

Members

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



Town Staff

Brian Richards
Director
Planning Department

Tracy Barron
Executive Assistant
Planning Department

Jacob Chambers
Staff Attorney

AGENDA

Planning Board Meeting

February 27, 2024 - 6:30 PM

TOWN HALL (101 Huntersville-Concord Road)

**Live Stream available via YouTube
@townofhuntersvillenc28078**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
 - 2.A. Consider approval of the January 23, 2024 regular meeting minutes
- 3. Public Comments** - *Speakers are limited to 3 minutes. The Chairperson reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers*
- 4. Action Agenda**
 - 4.A. Consider a recommendation on Petition #R23-06, Beatties Ford Entertainment, a request by Jonathan Eury and Katie Carpenter to rezone +/- 2.513 acres at 9349, 9339, and 9331 Beatties Ford Rd from the Rural District to Highway Commercial Conditional District to allow Outdoor Recreation and Office use. *(Nathan Farber)*
 - 4.B. Consider a recommendation on Petition #TA23-08, a request by the Huntersville Planning Department to amend Zoning Ordinance Article 8.13 to remove "Regulation of Nuisances" language. *(Nathan Farber)*
- 5. Other Business**
- 6. Adjourn**

GENERAL MEETING INFORMATION

Planning Board:

The Planning Board functions as an advisory board to the Town Board on all requests for changes in the zoning laws, and ordinances of the Town of Huntersville subdivision requests pursuant to the Huntersville Subdivision Ordinance, and is empowered to make

recommendations to the Town Board, or other governmental agencies consistent with the Planning Board's charged obligation to provide for proper planning for the future growth of the Town of Huntersville, and its environs. For more information visit www.huntersville.org.

Meeting Time, Place and Agenda:

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

Special Accommodations:

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

Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, January 23, 2024.

Call to Order/Roll Call

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

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

Absent: None

Approval of Minutes

Item 2A. Consider approval of the September 26, 2023, Regular Meeting Minutes

Motion: S. Hensley made a Motion to Approve the September 26, 2023, minutes. C. Boyd seconded the motion.

Vote: The motion passed unanimously (9-0).

Public Comments: Anna Ruben, 16214 Hollyburn Road voiced her concerns about the proposed Morningstar development. She urged the town to adhere to their design and architectural standards, emphasizing the importance of an 80 ft buffer yard for the development site. Anna stated that the three-story, 103,000-square-foot construction proposal was mismatched with the existing landscape, both in scale and aesthetics. She recommended that the developer reduce the building size to reflect the local area's character and maintain the mandatory buffers for citizen protection.

Action Items

Item 4A: Consider a recommendation in #TA23-07, a request by the Huntersville Planning Department for a text amendment to Article 12, Section 12.2.1 "Interconnected" to clean up definition.

P. Patterson, Planner I entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the proposed text amendment.

Motion: C. Boyd made a Motion to recommend Approval of the proposed amendment TA 23-07. The Planning Board recommends approval of the amendment to provide clarification. It is reasonable and in the public interest to amend the zoning ordinance because it will provide clarification to the language. T. Loomis seconded the motion.

Vote: The motion passed unanimously (9-0).

Item 4B: Consider a recommendation on #TA23-06, a request by the Huntersville Planning Department to amend the Zoning Ordinance to comply with House Bill 488.

N. Farber, Planner II entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed the proposed the proposed text amendment and related House Bill that has already been passed on the state level.

J. Sny commented that this item was considered by the Ordinance Advisory Board and received an original vote of (4-2-1) to table the item with a request to the Planning Staff to bring the item back

before the Ordinance Advisory Board after further review of the House Bill and to resolve some areas as the Board noted. He then referenced citations to establish that this motion to reconsider conducted at the October 5, 2023, Ordinance Advisory Board meeting related to this item did not follow Robert's Rules of Order and should be considered invalid. He then invited the Legal Department to make comment and stated his recommendation would be to return the item to the Ordinance Advisory Board based on the tabled motion direction. Legal responded and there was further discussion resulting in the comment that with or without recommendation, an item considered by the Ordinance Advisory Board may move forward to the Planning Board. Since the Public Hearing has already occurred for this item, it was recommended that the Planning Board proceed with hearing and voting on this item with all concerns noted for the consideration of the Town Board that will make the final decision.

The Board had further discussion related to concerns over the clarity of the proposed amendment and to offer recommendations of references to state statutes, not overstating items that are being regulated by other authorities, and ensuring that the proposed amendment is thorough, accurate and not misleading for residents. Legal staff advised the Planning Board that they may include any recommendations in their motion for the Town Boards consideration.

Motion: F. Gammon made a Motion to recommend Approval of petition TA23-06 sections 1 and 2 of the amendment based on consistency with all policies in the Huntersville 2040 Plan and compliance with state statutes. It is reasonable and in the publics interest to amend the Zoning Ordinance because section 1 and 2 comply with the Huntersville 2040 Plan and state statutes. In considering section 3, the Planning Board does not recommend approval because it does not convey an accurate interpretation of state statute, building permit requirements and exceptions. For example, the Huntersville Zoning Ordinance requires a building permit to install a repair water heater. While the state statute General statute 160 D 1110 referenced above does not require a building permit to install or repair a water heater in one- or two-family dwellings as long as specific criteria outlined in the statute are met. In addition, there may be other exceptions that are allowed in the North Carolina Journal statute 160 D dash 1110. Section one M that impact the town zoning units that should also be identified and addressed. L. Hallman seconded the motion.

The Board had discussion related to the specific elements of section 3 that there were concerns over. The concern over not including a reference to the state statutes like what is included in section 1 and 2 was noted. The Board expressed a desire not to mislead the resident and properly reflecting the intent of the state statute. Members of the Board confirmed that after the discussion and concerns expressed that Staff and the Legal department are comfortable with the proposed language. The Board discussed proposed amendments and wording changes.

Substitute Motion: S. Hensley made a Substitute Motion to recommend Approval of petition TA23-06 based on consistency with all policies of the Huntersville 2040 community plan in compliance with state statutes with the exception and revision to section three, one, replace a building permit is generally required for the activities below with the language, "A building permit may or may not be required for the activities below." It is reasonable in the public interest to amend the zoning ordinance because it complies with the Huntersville 2040 community plan and state statutes. J. Henson seconded the motion.

L. Hallman requested an amendment to include to the end of section three, one the phrase, "Notwithstanding the foregoing, nothing in this subsection shall be interpreted to conflict with NCGS 60 D 804 160 D 804." Legal advised that the correct reference is NCGS 160D, 1110. S. Hensley and J. Henson accepted the amendment with the correct reference to be confirmed by staff.

J. Sny commented that he would not support the motion due to the Roberts Rules of Order not being followed and this and that Board deserves to hear the item again. S. Hensley confirmed that any Board members feeling strongly about that he would be happy to bring the item up again at the Ordinance Advisory Board.

Amended Substitute Motion: Recommend Approval of petition TA23-06 based on consistency with all policies of the Huntersville 2040 community plan in compliance with state statutes with the exception and revision to section three, one, replace a building permit is generally required for the activities below with the language, "A building permit may or may not be required for the activities below." Then to add to the end of the paragraph, "Notwithstanding the foregoing, nothing in this subsection shall be interpreted to conflict with NCGS 160D, 1110." It is reasonable in the public interest to amend the zoning ordinance because it complies with the Huntersville 2040 community plan and state statutes.

Vote: The motion passed unanimously (6-3) with F. Gammon, J. Sny, and L. Hallman opposed.

Item 4C: Consider a recommendation 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.

N. Farber, Planner II entered his staff report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff reviewed the proposed the proposed rezoning details.

J. Sny asked questions of the applicant's representative, Mr. Irvin, 19726 Zion Avenue Cornelius related to an aeronautical study or a light study related to the height of the tower, FAA requirements, and its proximity to Bradford Field. The representative responded that he would have to determine if an aeronautical study was conducted or deemed necessary given the distance to the airfield. The height and lack of a blinking light were a direct result of the community meeting concerns and are in keeping with FAA requirements.

The Board confirmed that the easement is deeded, access is confirmed and will be in perpetuity. Staff confirmed that any changes to the easement would require the applicant to submit a rezoning request.

The Board confirmed the benefits of the proposed tower. The applicant Tim Sutton 9014 Corners, Creek Road, Charlotte, North Carolina stated that the proposed tower is to address current and future needs with a goal of not having to do an incremental build out.

The Board asked what the plans are to preserve the easement in the event that Greenway Recycling reaches a sunset period as a landfill. The applicant, John Brown, 11743 Trails End Lane confirmed that the recycling facility has a permit that operates in perpetuity.

Motion: G. Baber made a Motion to recommend Approval of petition R23-10, Communications Tower. The Planning Board recommends approval based on the plan being consistent with the Huntersville 2040 Community Plan policies PS-1, LU-1 and with the Holbrooks Road Corridor plan, it is reasonable in the public interest to approve the rezoning plan because it is consistent with the envisioned used and development pattern set forth in the 2040 Community Plan, Holbrook Road Corridor plan, and in keeping with the spirit of the ordinance. C. Boyd seconded the motion.

Vote: The motion passed unanimously (9-0).

Item 4D: Consider a recommendation 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.

J. James, Principal Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit D and incorporated herein by reference. Staff reviewed the proposed rezoning, identified the modification requests, and shared that staff finds the proposed rezoning appropriate with the recommended conditions.

The Board had extensive discussion related to the proposed southern BMP location, the buffer requirements, the street tree requirements, proposed architecture, proposed height, proposed landscaping, pedestrian considerations, and current permitted uses of the land without a rezoning request. Staff and the applicant representative, Marshall Macon, 4019 Abingdon Road Charlotte responded to the Boards questions.

Motion: C. Boyd made a Motion to recommend Approval of rezoning petition R23-11 Morningstar Storage, the Planning Board recommends approval as the request is generally compliant with the Town of Huntersville site design and architectural standards within the Zoning Ordinance and tied into the land use policies. LU-51 and T-51 but not consistent with the envisioned uses set forth in the 2040 Huntersville community plan sections LU-1 and LU-6.3. The current zoning designation of the parcel 01101208 is special purpose which comprises roughly three of the four acres in the proposal and does not permit by right, the proposed use thus rezoning the approximate four-acre site to special use conditions for approval. Modification request to reduce property line buffer from 80 ft to 66 ft, the Board can recommend this request if the applicant can prove that by reducing the buffer, the matching plantings can be sustained in the 66 ft wide buffer area. The Board recommends providing 1000 square foot buffer section on the proposed purpose conditional district for reason of gaining the needed land to allow the site to come into conformity with the zoning ordinance. Buffer requirements is appropriate with the following conditions, 1) landscape that shows the mature growth of the plantings can be achieved with the reduced buffer proposal and underground storage under the parking lot in lieu of the existing drainage shown on plans of the BMP within the southeastern buffer. 2) Minor staff site review comments are addressed it is reasonable in the public interest to approve the rezoning plan because the rezoning is consistent with the land use in the general vicinity and meets the site and architectural standards for Huntersville. L. Hallman seconded the motion.

T. Loomis stated she would not support the motion due to the buffer modification given the scale and massing of the proposed building.

S. Hensley commented that his personal preference would be to see the reuse of the existing structures and not to see a development of this scale at this location. He went on to state that he also believes in personal property rights and understands that it is the property owners' rights to sale his land and that the existing three acres are already zoned to permit this use.

C. Boyd commented that he was not in support of the height and glass after the public hearing until the Board discussion highlighted that the same structure design and height could be achieved on the current three acres and this proposal allows for the mature plantings on the southern side.

G. Baber asked staff to confirm their request of the applicant regarding the 1000 square foot buffer section. Staff confirmed that they are looking for a landscape plan forecasted at full maturity to demonstrate the desired appearance.

F. Gammon commented that his area of concern is the removal of the 80 foot buffer on the McCord and Highway 115 sides based on the architectural standards being met by the applicant. He weighs that against the fact that this commercial use will bring tax dollars to the Town and his preference that this no become a gas station at this corner.

J. Sny commented that he is not personally excited by this project and he would prefer to see this corner more activated but he will vote for it as it does support the tax base and he understands the other challenges of the constrained road system and schools.

J. Henson commented that the massing on the street is his greatest concern and while the project does not excite him, he understands that this is not the criteria for his decision on this Board.

