

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**January 2, 2024
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:30 p.m. on January 2, 2024.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark called the Pre-meeting to order.

Commissioner Walsh made a motion to go into Closed Session pursuant to N.C.G.S. §143-318.11(a)(5) to instruct staff or negotiating agents concerning the price and other material terms for the acquisition of real property. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Upon return from Closed Session, there being no further business, the Pre-meeting was adjourned.

**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 January 2, 2024.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark called the meeting to order.

Mayor Clark called for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

Commissioner Bergsman requested an update on how the application process is going for the new firefighter positions.

Jackie Huffman, Deputy Town Manager, said the Board approved the Fire Chief and 18 positions on December 4. On Tuesday, December 5 we began to put on our website an advertisement for the positions that was open until Christmas Eve, December 24. Since that time we have begun to evaluate the applications. We expect to have scheduled interviews, agility tests in the month of January. We expect that process to complete in January. By the end of January we expect to be in a position to have made offers and pending their notice with their current employer in making the assumption that they are currently employed, I would expect that the positions would be filled in the month of February. I think I neglected to say and how odd of me to forget the number. We had some people apply for more than one of the positions. For all of the positions that we advertised, we had over 190 applicants.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Verona Wynn, 13219 New Haven Drive, said I'm here to oppose the widening of South Church Street from Dellwood Drive to Holbrooks Road. I oppose this widening because it would continue the gentrification of the Pottstown community and will make traffic on Holbrooks Road and South Church Street unbearable. The Town has pursued this project since at least 2020, I believe before that and several town people have asked me how to get in touch with the property owners on South Church Street to see what they could do to push this project forward even though it would impact Pottstown greatly. Currently we have a lot of trucks traveling down Holbrooks Road to the landfill and the recycling plant. The number of trucks have increased over the years and now we have cars stemming from the construction of Vermillion. We are sharply impacted by the traffic. I can hear the noise of the trucks bang at the railroad track at my house, partly because I'm on a hill, and it really sounds like dynamite going off in the neighborhood. We know also that on South Church Street there are two cemeteries and a church and two property owners who happen to be over 72 years of age. I would like the town to respect that history that is there on the properties. We hope to have archaeology still preserved there to show that history. I suggest that we not close the Dellwood railroad crossing. Open that up and move the new traffic across down the short curve of Main Street or the other exits that have been created in the last few years. The Dellwood Drive railroad crossing needs leveling and that would be a great asset to safety. Hopefully we are not having a large impact of traffic in Pottstown in the future.

Christine Wolak, 14114 Whitney Hodges Drive, said I'm new to the community. I moved in at the end of September. I noticed on the projection there that the Town social networks that you suggest we follow are Facebook, Instagram and Twitter, all of which are problematic for how they are not monitoring comments and I would like to propose that there be some additional social media outreach or if the information is available on the Town website directly and not have to follow those particular social media sites.

Katie Carpenter, 9335 Beatties Ford Road (Vance Carpenter, 9401 Broadway Street, deferred his three minutes to Ms. Carpenter), said I'm here to talk about the critical watershed designation for 9339 Beatties Ford Road where we are proposing the Long Creek Family Entertainment project. We have learned a lot about the critical watershed and I wanted to share this information with the Board, as well as with community members.

What does critical watershed mean? Critical watershed is a drainage area that is vital for providing water of various purposes such as drinking, irrigation, flood control. Our property is in a critical watershed area due to its proximity to Mountain Island Lake. This designation limits the amount of impervious surface rights available to the landowner. An impervious surface is any permanent artificial structure such as parking lot, asphalt, gravel driveways, roads and even rooftops.

Can you transfer impervious surface rights within the critical watershed area? Yes. Rights can be legally transferred from one property to another as long as they are in the same critical water designation and within reasonable proximity. In fact, Policy EOS-5 Protect Water Quality in the 2040 Plan, states “Continue impervious surface transfer option that allows the transfer of built-upon area between lots.” We own the 4-1/2 acres of undeveloped land next door to the property that we are looking to rezone and that offers an additional 12,000 sq. ft. of impervious rights that are transferrable. Our project plan includes transferring surface rights from that location to the project site to meet parking lot requirements.

Can a business operate in a critical watershed area? Absolutely. There are no laws or codes restricting the operation of a business in a critical watershed area. Huntersville municipal code 3.3.2-A states that landowners in critical watershed areas can use this land for both residential and non-residential purposes. For example, Midas Springs Water is an operational manufacturing business in the critical watershed located just 3,000’ northwest from our project site, which is even closer than to the lake. This property is currently for sale and the listing advertises the property for a possible wedding or entertainment venue. I bet the Town Commissioners will be considering that project in the near future.

Is 9339 Beatties Ford Road included in the Activity Center in the 2040 Plan? No, it is currently not. None of the parcels in the 9300 block of Beatties Ford Road are. That is the entire block from our project site down to the elementary school. Our property is the furthest away from the Activity Center at approximately 200’. One property sits just 25’ from the school and 55’ from Lancaster’s Barbecue.

