

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**August 6, 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 5:00 p.m. on August 6, 2024.

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

Gilead Road Project Discussion. Stephen Trott, Town Engineer and Heather Maloney, Transportation Planner, updated the Board on the Gilead Road NCDOT STIP Project U-5807 (between Commerce Centre Drive and NC 115). *Refer to PowerPoint attached hereto as Exhibit No. 1.*

Following discussion of the project, it was the general consensus of the Board to not proceed with the specific project scope.

Mr. Trott will prepare a resolution to bring to the Board at a future meeting requesting NCDOT to remove the project.

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 August 6, 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 for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

- Overnight closures coming to Huntersville-Concord Road and NC 115.
- Back to school traffic reminder.
- Ways to connect with us – website, social media pages, Town of Huntersville app.

PUBLIC COMMENTS

Care Ring Presentation. Tchernavia Montgomery provided update to the Board on Care Ring. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

Cassie Gilbert said I was born and raised right here in Huntersville. I graduated from Lake Norman Charter High School back in May and I will be moving into my freshman dorm this Friday at Western Carolina University as a double major in English and Studio Arts.

I have been a Girl Scout since Kindergarten and just received my lifetime membership. I have been working on my Girl Scout Gold Award Project for well over a year now and am almost finished. For those that don't know, the Girl Scout Gold Award is the highest award a Girl Scout can earn. I'm calling my project Magnificent Monarchs because my goal is to educate people on the importance of butterflies and other pollinators so they can help save them. Butterflies are a beautiful and important part of wildlife. They are highly sensitive indicators of the health of the environment and can play crucial roles in the food chain as well as being pollinators of plants.

The Monarch butterfly is endangered and needs our help because our food sources for Magnificent Monarchs and other important pollinators are being destroyed. Part of my project is to show people how easy it is to create a Monarch Waystation to replace the plants that help our friends thrive and populate. By promoting habitat restoration for Monarchs, our other pollinators and wildlife species are also benefitting. The declining Monarch population parallels other declining pollinator populations which in turn impacts human food systems. Providing enough habitat like milkweed for Monarchs is essential in maintaining a balanced food web within the ecosystems that are critical in sustaining us.

Part of my goal was to plant a butterfly waystation at the Arbor Ridge Retirement facility here in Huntersville where my grandparents live. We got the residents and people from the community involved and it turned out better than I could have imagined. The residents are keeping a close eye on the garden and are excited to talk to me about it when I visit. Even further I created a Magnificent Monarch Club. They will have monthly meetings, watch over the garden, and do a butterfly craft or activity. This month they painted the rocks for the garden and they look amazing.

I created a coloring page, a bookmark with a QR code to a video to help with my project and I wanted to show people how easy it is to plant a garden that will aid in the Monarch population. Just by planting milkweed in your yard at home creates much needed habitat for Monarchs and allows them to live and reproduce to create the next generation of Monarchs. My hope is it will raise awareness in our community and beyond and will encourage others to plant milkweed themselves. I'll be thrilled if the Town of Huntersville would post these items on its website as free printables for a broader reach to our community.

Thank you, Mayor Clark for signing the Mayor's Monarch Pledge last year and for agreeing to sign it again this fall. I hope you encourage other neighboring mayors to do the same. As you can tell I'm excited about my project and look forward to seeing how it will impact our community. I thank you in advance for any assistance you can provide in helping me improve the conditions for Monarch butterflies and thank you for your time tonight.

Joe Sailors (Antonia Berbrick and Josh Berbrick yielded their time) said you know that I have been here multiple times on what I'm about to talk to you about and unfortunately have met with and had numerous emails and texts from staff making promises and guaranteeing things to be happening, to which I'm back here again with empty promises from staff and from all of the things that we have been told over the last multiple years, not just a few months.

Unfortunately, Marilyn Ainslie who's part of this property is not here tonight. She's at home because she fell and broke three ribs and then ended up with Covid going to the doctor, so she's staying away from us, which is thankful, but Tony is here who is the adjacent property owner and her husband.

My point to you and my point to staff is very simple. You have Walden subdivision which has nine phases and you have returned money to Walden for every phase that has been completed so far, but yet they're going to need, and I think your accounting department as well as your manager can concur with this, that they are going to need over \$500,000 to fix the problem that they created from an undisturbed buffer that is completely ripped out to the tune of within 2' of both their property lines with a slope down approximately 25'.

That was supposed to have been filled in over a year ago and we're not to that point yet. However, staff allowed them to plant on top of a berm that they created and now all of those trees are dead. We had 105 degree temperature several days in a row. We had no rain for a long time. And they planted on top of a buffer and berm that wasn't 30' wide to begin with, which was supposed to be undisturbed, but yet they cut out 28' of it down to a depth of almost 25'. They were supposed to add that back and staff said they have added it back, but I as well as some of your staff and some of your manager's staff have been on site and seen that that hasn't happened.

Now I get word from staff that you are about to release more of their bond money and you're about to allow them to build on lots that we have been told for the last year would not be built on, that you would not release them. But yet staff told me as early as last week that they were going to have to release some lots to be built on. The faith that these two homeowners have in Huntersville staff and management, I'm sorry, it's not there. And I think they will admit it directly to you and to them because they have to me multiple times. I've been apologized in so many ways that it's not even realistic anymore.

You, the staff, have to listen to your citizenry and the problems that are being created by the developers that are not doing and following the rules, the guidelines and the requirements that we make them do. You're allowing them to walk all over staff, as well as the citizenry, so at what point do you do your job and I'm not just talking to you, I'm talking to the staff as well, because they admit and have admitted to me multiple times that they made a mistake.

AGENDA CHANGES

Commissioner Hunt made a motion to adopt the agenda. Commissioner Quarles seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Surplus Equipment – Fire Department. The vehicles are valued from \$80,000 to \$130,000 each with equipment. The vehicles are no longer of value to the Huntersville Fire Department. Each vehicle is being replaced in August 2024 with a new unit following the HFD truck replacement schedule of replacing apparatus over 20 years of age. These vehicles will be sold on GovDeals.com via on-line auction.

Commissioner Dumas made a motion to approve surplus of Fire Department vehicles and associated equipment. Commissioner Rivers seconded the motion.

Resolution attached hereto as Exhibit No. 3.

Tax Collector's Settlement/Order of Collection. Commissioner Dumas made a motion to approve Tax Collector's Settlement for Fiscal Year 2024 (Tax Year 2023) and adopt Order of Collection for Fiscal Year 2025 (Tax Year 2024). Commissioner Rivers seconded the motion. Motion carried unanimously.

Tax Collector's Settlement and Order of Collection attached hereto as Exhibit No. 4.