L. Hallman commented that what the building is permitted to be now on the existing 3-acres leads him to supporting this as the architectural interest the applicant adds to reduce the buffers are positives. Additionally, the storage is valuable for small business owners and online business owners, as well as people looking for more affordable housing that will yield less storage options.

Vote: The motion passed unanimously (8-1) with T. Loomis opposed.

Other Business

Item 5A: Consider approval of the 2024 Planning Board Meeting Schedule

Motion: J. Sny made a Motion to Approve the 2024 Planning Board Meeting Schedule with November and December meetings to be held on the third Tuesday of the month. F. Gammon seconded the motion.

Vote: The motion passed unanimously (9-0).

Adjourn

Motion: T. Loomis made a Motion to Adjourn. C. Boyd seconded the motion.

Vote: The motion passed unanimously (9-0).

Approved this ____ day of _____ 2024.

Chairman or Vice Chairman

Board Secretary

**Town of Huntersville
Planning Board
February 27, 2024**

To: Town Board

From: Nathan Farber, Planner II

Date: February 27, 2024

Subject: #R3-06

EXPLAIN REQUEST:

Consider a recommendation on Petition #R23-06, Beatties Ford Entertainment, a request by Jonathan Eury and Katie Carpenter to rezone +/- 2.513 acres at 9349, 9339, and 9331 Beatties Ford Rd from the Rural District to Highway Commercial Conditional District to allow Outdoor Recreation and Office use.

ACTION RECOMMENDED:

Consider a Recommendation

FINANCIAL IMPLICATIONS:

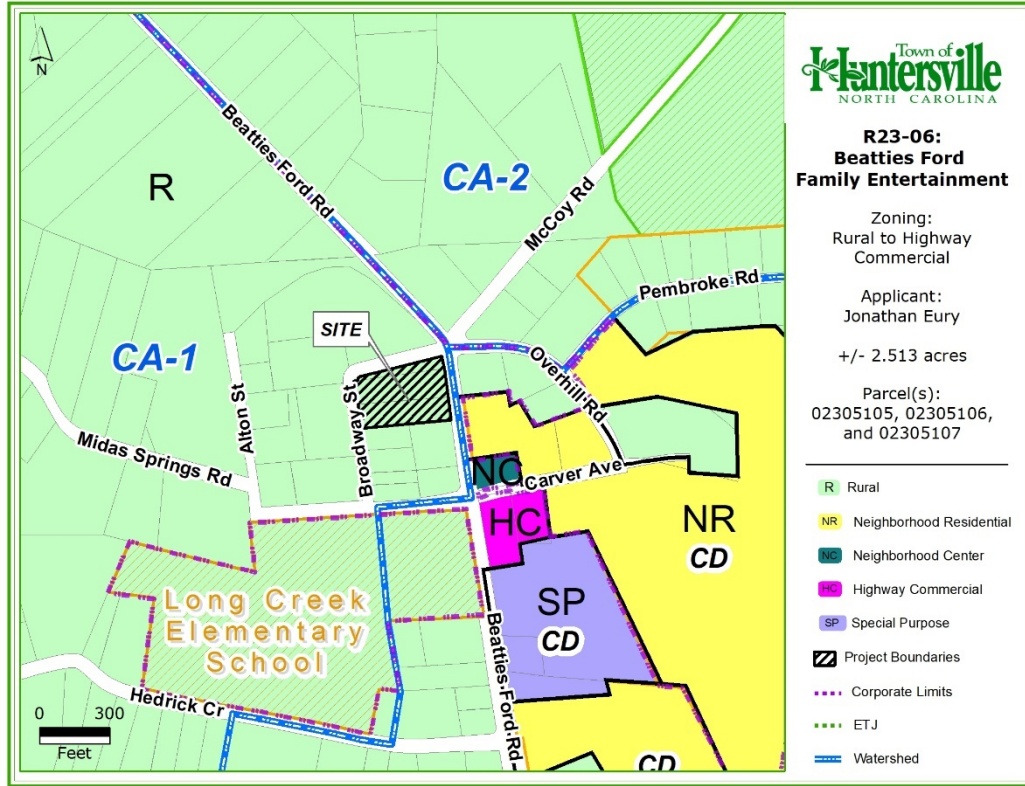
NA

ATTACHMENTS:

1. R23-06 PB Staff Report
2. A - Rezoning Application
3. B - R23-06 Rezoning Plan
4. C - Neighborhood Meeting Notes
5. D - APO Notification

Petition R23-06 Beatties Ford Family Entertainment

PART 1: PROJECT SUMMARY



Applicant: Jonathan Eury,
Katie Carpenter

Property Owner: Jonathan
Eury, Katie Carpenter

Property Address: 9349, 9339,
9331 Beatties Ford Rd

Project Size: (+/-) 2.513 acres

Parcel Numbers: 02305105,
02305106, 02305107

Current Zoning: Rural (R)

Current Land Use: Single
Family.

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

Proposed Land Use:
Commercial & Outdoor
Recreation

1. Purpose: Rezone +/- 2.513 acres west of Beatties Ford Rd. from Rural to Highway Commercial Conditional District (HC-CD) for indoor and outdoor recreation and commercial uses.
2. Adjoining Zoning and Land Uses.
 - North: Rural – Currently Vacant and Single Family (Vacant).
 - South: Rural - Single Family.
 - East: Rural and Neighborhood Residential Conditional District – Single Family (Oak Grove Hill Subdivision Under Construction).
 - West: Rural – Long Creek Elementary & Single Family.
3. A neighborhood meeting was held on June 24, 2023, and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment C).
4. Notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Beatties Ford Rd.
5. On September 18, 2023, the rezoning proposal was not approved by the Town Board by a vote of 2-3. However, since the motion was to approve instead of to deny the proposal, two Town Board members may choose to bring it back by adding it to the agenda.
6. On December 18th the Town Board directed staff to call for and readvertise a public hearing for this rezoning.

PART 2: REZONING/SITE PLAN

The proposed Beatties Ford Family Entertainment Conditional District Rezoning Plan is summarized as follows:

- Transforming the existing single-family home into a rentable meeting/ office space.
- Open lawn area for Outdoor Recreation area which could include Cornhole, Kubbb, and Volleyball.
- A 30' Buffer along the south of the property will use existing and new vegetation to create a barrier between neighboring residential properties. A modification request has been made regarding this buffer (See below).
- Approximately 270' LF of side path will be installed along Beatties Ford Rd.
- A 5' wide sidewalk will be installed along Broadway Street.
- Minimum Tree Preservation (Specimen Trees) for the Highway Commercial District is 30% Specimen Trees. The applicant is proposing to save 16 of the 18 (85%) of existing specimen Trees.
- There are no identified Heritage Trees on site.
- Minimum Parking requirements for Commercial/Industrial/Office uses require 1 space per 500 S.F. The applicant is proposing to provide 22 spaces. The 3,663 S.F. existing structure would require the site to provide 8 spaces. A modification request is being made for parking surface materials (See Below).
- No changes to the elevations of existing structures have been indicated. A future open-air covered area is proposed to the south of the home.
- The applicant has stated that the three parcels will be recombined.
- The applicant has noted as a condition of approval that 7000 S.F. of impervious will be transferred from parcel #02305213. The Impervious Transfer is completed administratively. The rezoning area is located within the Mountain Island Lake Critical Area-1 Watershed (6%).
- Planning and Transportation staff have minor outstanding site plan comments that need to be addressed before final plan approval.
- The applicant intends to voluntarily annex their lot into the Town of Huntersville.
- Two (2) Ordinance Modifications are proposed:
 1. Article 6.1 (G): All commercial driveway and parking areas shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, peak parking, and Riding Academies and Commercial Stables. Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement, or brick pavers.

APPLICANT PROPOSAL – The applicant is requesting to pave the driveway through the parking area but use mulch for the individual parking stalls.

STAFF COMMENT - The use of a material not listed for use with a commercial parking area for required parking is not consistent with the intent of the Zoning Ordinance, staff DOES NOT SUPPORT this modification request.
 2. Article 7.5.3: Buffer Yards; Function - A buffer yard shall function as an opaque or semi-opaque barrier between the viewer and the use or structure to be buffered.

APPLICANT PROPOSAL – The applicant is requesting to allow an existing storage shed to encroach into the required 30 ft buffer on the south side of the property.

STAFF COMMENT –The existing vegetation and additional vegetation required by the buffer would mitigate the visual impact of the existing structure from the neighboring property. This is in keeping with the Spirit of the Ordinance, staff DOES SUPPORT this modification request.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

A Town TIA for the proposed project was not required.

Intersection Improvement Project

The purpose of the Beatties Ford at McCoy Intersection project is to improve safety and traffic movements by removing one of the five legs of the intersection (Overhill Rd) and installing a traffic signal. Utility coordination with Charlotte Water and Duke Energy is currently underway, and Right-of-Way plans are being finalized.

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 COMMENT – The 2040 Huntersville Community Plan DOES NOT SUPPORT this project through the following sections:

- **Policy 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: LU 6.1 does not support the request as this rezoning is not located within a Mixed-Use, Activity, or Employment Center. The site is currently surrounded by residential properties.
- **Policy LU 6.2:** Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans.
Staff Comment: LU 6.2 does not support the request as the rezoning request is located within the Rural Conservation and Critical Watershed Future Land Use areas.
- **Policy LU 6.3:** Small scale, neighborhood-serving commercial and office uses may be allowed in Town Core and Moderate Density areas specified on the Future Land Use map at key locations if designed in a context sensitive manner.
STAFF COMMENT: LU 6.3 does not support the rezoning as small scale commercial and office uses are specified on the Future Land Use map to be allowed within the Town Core and Moderate Density areas, not in the current Rural Conservation area that the rezoning is located in.

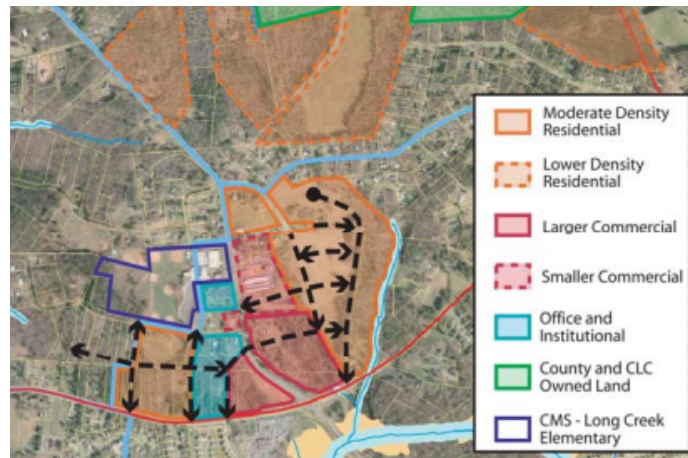
Beatties Ford Rd Corridor Small Area Plan (2007)



Preserve the existing rural character: The study area will continue to develop as a low density, predominantly residential district, as established by the Town's overall planning framework. Future commercial development within the study area should be focused at NC 73 and at Mount Holly - Huntersville Road, with an additional center at the intersection of Hambright Road with BFR. In conjunction

The Beatties Ford Rd Corridor Small Area Plan created a vision for future land use for which the area should remain and develop as a low-density residential district. The plan calls out the Beatties Ford Rd and Hambright Intersection as the appropriate area for future commercial development. The rezoning site falls within the study area that should remain low-density and primarily residential.

Beatties Ford Rd./Mt. Holly-Huntersville Rd Small Area Plan (2005)



The Beatties Ford Rd./Mt. Holly-Huntersville Rd Small Area Plan created a vision for the future commercial and residential growth for the intersection at Beatties Ford Rd and Mt. Holly Huntersville Rd. The plan calls for higher intensity commercial development to be focused closer to Hambright Rd and then decrease intensity the farther your travel north on Beatties Ford Rd. The rezoning site does not fall into the plans commercial or residential zones for 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 property is surrounded by residential properties such that the higher intensity proposed uses would not be consistent with existing development in the immediate vicinity of the subject property. The proposed rezoning for the Beatties Ford Family Entertainment is not consistent with envisioned uses and development patterns set forth in the 2040 Community Plan and Beatties Ford Rd Corridor Small Area Plan.

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, stormwater drainage systems, water supplies, and wastewater and refuse disposal.**

STAFF COMMENT:

- A Transportation Impact Analysis was not required – see Part 3 of this report.
- The property is currently served by a septic system.
- The property is currently being served by Charlotte Water.

