDAVIT OF CAPITAL IMPROVEMENT IS SIGNED & RECEIVED WITH PURCHASE ORDER OR CONTRACT.
- **THE ABOVE PRICE, DELIVERY/PERFORMANCE DATE, AND/OR TIME TO COMPLETE THE SCOPE OF WORK ARE SUBJECT TO CHANGE DUE TO LABOR SHORTAGES, SUPPLY CHAIN ISSUES AND/OR COVID-19 RELATED PROTOCOLS.**

This proposal is subject to MSS Standard Terms and Conditions of Sale effective on the date of the proposal, which are incorporated in full by this reference. The MSS Standard Terms and Conditions of Sale are available upon request, attached hereto, and/or can be found on <https://msssolutions.com/terms>. Any conduct by Purchaser which recognizes the existence of a contract pertaining to this proposal shall be considered acceptance of this proposal and all of its terms and conditions. This proposal is hereby accepted and MSS is authorized to proceed with the work; subject, however to credit approval by MSS.

Purchaser: \_\_\_\_\_

Seller: MSS Solutions, LLC

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: Alli Dennis

Title: \_\_\_\_\_

Title: Account Manager

Date: \_\_\_\_\_

Date: 9/7/2023

PO: \_\_\_\_\_

MSS Office: Charlotte, NC

**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Heather Maloney, Transportation Planner

**Date:** October 16, 2023

**Subject:** Funding Request for NC 73 Greenway Bridge

---

**EXPLAIN REQUEST:**

Based on the discussions with NCDOT and the Planning, Engineering, and Parks & Recreation Departments, designs for a greenway bridge over NC 73/Sam Furr Road have been developed to incorporate into the U-5765 project to widen NC 73.

The CRTPO Fall Call for Discretionary Funding has been identified as an appropriate funding source to pursue to fund the project's construction. Town staff agrees that this project has a good chance of getting funded due to the safety component of the project, the timing for including it in the U-5765, as well as the fact that NCDOT staff is providing the design for the project, and the Mecklenburg County Parks & Recreation Department's support for the project.

To meet the October 31, 2023, deadline for grant submissions, the Town will need to update the CIP and approve a resolution for supporting the grant application by the second meeting in October. This resolution will include a request for \$3,095,280 from CRTPO and a 40% (\$2,063,520) match from the Town's CIP to cover the total project cost of \$5,158,800.00. The Town's matching funds will only be needed if the Town is awarded the CRTPO grant in January/February of 2024. The Town funds will not be needed until FY27.

**ACTION RECOMMENDED:**

Adopt Resolution to Amend Capital Improvement Program (CIP) and apply for the Charlotte Regional Transportation Planning Organization (CRTPO) Funding for the NC 73 Greenway Bridge Project that will be located over NC 73 just east of the intersection of NC 73 and Lindholm Drive.

**FINANCIAL IMPLICATIONS:**

\$2,063,520 (see attached updated CIP sheet)

**ATTACHMENTS:**



1. R-2023-44 CRTPO Fall Call - Resolution
2. NC 73 Bridge Design Plans
3. NC 73 Bridge Connections



**RESOLUTION OF THE TOWN OF HUNTERSVILLE TO AMEND THE CAPITAL IMPROVEMENT PROGRAM (CIP) AND APPLY FOR CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CRTPO) FUNDING FOR THE NC 73 GREENWAY BRIDGE PROJECT.**

**WHEREAS**, the Town of Huntersville has identified and selected The NC 73 Greenway Bridge Project, that will go over NC 73 just east of the intersection of NC 73 and Lindholm Drive, as a project for the CRTPO's 2023 Fall Call for Projects; and

**WHEREAS**, the Town of Huntersville has received feasibility information from NCDOT, including cost estimates and suggested bridge/trail alignment for the CRTPO's application requirements; and

**WHEREAS**, the total estimated cost of the NC 73 Greenway Bridge Project is \$5,158,800.00 (cost includes contingencies and inflation factors), of which the Town of Huntersville is requesting \$3,095,280.00 from CRTPO and will commit \$2,063,520.00 of local dollars which equates to a 40% local match; and