Property Tax Refunds. Commissioner Dumas made a motion to approve Property Tax Refund Reports from Mecklenburg County. Commissioner Rivers seconded the motion. Motion carried unanimously.

Property Tax Refund Reports attached hereto as Exhibit No. 5.

Electric Fund Write-offs. Town staff and ElectriCities have cooperatively worked at collecting final electric accounts to accurately reflect the amount customers owe the Town. As we did in FY23, Staff recommends that annually the Board approve the write-offs of amounts that have proven uncollectible for more than three years. While this will not stop our collection efforts (these amounts will remain with our collection agency, and we will continue to seek collection through debt set-off program for accounts over \$50), our financial statements will no longer report the amounts as likely collectible. Staff is recommending the Board approve write-offs for FY2021 totaling \$21,409.49. In total, this represents 0.09 percent of the total 2021 Electric revenue and 165 customers.

Commissioner Dumas made a motion to approve Electric Fund write-offs for FY2021. Commissioner Rivers seconded the motion. Motion carried unanimously.

Ordinance – 2024 Veterans Day Parade Road Closure. Commissioner Dumas made a motion to adopt Ordinance for 2024 Veterans Day Parade and Ceremony road closure. Commissioner Rivers seconded the motion. Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 6.

Ordinance – Holidays in Huntersville Event Road Closure. Commissioner Dumas made a motion to adopt Ordinance for Holidays in Huntersville Event road closure. Commissioner Rivers seconded the motion. Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 7.

Resolution – Awarding of Service Firearm. Officer Tim Hager has made a request to be awarded his service firearm upon his retirement. NCGS 17F-20 outlines the process to award a service firearm to a retiring law enforcement member, which includes the adoption of a resolution by the governing body.

Commissioner Dumas made a motion to adopt Resolution to approve the awarding of a service firearm to a retiring law enforcement member. Commissioner Rivers seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 8.

PUBLIC HEARINGS

Petition #R24-04 Northbrook Storage. Mayor Clark called to order public hearing on Petition #R24-04 Northbrook Storage, a request by Jake Palillo on behalf of Bi-Part Development LLC to rezone +/- 21.936 acres located on Sam Furr Road from Corporate Business to Special Purpose-Conditional District for a storage facility and other commercial uses.

Jesse James, Principal Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 9.*

On the screen what you see here is the rezoning request as far as the Zoning Map goes. That hatched area is the site for Northbrook Storage rezoning. A portion of that is the storage. The other portions are other parcels within the rezoning. This map basically just shows the surrounding zoning around that, which you have Transitional Residential, Corporate Business, Special Purpose and General Residential to the south. This application is to rezone from that Corporate Business district in that gray area to Special Purpose Conditional District.

What you have on the screen here is a context map of surrounding developments. The area outlined in red is the rezoning request to that Special Purpose Conditional District. This just shows you've got some industrial developments to the northwest, you've got some single-family and the Northbrook subdivision to the south, a little more industrial to the west, and some more single-family residential to the east.

An important part of this rezoning is looking back at R18-15 rezoning which encompassed that area around that dark line, which is Northbrook subdivision, which was Corporate Business to begin with. That rezoning split the district to the remaining parcels on Sam Furr Road which remain Corporate Business and the area to the southeast went to Transitional Residential Conditional District for a single-family development.

The red line on the screen shows Parcel C where the storage facility site is proposed. This rezoning, the leftover land, left about 130' of development area as far as depth goes for that site and the closest residence to that parcel at the closest mark is about 382'. The area between the proposed development and the single-family homes is mostly protected tree save and there are some SCM/BMP stormwater management systems there as well.

This rezoning request, just a little clearer picture of the site plan proposed, shows in that blue area the proposed storage facility and then Parcels A, B and D in the red areas are just for Special Purpose Conditional District zoning to allow the uses within Special Purpose with some uses that will be excluded that I will get to in one of the following slides.

There are two modification requests. The Parcel C, there is a request to reduce the required 80' buffer against that tree save area and residential subdivision from 80' to the minimum environmental buffer, which is a SWIM buffer, it's 35' is the request, where A, B and D would remain at the required 80'.

As far as A, B and D go, there is another modification request which the front of those parcels there is a required 40' vegetated buffer that goes along the street frontage. It's a thoroughfare buffer. There is a modification request to replace that 40' buffer with a 40' wide linear park. Staff hasn't vetted or reviewed the design for that park. We haven't seen that yet. I think the applicants have some slides where they have worked on those over the last week to show you a little more clearly what they have in mind. Again, we have not reviewed those.

We have some concerns that this part would meet the intent of the ordinance which gives that 40' vegetated buffer. Caveat to that is the 40' buffer is due to the parking spaces in the front of the buildings, so that 40' buffer would be a screening buffer to make an opaque vegetated buffer of existing vegetation. They've asked for a modification against that. We also have some questions about the tree save plan that was submitted. We need some more clarity on that. Hopefully we will get that before the Planning Board meeting.

Some of the uses in Special Purpose district that the applicants have asked to be excluded from being used on Parcels A, B and D. Those are the red hashed areas on the screen. Those will be omitted from being able to be developed. The remaining uses they've asked to be able to develop on those sites.

One of the concerns staff has regarding that is maybe a little more clarity on a couple of other uses to possibly be excluded, one being since Parcel C is for a mini-storage development that A, B and D would also be excluded from being developed so we don't have redundant type of development happening on the other sites next door. And then just a little more conversation about some of the other uses and if they're appropriate in the proximity of the single-family neighborhood to the south, one of those being possibly outdoor theatres, things of that nature. We are still in conversations with the applicant about some of the uses.

Digging closer into the buffer requirements and the modification requests, as I alluded to before Parcel C has asked for a modification request to reduce the 80' buffer to the 35' buffer in width. It's approximately 382' to the closest single-family parcel. There's tree save area between that and there's about 130' of depth for development within the confines of that parcel, so this is where they are asking for the storage facility.

As far as the 40' buffer on the thoroughfare, a key item to keep in mind is that red area on the second map is a utility buffer from NCDOT, so the applicants cannot actually develop in that area. We still have questions about what kind of vegetation can go in that area, so we request more information on exactly what this linear park would be and what type of vegetation can go in there, what kind of bench structures or whatever can go in that area, whether it be the utility easement or in the NCDOT right-of-way or how the parcels or the developments would be buffered.

On the screen you have the elevation for Parcel C for the storage. These do meet the Huntersville code for compliance. The building would be built to that approximate 40' utility easement and then you would have a side path in front of that and two rows of street trees.

Moving to the Huntersville 2040 Community Plan, there's several implementation guidelines that the plan does meet and there's a few that we still need more information on, so at this time the 2040 Plan does not support these.