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, or cultural resources. Currently, the site is not encumbered by any historic easements or deed restrictions. The rezoning site is located within the Mountain Island Lake Critical Area-1 Watershed. The applicant has noted as a condition of approval that 7000 S.F. of impervious will be transferred from parcel #02305213. The Impervious Transfer is completed administratively.

PART 5: STAFF RECOMMENDATION

In considering the proposed rezoning petition R23-06, Beatties Ford Family Entertainment, Staff does not recommend approval for the following reasons:

- The Rezoning is not consistent with the Huntersville 2040 Community Plan, specifically, Policies LU 6.1, LU 6.2, and LU 6.3.
- The Rezoning is not consistent with the Beatties Ford Rd Corridor Small Area Plan and the Beatties Ford Rd / Mt. Holly-Huntersville Rd Small Area Plan.
- The Rezoning is not consistent with the existing development patterns in the vicinity.
- The proposed use is an increase in intensity in an area set aside for low-intensity residential development and would set a precedent to develop Rural Zoned land within a Critical Area Watershed as Commercial.
- Requested modifications of #1 (Parking Surface Material are not in keeping with the spirit of the Ordinance and therefore not supported).

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing is scheduled for February 5, 2024.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to meet on February 27, 2024.

PART 8: TOWN BOARD CONSIDERATION

Town Board consideration is scheduled for March 18, 2024.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application
- B – R23-06 Rezoning Plan
- C – Neighborhood Meeting Report (June 24, 2023)
- D – APO Notification

PART 10: CONSISTENCY STATEMENT – R23-06 Beatties Ford Family Entertainment

Planning Department	Planning Board	Board of Commissioners
APPROVAL: NA	APPROVAL: In considering the proposed rezoning application R23-06, Beatties Ford Family Entertainment, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	APPROVAL: In considering the proposed rezoning application R23-06, Beatties Ford Family Entertainment, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>. <u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
DENIAL: In considering the proposed rezoning application R23-06, Beatties Ford Family Entertainment, the Planning Department recommends denial based on the Plan being inconsistent with the Huntersville 2040 Community Plan policies LU 6.1, LU 6.2, LU 6.3, and with the Beatties Ford Rd. Corridor Small Area Plan and Beatties Ford Rd / Mt. Holly-Huntersville Rd Small Area Plan. It is reasonable and in the public interest to not approve the Rezoning Plan because it is not consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan, Beatties Ford Rd Corridor Small Area Plan, and Beatties Ford / Mt. Holly-Huntersville Rd Small Area Plan. Modification #1 is not in keeping with the spirit of the Ordinance and therefore cannot be supported.	DENIAL: In considering the proposed rezoning application R23-06, Beatties Ford Family Entertainment, the Planning Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	DENIAL: In considering the proposed rezoning application R23-06, Beatties Ford Family Entertainment, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>. <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



General Application

INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.

1. Application Type

Please indicate the type of application you are submitting. In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☒ Conditional Rezoning
General Rezoning
- ☐ Master Signage Program
- ☐ Special Use Permit
- ☐ Revision to
Original Project # _____
- ☐ Other _____

- SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
- ☐ Sketch Plan
 - ☐ Preliminary Plan
 - ☐ Final Plat (Includes Minor Subdivision)
 - ☐ Exempt Subdivision
 - ☐ Final Plat Revision
 - ☐ Farmhouse Cluster

2. Project Data

Date of Application 4/28/2023

Name of Project Long Creek Family Entertainment

Phase # (if subdivision) _____

Project Address 9339 Beatties Ford Rd Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 02305105, 02305106, 02305107

Current Zoning District R Proposed District (for rezoning only) Highway Commercial

Property Size (acres) .891, 1.004, .618 = 2.513 acres Street Frontage (feet) 860 Feet

Current Land Use Residential

Proposed Land Use(s) Highway Commercial

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

Rezone to allow for a local, small business, owner operated family focused coffee/soda shop with outdoor seating and recreation (cornhole, kubb, lawn games).

We will use the existing home to keep and maintain the aesthetics of the neighborhood and keep the rural feel.

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 Jonathan Eury

Phone 704-674-4223

☐ 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 [Signature] Printed Name: Jonathan Eury

Title Property owner Email euryjon@gmail.com

Address of Applicant 9339 Beatties Ford Rd Huntersville NC 28078

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

The Isaacs Group	Brian Upton	704-527-3440	bupton@issacsgrp.com
Development Firm	Name of Contact	Phone	Email

Design Firm	Name of Contact	Phone	Email
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Contact Information

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

Phone: 704-875-7000
Fax: 704-992-5528
Physical Address: 105 Gilead Road, Third Floor
Website: <https://www.huntersville.org/228/Planning-Department>



General Application
Owner/Applicant Signature Addendum

Application Information

Date of Application 4/28/2023

Application Number SPM# 448546

Name of Project Long Creek Family Entertainment Phase # (if subdivision) _____

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

* ^ Printed Name Katherine Carpenter Phone Number 585 749 5712
☐ 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): 02305105, 02305106, 02305107

Title owner Email KCarpenter00@gmail.com

Address of Property Owner/Applicant 9335 Beathes Ford Rd

* ^ 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 _____

* ^ 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 _____

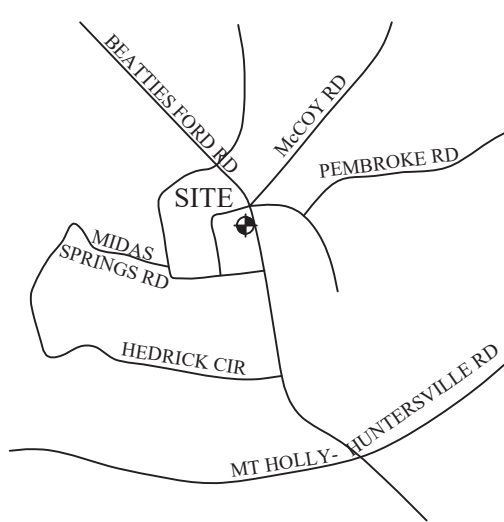
* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

^ 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.

LONG CREEK FAMILY ENTERTAINMENT

9339 BEATTIES FORD RD., HUNTERSVILLE, NC

EPM #448946



VICINITY MAP: NOT TO SCALE

PURPOSE:

TO REZONE EXISTING PROPERTY TO HIGHWAY COMMERCIAL HC-CD IN ORDER TO ALLOW OUTDOOR ENTERTAINMENT AND OFFICE AREAS

023-052-40
BRETT A. GRANBERRY
RICHARD J. WNUK
DB 35691, PG 142
ZONING: R

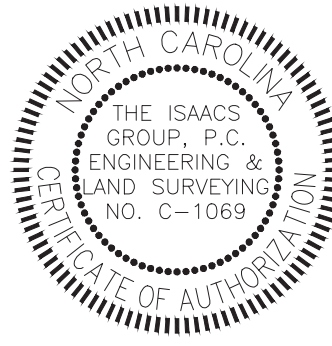
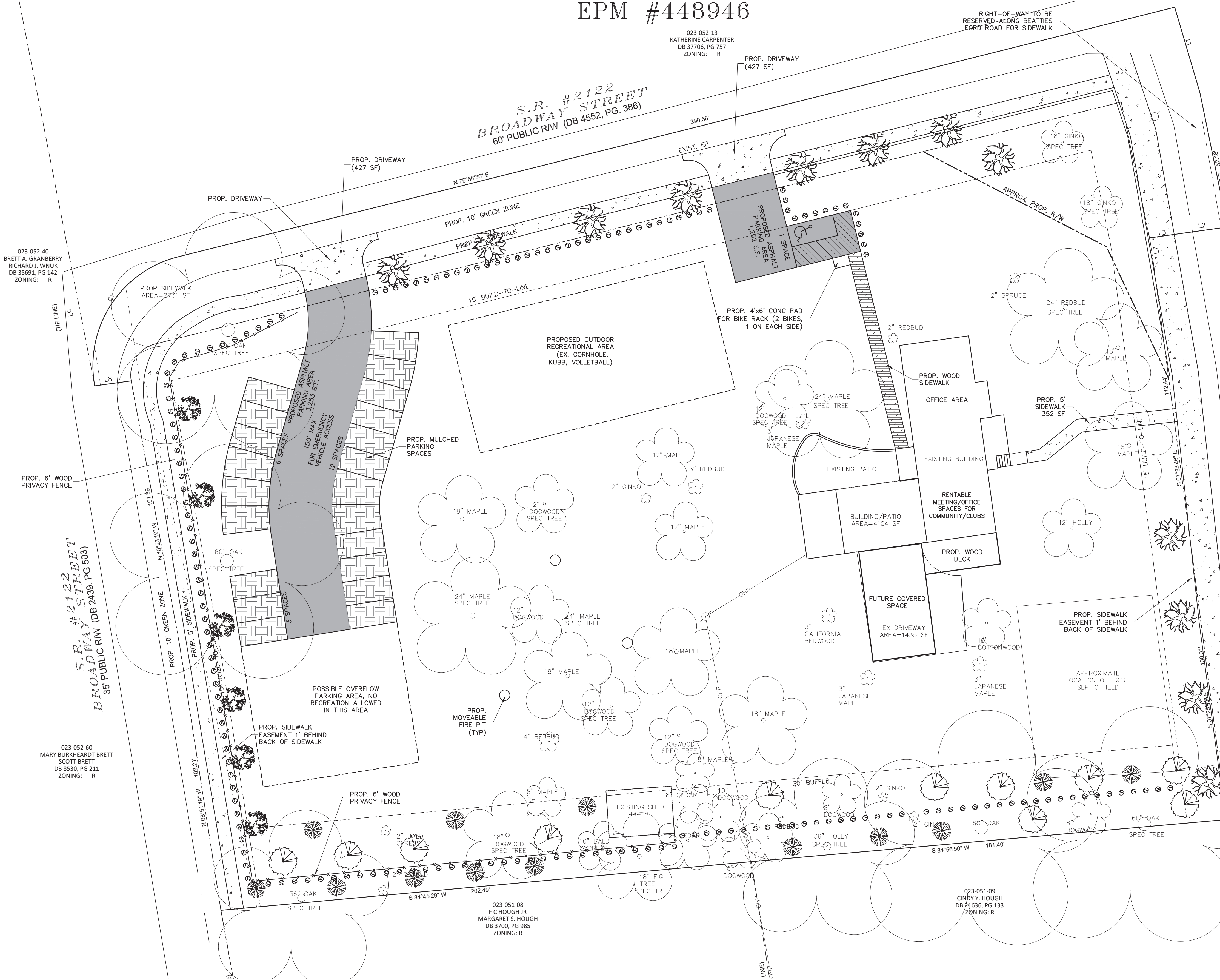
PROP. 6" WOOD
PRIVACY FENCE

S.R. #2122
BROADWAY STREET
35' PUBLIC R/W (DB 2439, PG 603)

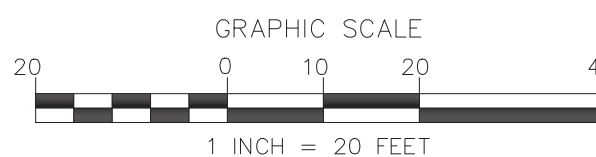
023-052-60
MARY BURKHEARDT BRETT
SCOTT BRETT
DB 8530, PG 211
ZONING: R

GENERAL NOTES:

- THIS MAP IS NOT A CERTIFIED SURVEY, BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY PROFESSIONAL PROPERTY SURVEYORS, INC. THE PHYSICAL AND TOPOGRAPHIC DATA PROVIDED IN THESE DRAWINGS HAS BEEN COMPILED BY THE ISAACS GROUP AND THE ENGINEER OF RECORD (ENGINEER) IN SUPPORT OF THIS PROJECT AND CANNOT BE RELIED UPON BY OTHERS. "THE ISAACS GROUP" AND "THE ENGINEER OF RECORD" SHALL DEFINE THE TERM OF "ENGINEER" USED IN THE SUBSEQUENT NOTES.
- THE EXISTING UTILITIES SHOWN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THIS PLAN AND THE UTILITIES SHOWN ON THIS PLAN MAY NOT BE IN THE EXACT LOCATIONS AS SHOWN. THE ISAACS GROUP, P.C. ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN OR ANY OMISSIONS IN SHOWING EXISTING UTILITIES THAT MAY BE WITHIN THE PROJECT AREA. THE CONTRACTOR IS 100% RESPONSIBLE FOR UTILIZING A PRIVATE LOCATOR AND APPROPRIATE UTILITY COMPANIES TO LOCATE THE SIZE, LOCATION, INVERTS, DEPTHS AND EXISTENCE OF ALL EXISTING UTILITIES (ELECTRICAL, MECHANICAL, WATER, TELEPHONE, FIBER OPTIC, GAS, ETC.) TO HIS/HER SATISFACTION PRIOR TO COMMENCEMENT OF CONSTRUCTION AND EXCAVATION ACTIVITIES. CONFLICTS BETWEEN EXISTING UTILITIES AND PROPOSED EXCAVATION SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
- PROVIDE MINIMUM OF 48 HOUR NOTICE TO OWNER OR REPRESENTATIVE PRIOR TO INTERRUPTION OF ANY EXISTING UTILITY, IF BEING UTILIZED.
- THE CONTRACTOR IS RESPONSIBLE FOR REPAIR AND/OR REPLACEMENT OF ANY UTILITIES DAMAGED DURING CONSTRUCTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR LOCATION & PROTECTION OF EXISTING ABOVE AND BELOW GROUND UTILITIES AND STRUCTURES. ANY AND ALL MAINS OR INDIVIDUAL SERVICES PRESENTLY IN SERVICE WHICH ARE DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED IMMEDIATELY AT NO ADDITIONAL EXPENSE TO THE OWNER OR THE ISAACS GROUP, P.C. ANY AND ALL MAINS OR INDIVIDUAL SERVICES PRESENTLY NOT IN SERVICE AND WHICH ARE TO BE REPLACED DURING THE COURSE OF CONSTRUCTION MAY BE REMOVED AND LEGALLY DISPOSED OF IF DAMAGED DURING CONSTRUCTION.
- THE CONTRACTOR SHALL USE EXTREME CARE WHEN WORKING NEAR ALL UNDERGROUND AND OVERHEAD UTILITIES.
- HANDICAP SIGNAGE TO BE INSTALLED IN ACCORDANCE WITH A.D.A. STANDARDS AT H/C PARKING SPACES SHOWN.
- ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO CONSTRUCTION. THESE PERMITS AND APPROVALS MAY INCLUDE BUT ARE NOT LIMITED TO GRADING, DEMOLITION, ZONING, BUILDING, DRIVEWAY, DETENTION, SUBDIVISION, SPECIAL USE, SEWER AND WATER.

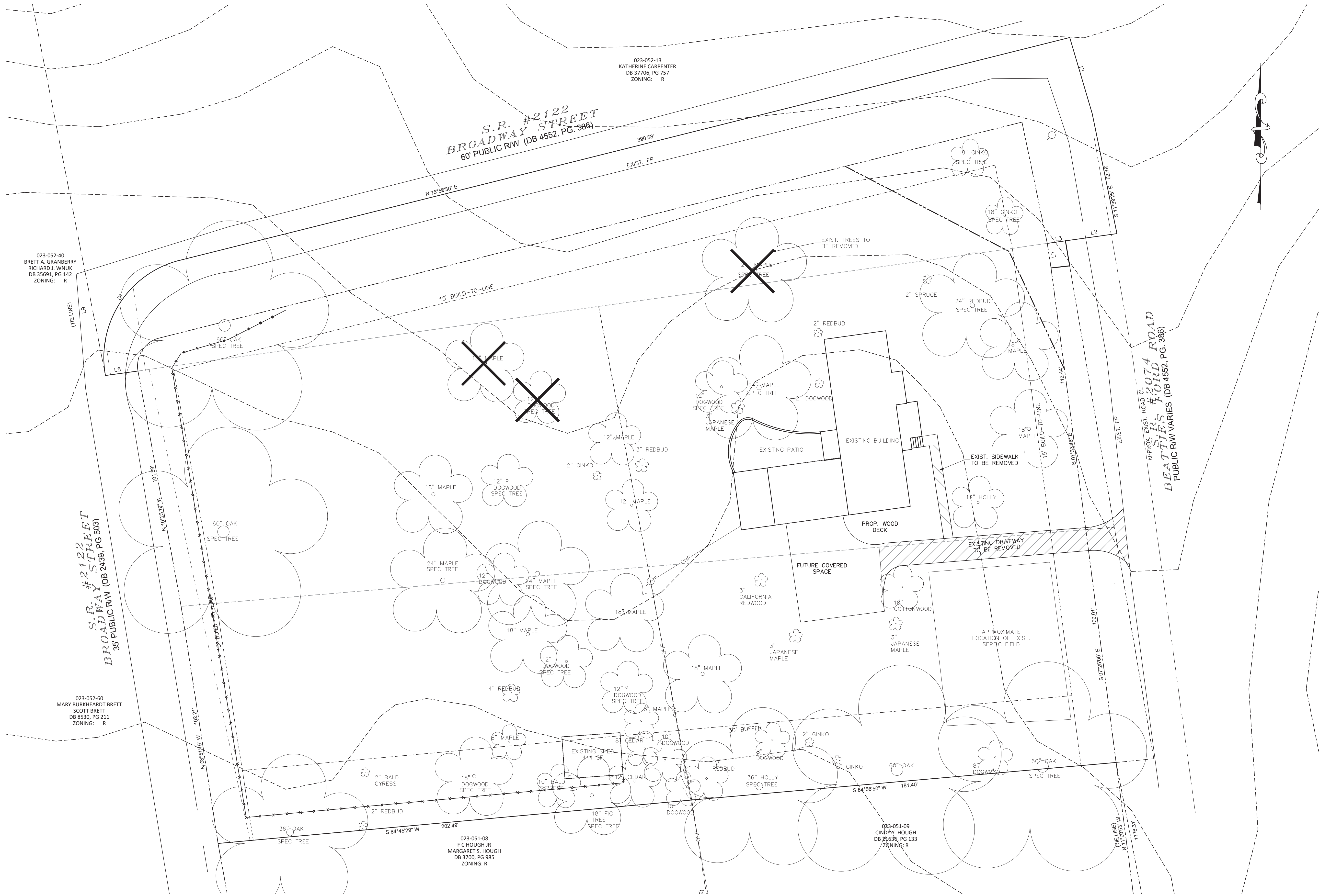


Digitally signed by
Brian T. Upton, P.E.
Date: 2024.01.05
13:14:11-05'00'



NO.	BY	DATE	REVISION
1	CBH	3/16/23	REVISED PER TOWN COMMENTS
2	CBH	4/6/23	REVISED PER TOWN COMMENTS
3	BTU	4/24/23	REVISED PER TOWN COMMENTS
4	CBH	6/9/23	REVISED PER TOWN COMMENTS
5	CBH	8/1/23	REVISED PER TOWN COMMENTS
6	BTU	11/8/23	PER OWNER COMMENTS
7	BTU	1/5/24	PER TOWN COMMENTS

Project: LONG CREEK FAMILY ENTERTAINMENT 9339 BEATTIES FORD RD., HUNTERSVILLE, NC	
Title: COVER SHEET	
File #2023-9-000	Date: 6/20/22
Project Egr: BTU	Design By: BTU
Drawn By: CBH	Scale: 1"=20'
8720 RED OAK BOULEVARD, SUITE 420 CHARLOTTE, N.C. 28217 PHONE (704) 527-3440 FAX (704) 527-8335	
RZ0.0	

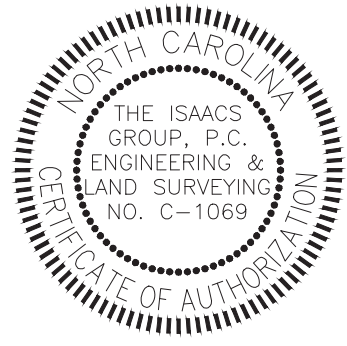


- Oak - O =3
- Dogwood - DW =12
- Maple - M =17
- Japanese Maple - JM =3
- Ginkgo - G =5
- Holly - H =2
- Cedar - C =2
- California Redwood - CR =1
- Bald Cypress - BC =1
- Cottonwood - CW =1
- Spruce - S =1
- Redbud - R =5
- Black Locust - BL =1
- River Birch - RB =1
- Fig tree - F =1
- TOTAL EXISTING TREES =59

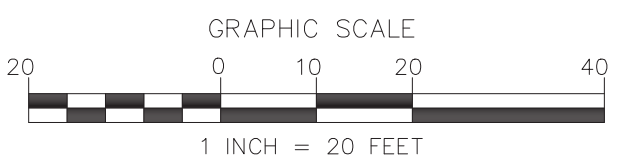
SPECIMEN TREE SAVE REQUIREMENT:
FOR HC ZONING, TREE SAVE = 30% OF SPECIMEN TREES
(CANOPY TREES > 24" OR UNDERSTORY TREES > 18")

THERE ARE 18 SPECIMEN TREES ON THIS SITE.
30% OF 18 SPECIMEN TREES = 0.30 x 18 = 5.4 TREES (TO BE SAVED)

2 SPECIMAN TREES TO BE REMOVED
16 SPECIMAN TREES TO REMAIN



Digitally signed by
Brian T. Upton, P.E.
Date: 2024.01.05
13:14:46-05'00'



NO.	BY	DATE	REVISED PER TOWN COMMENTS
1	CBH	3/16/23	REVISED PER TOWN COMMENTS
2	CBH	4/6/23	REVISED PER TOWN COMMENTS
3	BTU	4/24/23	REVISED PER TOWN COMMENTS
4	CBH	6/9/23	REVISED PER TOWN COMMENTS
5	CBH	8/1/23	REVISED PER TOWN COMMENTS
6	BTU	11/9/23	REVISED PER TOWN COMMENTS
7	BTU	1/5/24	PER TOWN COMMENTS

Project: LONG CREEK FAMILY ENTERTAINMENT
9339 BEATTIES FORD RD., HUNTERVILLE, NC

Title: EXISTING CONDITIONS

File #20033-9K.DWG Date: 02/28/23 Project Egr: BTU

Design By: BTU
Drawn By: CBH
Scale: 1"=20'

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

RZ0.1

PROJECT NAME: LONG CREEK FAMILY ENTERTAINMENT
ADDRESS: 9339 BEATTIES FORD RD.
PLANS PREPARED BY: THE ISAACS GROUP, PC PHONE #: 704-227-9406
ZONING: R TAX PARCEL #: 00925409, 00925410, 02305213
PROPOSED ZONING: HC-CD

PROPOSED USE: RENTABLE MEETING/OFFICE SPACES FOR COMMUNITY/CLUBS

SUBJECT PROPERTY AREA: 94,830/2.177 SQ. FEET/ACRES

PROPERTY AREA FOR IMPERVIOUS TRANSFER=180,438/4.143 (PIN 02305213) SQ. FEET/ACRES

TOTAL PROPERTY AREA= 275,268/6.32 (SUBJECT PROPERTY + TRANSFER PROPERTY) SQ. FEET/ACRES

GROSS FLOOR AREA: 4,104 SF (BUILDING + PATIO AREAS)

EXISTING BUILT UPON AREA (PRE-1993): 7,341 SQ. FT

EXISTING BUILT UPON AREA TO BE REMOVED: 1,307 SQ. FT

PROPOSED BUILT UPON AREA TO BE ADDED: 8,440 SQ. FT.

TOTAL POST CONSTRUCTION BUA: $7,341(\text{EX}) - 1,307(\text{EX REMOVE}) + 8,440(\text{PROP}) = \underline{14,474 \text{ SQ. FT.}}$

TOTAL POST CONSTRUCTION BUILT UPON AREA %: $[(14,474 - 7,341) /$

MAX POST CONSTRUCTION BUILT UPON AREA %: _____

WATERSHED: MOUNTAIN ISLAND LAKE WATERSHED CA-1

BUILDING SETBACK REQUIREMENTS:

BEATTIES FORD RD: 25' SETBACK BROADWAY STREET: (REAR) 25' SETBACK

BROADWAY STREET: (SIDE) 12.5' SETBACK SIDE: 10' SETBACK

SIDE BUFFER REQUIREMENTS 30' UNDISTURBED

REQUIRED PARKING (COMMERCIAL/INDUSTRIAL/OFFICE) = 1 SPACE PER 500 S.F.

EXISTING BUILDING= 4,104 S.F.