**WHEREAS**, the Town of Huntersville has amended the FY2027's CIP for the NC 73 Greenway Bridge Project attached as Exhibit A; and

**WHEREAS**, the Town of Huntersville has prepared the commitment letter for the CRTPO application, formally documenting the local match, attached as Exhibit B;

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Board of Commissioners approves the NC 73 Greenway Bridge Project to be submitted for CRTPO funding.
2. The Amended of the FY2024 CIP, as shown in Exhibit A, is approved.
3. The amount and percentage for local dollars, per Exhibit B, is approved.
4. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to effectuate the provisions of this Resolution; and
5. This Resolution shall be effective as of the date its adoption.

Adopted this 16<sup>th</sup> day of October 2023.

ATTEST:

\_\_\_\_\_  
Janet Pierson, Town Clerk

\_\_\_\_\_  
Melinda Bales, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Emily Sloop, Town Attorney



# EXHIBIT A - AMENDMENT TO THE NC 73 GREENWAY BRIDGE PROJECT

**PROJECT NAME:** The NC 73 Greenway Bridge

**DEPT:** Planning

**PROJECT DESCRIPTION:** This bridge will provide a safe route across NC 73. This bridge will connect 3 miles of McDowell Creek Greenway to the north to nearly 7 miles of greenway to the south, connecting Birkdale to Downtown Huntersville. This bridge will make this route safer and will accommodate more users than an at-grade crossing at a full movement intersection on NC 73.

**SERVICE IMPACT:** This greenway will connect thousands of residences to numerous places including schools, parks, commercial developments, park and ride lot and employment centers.

**PART A: TOTAL PROJECT BUDGET**

**\$3,500,000**

**DESCRIPTION/DETAIL**

**FY24**

**FY25**

**FY26**

**FY27**

**FY28**

**Total**

Design/Engineering/Construction/Land Acquisition etc.

|      |      |  |              |              |
|------|------|--|--------------|--------------|
| \$ - |      |  | \$ 5,158,800 |              |
|      |      |  |              |              |
|      |      |  |              |              |
|      |      |  |              |              |
|      |      |  |              |              |
|      |      |  |              |              |
|      |      |  |              |              |
| \$ - | \$ - |  | \$ 5,158,800 | \$ 5,158,800 |

|              |
|--------------|
| \$ 5,158,800 |
|              |
|              |
|              |
|              |
|              |
|              |
| \$ 5,158,800 |

**TOTAL**

**PART B: FUNDING SOURCES**

**DESCRIPTION/DETAIL**

**FY24**

**FY25**

**FY26**

**FY27**

**FY28**

**Total**

General Fund Appropriation

CRTPO Grant

|      |      |  |      |              |
|------|------|--|------|--------------|
| \$ - |      |  |      | \$ 2,063,520 |
| -    | -    |  |      | 3,095,280    |
|      |      |  |      |              |
|      |      |  |      |              |
|      |      |  |      |              |
|      |      |  |      |              |
| \$ - | \$ - |  | \$ - | \$ 5,158,800 |

|              |
|--------------|
| \$ 2,063,520 |
| 3,095,280    |
|              |
|              |
|              |
|              |
| \$ 5,158,800 |

**TOTAL**

**PART C: OPERATING IMPACTS**

**DESCRIPTION/DETAIL**

**FY24**

**FY25**

**FY26**

**FY27**

**FY28**

**Total**

Debt Service

Facility Operating Cost

Personnel

Other Operation Cost; Grounds Maintenance

|      |      |      |      |      |
|------|------|------|------|------|
| \$ - | \$ - |      |      |      |
|      |      |      |      |      |
|      |      |      |      |      |
|      |      |      |      |      |
|      |      |      |      |      |
| \$ - | \$ - | \$ - | \$ - | \$ - |

|      |
|------|
| \$ - |
|      |
|      |
|      |
|      |
| \$ - |

**TOTAL**



Date: October 16, 2023

To: Mr. Neil Burke  
Transportation Program Manager  
Charlotte Regional TPO

From: Anthony Roberts  
Town Manager – Town of Huntersville

SUBJECT: Local Match Commitment- The NC 73 Greenway Bridge Project

In submitting this application package for The NC 73 Greenway Bridge Project, the Town of Huntersville would like to formally document its commitment of \$2,063,520.00 toward delivery of the proposed project which equates to 40% of the \$5,158,800.00 total cost. It is our understanding this commitment, of 40%, would result in the award of 40 points within the evaluation criteria.