LU-6.1 supports a mix of land uses in the area. Again, the previous rezoning took a good portion of Corporate Business zoning away and it was left for that smaller portion along Sam Furr Road, so rezoning to Special Purpose would open up several other uses, retail uses, some more commercial uses that could be developed there.

LU-8.1 speaks about emphasis on form and flexibility and regulations.

EV-1.2 preserve areas suitable for business and industrial development and that goes along with allowing a mixture of uses.

Moving towards some of the implementation items that we need more information on, EOS-4 talks about encouraging preservation of tree canopy. Again, staff needs more information on the tree save plan so that we can verify that it meets the minimum expectations that the ordinance has.

LU-1.1 use future land use map to ensure compatibility with long-range plans. Again, staff needs more information regarding exclusions for those uses to see if they're appropriate given the adjacent land uses and to ensure that more employment sector type uses are placed in those areas if we are going from CB to SP.

LU-11 protect existing housing stock. Staff believes Parcels A, B and D could have a condensed permitted use table, so there's more conversations we're having regarding those for safeguard against the adjacent land uses.

As far as recommendation goes for this rezoning, staff can recommend approval if the following items are taken care of or some of the information is portrayed on the plans: (1) More detail regarding tree save and layouts of A, B and D as they pertain to the street buffers, so understanding more of what that linear park would have within it and how that meets the intent of the buffer requirement; (2) More detail on modification request No. 2 as to how the linear park layout would work on the sites or modify the build-to line to have the buildings address the street is one recommendation we would have, that way you would have the building blocking the parking area; (3) Clarify the permitted uses that relate to commercial and employment generating uses; (4) The TIA draft is in and there's several comments NCDOT has that need to be resolved; (5) Address some minor staff comments on the plans that need to be resolved.

By implementing these it's possible staff could be behind this. There's just not enough information at this point to have full support.

The applicants do have a presentation. I'm here for questions if you have some before that.

Commissioner Bergsman said in the Staff Report I didn't see a whole lot of information about the building design and materials used. Can you go over that?

Mr. James said the ordinance basically talks about if you want to not have a full 80' buffer on the front and pull the building to the street, it talks about different building materials on the front having windows and basically entrances that address the pedestrian at the right-of-way. The elevations they submitted, as you see, there's a good amount of fenestration windows, has kind of almost a retail feel to it and while there's not a sidewalk to the side path and doesn't show it on that screen, that would be required anyway, but they have some mixed-stone and I believe that's efface materials on the front, so they would have that contrast. They've got a modulating roof line, so it's a break-up of a flat roof. Those are some of the items that the ordinance touches on that they've addressed.

Commissioner Quarles said can you go back to the screen where it showed the by-right uses.

Mr. James said there's some permitted by right, there's some with special use permit. There's been no indication that the applicant wants to go the route of special use permit, but it's worth showing those because they would be applicable if it would go to SP and then there's some with conditions. Article 9 in the ordinance, either of those uses under permitted with conditions has a litany of different conditions within them.

Commissioner Dumas said just to clarify, if we approve all the parcels, we don't know what will be on the other parcels. We just know what's going to be on one and in that first section the use permitted by right would be any of those.

Mr. James said they've given a site detail on Parcel C. The other A, B and D, they are asking that any of these uses be permitted where it would just be a staff review and we would make sure they meet the ordinance on these. Again, we've got some questions about the buffering of the front and how that pertains to the lot layouts as far as what uses would go on that site and if they're appropriate given where they're at.

Commissioner Dumas said so not just the uses by right, it would be the entire slide could happen without coming back to the Board.

Mr. James said the special use permit would have to come back to the Board.

Jake Palillo said I'm the developer of the project. *Refer to PowerPoint attached hereto as Exhibit No. 10.* One of the things that we are trying to do is actually improve what is requirements versus make a lot of changes to it. We've got the four parcels there along 73. The one that we are trying to do is we are trying to do a mini-storage on Lot C. The reason we selected mini-storage there is because it kind of fits within that little parcel. It's limited access because there's just one access point on 73. The other parcels will come off of Oak Farm and the other street on the other side, so that's where the access points will be. That shows you the building there. It's actually three stories in the back because the land falls and two stories in the front.

Currently under the CB zoning we can go in there and build flex warehouse space with no rezoning at all. That's by right, so those parcels can be developed for Campus Business. What we want to do through SP is we want to be able to offer more uses that are more friendly to the neighborhood behind us, some retail uses. That will show you the very narrow limited parking space. Mini-storage has the least amount of impact on traffic in the area. This building here will have an assessed value of about \$12 million. If I go in there and just build a flex warehouse space, it'd probably be about a \$2 million tax value, so you are getting \$10 million of additional tax value.

The need for storage is growing and growing. You've got about 1,000 apartments under development on Sam Furr and off of 115. You've got a lot of houses under construction and more coming this way. There's the permitted uses up on top that we could already do with no rezoning requirements. SP allows us to put more retail, more uses there that are needed in this area.

That shows you the storage. You see to the bottom all the trees and stuff that we are keeping. A lot of the vegetation is staying in there. The way the code reads is if I push the building up to the 40' setback, I can go in there and grade it all out. Let me show you the one picture real quickly. See how that is. That building is pushed up to the street, so by right I can develop that 40' buffer area. We can grade it and put all the stuff in.

If we put parking in the front, we are required to keep a 40' undisturbed buffer. The problem with the 40' undisturbed buffer is in order to do it, I have to do a retaining wall and it's not going to give you a nice curb appeal along there. What we'd like to do is we've done a lot of research and there are not many dog parks and walking parks and because we have a half mile of frontage along this corridor, we'd like to go in and really put something nice along the corridor. We'd like to come in and take the 40' buffer and put a 10' path, walking trails, park benches, drinking fountains, dog fountains and be able to come in off of Northbrook and the other area and really see people along that strip.

The way this is currently here, which you know I've been against for a long time, if you see the new 73 plan where it says 73 and Sam Furr, see the grass strip, 2-1/2' between the curb and the 10' multi-purpose path, so you have a 55 mph road with a 10' multi-purpose path 2-1/2' off the edge of the sidewalk. No one is going to walk up and down that strip.

With our plan, we want to work with NCDOT and we want to push the multi-purpose path back. So, we'll have our 40' setback plus the setback of NCDOT, put a nice grass area there, put the 10' multi-purpose path, landscape within our 40' setback and create this whole half mile long streetscape with parks which is pedestrian friendly, pet friendly. Today people have more pets than they have children and they take care of their pets as well as they do take care of their children. And if you look around Huntersville, there's maybe one or two little dog parks, so there's a real need to come down and see a half mile strip. We'll put the low lighting, the pedestal lighting. We'll put the different dog activities, and we would like to enhance the value of that strip along 73 versus going to see a 10' wide sidewalk 2-1/2' off the curb that no one is going to walk on or use.