PARKING REQUIRED: $4,104/500=8.2$ SPACES

PARKING PROVIDED= 22 SPACES (INCLUDES 1 H.C. SPACE)

BICYCLE PARKING REQUIRED= 2 SPACES

BICYCLE PARKING PROVIDED= 2 SPACES

1. REZONING PETITION. THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS ("DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY JON EURY ("PETITIONER") APPROXIMATELY 2.5 ACRES TRACT OF LAND IDENTIFIED ON THIS SITE PLAN AS LONG CREEK FAMILY OUTDOOR HANGOUT (THE "PROJECT"), IN CONNECTION WITH PARCEL NUMBER 02305105, 02305106, 02305107 (THE "PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO CONVERT THE ZONING CLASSIFICATION OF THE PROPERTY FROM RESIDENTIAL (R) TO HIGHWAY COMMERCIAL HC (CD) PURSUANT TO THE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE").

2. DEVELOPMENT STANDARDS, DEVELOPMENT OF THE PROPERTY WILL BE GOVERNED BY THESE DEVELOPMENT STANDARDS, WHICH ARE PART OF THE ZONING PETITION, AND THE APPLICABLE PROVISIONS OF THE ORDINANCE IN PLACE ON THE DATE OF SUBMITTAL OF THE ZONING PETITION. UNLESS THE ZONING PLAN ESTABLISHES A MORE STRINGENT STANDARD(S), OR UNLESS OTHERWISE NOTED ON THE ZONING PLAN OR IN THESE DEVELOPMENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE IN PLACE ON THE DATE OF SUBMITTAL OF THE ZONING PETITION FOR THE HIGHWAY COMMERCIAL (HC) ZONING GOVERN DEVELOPMENT OF THE PROPERTY AS SHOWN ON THE ZONING PLAN.

3. 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. REMOVAL OF TREES AND VEGETATION, AS GENERALLY SHOWN ON THE REZONING PLAN, IS NECESSARY TO INSTALL THE IMPROVEMENTS.

4. 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.

5. PERMITTED USES. THE PROPERTY MAY BE DEVELOPED FOR THE FOLLOWING USES (INCLUDING ACCESSORY USES); RENTABLE MEETING/OFFICE SPACES FOR COMMUNITY/CLUBS, AND AS SHOWN ON THE REZONING PLAN, SUBJECT TO THE DEVELOPMENT STANDARDS ASSOCIATED WITH SUCH USES. ANY LABELING ON THE REZONING PLAN MAY BE AN INDICATION OF THE CURRENT INTENTION ON THE PART OF PETITIONER BUT SHALL NOT RESTRICT THE PROPERTY IN A MANNER THAT CONFLICTS WITH THE PROVISIONS OF THESE DEVELOPMENT NOTES.

6. ACCESS. THE NUMBER OF SITE ACCESS POINTS, DRIVEWAYS AND CONNECTIONS TO ROADS ARE SCHEMATIC IN NATURE. TO THE EXTENT PERMITTED BY APPLICABLE DRIVEWAY PERMIT REQUIREMENTS, FUTURE DRIVEWAYS, ACCESS POINTS AND ROAD CONNECTIONS MAY CROSS THE SETBACK AND SHALL NOT REQUIRE A REZONING OF THE PROPERTY, BUT SHALL OTHERWISE COMPLY WITH APPLICABLE DRIVEWAY PERMIT REQUIREMENTS.

7. SUBDIVISION. THE PROPERTY IS ONE DEVELOPMENT AND MAY BE SUBDIVIDED WITHOUT A REZONING TO ALLOW SEPARATE OWNERS OF INDIVIDUAL PARCELS SO LONG AS SUCH SUBDIVISION IS IN COMPLIANCE WITH APPLICABLE LAW INCLUDING SUBDIVISION REGULATIONS. HOWEVER, RECOMBINATION, CONDOMINIUMIZATION, OR REDUCTION IN THE NUMBER OF PARCELS MAY OCCUR IN ACCORDANCE WITH THE REGULATIONS OF THE ORDINANCE. REQUIREMENTS THAT ARE MET BY THE PROJECT AS A WHOLE, SUCH AS OPEN SPACE, TREE SAVE AND IMPERVIOUS REQUIREMENTS, NEED NOT BE MET BY INDIVIDUAL PARCELS.

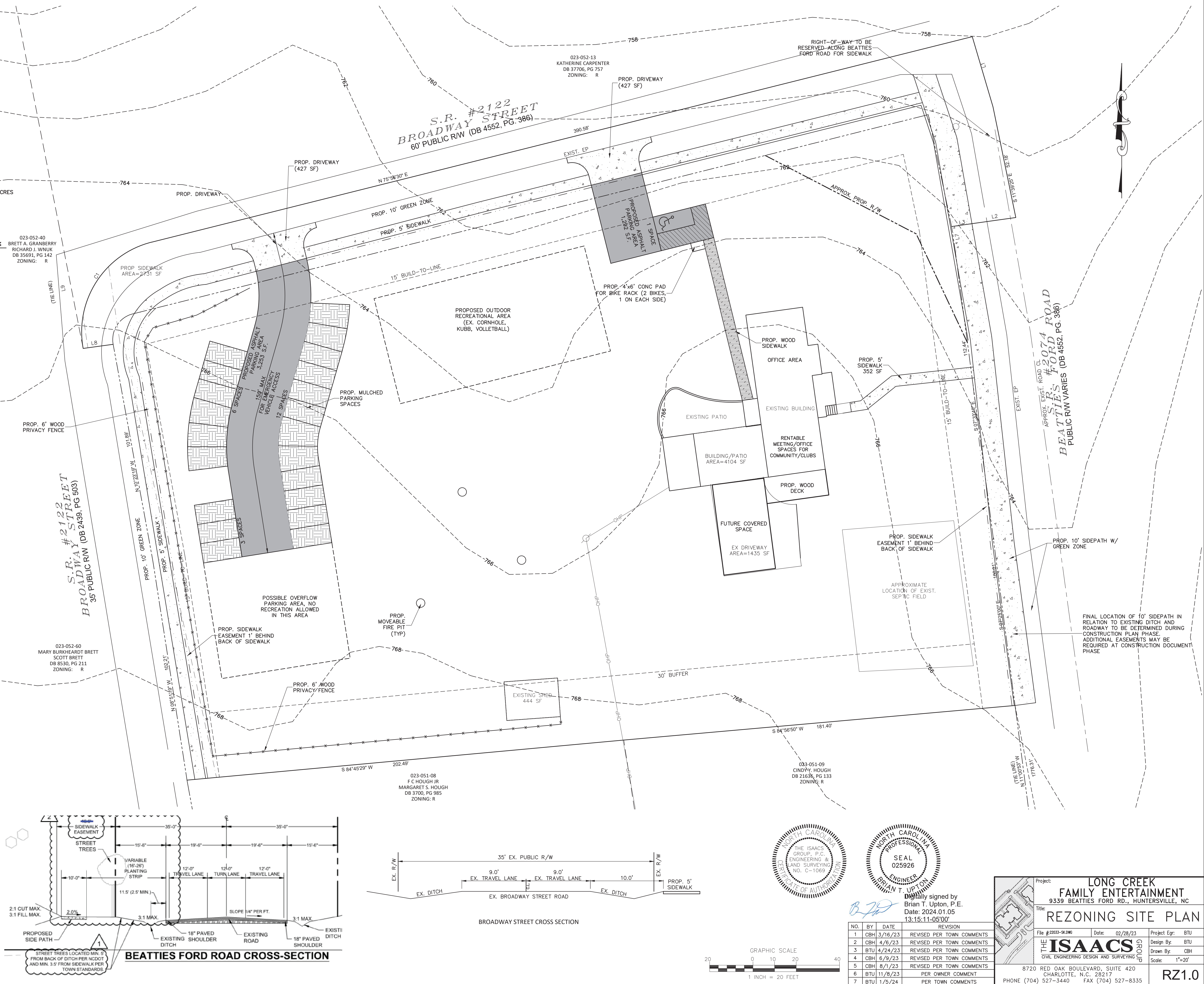
3. AMENDMENT. IN THE EVENT ANY PORTION OF THE PROPERTY IS CONVEYED TO A THIRD PARTY, PETITIONER MAY REQUEST AN AMENDMENT TO THE REZONING PLAN WITHOUT THE WRITTEN CONSENT OF ANY OTHER OWNER OF ALL OR ANY PORTION OF THE PROPERTY. UNLESS SUCH AMENDMENT ESTABLISHES A CHANGE IN THE BUILDING OR USE OF THE PROPERTY, THE AMENDMENT SHALL BE PROVIDED BY PETITIONER. 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 WOULD BE CALCULATED FOR THE INITIAL APPROVAL. THIS NOTE SHALL BE SHOWN ON THE FINAL PLAT WHEN RECORDED.

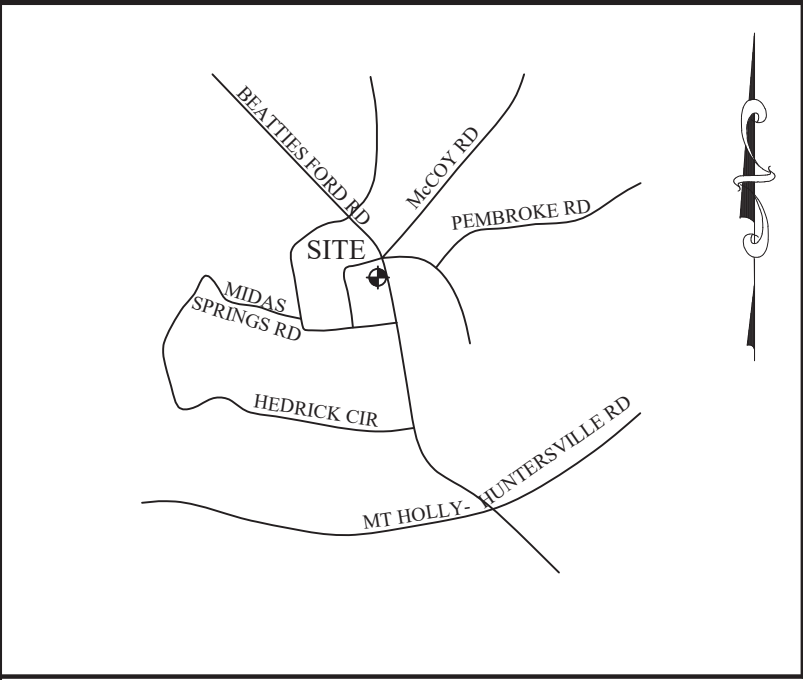
9. STORM WATER ELEMENTS. BUILT- UPON AREAS SHALL BE IN ACCORDANCE WITH THE ORDINANCE AS REQUIRED FOR THE HIGHWAY COMMERCIAL ZONING DISTRICT. A 7,000 S.F. IMPERVIOUS AREA TRANSFER IS REQUIRED FOR THIS LOT, TRANSFER LOT (PARCEL ID: Q2305213) HAS BEEN SECURED AND IT'S APPROVAL IS DEPENDENT ON THE OUTCOME OF THIS REZONING

10. PROPOSED MODIFICATION REQUESTED TO ALLOW EXISTING SHED TO BE LOCATED IN THE BUFFER ALONG THE SOUTHERN PROPERTY LINE.

11. PROPOSED MODIFICATION REQUESTED TO ALLOW FRUIT BEARING TREES AND SHRUBS TO BE USED TO MEET LANDSCAPING PLANTING REQUIREMENTS. LOCATIONS OF FRUIT BEARING TREES TO BE DETERMINED DURING CONSTRUCTION PLAN PHASE.

12. IF LIGHTS ARE INSTALLED FOR THE PROPOSED RECREATIONAL AREA THEY MUST BE IN COMPLIANCE W/CHAPTER 9.21.5 A-C OF THE TOWN OF HUNTERSVILLE UDO.