Why was our section left out of the plan for the Activity Center? After speaking with the Planning Department and a few citizens that were involved with the process, the only reason is due to the critical watershed designation. This decision was made years ago by a committee that did not include the current landowners of our block. The majority of the current landowners want to be a part of this Activity Center. When our project comes around for the public hearing process, you will find documentation from the current landowners stating that they want to be included. Four out of the five of us, that’s 80 percent of the landowners that own 94 percent of the land on this block want to be included. Adding this block to the Activity Center makes sense. Anyone looking at the map and the plans for this area will recognize that these properties should be in the Activity Center to complete the corridor from McCoy/Beatties Ford Road intersection down to Mt. Holly-Huntersville Road. Why stop short on one side of the road due to critical watershed designation when these property owners all have the legal right to be a part of the plan.

Additionally, there’s an intersection improvement project coming at the McCoy/Beatties Ford Road intersection in the summer of 2024. This project is slated to add a stoplight in front of our property and to take a portion of land from the front yards of these Beatties Ford Road homes. The intersection project calls for adding three new turn-lanes at that intersection as well as a 10’ wide sidewalk that will encourage pedestrians to walk rather close to the homes of the front yards.

Please consider this information as you are reviewing our rezoning request. Community plans like the 2040 Plan and the Beatties Ford Road Small Area Plan are only visions and guides for our future. They were not written in stone. They are designed to be flexible and change alongside the community as we grow and our needs change. On Page 61 in the 2040 Plan, it states “Some decisions are complex, and it will be up to the town leadership to take a balanced look at both the intent of this plan and the specifics of any site and/or proposal before them.” It helps to remember that nothing worth achieving comes without a price and so we must weigh the costs and the gains of future decisions.

The 2040 Plan was designed to be flexible with each rezoning request review given current and future plans for the area. The Beatties Ford Small Area Plan was adopted in 2007 when there were around 40,000 residents in Huntersville. Today the town has over 65,000 residents. Moving an Activity Center 200' is a small request to consider when you think about how 25,000 new residents will impact the overall envision of Huntersville. Thank you for your time.

Mark Nelson, 9407 McCoy Road, said I'm here to express my support for the Long Creek Family Entertainment rezoning proposal. I've been at my property for approximately 7 years now and I'm less than 100 yards away from where the proposed project is located, diagonally across Beatties Ford. Most people know me as the yard that the fence gets laid down a lot. A little bit about me, I've been in the Navy for 26 years, retired. Moving around to different places I'm used to the bases or the neighborhoods providing activities, sports venues, things like that, that are available to us and I think what Jon and Katie are proposing is basically the same thing. It gives us a place to go to do things and my benefit is it's within walking distance. I've been to a few events over there. I've been introduced to some good people, met some people that have different interests which also interest me. I've met other retired military or Vets and they've invited me to different little type air shows, a fly in, which I participated in and had a great time and some other things that they offer or plan to offer that we've already taken advantage of. Jon and I both play around with little bonsai. We've exchanged some plants, things like that. My wife and Katie have exchanged recipes for allergies and things like that that we have in common or share. That's some of the positives I see from it and I followed the process a little bit and I've heard neighbors who voiced a disinterest. One of them said that she worried that the rezoning project would stop her from spending time with her future grandchildren. I have grandchildren now and I've taken them over on multiple occasions for different activities. They have two large tortoises that they've rescued. It's very educational for the kids. They are welcome over there. They get treated with respect and they're taught little lessons while they are there which I think is great. As a grandparent myself I love the idea of the project being right next door.....it's friendly, local, family-owned, educational. It's also letting the community get together. We walk over there quite a bit when they are at the house. We hope you see the positive impact a place like this would bring to Long Creek as well as Huntersville. Please vote yes in support of this rezoning so more residents like us can have access to social, physical and mental benefits that are unique.

Jon Eury, 9339 Beatties Ford Road, said I'd like to say thank you for taking our project out of limbo. That was a big step. That took a lot of pressure off a lot of us. We are proposing to rezone our property to Highway Commercial – Conditional for the Long Creek Family Entertainment project. I wanted to speak about what conditional zoning means and how it is not the same as a full-blown unrestricted Highway Commercial zoning. The conditional designation allows landowners to make use of the property that they desire while incorporating conditions that address the concerns of the neighbors and local government. Said another way, conditional zoning allows landowners and local government to find mutually acceptable alternatives to the traditional zoning. The restrictions that are imposed for conditional zoning are usually site specific and are not always found on similarly zoned properties. In a 1988 North Carolina court case, the court observed the conditional zoning is an outgrowth of the need for compromise between the interest of a developer seeking appropriate zoning changes to his tract and the neighboring landowners whose property interest would suffer if the most intensive use of the permitted.....let me start that again. Conditional zoning is an outgrowth for the need to compromise between the interest of a developer seeking to appropriately rezone changes for his tract and the neighbor's landowner whose property interest would suffer if the most intensive use permitted by the new zoning classifications were instituted. In an attempt to reconcile these conflicting pressures, the municipality will authorize the proposed change but minimize the adverse effects when imposing the condition. I bring this up because as we are going through this process, I'd like to remind the Board as well as the community and the neighbors, that we are not asking for full Highway Commercial rights at

our location. We are asking for Highway Commercial as it is the only classification that allows for outdoor recreation. Any game played outside is considered outdoor recreation. That's cornhole, bocce ball, croquet, anything. We would like to offer outdoor recreation and therefore we have to ask for commercial zoning, but we are voluntarily petitioning for the conditional zoning restrictions. These restrictions we are asking will protect the interest of us all, local government and neighboring properties. We look forward to telling you guys more about our project.