The Huntersville Town Board took official action on October 16, 2023, committing the \$2,063,520.00 of local funds with both a specific action item as well as the formal adoption of the Town's CIP identifying this matching amount. It is anticipated that the source of local matching funds will be General Fund Balance.

As evident by the Town's and the County's financial investment in greenway projects on both sides of this project make the NC 73 Greenway Bridge Project, a much-needed improvement in making this major north-south non-motorized transportation corridor safe for all users.

Thank you for the opportunity to submit this package for consideration and should additional information be needed, please let us know.

Anthony Roberts  
Town Manager

Pattie Ellis  
Finance Director

## Planning Department

Post Office Box 2879 • 105 Gilead Road, Third Floor • Huntersville, NC 28070  
phone 704.766.2220 • fax 704.992.5528 • [www.huntersville.org](http://www.huntersville.org)



-Y48- POT STA.11+90.42

DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

**HR** HDR Engineering, Inc. of the Carolinas  
105 Fourth St. Suite 101 Raleigh, NC 27601  
NCEJLJL License Number F-41119

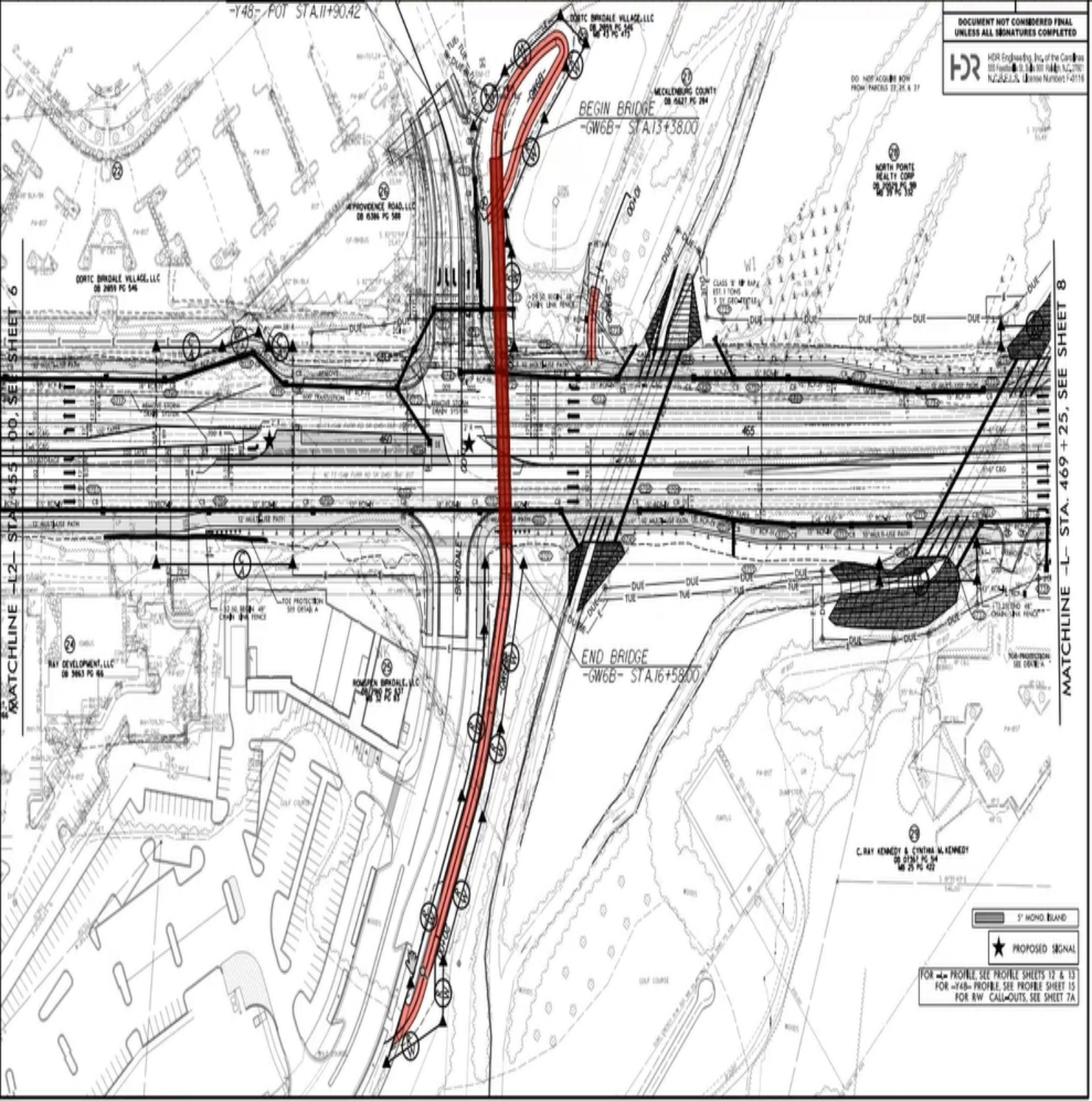
DO NOT ACROSS ROW  
FROM PARCELS 12, 26 & 37