VICINITY MAP: NOT TO SCALE

GENERAL PLANTING NOTES:

- THIS PLAN FOR PLANTING LOCATIONS ONLY. IF FOUND CONDITIONS VARY FROM THIS, CONTRACTOR TO CONTACT OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO DO SO WILL RESULT IN CONTRACTOR'S LIABILITY TO REPLACE PLANT MATERIALS.
- CONTRACTOR TO COORDINATE WITH OWNER'S REPRESENTATIVE FOR EXISTING PLANT MATERIAL TO BE REMOVED AND/OR RELOCATED.
- CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND AND ABOVE GROUND UTILITIES. CONTRACTOR SHALL BE LIABLE FOR DAMAGE TO ANY AND ALL PUBLIC OR PRIVATE UTILITIES. CONTRACTOR WILL BE HELD RESPONSIBLE FOR THE COST OF REPAIR TO ALL DAMAGED UTILITIES.
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL PLANT MAINTENANCE, INCLUDING SHRUBS AND GROUNDCOVER, AND SHALL MAINTAIN AREA IN A WEED AND DEBRIS FREE CONDITION, THROUGHOUT GUARANTEE PERIOD.
- WHERE TREES ARE PLANTED IN ROWS, THEY SHALL BE UNIFORM IN SIZE AND SHAPE.
- SIZES SPECIFIED IN THE PLANT LIST ARE MINIMUM SIZES TO WHICH THE PLANTS ARE TO BE JUDGED. FAILURE TO MEET MINIMUM SIZE ON ANY PLANT WILL RESULT IN REJECTION OF THAT PLANT.
- PLANTING SIZE DETERMINATION:
SHADE TREES: HEIGHT SHALL BE MEASURED FROM THE CROWN OF THE ROOT BALL TO THE TOP OF MATURE GROWTH. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE CROWN FROM THE CENTER OF THE TRUNK. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH. SINGLE TRUNK TREES SHALL BE FREE OF "V" CROTCHES THAT COULD BE POINTS OF WEAK LIMB STRUCTURE OR DISEASE INFESTATION.
SHRUBS: HEIGHT SHALL BE MEASURED FROM THE CROWN OF THE ROOT BALL TO THE AVERAGE HEIGHT OF THE TOP OF THE PLANT. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE SHRUB MASS. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH.
- ALL PLANTS SHALL BE FRESHLY DUG, SOUND, HEALTHY, VIGOROUS, WELL BRANCHED, FREE OF DISEASE, INSECT EGGS, AND LARVAE, AND SHALL HAVE ADEQUATE ROOT SYSTEMS.
- ALL CONTAINER GROWN MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED PLANTS AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS WHICH ARE GOOD QUALITY AND ARE IN A HEALTHY GROWING CONDITION. ALL ROOT BOUND PLANTS SHALL BE REJECTED.
- GROUPS OF SHRUBS SHALL BE PLACED IN A CONTINUOUS MULCH BED WITH SMOOTH CONTINUOUS LINES. ALL MULCHED BED EDGES SHALL BE CURVILINEAR IN SHAPE FOLLOWING THE CONTOUR OF THE PLANT MASS. TREES LOCATED WITHIN FOUR FEET OF SHRUB BEDS SHALL SHARE SAME MULCH BED.
- CONTRACTOR TO SLIGHTLY ADJUST PLANT LOCATIONS IN THE FIELD AS NECESSARY TO BE CLEAR OF DRAINAGE SWALES AND UTILITIES. FINISHED PLANTING BEDS SHALL BE GRADED SO AS TO NOT IMPIDE DRAINAGE AWAY FROM BUILDINGS. IF SIGNIFICANT RELOCATIONS ARE REQUIRED, CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO MAKE SUCH RELOCATIONS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN CONTRACTOR'S LIABILITY OF PLANT MATERIALS.
- ALL PLANT MATERIAL SHALL BE SPACED AND LOCATED PER PLAN. IF CONFLICTS ARISE BETWEEN ACTUAL SIZE OF AREA AND PLANS, CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN CONTRACTOR'S LIABILITY TO RELOCATE MATERIALS.
- ALL SUBSTITUTIONS OF PLANT MATERIAL ARE TO BE REQUESTED IN WRITING TO THE OWNER'S REPRESENTATIVE AND APPROVED IN WRITING BY THE OWNER PRIOR TO INSTALLATION. FAILURE TO OBTAIN SUBSTITUTION APPROVAL IN WRITING MAY RESULT IN LIABILITY TO THE CONTRACTOR.
- ALL CONTRACTORS SHALL BE REQUIRED TO COMPLETELY REMOVE ALL TRASH, DEBRIS AND EXCESS MATERIALS FROM THE WORK AREA AND THE PROPERTY (ESPECIALLY AT ALL CURB, GUTTERS AND SIDEWALKS) DAILY DURING INSTALLATION.
- CONTRACTOR SHALL GUARANTEE ALL LANDSCAPE IMPROVEMENTS, INCLUDING SEEDING. CONTRACTOR MUST CONTACT THE OWNER AT LEAST 10 WORKING DAYS IN ADVANCE TO SCHEDULE ACCEPTANCE INSPECTION(S). CONTRACTOR MUST REPLACE ALL DEAD OR UNACCEPTABLE PLANTS DURING THE FOLLOWING RECOMMENDED PLANTING SEASON.
- ADJUST TREE PLANTING LOCATIONS TO AVOID UNDERGROUND UTILITIES WHERE POSSIBLE. CONTRACT OWNER'S REPRESENTATIVE FOR A COORDINATED SOLUTION FOR ANY UTILITY CONFLICTS. CONTRACTOR SHALL BE LIABLE FOR DAMAGE TO ANY AND ALL PUBLIC OR PRIVATE UTILITIES.
- REFER TO PLANTING DETAILS FOR ADDITIONAL PLANTING INFORMATION.
- ALL PLANTINGS SHALL COMPLY WITH CURRENT LOCAL ORDINANCES AND GUIDELINES.
- APPLICANT TO ADJUST PLANTING LOCATIONS IF THEY POSE A RISK TO EXISTING VEGETATION. CONTACT PLANNING STAFF PRIOR TO APPROVAL.

LANDSCAPE LEGEND

SYMBOL	SPECIES	QUANTITY
	WILLOW OAK QUERCUS PHELLOS (MIN. 2" CALIPER AND 8' AT THE TIME OF PLANTING) LARGE MATURING EVERGREEN	6
	TULIP-POPLAR LIRIODENDRON TULIPIFERA (MIN. 2" CALIPER AND 8' AT THE TIME OF PLANTING) LARGE MATURING DECIDUOUS	12
	MENTOR BARBERRY BERBERIS MENTORENSIS (MIN. 3' AT TIME OF PLANTING, MIN. 6' AT MATURITY)	88
	EXISTING TREE TO REMAIN	54
	FOSTER HOLLY (BUFFER TREE) ILEX ATTENUATA "FOSTER" (MIN. 2" CALIPER AND 8' AT TIME OF PLANTING) SMALL MATURING EVERGREEN	13
	ARBORTVITAE THUJA ORIENTALIS (MIN. 2" CALIPER AND 8' AT TIME OF PLANTING) SMALL MATURING EVERGREEN	11

* THE SPECIES SPECIFIED ON THE PLANS MAY BE SUBSTITUTED WITH SOMETHING ELSE AS LONG AS THEY MEET THE TOWN'S CRITERIA

GENERAL PLANTING NOTES:

- TURF AREAS WILL BE SEEDED OR SODDED WITH REBEL II FESCUE WITH EXCEPTION OF SOD WITHIN THE FLOOR OF STORMWATER MANAGEMENT AND WATER QUALITY BASINS AND FILTERS. SOD WILL BE REQUIRED NEXT TO BUILDING STRUCTURES, DRIVEWAYS ENTRANCES AND AREAS DISTURBED IN THE FRONT SETBACK AS NOTED ON PLAN. LANDSCAPE CONTRACTOR TO SEED ALL OTHER DISTURBED AREAS.
- PINE NEEDLE MULCH IS THE GENERALLY ACCEPTED MULCH. FOR THE INITIAL PLANTING, IT IS ALSO ACCEPTABLE TO UTILIZE DOUBLE HAMMERED BARK MULCH FOR GOOD SOIL AND BED, THOUGH, WILL REQUIRE THE PROPERTY TO BE CONVERTED TO PINE NEEDLES.

PLANTING NOTES:

- ALL PERIMETER SCREENING SHRUBS MUST BE NO LESS THAN 36" IN HEIGHT AT PLANTING
- ALL PARKING LOT SHRUBS MUST BE NO LESS THAN 24" IN HEIGHT AT PLANTING

BUFFER PLANTING - REQUIRED 30' BUFFER
- 4 TREES / 1000 SF BUFFER
- 50% LARGE MATURING TREE, 50% SMALL MATURING TREE, 25% EVERGREEN
- 7 SHRUBS / 1000 SF, 100% EVERGREEN
- 42 EXISTING & PROPOSED TREES PROVIDED

STREET TREE-BEATTIES FORD RD.
REQUIRED: 1 TREE PER 40 LF (276/40=7 TREES REQUIRED)
STREET TREES PROVIDED: 3 EXIST.+ 4 PROP. TREES

STREET TREE-BROADWAY ST.
REQUIRED: 1 TREE PER 40 LF (391/40=10 TREES REQUIRED)
STREET TREES PROVIDED: 2 EXIST.+ 8 PROP. TREES

STREET TREE-BROADWAY ST.
REQUIRED: 1 TREE PER 40 LF (217/40=6 TREES REQUIRED)
STREET TREES PROVIDED: 6 PROP. TREES

023-052-13
KATHERINE CARPENTER
DB 37706, PG 757
ZONING: R

PROP. DRIVEWAY
(427 SF)

RIGHT-OF-WAY TO BE
RESERVED ALONG BEATTIES
FORD ROAD FOR SIDEWALK

S.R. #2122
BROADWAY STREET
60' PUBLIC R/W (DB 4552, PG. 386)

023-052-40
BRETT A GRANBERY
RICHARD J. WNUK
DB 35691, PG 142
ZONING: R

PROP. 6' WOOD
PRIVACY FENCE

S.R. #2122
BROADWAY STREET
35' PUBLIC R/W (DB 2439, PG 503)

023-052-60
MARY BURKHEARD BRETT
SCOTT BRETT
DB 8530, PG 211
ZONING: R

023-051-08
F.C. HOUGH JR.
MARGARET'S HOUSE
DB 3700, PG 985
ZONING: R

023-051-09
CINDY Y. HOUGH
DB 21636, PG 133
ZONING: R

PROPOSED BUFFER TO MEET MINIMUM
OF 4 TREES PER 1000 SQ. FT. OF
BUFFER AREA; 50% LARGE MATURING;
25% SMALL MATURING; 50%
EVERGREEN. EXISTING TREES CAN BE
SUBSTITUTED IN PLACE OF PROPOSED
TREES IF THEY MEET REQUIREMENTS.

1.1 PLANTING SOIL MIX:

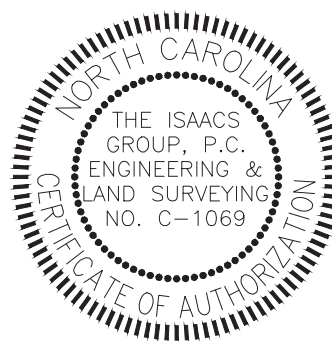
- A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED PRIOR TO THE INSTALLATION OF TREES AND SHRUBS, EXCLUDING YARD TREES, DURING THE NON-PLANTING SEASON IF A CASH BOND, SURETY BOND OR LETTER OF CREDIT IS ISSUED FOR 120% OF THE COST OF MATERIALS AND INSTALLATION. PLANTING SHALL BE COMPLETED DURING THE NEXT PLANTING SEASON.
- THE PLANTING SEASON SHALL RUN FROM OCTOBER 15 TO MARCH 15, EXCEPT FOR EXTREME WEATHER CONDITIONS AS DETERMINED BY STAFF. A FINAL CERTIFICATE OF OCCUPANCY SHALL NOT BE GIVEN DURING THE PLANTING SEASON UNLESS ALL OF THE LANDSCAPING IS COMPLETELY INSTALLED ACCORDING TO THIS ARTICLE.