There's the building. Once again, we live in the area, we're going to put a quality building there that doesn't look like a storage building. It's got really nice curb appeal to it. With respect to the housing in the back, this slide here with the green, that's common open space that belongs to Northbrook, so that's already preserved. This is their common open space right there. All that treed area belongs to the HOA of the residents in the homes behind. Three years ago where all these single-family homes in the back used to be wooded. It was all taken out and bought by the residents just recently moved in.

There's another common open space as part of it. That little piece between the houses, that's also part of common open space. You've got Lennar Homes in here and then you have Classica in this one section here. Lennar Homes are in the \$600,000 to \$700,000 range. Classica is a million and up. That's part of Classica's common open space. There's a lot of tree protection save there plus we're keeping 80' on our property as well.

That kind of sums it up. Now the uses that we want to do and the space, we want to add a little more retail versus just flex warehouse space, so that these folks back here can come up.....there's a sidewalk that runs along these streets coming to 73. Right along here, you already have sidewalks that are taking you to 73, so we take this 10' multi-purpose path, so we have from here all the way down, so we go from down here all the way through here, all the way to there and we stop right here at this corner. There's a street that comes in here that connects this that has sidewalks, so people living back here can come through here, walk along here, come all the way down, come back in through here. If we put uses in here that have more retail or coffee shop or even a little restaurant, it serves all these residential people to the back versus just flex warehouse space.

Commissioner Walsh said with regards to the 40' thoroughfare buffer, I was reading the Staff Report and I'm not sure that NCDOT is going to let you put a dog park in the middle of their easement. Are you aware of anywhere else this has happened and then if you can't have that, will you comply with staff's request to move your buildings up and do it as they are asking with the regular buffer?

Mr. Palillo said what we would ask is that we go in and disturb the 40' buffer and then replant it. When you do it undisturbed you end up with holes and unsightly vegetation. You can't properly grade it. If I move the buildings up, I can grade in the 40' buffer. If I put the parking in front, that's where I have to have the undisturbed buffer. Even if we put the parking in front, I would ask that we could disturb the 40' buffer and then go back in and replant it and put nice vegetation, nice grass, nice landscaping versus forcing me to put a retaining wall at the edge of my parking and leave this wild area that doesn't.....

Commissioner Walsh said right, but I think they were talking about moving the buildings up and then putting the parking in the back.

Mr. Palillo said the only problem that I have with doing that is that certain buildings you want to have some parking in the front to give it some life and some feel to it, especially like a retail building. When you push the buildings up against the street, you force all your parking to the back, then you lose that life of the building, so now your entryway is to the back and you actually have the front of the building is now actually the back of the building because you're coming in off the parking lot.

Commissioner Walsh said seemed to work pretty well in Rosedale. Staff has requested that you narrow the list of uses for Lots A, B and D. We're obviously looking for employment generating uses.

Mr. Palillo said we're open to that, but I mean retail business, they all are generating employment it's just a matter of what employment. When you do flex warehouse space, it's going to create less employment than if I have more of a retail use or more retail use is going to create more employment. When you do like a flex space, you're getting more like say an HVAC contractor who uses it as his office, there's no one really there. He parks his trucks in the back and has his equipment in there. That's the kind of use that you are going to get with business camp with flex space.

Commissioner Walsh said with regards to the parking requirement, it appears the conceptual plans do not have enough parking spaces. How do you plan to meet the ordinance minimum standards?

Mr. Palillo said my understanding is we're overparked. What you see right there, you're saying that we don't have enough parking spaces?

Commissioner Walsh said that's what it said in the Staff Report.

Mr. Palillo said I'm not aware of that.

Mr. James said I believe their parking is okay.

Mr. Palillo said I believe we're overparked. I'm a big believer in having more than adequate parking. We never go with what the requirement is, we always exceed that.

Mr. James said B and D based on the concept plan, which keep in mind it is a concept plan, the parking seems to be adequate and if a development did come in, they would have to meet the minimum requirements.

Mr. Palillo said your minimum requirements are too low to really.....you are always short of parking, so we always exceed that.

Commissioner Walsh said at this point you haven't hired a licensed surveyor to accurately determine the specimen and heritage trees for the property.

Mr. Palillo said they just finished it up today. It cost me \$8,000 to have 600 trees identified from which is an oak, which is an elm.

Commissioner Bergsman said you just said that you had a surveyor come and do the tree survey.

Mr. Palillo said I just emailed it over to the guys. I got it today at 4:30 p.m. We had an arborist go in and identify over 600 trees over 10" on all those properties and that's been turned in.

Commissioner Bergsman said I haven't heard much about how it would handle like for stormwater run-off and I don't see any like retention.....so what's the plan for stormwater?

Mr. Palillo said because Lots A, B and D are conceptual, they'll all have to meet stormwater, so those are conceptual showing what the plans are. Parcel C is underground. Most of my projects we do underground storage, so you don't have those big unsightly basins. It cost a lot more money, but we usually put them underground. Once you do the actual site plan, there we have parking and conceptual plans, but once it's done it has to be engineered and has to meet water quality and have all the detention.

Commissioner Bergsman said just to confirm that this is 100 percent climate controlled indoor, or is there any plan to have possibly drive-up?

Mr. Palillo said it's all climate controlled indoor storage. No outdoor storage. It's all loaded in off the back down in the lower level, so you don't see any activity there.

Commissioner Bergsman said so there'll be like a ramp going into.....

Mr. Palillo said you can see the lower section, see where you're coming off-grade, so you've got two levels up front. This section here, it's three stories. This is in the ground, three stories, but only two levels show at the street and then this is actually coming down and this is the loading area down here. So off of the road you won't see any of that.

Commissioner Bergsman said do you have an idea like how many units it will be total?

Mr. Palillo said usually it's like 250 units. They are going to use mainly more bigger 10x10's and a mix.

Commissioner Bergsman said I know that this is the component that needs the rezoning, so there wasn't as much information about the other parcels, but can you.....

Mr. Palillo said I've got a daycare going in. We just signed a contract with a daycare right here on this corner. This property will be split with a daycare up here. And then we're looking at a bunch of different uses here, but we really haven't been able to really market it because it's limited to Campus Business. So we do have a concept if the rezoning is turned down with the flex space it will build. Those are attractive looking buildings, too. I don't know if anyone's been to my office, the building next door with all the glass, that's the same building that we would.....and I apologize I should have brought a copy of it.

Commissioner Bergsman said would you consider kind of providing more.....like narrow it, rather than having a list of what you are excluding, kind of having a more narrow list of what you will include.