BEGIN BRIDGE  
-GW6B- STA.13+38.00

END BRIDGE  
-GW6B- STA.16+58.00

MATCHLINE -L- STA. 469 + 25, SEE SHEET 8

MATCHLINE -L2- STA. 455 + 00, SEE SHEET 6



5' MONO ISLAND  
★ PROPOSED SIGNAL

FOR -L- PROFILE, SEE PROFILE SHEETS 12 & 13  
FOR -Y48- PROFILE, SEE PROFILE SHEET 15  
FOR RW CALL-OUTS, SEE SHEET 7A







**Town of Huntersville  
Town Board  
October 16, 2023**

**To:** Town Board

**From:** Jackie Huffman, Deputy Town Manager

**Date:** October 16, 2023

**Subject:** Fire Budget Discussion and Amendment

---

**EXPLAIN REQUEST:**

At the Town budget workshop in January 2023, Chief Dotoli requested nine full-time Town employee Firefighters to be hired in July 2023 and an additional nine in January 2024. At the workshop, the Mayor requested a subcommittee of the Board work with staff to formulate a recommendation. At the September subcommittee meeting, a recommendation was made to bring a Budget Amendment to the Board to hire 18 full-time Firefighters and convert the Chief position from paid by the nonprofit to paid directly by the Town. The 18 full-time positions consist of six firefighters, six engineers and six captains.

The expense to the town of adding 19 firefighters is \$1,112,130, which will fund the municipal department (5200) with various line items. The funding sources are a \$200,000 state grant (403445.9999), reduction in the FY 2024 fire appropriation of \$607,178 (106900.0650.80007) and appropriation of \$304,952 in general fund balance (103890.9999).

We do expect a future budget amendment to use Emergency Services Fund Balance once we determine the amount of new gear required.

**ACTION RECOMMENDED:**

Approve Budget Amendment

**FINANCIAL IMPLICATIONS:**

Decrease of general fund balance of \$304,952.

**ATTACHMENTS:**

1. Fire Staffing Oct 16

# Huntersville Fire Department

Staffing Proposal

***DRAFT***



# History

- At Town budget workshop January 2023, Chief Dotoli requested 9 full-time Town employee Firefighters to be hired July 2023 and 9 additional January 2024
- Mayor requested Commissioners Boone, Kovacs and Partee meet with Staff to develop recommendation
  - These meetings occurred Feb/Mar/April 2023
  - Consensus was for staff to continue research how to best integrate Town fire staffing with goal of return to Board consideration prior to January 2024
- Town Board determined that Staff should continue to research options and not incur cost of an external study
- Town Staff and HFD Staff continued to meet July, Aug, Sept regarding specifics
- Town Staff, HFD & Commissioners Boone, Kovacs & Partee reconvened Sept 27 with consensus to bring budget amendment to full Board October 16