Mack Gaston, 9212 Toledo Road, said I live in the mobile home community near Hambright and McCoy. My family has been over there for four generations in the Long Creek area. We all attended Long Creek school. We all attended Alexander and North Meck High School as well. I'm here today to express my support for the Long Creek Family project. We all have seen Steven Spielberg movie The Goonies, right. If you haven't, you missed out. I'm a product of the 80's and that movie very much reminds me of the type of childhood I had. We all knew our communities. Every weekend we all had fun exploring and adventures. We all knew that friends based on the pile of bicycles we had from our friends coming over and just having fun. A lot of times we would also take our bikes and ride down to Long Creek School, play out there on the field and have lots of fun and also attended over where Puckett's used to be where it's called Lancaster's Barbecue now, which they converted over and a lot of y'all probably know that, but at Puckett's you could get a soda, play on the baseball field out there and practice and also that's where mainly I had a lot of fun with my friends out at school. We would even hike and see other games on the property where the old teacherage used to be out there. Long Creek has a lot of charm and is not the same neighborhood that it used to be. What happened to those days when Rec league sports were played on those fields behind the school. Not all of us can afford to sign our kids up to do traveling team or go on all the new activities now. Puckett's was a great hang out. Lancaster's, like we had mentioned about the barbecue, but you can go out there and eat, and it doesn't offer really any outdoor activities over there, but Long Creek is just really an outstanding area all together. Sometimes instead of believing and watching social media, I looked up the address and noticed at some place where I looked up there's a vehicle they had for sale out there. Since this is right around the corner from me and I didn't know a stranger, I stopped by again to learn more about this project. What these guys have planned really warms my heart.....offering the Long Creek community a change to bring back much of the character we've lost, a place where I can bring my grandkids and point out that, oh man I'm getting old.....

Mayor Clark noted Mr. Gibson's three minutes were up.

Commissioner Quarles introduced Ginny Harper, Community Program Coordinator for Mecklenburg County.

Ginny Harper, Community Program Coordinator for Mecklenburg County, presented information on the Crisis Intervention Program (CIP) and the Low Income Energy Assistance Program (LIEAP). *Refer to PowerPoint attached hereto as Exhibit No. 1.*

AGENDA CHANGES

Commissioner Bergsman made a motion to adopt the agenda. Commissioner Walsh seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Dumas made a motion to approve the minutes of the December 4, 2023 Regular Town Board Meeting. Commissioner Hunt seconded the motion. Motion carried unanimously.

Resolution Providing for Deputy Town Clerk. Commissioner Dumas made a motion to adopt Resolution providing for a Deputy Town Clerk. Commissioner Hunt seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 2.

Call for Public Hearing – Petition #TA23-08. Commissioner Dumas made a motion to call a public hearing for February 5, 2024 at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA23-08, a request by the Huntersville Planning Department to amend Zoning Ordinance Article 8.13 to remove “Regulation of Nuisances” language. Commissioner Hunt seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #R23-10. Mayor Clark called to order public hearing on Petition #R23-10, Commercial Communication Tower, a request by Berkley Group III, LLC to rezone +/- 6.00 acres located at 15105 Holbrooks Road from Transitional Residential and Neighborhood Residential District to Special Purpose – Conditional District.

Mayor Clark noted the petitioner has requested the public hearing be continued to January 16, 2024.

Commissioner Walsh made a motion to continue the public hearing on Petition #R23-10 until January 16, 2024 at 6:00 p.m. at Town Hall.

Commissioner Bergsman seconded the motion.

Motion carried unanimously.

Petition #R23-11. Mayor Clark called to order public hearing on Petition #R23-11, Morningstar Storage, a request by Morningstar Properties to rezone +/- 3.934 acres located at 16230 and 16204 Old Statesville Road from Special Purpose and Highway Commercial to Special Purpose - Conditional District for an indoor storage facility.

Jesse James, Principal Planner, said this is a request for a conditional district rezoning for Petition #23-11, Morningstar Storage. On the screen what you will see is the current zoning map and the hashed area for the proposed rezoning location. You’ve got 16230 and 16204 Old Statesville Road. There at the corner is the 16230 address where the majority of that proposed building is proposed to be placed.

This rezoning is currently composed of a Special Purpose zoned parcel and a Highway Commercial zoned parcel. The proposed rezoning would be for Special Purpose – Conditional district for the purpose of an indoor storage facility.

On the page you will see the context map. It kind of gives you an idea of what is currently either approved or out in this area. You see Huntersville McCord Road Industrial there to the northeast. There’s Northbrook subdivision a little further to the northeast and Spring Grove subdivision. All these

are fairly new recently approved projects. And then there in the middle you see the proposed site for the indoor storage facility.

Moving to the proposed site plan, again you've got 16230 which is that northern parcel and 16204 which is that southern parcel in the red. The proposal is to recombine those two lots for the use of the indoor storage facility and again the proposal is for Special Purpose – Conditional District which allows indoor storage.

Article 7.....one of the main reasons the rezoning is happening in the purple area, you see those are approximate lines. Indoor storage as a use is allowed in Special Purpose, which is that purple district, however there is an 80' buffer requirement since the adjacent property to the south is Highway Commercial. In those instances, the Town requires an 80' landscape buffer. In order for the applicants to have a feasible site, they have asked to do a conditional district rezoning to have the area available for that 80' buffer, which is that red area. Part of the modification request for that 80' buffer is to reduce that to 66'. Part of a buffer requirement is to have a certain amount of vegetation. They have proposed to use the same amount of vegetation as you would in an 80' buffer as you would in a 66' buffer. That is the modification request. Because this is a conditional district rezoning, there is an allowance for variation of what's allowed in the ordinance, so that is a modification request.