Mr. Palillo said it's hard to do that because we are going to build it and lease it, so I'm not going to build it and operate it. As we lease each tenant space based on whoever comes in and wants to be the tenant is kind of the use that we'll put in there, so it's impossible for me.....we're not going to build all the space and be a user of all of it. We're going to build it and lease it to different uses. That's why we want the SP because it allows a variety of uses that is more beneficial to the neighborhood. You're going to get the same building there so if you want a building that has more uses for the people behind or do you want a building that just basically is Campus Business, flex warehouse space and no retail uses.

Commissioner Bergsman said can we pull up those lists of uses again?

Mr. Palillo said the uses right up on top, this is by right and then this is SP and we've crossed out more than half of them.

Mr. James said I've got a full list.

Commissioner Bergsman said is this slightly different than what was in the.....

Mr. James said no, it's just the full list has all of them listed and then the ones marked out in red and it also shows uses permitted with a special use permit so if the applicant wanted to cross through the special use permit list, that's an option.

Mr. Palillo said you can cross that off, we have no interest in any of that.

Mr. James said so these are things conversations need to be had about what others may be inappropriate on A, B and D, so we can cross the special use permits off, that's great, but.....

Commissioner Bergsman said that's what I was mainly concerned about. I mean, there's a lot of things on that special use list that I personally would not want to see.

Mr. Palillo said the only drag strip we would have is if two women are walking their children and want to race down that sidewalk we want to put in along 73. All the special, we don't want any of that. We are just doing our list which is right there. Permitted uses that's above and then special purpose and we've crossed out all of them just to allow a little bit more retail uses. And I don't have any problem crossing out mini-storage, which staff just brought up. If we do the mini-storage in the middle, then we'll exclude mini-storage from the other parcels.

Commissioner Bergsman said Commissioner Walsh already brought it up, and it's also in the Staff Report. I personally would prefer the parking to be in the rear. I love the idea of linear parks. I don't know if that's the right spot for one and I just Huntersville standards when you drive around most of the parking we have is rear building, side of buildings, and I just would like for you to consider that.

Mr. Palillo said anytime if we're going to put parking there, we're going to buffer it so you don't see, so like we've done even at Symphony Park, we've got parking in the rear. We put a big berm in there. We'll cover all that because we don't want to see the parking either. We'll landscape it and keep it soft lit, but the problem that you want to look at is the safety issues. There's a lot of safety concerns when you start pushing all the parking to the back. It may work.....it works at Rosedale when you've got buildings up front and then you have parking and then you have buildings all the way around it. Here when you are pushing everyone to the back in a wooded area around the back then you don't see that use is really even open, so some parking up front.....

Commissioner Bergsman said did you say earlier that if it was pushed to the back it would need a retaining wall between the back parking lot.....I heard a retaining wall mentioned.

Mr. Palillo said if we push the buildings to the front, I can disturb the 40' buffer. That's allowable. If I put the parking in the front, then it says I'm not supposed to disturb the buffer, so our request is if we do the parking in the front let me disturb the 40' buffer and replant it, so we'll replant it and it'll be attractive – nice landscaping, berms, it will be well landscaped versus leaving it natural and then all of a sudden you come there.....so if it's got a dip in it, then I have to put a retaining wall where my parking is

and then I have to keep that natural area there, so it just doesn't give you a finished product. Highway 73 is going to be a major thoroughfare and I would think that we want to make it look attractive here. When you say linear park, you're not going to get another developer that owns a half mile of frontage on a particular road that can put in what we want to put in. We only want to add that because it adds value. It ends up costing us additional money, but we're willing to provide that and then as part of our HOA we'll maintain all that. I don't know how you feel about walking down a 10' wide sidewalk 2-1/2' off the edge of the concrete road with cars doing 55 mph.

Commissioner Bergsman said the last thing I want to bring up, actually two more things. Will this project be done in phases?

Mr. Palillo said yes.

Commissioner Bergsman said what would the first phase be?

Mr. Palillo said A and C and then we'd start working right away on B and D.

Commissioner Bergsman said at least one of the buildings in addition to the indoor storage would be part of the phase one.

Mr. Palillo said the daycare would be going in right away. That use is allowed under CB zoning, so that one doesn't need any zoning. That one is going to get ready to go. Mini-storage would start right away and then we'd start working on B and C.

Commissioner Bergsman said I saw in the community meeting there was a comment about traffic issues on Oak Farm Lane and Maple Branch Drive. I was just wondering if there's any confirmed traffic issues in that area.

Mr. Palillo said those roads were existing. We didn't add these. These were already existing. These were put in for the residents that live back here. That's their access point to come in there. NCDOT makes us put our driveways off of these roads. They won't let us put cut-ins off of 73, so D access is here. A and B access here. C only gets access to 73 right-in/right-out only because it has no other means to get in and out so NCDOT can't landlock you and say you have to jump over here, it'd be impossible to do that. Unless you're landlocked here, you can't get a driveway cut. They won't give us any driveway cuts here or here or here. They come in off of these streets and again these lots were created from a previous board when they rezoned this back here and put all this residential in and whatever traffic concerns they have there, they had three years ago when they purchased back here.

Commissioner Bergsman said that was more for staff or HPD because just finding out it's said that maybe there's like traffic issues coming in and out. Are there any history of accidents or issues around that area, specifically turning out onto 73?

Mr. Palillo said one thing quickly you understand is that this road is under right-of-way acquisition. So NCDOT already has this road planned. You can see we're providing this as a turnaround. There's another bulb right here. That stuff is all in the works, so whether it starts in 2026-2027, you're only going to get right-in/right-out even to these roads, so those two accesses will be right-in/right-out and then you'll have to go into those bulbs and do those u-turns.

Police Chief Barry Graham said I have no statistics off the top of my head of that area. That's Sam Furr and that's really DOT and the developer is going to make the decision how it does right now.

Commissioner Bergsman said I just wanted to know if there were any currently.

Mr. Palillo said there was one serious accident right out here and it was because two cars head on crossed over the line and hit, it wasn't because someone was pulling in or out, someone wasn't paying attention crossed over the yellow line and they hit driver to driver.

Commissioner Dumas said how many employees do you expect to have at the storage facility?

Mr. Palillo said usually like four.

Commissioner Dumas said in regards to the linear dog park, I've only ever been to dog parks that had fences. I don't see one in your drawing and I would imagine it would make it less pretty. Is this like a dog park where it's just walking.

Mr. Palillo said one of the things we want to do which we have to get NCDOT approval, so we've already talked to NCDOT and they're kind of open to the conversation of what we are going to do. When you get into some of these areas we have to put a pedestrian.....see where Building C is, see how we are crossing over those creeks, we get into a little bit more area down in there and some of those areas we'd love to really fence it in. So, a fence along our side, but I don't know if NCDOT's going to let me put some fence on theirs. But in some of these areas we're going to have to put foot bridges to cross over some of these creeks. See where Building C is, there's some green area on both sides, right in there. So right in here this is all our land. We want to come in here and create some natural area and those are some areas where we could fence in some little areas if they wanted to run. Same thing in here. So we have to do a foot bridge across here, another foot bridge across there, so you'll see the foot bridge here. I just think with park benches and...yes, we would like to have some area for them to be able to be unleashed and run a little bit.