# Why full-time Firefighters?

- Huntersville Fire Dept has served the Town as a separate non-profit for 100 years with volunteer and eventual part-time staff
- HFD staff vary hours based on individual's desire / availability monthly;
  - Minimum number of shifts must be worked to stay on roster
  - Part-time staff are not compelled to work specific schedule
- This scheduling convention post Covid has resulted in numerous shifts understaffed
- Full-time employment can compel employees to work specific schedule
- Supplementing existing part-time staff with full-time staff provides more consistent shift coverage
- Municipal firefighters are eligible for additional hours before overtime applies



# Full-time Employees of Which Organization?

- HFD has limited benefits (social security, Medicare, gap insurance)
- HFD has no dedicated administrative staff (HR/Finance etc)
- Town employees have desirable benefits
  - Retirement, 401k, Paid Holiday Time
  - Medical insurance, Sick and Vacation Accruals

# Budget Amendment

- Fund 19 firefighters effective January 1, 2024
  - Chief
  - 6 full-time Firefighter positions
  - 6 full-time Engineer positions
  - 6 full-time Captain positions
- Chief sets consistent rotating schedule for 18 full-time staff
- Chief manages all staff (municipal fire staff and HFD part-time staff)
- Town advertises employee positions Oct/Nov/Dec and initiates selection process to have some employees ready to report as early as January 1



# Calculation of Amendment

- Estimated cost to add Chief and 18 positions for half year:  
\$1,112,130
- Source of funds:
  - \$200,000 state grant
  - Reduce FY 24 HFD quarterly payments by \$607,178
  - Remaining from General Fund Balance: \$304,952
- Dependent upon amount of new gear purchased, a future budget amendment requesting use of Fire fund balance may be pursued

# Comparisons

| Municipality | # Stations | FY 24 Budget | Est Full-time Staff |
|--------------|------------|--------------|---------------------|
| Statesville  | 4          | \$11,111,765 | 83                  |
| Thomasville  | 4          | \$6,439,618  | Undetermined        |
| Garner       | 4          | \$6,953,381  | Contract            |
| Kannapolis   | 5          | \$11,381,621 | 99                  |
| Mooresville  | 5          | \$15,521,377 | 124                 |
| Apex         | 5          | \$16,640,100 | 115                 |
| Huntersville | 4          | \$5,876,640  | Contract            |

There is substantial variability in what different municipalities include in their departmental budgets, such as debt, inspection services and nonrecurring capital. And call volume and services provided will cause staffing needs to vary.



# Tie Up Loose Ends

- Between October and January 1, 2024:
  - Town HFD agreement needs to be amended
  - HFD bylaws and SOGs need to be amended
  - Update the Town Personnel Policy
- Confirm appropriate insurances in place (workers comp, property, etc)
- Will later FY 24 budget or FY 25 budget include part-time staff converting to Town paid rather than HFD?
- What else?

# Employer of Choice

- Maintain relationship with local part-time employees as long as possible
  - Cost savings to Town
  - Schedule flexibility for those who do not seek full-time employment
- Provide some benefits (retirement/401k) without providing all (health & other insurances and time off accruals)
- Gap insurance for those who maintain outside full-time employment, otherwise, part-time employment is a deterrent



# Ultimately, Types of Employees

- Salaried Chief (and Command Staff)
- Under 1000 hour employee part-timers – same benefits as now
- 1000-1499 hour employees (retirement, 401k, holiday time)
- 1500 up to full time (retirement, 401k, holiday, health insurance, other?)
- Full-time (same benefits as other Town departments)

## Non-profit, Hybrid or Municipal

- Council-Manager form of government renders employees under Manager's supervision & authority (Chief and all departmental staff)
- Having multiple shifts of employees who report to separate organizations is not recommended
- FY 2024 budget funded \$5.876 million in contributions to HFD, \$3.9 million of which is salaries (66%)
- Long-term solution is to determine our preferred mix of full-time and part-time employees



Questions?