There is a tree save requirement in Huntersville in this district for Special Purpose, which is the proposed zone, that is 30 percent. This plan saves 40 percent.

There is a reduced parking requirement for this type of use since there's not a lot of customers in and out and parking at an indoor storage facility. There's 26 required spaces and they have provided that minimum number.

What you see on the screen here.....I don't know if it's too late, but I'm not sure if I entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

On the screen you have the proposed elevations. The one on the top is the corner of McCord Road and 115 looking southeast and on the bottom you've got the northwest view looking from Highway 115 going north. This is the proposed elevations as they pertain to the requirements of the ordinance. I've kind of worked back and forth with the applicants on getting that minimum requirement which in the Town of Huntersville what we ask is that the building is pulled to the road frontage and have a pedestrian feel to it, whether that be windows or modulating features on the walls, varied roof heights, so it doesn't look like one flat building. With accordance to Article 4, staff believes they've met that minimum requirement.

One other item worth noting is Article 7.5 which gets into the buffering that we've talked about briefly before. There is an 80' buffer requirement on rights-of-way as well, however you have the ability or the applicants have the ability to reduce that fully if the architecture addresses the street frontages.

Moving towards the 2040 Community Plan which is the guideline that we use to make sure any proposed rezonings meet the Town's wants and needs for the future, through analysis staff found that the proposal is consistent with some of the land use items and is not consistent with others. It is consistent with LU-5.1 which talks about more intense development can be proposed only where transportation infrastructure already exists. We believe this proposal does that. And then the design street improvements with consideration for surrounding context and various users, so in this particular street corner which would be two thoroughfares, we do have a requirement for 10' side path which

elevates our multi-modal type needs, so you can use it for walking or riding bikes, whatever that might be.

As far as what it's not consistent with, staff found that in the 2040 Plan the map you see in front of you there's a blue area which is Employment Center, which is that northern piece of the property and then there's that orange piece which is Town Core. In the Employment Center area we're encouraged to have a development pattern that ups employment type uses. A storage facility generally doesn't have many employment uses at any one time. Generally, it's one or two onsite at any time. And also LU-6.3 talks about small scale neighborhood serving commercial and office uses which they may be allowed in that Town Core area or moderate density areas. Staff does not believe that a mini-storage would support a small scale or neighborhood serving commercial or office use.

Moving forward to staff recommendations, in considering this rezoning 23-11, we believe that the proposal does generally meet site and architectural standards which I talked about briefly before. It also meets most minimum zoning requirements other than the proposed modification request for the buffer. We do not believe that it is consistent with the envisioned uses set forth in the 2040 Community Plan. Those were Sections LU-1 and 6.3, however it is worth noting that three of the four acres that encompass this rezoning proposal do allow indoor storage as a use by right. The one added lot that would require a conditional rezoning, which is that southern piece, we believe that the addition of that for the buffering is an appropriate use for approval.

One condition that we do have for approval is we would like to see how that vegetation within the 66' buffer looks with a cross-section on the plans to make sure that vegetation can meet its full growth. So that's one question we have and a condition that we would like to see moving forward on the plans.

Typically, in a rezoning we also have minor staff comments. We haven't gone through all the reviews for the plan so there are some minor staff comments for Engineering, some for Planning. Usually if they are minor type of comments, we will use this type of condition that way we catch all of those before it's actually stamped and approved if it does move forward with approval.

That's all I have for you. I'm here for any questions to be answered. Also, the applicants are here. They have a presentation as well.

Commissioner Walsh said it looks like right-in/right-out only, so if somebody were to use the facility and want to go south on Old Statesville, they would have to go somewhere else and do a u-turn, correct?

Mr. James said correct.

Commissioner Walsh said the frontage that is off of Old Statesville.....at some point I know we would like to probably widen Old Statesville. Is there enough room there. Is there right-of-way so that if that were eventually widened, we don't lose like our multi-modal path.

Mr. James said yes, the plans that we reviewed we require the future right-of-way to be on the plans and then they base their plans off that future right-of-way.

Commissioner Walsh said so the right turn I know I think was part of the Spring Grove approval, that will happen separate, but there will be if it's widened enough room.

Mr. James said I believe on the Engineering analysis that section of McCord Road for this proposal isn't within that improvement for Spring Grove if I'm not mistaken.

Commissioner Walsh said the buffer requirement, you said that they have to plant as many plants or whatever as they would in an 80'.

Mr. James said they don't have to. Staff would like to see what that cross-section would look like because in their modification request they have offered to put the same amount of plants as would be in an 80' buffer. How that works is they take 1,000 sq. ft. sections and whatever that total square footage is you would spread that vegetation within that buffer, so they have offered to keep the same amount of plants as there would be in 80' in that 66' size buffer. We don't know necessarily what that looks like. I believe they show that in their presentation. I have not vetted that for scaling purposes yet because we haven't reviewed the plans fully before the next round.

Commissioner Walsh said so you're not comfortable with the buffer requirements at this point?

Mr. James said not quite yet, but I could be if we see that cross-section.