Commissioner Dumas said would you consider including solar panels on the roof of the buildings?

Mr. Palillo said we would have to look at the cost analysis of it.

Commissioner Hunt said you mentioned the apartments being built, but do you have specific market data to support the claim that more storage is needed?

Mr. Palillo said we've had a market study I can share that with you. It's not a really intense one, but you have apartments that are under construction right on Sam Furr Road just past CVS. As soon as you turn down 115 you've got an apartment project that hasn't opened up. It's on the left-hand side, then you have another 20 acres that's already been approved. They're getting ready to start breaking ground. On the Huntersville side of Mayes Road you've got 58 houses going in there. Westmoreland is coming in with a use by right on a 200-acre site. They are going to do about 240 single-family homes. Along McCord you've got several little infill pockets single-family homes coming in, so a lot of stuff coming. And we've got Symphony Park as well, which residents don't have any real storage there, so there's a need to serve those residents as well. They would need smaller spaces, not really 10x10's.

Mayor Clark called for public comments.

Robyn Hahn (Kirk Hahn and Shrinivas Hosur yielded their time), said we are opposed to the rezoning of these plots. We believe the CB zoning protects the surrounding neighborhoods and allows for businesses that will not detract from the communities while not presented hazardous materials or undue noise. The 80' buffers are for the protection of our homes and community. Classica has built a

desirable upscale neighborhood in Oak Farm. Sixty-one families have moved from across the country to live here looking for a farm-style country community. Why would anyone in the future choose to purchase a premium homesite in Huntersville if the town is going to allow the next developer who comes along to change the zoning of the surrounding properties to a designation which would decrease the value of their home.

We moved into our home in 1990. Within the first couple of years that we lived here we began to notice a white powdery substance falling from the sky onto us and our property. We found out that the property at 11235 Sam Furr Road was burning hospital waste and the powder falling on us was the soot from the burned materials. How can we be assured that with the zoning change something just as repugnant and dangerous does not happen again? Additionally, we are concerned about the natural erosion that will occur with more trees and undergrowth being removed. With the recent water additions to the creek running through this property, our property has experienced damage from the increased creek flow. Our fence which borders the creek and has been standing well beyond the 35 years that we have owned the property was eroded away this year and fell into the creek.

We also have concern about using the Oak Farm entrance as an entrance to Lot D. When Classica petitioned for the Oak Farm entrance, they requested a waiver for the Huntersville required separation of the two lanes of traffic by a median between the two lanes. They requested this exception to maintain the country lane appearance of the development. They wanted the residents to feel like they were coming home. The town allowed this exception. There is no separation between the two lanes of traffic and no widening of the road at the entrance. There is just enough width to allow two cars to comfortably enter and exit the community. If Lot D uses the Oak Farm entry, this will mean that delivery trucks will be using this entrance daily, posing an additional hazard for residents attempting to leave and enter the development. At the very least the entryway should be widened and a median should be installed to keep trucks from running over residents.

When the development was being built, our mailboxes were at the end of Oak Farm Road where it meets 73. It was a routine occurrence that our mailbox and the guardrail bordering 73 was run over by trucks leaving the development. It was replaced multiple times. What is there to protect residents sitting at the end of the road trying to turn onto 73 from being run over by trucks trying to turn in. Additionally, it is difficult with the current traffic load to get onto Highway 73. The addition of Ambassador Academy directly across from Oak Farm Lane, the opening of Symphony Park and the additional warehouses being built at Jamesburg add a whole new degree of difficulty of entering and exiting the community. Additional vehicular traffic onto Oak Farm Lane would greatly increase this difficulty.

Recently due to the accident on 73, traffic was diverted from 73 onto Oak Farm Lane. The diverted drivers became lost in the development and could not find their way out. It was mass pandemonium until 73 was reopened. Drivers drove round and round the roads trying to find an exit. Daily people drive through our development looking for a shortcut and become lost. Just last week we observed someone driving the wrong way on Oak Farm Lane which is a one-way street. Adding business traffic will only compound this problem.

Oak Farm is a quaint country-style development. Each day children play along the streets riding their bicycles and skateboards. Residents walk their dogs and walk to the mail house. Families take morning and evening walks stopping to chat with their neighbors. They gather along the road to exchange pleasantries and enjoy their surroundings. This is not a place to increase traffic. Your roads are too narrow. Increased traffic will create a dangerous situation for the children wishing to play in their community. The community-shared common areas and playground are surrounded by the roads of the

development. Increased traffic increases the chance that a child will be hit by a car while simply trying to enjoy the amenities provided by the development. By adding this traffic, you create an unnecessarily hazardous environment for our families. These tracts of land were purchased as CB and should remain CB. The plots should all use the same common entrance.....I just learned that you can't do that. I was hoping that they could use the same one that Plot C is using.

Ed McCormick (Beth McCormick and Chris Robson yielded their time) said I'm a resident of Northbrook that we've been looking at here on the screen. I'm also a member of the Northbrook HOA. I have lived in Huntersville for about 2 years now. I moved up from South Carolina. Before I get started, I just want to take a second and thank you all because I know it's not fun sitting where you are sitting and very few people step forward to do the kind of roles that you're doing, so I know you're in a tough spot.

You haven't heard from Will DuPriest yet. He's the spokesperson for the Oak Farm development. He's going to give you a pretty good overview on how both developments totally align on a desire to see no change made to the zoning – no SP, no variances, leave it as it is. I'm not going to repeat any of the stuff that he's going to talk about.

I'm going to talk a little bit about the impact on us like you just heard. Quite frankly, I'm even more nervous now after hearing the presentation earlier on where there was a resident in here from another development who said all the stuff the Town promised ain't happening. That's very scary stuff because what we just heard is we don't know if there's a fence, we don't know if this will be allowed, it could be that, it might go there, we might need a bridge. There's a lot of unknowns associated with this project. We do know this project is going to redefine Oakbrook and Northbrook, because whatever goes in front will be our new designation. It's the development down there behind the medical facility. It's the development down there behind the landscapers. We are going to lose the name of our street. It's no longer an entrance to a development, it's an entrance to a business. It happens to have a residential place behind it. That's really painful to have your home identified as the one behind the warehouse.