MAINTENANCE SURETY REQUIRED

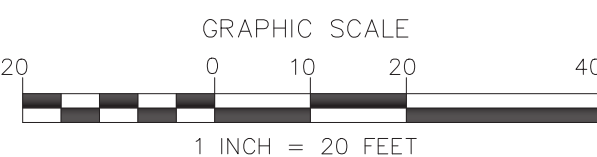
- DEVELOPERS SHALL ENTER INTO A MAINTENANCE SURETY AGREEMENT WITH MECKLENBURG COUNTY GUARANTEEING THE MORTALITY OF STREET TREES AND TREES AND SHRUBS PLANTED IN BUFFER YARDS FOR A PERIOD OF 1 YEAR FOLLOWING PLANTING. THE AMOUNT OF THE SURETY SHALL BE EQUAL TO 50% OF THE VALUE OF THE NEW TREES OR LANDSCAPE MATERIAL, AND THEIR INSTALLATION. THE MAINTENANCE SURETY SHALL

1.1 PLANTING SOIL MIX:

- MIX TOPSOIL WITH THE FOLLOWING SOIL AMENDMENTS IN THE FOLLOWING QUANTITIES:
1. WEIGHT OF LIME PER 1000 SQ. FT.
2. RATIO OF LOOSE COMPOST TO TOPSOIL BY VOLUME: 1:4
3. RATIO OF LOOSE WOOD DERIVATIVES TO TOPSOIL BY VOLUME:
4. WEIGHT OF BOMENAL PER 1000 SQ. FT.
5. WEIGHT OF COMMERICAL FERTILIZER PER 1000 SQ. FT.
6. WEIGHT OF SLOW-RELEASE FERTILIZER PER 1000 SQ. FT.
SOIL TEST PROVIDED BY CONTRACTOR REQUIRED FOR TOPSOIL MIX.



Digitally signed by
Brian T. Upton, P.E.
Date: 2024.01.05
13:15:44-05'00'



NO.	BY	DATE	REVISION
1	CBH	3/16/23	REVISED PER TOWN COMMENTS
2	CBH	4/6/23	REVISED PER TOWN COMMENTS
3	CBH	6/9/23	REVISED PER TOWN COMMENTS
4	CBH	8/1/23	REVISED PER TOWN COMMENTS
5	BTU	11/9/23	PER OWNER COMMENT
6	BTU	1/5/24	PER TOWN COMMENTS

TREE PLANTING NOTES:

- ALL STRAPPING AND TOP 2/3 OF WIRE BASKET MUST BE CUT AWAY AND REMOVED FROM THE ROOT BALL PRIOR TO BACKFILLING PLANTING PIT.
- LARGE MATURING TREES MAY NOT BE PLANTED WHERE OVERHEAD DISTRIBUTION OR TRANSMISSION LINES EXIST. IF TREES CONFLICT WITH POWER LINES OR SIGNS, CALL THE URBAN FORESTER TO RESOLVE BEFORE PLANTING.
- ADJUST TREE PLANTING LOCATIONS TO AVOID UNDERGROUND UTILITIES.
- NEW TREES SHALL BE A MINIMUM 2" CALIPER FOR STREET TREE REQUIREMENTS.
- SEE TREE PRESERVATION NOTES ON GRADING AND EROSION CONTROL SHEETS.
- ALL TREES ARE TO BE NURSERY GROWN, BALL AND BURLAP (BAB) PREFERRED. MINIMUM TREE SIZE IS 2" CALIPER MEASURED 6" ABOVE ROOT BALL, 8" MINIMUM HEIGHT.
- STAKING IS OPTIONAL. RUBBER HOSE AND ROPE OR WIRE FOR STAKING IS NOT RECOMMENDED. NO WIRE OR ROPE IS TO BE IN DIRECT CONTACT WITH TRUNK. REMOVE ALL TRUNK WRAP, TREE STRAPS, AND STAKING WIRE OR ROPE AFTER ONE GROWING SEASON.
- OUT WIRES ARE NOT PERMITTED IN THE STREET RIGHT-OF-WAY.
- ALL TREES AND SHRUBS SHALL MEET THE NORMAL REQUIREMENTS FOR THE AMERICAN ASSOCIATION OF NURSERYMEN (AAN).
- NEW AND EXISTING TREES ARE PERMITTED WITHIN SITE TRIANGLE, BUT MUST BE LINED UP TO 8' HEIGHT CLEARANCE PER ADA REQUIREMENTS.
- SIMILAR CRITERIA FOR TREE PLACEMENT AND PRUNING UP SHOULD BE CONSIDERED AT DRIVEWAY/STREET INTERSECTIONS.
- CONTRACTOR TO MAINTAIN CLEAR VIEW BETWEEN 30" AND 72" ABOVE STREET. AREA MUST BE TREE OF LIMBS AND FOLIAGE FOR SAFE CROSS VISIBILITY.

TREE PROTECTION NOTES:

PROTECTIVE BARRICADES SHALL BE PLACED AROUND ALL PROTECTED TREES DESIGNATED TO BE SAVED IN DEVELOPMENT AREA, PRIOR TO THE START OF DEVELOPMENT ACTIVITIES OR GRADING. PROTECTIVE BARRICADES SHALL REMAIN IN PLACE UNTIL DEVELOPMENT ACTIVITIES ARE COMPLETE OR CONSTRUCTION IN ACCORDANCE WITH STANDARDS SET FORTH IN THIS SECTION COMMENCES. THE AREA WITHIN THE PROTECTIVE BARRICADE SHALL REMAIN FREE OF ALL BUILDING MATERIALS, DIRT OR OTHER CONSTRUCTION DEBRIS. CONSTRUCTION TRAFFIC, STORAGE OF VEHICLES AND MATERIALS, AND GRADING SHALL NOT TAKE PLACE WITHIN THE DRAINAGE OF THE EXISTING TREES TO BE PROTECTED. BARRICADES SHALL BE ERECTED AT A MINIMUM DISTANCE FROM THE BASE OF PROTECTED TREES ACCORDING TO THE FOLLOWING STANDARDS:

- FOR TREES 10' OR LESS DBH: PROTECTIVE BARRICADES SHALL BE PLACED A MINIMUM DISTANCE OF 5' FROM THE BASE OF EACH PROTECTED TREE, OR OUTSIDE THE DRAINAGE, WHICHEVER IS GREATER.
- FOR TREES GREATER THAN 10' DBH: PROTECTIVE BARRICADES SHALL BE PLACED AT A MINIMUM DISTANCE EQUAL TO 10' FROM THE BASE OF THE PROTECTED TREE PLUS AN ADDITIONAL 1' FOR EACH ADDITIONAL 1" DBH GREATER THAN 10" DBH, OR OUTSIDE THE DRAINAGE, WHICHEVER IS GREATER.
- CONSTRUCTION ACCESS TO A SITE SHOULD OCCUR WHERE AN EXISTING OR PROPOSED ENTRANCE EXIST IS LOCATED.
- EXCEPT FOR DRIVEWAY ACCESS POINTS, SIDEWALKS, CURB AND GUTTER, NO PAVING WITH CONCRETE OR OTHER IMPERVIOUS MATERIALS WITHIN A TREE DRAINAGE SHALL BE ALLOWED.
- WHERE GRADING WITHIN A TREE DRAINAGE CANNOT BE AVOIDED, LIMIT CUT AND FILL TO 1/4 TO 1/2 THE AREA WITHIN THE DRAINAGE.
- AVOID WHERE GRADING LEAVES ROOTS EXPOSED, CUT ROOTS CLEAN.
- WHERE GRADING LEAVES ROOTS EXPOSED, CUT ROOTS CLEAN.
- AVOID FILLING WITHIN THE DRAINAGE OF A TREE WITHOUT SOME MECHANISM TO ALLOW AIR AND WATER TO REACH THE ROOTS.

FINAL LOCATION OF 10' SIDEWALK IN
RELATION TO EXISTING DITCH AND
ROADWAY TO BE DETERMINED DURING
CONSTRUCTION PLAN PHASE.
ADDITIONAL EASEMENTS MAY BE
REQUIRED AT CONSTRUCTION DOCUMENT
PHASE

APPROX. EXIST. ROAD CL.
BEATTIES FORD ROAD
PUBLIC R/W VARIES (DB 4552, PG. 386)

Project:
**LONG CREEK
FAMILY ENTERTAINMENT**
15605 N OLD STATESVILLE RD., HUNTERVILLE, NC

Title:
LANDSCAPE PLAN

File #20033-SK-000 Date: 02/28/23 Project Egr: BTU

ISAACS GROUP
CIVIL ENGINEERING DESIGN AND SURVEYING

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8355

Design By: BTU
Drawn By: CBH
Scale: 1"=20'
RZ2.0

Long Creek Family Entertainment
Neighbor Meeting held on June 24th, 2023
Location: 9339 Beatties Ford Rd

Attendees:

Concerns:

- Is noise going to be an issue and what parameters are being set in place?
 - We discussed that Mecklenburg County and Huntersville do not have set quiet hours. However, we will be respectful of noise levels and they will be monitored by us as owners. If ever we are too loud, we encourage the neighbors to come over, call or report.
- Will this business increase traffic levels?
 - There will be an increase in some traffic coming to the business and those coming to the business will typically stay for 1 or more hours keeping the number of vehicle “turns” low. The intersection improvement that is already in place by the NCDOT for Beatties Ford Rd/McCoy will help with traffic patterns.
- Will crime rates increase?
 - We do not believe that this business will attract additional crime to the area.
- Will patrons conduct themselves inappropriately?
 - As business owners, we have a moral and professional obligation to ensure the safety, wellbeing and appearance of our patrons and facility. We will address any issues should they arise.
- Will this rezoning decrease the property values of the neighbors directly around this property?

- We have not found any studies showing that rezoning devalues other neighbor properties and the neighbor could not provide us with any of their own research. For some locations, their properties will increase in value.

Positive Feedback:

- One neighbor expressed that this type of atmosphere (full family friendly) is needed more in the area and he is looking forward to being able to play volleyball and bring his family.
- Having a gathering space like this for families and clubs will be a great addition to the area especially with the new developments having little to no yard spaces.
- One neighbor stated that as a couple with kids, this will be a great place to spend time and let the kids enjoy the outside and meet new people.
- One neighbor suggested we reach out to the school in the future to partner with different classrooms/teachers for field trips to see the garden club and learn about growing plants.

Changes Suggested:

- Could a fence be installed along the back of the property to increase a neighbor buffer?
 - Yes, we will look into options to see if this is feasible and the plans show/call for screening trees along the property borders.
- Will there be natural materials used for seating outside?
 - We will look into options and think it's a great idea and fits the feel we're going for.
- The plan shows 16 parking spaces - will that be enough?
 - We believe it'll be enough for daily use and we do have allocated space for overflow parking on the property. With this suggestion, we will be contacting neighboring commercial facilities to inquire about using their parking lots on occasion.

35

Name _____

Van Dine

Will Eury

Jake WALK

Nancy Eury

Zachary Jones

Zander + Owen Jacobs

Shelley Bononi

Hamersville

Many in debt & poor

Brian Richards

Tan of Antares

Amber Kovacs

Town of Huntsville

Best Loves

207 Greenway

Stephen Arnold

Amersbach

Visc H₂O

Address

Cindy Housh

Jim Hustler

Mark Nelson

Cheryl Nelson

Alisia Bergsman

Don Collins

ADAMS Above

Curt $\frac{1}{2}$ Pam Phillips

Paul Cox

Henry Wells

Scott David

Alysa Shepard

Josh Shepard

Cory Neal

~~[REDACTED]~~



PO Box 664
Huntersville NC 28070

PUBLIC HEARING

Date: February 5, 2023
Time: 6:00 pm
Location: **In Person:** Huntersville Town Hall 101 Huntersville-Concord Rd.
Livestream Listen Only: <https://www.youtube.com/@townofhuntersvillenc28078/>
Applicant: Jonathan Eury, Katie Carpenter
Case #: R23-06

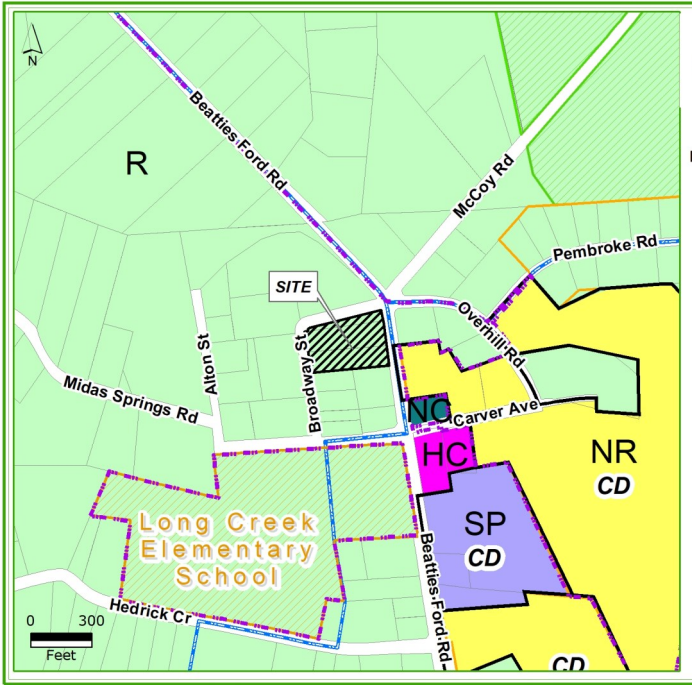
Public Meeting Dates

Meeting Type	Purpose	Date & Time
Community Meeting	Informational	June 24, 2023
Public Hearing	Public Meeting	February 5, 2024 @ 6 pm
Planning Board *	Recommendation	February 27, 2024 @ 6:30 pm
Town Board *	Approval/Denial	March 4, 2024 @ 6 pm

* Tentative—check www.huntersville.org for latest dates

PUBLIC HEARING NOTICE DATE: February 5, 2023 | **R23-06** Beatties Ford Family Entertainment

NOTICE OF PUBLIC HEARING FOR REZONING REQUEST



A Rezoning Petition has been submitted to rezone 2.513 acres from Rural (R) to Highway Commercial (HC) with Conditions (CD) to allow outdoor recreation and office. The “Site” (see inset map) is located south of Hambright Road, east of Everette Keith Road (Parcels # : 02305105, 02305106, 02305107).