Commissioner Walsh said when are they supposed to show this cross-section?

Mr. James said we have comments in and we'll review those plans. I think they are due for full staff review by January 11, but it would be done prior to the final approval staff report.

Commissioner Walsh said or before going to the Planning Board.

Mr. James said likely, yes sir.

Marshall Macon, Morningstar Properties, said I wanted to give a little bit more additional color on what Jesse already reviewed. *PowerPoint attached hereto as Exhibit No. 4.*

Here we've got a little sample of some of our development projects. We are a vertically integrated owner, operator and developer of self-storage facilities, so I think this is trying to use these examples to allay any preconceived notions on what kind of first generation storage product types look like. A handful of these projects are urban infill projects that probably don't fit the context of this corridor but just an example of kind of what Class A storage facilities can represent.

A little background on Morningstar. We are locally based out of Matthews, NC since 1983. We've got a strong local presence. We own and operate 19 facilities in the Charlotte MSA and I highlight that to say that we are long-term owners and operators and not merchant builders. We focus high attention to detail on the quality of our product. I think both our aesthetics and our customer service are differentiators in our asset class.

Jesse was pretty thorough in this, but just to kind of highlight the two parcels here, it's the SP and the HC. Storage is by right in the SP and essentially what we are requesting is to rezone the HC and then rededicate a large portion of that as the landscape buffer. A general highlight here of just kind of some of the surrounding zoning context, I think commercial use fits and aligns with the Highway Commercial and Special Purpose, not a ton of residential immediately adjacent to us.

A couple of questions that we consistently get on our product are around the Employment Center which Jesse has already raised and then about traffic. The comment on the Employment Center is while we don't employ hundreds of employees, there is a significant economic benefit to our use, so we are looking at a potential 1400 percent increase in real estate taxes and then on the backside we don't

overburden infrastructure, utilities, schools and all of that, so it should be a net gain financially. From a traffic standpoint we are a very low intensity use, so while we have a three story building with some presence, I mean these are ITE engineer calculations on traffic and they calculate about 24 vehicles per day, so it's low intensity use and we have actually done internal studies on the multi-story product and we found that that number is reduced, we find about 12 to 13 visits per day. We understand local concerns around traffic, so just wanted to put a visual together to allay any concerns around that.

Here is the site plan that we showed you before kind of highlighting that 66' landscape buffer we intend to retain and then we've got that section that Jesse was talking about right there, so I think if you look at it, the requirement is four trees per 1,000 sq. ft. of buffer area. What we have done there is tried to highlight the mix of required plantings within a 66' buffer to show how feasible it is. Our intent would be to meet the requirements on the 80' buffer for the reduction down to 66'.

Just finishing up with some renderings. We've had good dialogue and back and forth with Jesse and staff trying to get this to appropriately fit the vision, so we've added a ton of elements – we've got brick, we've got building articulation, awnings and a ton of glazing to try and offset some of the scale of the building. Hopefully this is a product we can be proud of. Then there are some color elevations of the two front edges.

Commissioner Dumas said by right we know that you can put a smaller facility on the first lot that's already zoned appropriately. Did you consider that initially? Has that been even looked at or considered?

Mr. Macon said we did consider it. It's not economically feasible. The constraints of the site are on the back side – we've got Norfolk Southern right-of-way and then on each front side you've got landscape buffers that we're requiring, so in order for us to build what we need here we need that additional 25'.

Commissioner Dumas said there's currently somebody living on the property in a trailer. I just want to make sure they are aware. If they are renting, they're aware. If they're the owner, they're being compensated.

Mr. Macon said we have accounted for that in the contract.

Commissioner Dumas said would you consider adding solar panels to the roof?

Mr. Macon said we have been rolling out solar panels across our portfolio, so certainly something we are open to.

Commissioner Hunt said is there some kind of data or research to support the necessity for a storage unit, like any sort of market research?

Mr. Macon said we have done our own internal market studies on this trying to weigh supply and demand and everything. Yes, this fits comfortably within what we are comfortable with. If you talk about it, our general what I would say like an oversaturated market would be like north of 20 sq. ft. per person and this is maybe a little wonky for you guys, but we're closer to like 10 sq. ft. per person in this trade area and with all the growth.

Commissioner Hunt said I just saw some of the tree species that you had on there. I didn't get to all of them, but would you be interested in planting any native tree species there?

Mr. Macon said we prioritize landscaping and we are open to anything there.

Commissioner Bergsman said have you built any mini-storage that has a mixed-use component with retail or commercial on the ground level?

Mr. Macon said we have not. We have tracked a few other developers that have done that and what we have found is that it is very tough to get commercial tenants and they end up converting the intended commercial space to storage use at the end of the day. One of the biggest challenges on that is the additional parking requirements with an elevated commercial use.

Commissioner Bergsman said the reason I ask is because this is in or adjacent to an Employment Center and the Town Core and that's a bit more innovative look at indoor storage and there are small footprint businesses that I could see in need of spaces like that so I was curious if that is something you would ever consider.

Mr. Macon said one thing we do is we donate up to 10 percent of our units to local charities and businesses. There might not be a retail storefront, but we certainly try to integrate ourselves within the community.

Commissioner Bergsman said another buffer question. That section on the east side, is that just going to be grass or what's the reasoning by leaving that so open?