More importantly let's talk about traffic for a minute. We all live here and we know getting out on Sam Furr is a challenge. Adding these facilities which are already zoned to be added in some capacity, will add traffic. What goes on those lots will determine how much traffic. We have no idea what we're putting on those lots. We did hear tonight the daycare, so we know 30-40-50 moms, dads, nannies will be dropping off children and picking them up. That's another 40-50-60 cars trying to get on and off Sam Furr, which is very difficult to do, so what are they going to do. Well, a lot of people in Huntersville have figured it out, cut through Northbrook, get on McCord and go around that mess. We've lost a streetlight, we've lost a tree, we've lost a traffic pole and we had a kid hit in Northbrook already. There's a lot of cut-through traffic. This is just going to add to the cut-through traffic.

The other thing that is interesting is the architectural renderings, but the residents don't see that. That's what you see on the road as you zip by at 50 mph. We're looking at the back of these facilities where the dumpster, the compactor, the trailer, the utility trucks, the pallets and all the other goodies that go behind these buildings will now be what we see. And the tree canopy, although it looks great on the diagram, a lot of those are deciduous trees. All their leaves are coming down and we get a bird's eye view of the back of these facilities, the parking lots. It's a problem there for us from that standpoint.

The other thing is not knowing what's going there. What if there's a fairly large landscape company that rents one of these facilities. Workers start between 5:30 a.m. and 6:00 a.m. in the landscape business. They are going to be over there dropping off their cars, picking up their trucks, we have noise to contend with, so we have concerns about our identity, concerns about traffic, concerns about what we are going to have to be looking at.

We have nature trails or walking trails all along that creek right now. Those trails are now going to be a path to the parking lot. We'll be looking at the backs of buildings. We can take a nature trail to see a dumpster. This is not what we had in mind when we moved here and those trails were required by the Town of Huntersville, so these will be walking trails to parking lots.

The last thing I wanted to comment on because I learned a lot tonight listening to the presentation, is this whole issue of a dog park on 73. The building is 100,000 sq. ft. on Parcel C, requires 24 spaces. There's 24 spaces on that thing so it does meet the parking requirement, but that's for the building. Where are all the people going to park that want to come to use the dog park that's going to be put in. Are they going to park down at the warehouse and then have to walk down to the park. A lot of them might wind up parking in our neighborhoods, being it Oak Farm or Northbrook, to get to this dog park. Putting a dog park on a storage facility lot feels like we're putting a swimming pool at the North Meck Recycle Center. It just doesn't make any sense to me. Just because you can, doesn't mean you should, and I have a concern about that and the way this whole project is unfolding.

Our desire is leave it as it's zoned unless there's some very specific decisions like that's going to be a daycare facility. That's a decision....he stated the contract is signed and it's allowable as it is right now, but the SP zoning allows a lot of interesting things to potentially come in on this property and since we don't know what it is I don't know how you can approve it.

Noelle Burton – Passed.

Will DuPriest (Carol Power and Bill Power yielded their time) said I live in Oak Farm, Huntersville. The Oak Farm community is united with the Northbrook community to oppose this rezoning proposal. Our joint petition has 315 signatures, nearly two for each household stating our objections and concerns. Is this exception-riddled proposal a community benefitting, super imaginative, employment generating, environmentally friendly, knock our socks off design warranting so many exceptions. Nope, it's another mini-storage. The numerous issues in the exceptions you are being asked to make from our point of view are the applicant wants you to allow zoning intended for noise, smoke, fumes, odors, glare, commercial vehicle traffic or similar nuisances that diminish the use and enjoyment of nearby properties next to neighborhoods that set aside significant natural vistas and landscape features for permanent conservation. That's straight from the definitions of SP and TR. That's not land use. That's not mixed land use. That's oil and water, just to enable a mini-storage where there's one less than a mile down the road. Really?

The Staff Report says that the proposal is inconsistent with Policy LU-11 protect existing housing stock. The housing stock is us, our homes and our quality of life. So please, protect us.

Let's talk about the view, although it's 382' from the site to the nearest house, most of that is open field because of those drainage areas right there. But the hiking trails are immediately adjacent, so if you allow him to take away the trees on his property, then there goes the lovely natural vistas. Mixed-use under SP is not just about sight line though. It's about sound and smell and smoke and ash. Anyone remember the unpleasant smells on Eastfield Road across from Skybrook development? That went on for years. We don't want that. Robyn has already spoke to the ash.

The applicant wants all four lots as SP even though Lot C is the only one with a purported SP use, the mini-storage. The Staff Report says that Lot C, the mini-storage, doesn't align with policy for strategic economic development plans for employment generating uses. You heard, it's only four employees. Further, the staff recommended that Parcels A, B and D should align with the original 2018 rezoning, which was CB and with the economic development plan for employment generating uses. Okay, we

agree, let's keep them all CB. Well, but, what are some of those uses you get with SP. While we saw a little bit of smoke in mirrors up there about what are the available uses under right to use versus conditional. If you approve this under conditional, he gets to build outdoor theatres, residential recycling centers, transfer stations for organic and inorganic waste, yard waste intake and processing, solid waste incineration and then all the special uses are on the table right now. We didn't hear anything about anything being taken off the table further than that before this meeting. That's all new tonight. Oh, we'll take the special permits off. We didn't know about that. Why even consider SP with exclusions and open Pandora's box. Why don't you keep it as CB and have him ask if he can put retail on there. Flip the script. It's a lot safer for us. It makes us feel a lot better.

Reduce an 80' buffer to 35' between the mini-storage and the neighborhoods and the natural areas. While our Zoning Ordinance 7.5.7 says the plan reviewer shall not, those are pretty strong words, shall not, alter the requirements of the buffer yard unless the developer demonstrates that existing features, deciduous trees, and any additional buffers, none being supplied, will buffer the proposed use as effectively as the 80' buffer yard would. Well, this proposal simply clears the land. You can see it, he just rips all that land out, 35' of trees is not as effective as 80' of trees. We ask that you deny the request for decreased buffers and the request for SP.

The applicant might say that without these concessions, business ventures may not be viable on Lot C. These lots have been CB with buffer restrictions and the adjacent creeks have been there for decades. Surely the board in 2018 knew that Lot C might become an infill lot. When they approved the 2018 zoning, the applicant must have known that or should have known that when purchasing the land back in October. He already knew he only had 130' to work on, but he bought it anyhow. Just like we were told when we purchased or when we complained about this at first that we should have known that the land was commercial property when we bought our houses. You should have known. Well, he should have known. Why should the families of about 180 homes now bite a bullet for one applicant's business goals.

We've already talked about the waterflow. Robyn spoke to that. The Ambassador Christian School is just across Sam Furr Road. This proposal will subject those children to the same risk of noise, smoke, fumes, odors, glare, commercial vehicle traffic or similar nuisances. The proposal and the TIA don't address the school.

The applicant's own TIA shows numerous adverse impacts which it says must be remediated prior to the NCDOT/Sam Furr Road Improvement Project. But wait, it's worse, the TIA only addresses the mini-storage traffic, not any of the other allusive uses on Lot A, B or D.