A public hearing will be held in person at Town Hall located at 101 Huntersville-Concord Drive, Huntersville, NC 28078, and livestreamed to listen only at <https://www.youtube.com/@townofhuntersvillenc28078/streams>. The public is invited to attend in person if you wish to comment during the public hearing for this request. Please check the meeting agenda for all final meeting arrangements which may be adjusted to address public safety concerns as necessary at the time of the meeting.

YouTube Livestream:



Zoning Legend:
R = Rural
HC = Highway Commercial
NR = Neighborhood Residential

Site = Parcels requesting rezoning
NC—Neighborhood Center
SP = Special Purpose
[CD = Conditional District]

Project Page:



FOR ADDITIONAL INFORMATION:

CONTACT Nathan Farber AICP, Planner II
Phone: 704-766-2237
Email: nfarber@huntersville.org
Online: www.huntersville.org - search: **R23-06**

**Town of Huntersville
Planning Board
February 27, 2024**

To: Town Board

From: Nathan Farber, Planner II

Date: February 27, 2024

Subject: #TA23-08

EXPLAIN REQUEST:

Conduct a public hearing on Petition #TA23-08, a request by the Huntersville Planning Department to amend Zoning Ordinance Article 8.13 to remove "Regulation of Nuisances" language.

ACTION RECOMMENDED:

Consider a Recommendation

FINANCIAL IMPLICATIONS:

NA

ATTACHMENTS:

1. TA23-08 PB Staff Report
2. 1. Text Amendment Application
3. 2. Proposed Ordinance
4. 3. HOAB Minutes

TA23-08 – Article 8.13 Removal

PART 1: DESCRIPTION

TA23-08 is a text amendment request by the Town of Huntersville Planning Department to remove all language from Article 8.13 Regulation of Nuisances of the Zoning Ordinance. Article 8.13 will be reserved for any future text amendments to the General Provisions section.

PART 2: BACKGROUND

Today, both the Zoning Ordinance and the Code of Ordinance have language relating to nuisances. The Code of Ordinance has procedures that state that the Huntersville Police Department is responsible for the enforcement of nuisances. Having a nuisance ordinance within the Zoning Ordinance, which is enforced by the Planning Department, creates redundant language that is hard to enforce. The Planning Department's code enforcement officers are not able to enforce nuisance related complaints outside of normal working hours, unlike the Police Department.

The Planning Department is proposing removing nuisance language from the Zoning Ordinance to better clarify who is solely responsible for enforcement and to remove redundancies. The Code of Ordinances nuisance covers the same nuisances as the zoning ordinance while also going into further detail. The Huntersville Police Department has an interlocal agreement with Mecklenburg County to police and enforce the Huntersville Code of Ordinances in the Towns ETJ. This change would not add any additional duties to the Police Department as the Code of Ordinance is not being amended in any way. Currently, the Planning Department forwards any nuisance complaints to the Police Department. The day-to-day enforcement of nuisance complaints will not change.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- TA23-08 is a clean-up item that removes redundancy between the Zoning Ordinance and the Code of Ordinance.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment TA23-08 in order to clarify enforcement and remove redundancies within the Zoning Ordinance and the Code of Ordinances relating to nuisance items.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD-

On December 7, 2023, The Huntersville Ordinances Advisory Board (HOAB) unanimously recommended approval (8-0).

PART 6: PUBLIC HEARING

The Public Hearing is scheduled to take place on February 5, 2024.

PART 7: PLANNING BOARD RECOMMENDATION

On February 27, 2024 the Planning Board made the following motion: Recommend Approval of petition TA23-06 based on consistency with all policies of the Huntersville 2040 community plan in compliance with state statutes with the exception and revision to section three, one, replace a building permit is generally required for the activities below with the language, "A building permit may or may not be required for the activities below." Then to add to the end of the paragraph, "Notwithstanding the foregoing, nothing in this subsection shall be interpreted to conflict with NCGS 160D, 1110." It is reasonable in the public interest to amend the zoning ordinance because it complies with the Huntersville 2040 community plan and state statutes. The motion passed unanimously (6-3) with F. Gammon, J. Sny, and L. Hallman opposed.

PART 8: ATTACHMENTS

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

PART 9: STATEMENT OF CONSISTENCY – TA23-06

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA23-08, Planning Staff recommends approval based on consistency with all policies of the Huntersville 2040 Community Plan and compliance with State Statutes It is reasonable and in the public interest to amend the Zoning Ordinance because it complies with the Huntersville 2040 Community Plan and State Statutes.	APPROVAL: In considering the proposed amendment TA23-08, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA23-08, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
DENIAL: N/A	DENIAL: In considering the proposed amendment TA23-08, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)	DENIAL: In considering the proposed amendment TA23-08, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)



Text Amendment Application

Date of Application 11/20/2023

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): Zoning Article(s): Article 8 Section(s): Article 8.13

See Attached

Current Ordinance

See Attached

Proposed Text

See Attached

Reason for Proposed
Change

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 Brian Richards Date _____

Title Planning Director Email brichards@huntersville.org

Address of Applicant 105 Gilead Rd - 3rd Floor Huntersville, NC

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: _____

TA23-08: Article 8.13 Removal:

Noise and noxious fumes are covered by the Town Code of Ordinances as applicable in the municipal limits. The Town also has an interlocal agreement with Mecklenburg County to police and enforce ordinance requirements in the Town's ETJ. Therefore, Article 8.13 of the Zoning Ordinance is redundant. It also conflicts with the enforcement procedures set forth for such violations in the Town's Code of Ordinances. Finally, General police power authority is typically used to regulate such nuisances instead of development regulations. Code Enforcement officers are not available to investigate alleged code violations of this nature after normal business hours, but HPD officers are.

**AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE TO
REVISE THE REGULATION OF NUISANCES**

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 8.13 of the Zoning Ordinance, Regulation of Nuisances, is hereby amended as follows:

8.13 Regulation Of Nuisances Reserved

- ~~1. Noise. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. No nonresidential use shall be operated so as to generate any noise in an adjacent residential, research, or office-institutional district, as detected in that district without instruments, that is louder than the noise which could be generally expected from uses permitted in that district.~~
- ~~2. Fumes and Odors. No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.~~
- ~~3. Vibration. No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line without instruments.~~

Section 2. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD:

PLANNING BOARD:

TOWN BOARD:

**AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE TO
REVISE THE REGULATION OF NUISANCES**

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 8.13 of the Zoning Ordinance, Regulation of Nuisances, is hereby amended as follows:

8.13 Regulation Of Nuisances Reserved

- ~~1. Noise. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. No nonresidential use shall be operated so as to generate any noise in an adjacent residential, research, or office-institutional district, as detected in that district without instruments, that is louder than the noise which could be generally expected from uses permitted in that district.~~
- ~~2. Fumes and Odors. No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.~~
- ~~3. Vibration. No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line without instruments.~~

Section 2. This ordinance shall become effective upon adoption.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:
PLANNING BOARD:
TOWN BOARD:**

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, December 7, 2023.

Call to Order/Roll Call

Vice-Chairwoman Jones called the meeting to order at 3:30 pm.

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

Voting Members Absent: A. Hallman

Non-Voting Members Present: Commissioner Bergman, B. Richards, T. Barron, and E. Sloop.

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the October 5, 2023, Regular Meeting Minutes

M. Jones made a request to amend the October 5, 2023, to make his comments verbatim.

Motion: S. Harrington made a Motion to Approve the October 5, 2023, regular meeting minutes as amended. M. Pollard seconded the motion.

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

Public Comments

None

Action Agenda

4A. Consider a recommendation on petition #TA23-08, a request by the Huntersville Planning Department for a text amendment to remove Article 8.13 Regulation of Nuisances as noise and noxious fumes are covered by the Town Code of Ordinances.

N. Farber, Planner II reviewed the proposed text amendment.

H. Whittaker asked if this being located in the Zoning Ordinance is a tool that would have some benefits for enforcement. Staff confirmed they have reviewed this and found that it is not a necessary tool.

F. Gammon asked if this has been enforced. Staff confirmed that it has not been enforced by the Zoning Ordinance, the police have enforced this through Code of Ordinances within the Town and ETJ.

M. Jones commented that there is a current email circulating from the UNC School of Government related to police power in the ETJ so that leads him to ask, if that agreement and if our Code of Ordinances complies with our authority, case law, constitutional limits, etc. E. Sloop responded that the email from today is relative to abatement and does not apply to the discussion today. The Town Code of Ordinances does comply with our police power agreement.

Motion: J. Kluttz made a Motion to recommend Approval of TA23-08, a request by Huntersville Planning Department for a text amendment to remove Article 8.13, Regulation of Nuisances as noise and noxious fumes are covered by the Town Code of Ordinances. H. Whittaker seconded the motion.

The motion passed unanimously (8-0).

Other Business

K. Jones thanked and acknowledged F. Gammon's serving as Planning Board representative to the Ordinance Advisory Board and then welcomed S. Hensley as the new Planning Board representative to the Ordinance Advisory Board.

M. Jones presented F. Gammon with a plaque on behalf of the Ordinance Advisory Board.

F. Gammon thanked the Board and commented that he hopes that the Town keeps the Board. He commented that he has learned a lot attending the Ordinance Advisory Board meetings even prior to serving on it and items are well reviewed prior to coming to the Planning Board.

K. Jones then introduced Commissioner Bergman as the new representative to the Ordinance Advisory Board with Commissioner Quarles as her backup.

M. Pollard commented that there are two items that he would like the Board to take a close look at that perhaps have been reviewed in the past, one of those is street stubs which are counter to complete streets. They do not include sidewalks for disabled, mothers with young children and strollers, and the elderly to have the ability to safely walk. He would like to see if the Board would consider discussion of the item to have complete streets versus stubs to potential developments waiting on economic development.

M. Pollard continued that he would like to consider ways to address blight, properties within the Town core or areas where it could have economic impact on adjacent neighbors, houses that have been abandoned and depleted with no intent of ever changing or burned down houses have not been addressed in a timely manner. E. Sloop responded that there is a Minimum Housing Code enforced by Mecklenburg County that addresses blight, unsightly, or uninhabitable homes. If there is an uptick in that then we may need to address that with the County.

K. Jones commented that her understanding of the process involved the County and then the Town regarding taking action. E. Sloop commented that there is a process which involves a

hearing and a determination which is then up to the owner to repair or demolish based on the determination. If the owner does not take those steps, then it falls to the County and sometimes the Town to take action which can be in the form of abatement or another process. M. Pollard followed up that he would like to see the Town put some stronger teeth behind the process so that things are followed up on in a more timely manner. Staff encouraged members of the Board to inform them of houses they felt this applied to so that they could review and identify if action should be taken or is being taken by the appropriate parties.

Adjourn

Motion: S. Harrington made a Motion to Adjourn. J. Palillo seconded the motion.

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

Approved this ____ day of _____ 2023.

Chair or Vice Chair

Board Secretary