Mr. Macon said you've got the right-of-way setback and you've got the 10' pedestrian walkway that we are trying to incorporate and then on either side of the pedestrian walkway requiring mature trees on each side, so we're accounting for right-of-way, two rows of mature trees and a 10' walkway.

Mr. James said what he's referring to are the front landscape planting area requirements. That buffer on the McCord Road and Statesville Road side, since they met Article 4 which is the Architectural Standards, is able to be removed fully. I think your question was the green.....

Commissioner Bergsman said I'm just questioning what that space is.

Mr. James said I think that's just a rendering, so that wouldn't be.....

Mr. Macon said that's the 66' where we are going to have to go in and populate it with the four trees per 1,000 sq. ft. That is not going to be grass, that will end up being the 66' landscape buffer with trees. We would require that all the way back to the railroad right-of-way, so that wouldn't be a grass area.

Commissioner Bergsman said I'm pretty sure I know the answer to this already, but just the way that it was worded in the transportation/storm water, this is probably more of a staff question. I'm just making 100 percent sure that the designs are ADA compliant where the entry/exit points are with the sidewalks. And there was one thing when you had the neighborhood meeting. I just wanted to check and I don't know if this is.....I wasn't at that meeting so I don't know if this was just mistyped but there is a comment in there that at that meeting you said the required buffer would be located on the site, which the required buffer is 80', so at that meeting did you already know that you were going to be asking for a 66' modification or is what was presented then versus now.....

Mr. Macon said I think we did know at that time. There's been a couple of last minute changes coordinating with DOT and landscape requirements where the condition has changed by a few feet, so yes we knew.

Commissioner Bergsman said is that what you said at the meeting, because in the minutes it says that you had the required which is 80'.

Mr. Macon said I don't recall to be honest.

Mayor Clark called for public comments.

Tami Styer, 10225 Hagers Road, said my husband and I live at 10225 Hagers Road. Our property is adjacent to the MI Homes Spring Grove development that's currently under construction, but my comments tonight are relating to the storage facility at the corner of McCord Road and Highway 115. The site plan for this project shows the installation of a 10' multi-use path shown as a concrete sidewalk, which I think Jesse and the other gentleman have mentioned. It borders the south side of McCord Road as well as the east side of Highway 115. I think this project is creating a great opportunity for the installation of a crosswalk across Highway 115. There are residents, as Jesse pointed out, at Northbrook which also includes Oak Farm as well as MI Homes Spring Grove development and there's over 300 homes in those two developments that if they had safe access across Highway 115 they could walk to the North Mecklenburg Park as well as the Community Church and other businesses, I think there's a small farmer's market or something like that in that area. But as you know the sidewalks on the north side of McCord Road from Northbrook and Oak Farm developments, they've been installed recently along McCord Road as well as the industrial project that installed the traffic circle along with the sidewalks that are connected to the Northbrook sidewalk. That sidewalk goes to the railroad crossing but it doesn't cross the railroad crossing. That would have been ideal to have that access to cross all the way over the railroad tie, but we may have missed that boat. MI Homes will be completing sidewalks from their Spring Grove development that will tie into that traffic circle, sidewalks as well. And as I mentioned earlier there are over 300 homes, all with sidewalk access, that could easily walk to the park and to the church. Even though the sidewalks are on the north side of McCord Road, residents could cross McCord Road after the railroad crossing and reach the sidewalk that will be installed by Morningstar Properties. All these sidewalks are a very nice improvement to the walking community and the addition of a crosswalk across the very busy Highway 115 could provide the community safe connectivity to these public amenities, and so I'm asking that the Town please include the addition of a crosswalk across Highway 115 as part of this project.

Anna Rubin, 16214 Hollingbourne Road, said thank you for the opportunity to talk today about this rezoning. I know it's going to go to the Planning Board and they will have a lot of deep dives that they are going to do before it ever comes to you but I wanted to ask that we consider the buffers not being reduced on the south side, but also not being reduced on the north side. I don't know exactly how that goes with the building façade sort of complying with a little bit more of the town feel, but I think it's a very large building. I don't want to say it's a monstrosity, but it's a very large building and it's a small corner there. And it's a corner that's leading to a lot of residential areas. I know I drive by that corner every day and to turn that corner and feel like you could almost reach out and touch this building is a little overwhelming to me. I think having a little bit more of a buffer to keep the feel of the neighborhood and of the smaller area would definitely benefit the town and the residents, even those that are biking or walking down these sidewalks. It feels like on the north side they really reduced that buffer between McCord and the building and I would just love the developer and the Town to consider not reducing that as much so that it's a little bit more greenspace, a little bit more area for trees. I know it shows two big trees, but if you really go and walk that, I did that today, I couldn't figure out how that could even be there with the sidewalk and trees and just seems very compressed there. I think it would just be beneficial to.....I'm okay with rezoning, but I think the building needs to be adjusted a little bit

and possibly reduced in size to keep the feel of that area. I would just like everyone to consider that and think about what we could do to not feel like that whole corner is being taken over by a large building.

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

Petition #TA23-06. Mayor Clark called to order public hearing on Petition #TA23-06, a request by the Huntersville Planning Department to amend the Zoning Ordinance to comply with House Bill 488 regarding the North Carolina Residential Code, Alternative pavement design standards within developments, and update the threshold for requiring a GC license for construction work.

Nathan Farber, Planner II, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 5.*

Petition #TA23-06 is a proposal by the Planning Department to bring the Zoning Ordinance into compliance with the recently passed House Bill 488. House Bill 488 now includes three and four family dwellings and the in the NC Residential Building Code previously it was only limited to one and two buildings. This change does mean that these dwellings can no longer be subject to the architectural requirements. To comply with this required change staff proposes removing “for One and Two Family Dwellings” from the affected articles in the Zoning Ordinance.

The bill also includes changes to the permit dollar thresholds for requiring a GC license for construction work. That threshold has been increased to \$40,000. The bill also provides alternative pavement design standards within developments. To comply with this change we are going to add the language “Notwithstanding the foregoing, nothing in this subsection shall be interpreted to conflict with NCGS 160D-804(j).” These changes will not affect the way driveway permits are issued by the Town.

On October 5 the Ordinances Advisory Board recommended approval with a vote of 4-2-1 with a recommendation for staff to review language related to items listed that generally require a building permit, specifically a hot water heater. The current proposed ordinance states that these items are generally required and serve to give examples of items that may require a permit. It does not say that these require a permit. Mecklenburg County issues our building permits and clarifies what items require a building permit.

Commissioner Walsh said while the HOAB did vote to approve this, it seems like some voted against it. Why would they vote against complying with state law?

Mr. Farber said they were merely questioning I believe why we included the highlighted items when Mecklenburg County does not require a building permit for those.

Emily Sloop, Town Attorney, said just to clarify, they sometimes do. There’s a very specific exception in the statutes when the hot water heater installation, or replacement I should say, would not require a building permit. We don’t list out each and every exception in our ordinance because if we did then our ordinance would be probably 10 to 20 times the size that it is now, rather these were listed by way of example. They are not meant to be exhaustive.

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

Petition #TA23-07. Mayor Clark called to order public hearing on Petition #TA23-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 12, Section 12.2.1. “Interconnected” to revise the definition.

Patrick Patterson, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report attached hereto as Exhibit No. 6.*

In 2018 several images of streets in our Zoning Ordinance were removed because of the adoption of the Engineering Standards and Procedures Manual.

In the definition section of our Zoning Ordinance, the definition of “interconnected” states “Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear. See illustrations, Article 5, Streets.”

The images referenced in the definition were removed, making the reference irrelevant. This proposed ordinance change is looking to remove the irrelevant text (See illustrations, Article 5, Streets) that refer to those removed images.

Staff recommends approval of the proposed text amendment TA23-07 to provide clarification of the contents of the Zoning Ordinance.

On October 5, 2023, the Huntersville Ordinances Advisory Board recommended approval with a vote of 6-0.

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

OTHER BUSINESS

Resolution – Right-of-way for Church Street – Holbrooks to Dellwood Project. Commissioner Dumas made a motion to continue Item 10.A to the March 4 Board Meeting at Town Hall at 6:00 p.m.

Commissioner Quarles seconded the motion.

Commissioner Dumas said I just think that we need more information. This has been a long plan that has been brought up multiple times over the years and it’s all piecemeal and I just think that for our benefit and the public’s benefit that we really need to have more information in front of us before we move forward with that. I have major concerns just on walking the site and I just have a lot of questions and there wasn’t a lot of information yet all in one place, so I would really like to revisit it.

Commissioner Bergsman said I just wanted to add to that, I definitely have a lot of concerns about this and I also feel that we could be doing a better job of engaging the community that’s going to be impacted the most. I’m definitely on board with moving it to give us time to do both of those.

Mayor Clark called for the vote.

Motion carried unanimously.

Fire Department Operating and Services Agreement. In order to carry out the transition for fire services from contracted services to “in-house” services, the Town must update the current Operating and Services Agreement (OSA) to set forth the terms for the transition and to indicate the time frame for moving from an OSA to a pure service agreement for supplemental services. The revised OSA sets forth those updates.

Commissioner Quarles made a motion to approve the amended Operating and Services Agreement with HFD, Inc.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Amended Operating and Services Agreement attached hereto as Exhibit No. 7.

Sustainability Committee Discussion. Commissioner Hunt said to begin our discussion I would like to share the prevalence goals and purpose of creating a sustainability committee in Huntersville. Many other municipalities around here have sustainability committees – Davidson, Charlotte, Winston Salem, Boone, Lewisville, Asheville, Chapel Hill, Belmont, Greensboro, Elon, Hendersonville, and Matthews just to name a few. The committee could potentially be comprised of nine experts in the areas of education, environmental climate science, infrastructure, forestry or like an arborist, energy conservation, alternative energy, and sustainable business practices.

The committee could meet monthly and advise commissioners about Huntersville's sustainability efforts and opportunities to protect the natural environment and could potentially focus on four things. One could be a community education and engagement, advise and make recommendations regarding community education and outreach. The second could be green building and infrastructure, so advise and make recommendations regarding codes and ordinances related to green building and materials. This could potentially include making improvements to storm water run-off, permeable pavement and rain gardens, increasing walkability and bikeability and so on. The third priority could be identifying policies to reduce greenhouse gas emissions, specifically those from methane and fuels, so we could potentially implement composting, install some EV charging stations and update the town fleet. And then lastly enhance the natural beauty and livability by advising on ordinances and policies to preserve the tree canopy and enhance the natural beauty through native species.

To share some additional purpose and to zoom out for a second, I would be remiss if I didn't share some research and stats. According to the Pew Research Center, nearly three in four people believe that climate change is hurting Americans today. Many folks have seen the devastating impacts of climate disasters from the wildfires in Maui to hurricanes in Florida and although we are not directly feeling the impacts of sea level rise or dealing with wildfires, we have seen things with major environmental implications in Huntersville like the Colonial Pipeline spill, a disproportionate number of ocular melanoma cases and a drought in 2007 that caused concern about the future water supply statewide. Back to the research mentioned a moment ago, it's notable that many young people feel that harm will befall them due to climate change. In fact, eight in ten respondents felt that way. I think it's important to take action for posterity sake. What thoughts does the group have.

Commissioner Quarles said this would be a great way of saving energy and not creating waste and product source, but I have a question for staff. Are there ways that we can incentivize businesses to participate in something such as this.

Emily Sloop, Town Attorney, said it could be something that we could research and look into in terms of options.

Commissioner Quarles said because I've come up with some different ideas where it would be a win-win where the town could partner with some of our local brewers for example. There's a program in Richmond, VA that I know of where the breweries are working with the local town and I just love the Huntersville above Charlotte t-shirts and it's definitely something I would love to share later with the staff in regards to how we can profit from this as well as participate in sustainability.

Commissioner Bergsman said question and a comment. Are we talking more about a committee that's going to be in existence for multiple years or something like last year's Affordable Housing Task Force where it was set with a clear end date.

Commissioner Hunt said I think because this is an ongoing kind of issue and we're always improving, it would be more of ongoing.

Commissioner Bergsman said I was also just doing a little bit of research and we hear about the 2040 Plan a lot so I looked at that when I saw the email that we were going to talk about this on the agenda tonight and I just wanted to bring up a few things that I feel are relevant and also highlight that moving forward with something like a Sustainability Committee is also aligned with our 2040 Plan. First, I just wanted to repeat for those who don't know it, the vision statement, because it does talk about environmental safety. And so from the 2040 Plan "By 2040, Huntersville will be a vibrant community rooted in the past while looking towards the future. It provides attractive options for its residents to live, work, play and grow. Pursuing the highest level of excellence, the town will guide growth and development in a way that prioritizes quality of life, green spaces and environmental safety, meaningful economic development, and multimodal transportation." So especially when this is right in the vision statement, I feel that this is a logical next step. Also, in the 2040 Plan there's the EOS-9 which is the Environmental and Open Space section of the document and I'm not going to list all the things in the plan that are relevant to this, but I do want to highlight one or two which is the recommendation to promote sustainable sites and buildings and then 9.1 to promote the use of energy efficient building and neighborhood design. I just want to bring those up because this is something that the community gave feedback on and I support and I feel that it's in line with the vision of the town and the priorities, so I like the idea.

Commissioner Walsh said I think this would be an invaluable group for our town and we certainly are needing it. Any idea of what staff time would be involved or number of staff folks.

Commissioner Hunt said I think two staff members and one person to take notes and I think the staff time depends on research, presenters, time allocated for meetings. The committee could meet in the afternoon around 3:30 to alleviate the need for staff to extend their workday to attend the meeting.

Commissioner Rivers said the committee, will you look at, besides staff, outside sources as well for any type of I guess recommendations or anything like that.

Commissioner Hunt said ideally it would be great to have folks from a couple of different areas that could advise us and they would be experts in those particular areas, but some of those that I had mentioned are folks who are in education, environmental climate science, infrastructure, forestry, etc. Is that what you were asking?

Commissioner Rivers said yes, and also you might want to look at some non-profit organizations that offer that and the reason why I say that is because coming from a community where we have definitely struggled with environmental sustainability, we had to seek other options as far as non-profit organizations that have come out and have given reports on our air quality. Where they've tested from

our Torrence-Lytle building, because there have been tests that came back where there is asbestos in that building so it has been an issue within our community, so that would be very good for you to go out and seek some non-profit organizations where you don't have to pay to get that information. They are willing to do that and they have the funding for that. That is what they specialize in, but also too I want to bring up just the fact that I do support this committee. I think it would be beneficial for the town as a whole in its entirety. Like I said in dealing with this and going through this for many years with the landfill and being affected and our residents being affected, I think this will be very great, educational, as well as getting the input from the residents here in the Town of Huntersville.

Commissioner Dumas said do you imagine this committee to review zoning requests and offer guidance similar to my question earlier with the Morningstar?

Commissioner Hunt said no I don't.

Commissioner Dumas said so they wouldn't be involved in the rezoning requests, but they would have some potential ideas for how we could approach it with our.....

Commissioner Hunt said right, I believe they could make some recommendations or advice on specific ideas, policies, ordinances, etc.

Mayor Clark said I guess we don't need a motion, but we'll take a straw vote to direct staff to proceed with the formation of this committee.

The Board unanimously agreed to direct staff to proceed with the formation of the committee.

CLOSING COMMENTS

Commissioner Quarles said I just want to say happy new year to all the citizens of this great Town of Huntersville and this coming Thursday the Lake Norman Chamber will have their government session for Junior Leadership Lake Norman.

Commissioner Bergsman said I have nothing except wishing the community a happy and healthy new year.

There being no further business, Commissioner Walsh made a motion to adjourn. Commissioner Rivers seconded the motion. Motion carried unanimously.

Approved this the 16th day of January 2024.