The applicant wants to build on that 40' thoroughfare, which I don't know, it kind of just was smoking mirrors again. They have nothing solid to tell you how that's really going to work. The applicant still has signs up for sale for all four lots for industrial use and it's on a website with a local real estate agency for 250 percent more than the purchase price from last October. It appears that the applicant is not even fully committed to this project. We're confused as to what the real project or objective is for this land and maybe you are now too. What a mess. We can't imagine how this proposal is justified. So many waivers or changes to policies and laws. Ordinances are laws. That is not employment generating contrary to community planning that adversely affects the quality of life for Northbrook and Oak Farm, impacts traffic for four towns and prioritizes one LLC's goals over the community's values. We ask you to summarily deny this application with prejudice. Build CB with no variances for buffers.

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

Petition #R24-03. Mayor Clark called to order public hearing on Petition #R24-03 Long Creek Retail, a request by Saleh Moflehi of TA&S Enterprises of NC Inc. to rezone +/- 4.39 acres located at the intersection of Mt. Holly-Huntersville Road and Beatties Ford Road from Highway Commercial-Conditional District to Highway Commercial-Conditional District for an amendment to rezoning #R08-01 for a convenience store and retail/commercial use development.

Jesse James, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.*

On the screen you see the rezoning map and it shows the site in that purple hashed area. It's two parcels. They are looking to amend the R08-01 rezoning which was for a drug store and another retail building and this ask is for an amendment to that to add a gas station to replace the drug store and have two retail buildings and you'd be going from Highway Commercial – Conditional District back to Highway Commercial – Conditional District with a new site plan.

On the screen you see the existing conditions context map. You see the subject parcel at the corner of Mt. Holly-Huntersville Road and Beatties Ford Road for the three buildings, one gas station and the two commercial buildings. You've got single-family to the north, an approved CD plan for a mixed-use development to the west. You've got some storage and some more single-family residential in mainly a Rural district.

R08-01 just a more clear vision of what that was approved for. There on the corner you see the Commercial No. 1. That is the drug store that was approved with a drive-through and then Commercial Building No. 2 is about 13,500 sq. ft. That would be any type of commercial use in Highway Commercial, office, retail and then the elevation for that drug store is there on the top. It kind of shows the elevation that was approved back in 2008.

Again, this request is to have that replaced with a convenience store with a fuel canopy, three buildings in two phases and a public street connection which was also in that previous rezoning that goes back to what was approved for Mosaic Senior Living. That plan has not been brought in for construction, but that road did carry over to this request.

When staff reviewed this site plan for the three buildings, there were some concerns with several areas, one being the modification request to the north of the 30' buffer. Our 30' buffers are required to be vegetated, so you grade around those. The applicant has requested to grade into that buffer due to topographic constraints. Our issue with that ask is those buffers after being graded are at minimum a 2:1 slope, so we've got questions as to how that buffer would be replaced to the intent the ordinance requires. There's also a buffer needed for the north border against a single-family residence. That is there to the northwest and they just show a 15' buffer with no modification requests. That would be a requirement for a modification and again they have approximately 2:1 slope there which we have questions as to how you would plant or meet that intent of a buffer.

We've got some comments regarding additional screening around parking spaces and fuel canopies and things like that. One of our main concerns, too, is the plan shows the convenience store building with a gas canopy and the second building is Phase 1 and the street section with the second phase as Phase 2 but there's no call-out as to how or when these would be constructed. Our recommendation would be at least to have that street built and the driveway connection over to the first phase, but we just need more clarification as to how that phasing will work. Will Building 2 and Building 1 be built at the same time, when would Building 3 come into play, so those are some questions we have.

I haven't seen an accurate tree save plan to date. This plan that they do show doesn't clarify some of the trees on site, but they are showing no saved trees on site, so we have concerns regarding that. Building 3, the Phase 2 building there to the west, there's no elevation shown in the plans so we would like to have clarification as to what that elevation would look like and then this also the TIA was deferred. There is a TIA required. It was deferred to NCDOT. They have several comments and there's some requirements that they will have along Mt. Holly-Huntersville and Beatties Ford Road.

Looking at those modification requests and the needed modifications, you can see there behind the first phase and part of the second phase and that 30' buffer they have asked to grade, you can see that's a really steep slope there in that 30' buffer width so we just question how plants would last there and how you would get creative in meeting that intent and the same goes for the second buffer on that northwest side.

The elevations they did provide for the gas station do meet our expectations. There is some good modulation on the roof, a lot of windows. It has kind of a rural farmhouse type feel, architecture. That is the front facing Beatties Ford Road and the second building also facing Beatties Ford Road, same style. We would like to see elevation or at least to be ensured that the third building would have a similar design.

Moving to the 2040 Community Plan. This proposal does support a mix of land uses in that Activity Center, that shaded area, that circle is the Activity Center called out in the 2040 Plan. That red is the subject parcel. It's in a Rural Conservation area and in the Activity Center so it does support that mix of land uses and integrating some commercial use into that corner, which is called out on the Beatties Ford/Mt. Holly-Huntersville Small Area Plan. T-3.1 calls for connectivity which this plan does show with connecting the street over to the adjacent parcel.

Moving to what the proposal does not support within the 2040 Plan, Priority EO-3 talks about prioritizing tree canopy, which as I've alluded to there's no tree save on the site and LU-8.2 encourages higher design standards, so one thing that staff would like to see in rezonings like this is incorporation of more adjacent parcels and in Activity Center it would be nice to have a larger land mass where you can have some residential mix with the commercial, maybe some vertical mixed use, so there wasn't that given in this site. We do believe that the elevations and the architecture they showed meet our design standards but as far as the note in the Activity Center, it would be nice to get an actual mix of uses as far as residential mix with commercial.

With staff's recommendation, we may be able to support this plan with some conditions and some revisions on the plan, more detail regarding the buffers, landscaping, open space, tree save and elevations of Phase 2, when those phasing commitments will happen, design that goes above and beyond the minimum ordinance requirements like incorporating this site into a larger plan including adjacent properties, parcels, with mixed-use elements and then there are some TIA comments from NCDOT, some minor comments that need to be addressed.

At this time we cannot support the rezoning without more information on the plans. That's all I have for this. The applicants are here and they have a presentation as well.

Commissioner Bergsman said I just want to make sure that none of the parcels of that area are part of the critical watershed, correct?

Mr. James said no.

Commissioner Bergsman said in the Staff Report there was a comment about there were places where the retaining walls conflict with needed landscaping. Can you show where that is?

Mr. James said I'm not great with the drawing part of the screen, but if you look on the screen I have on the board, this is the retaining wall here and there's not enough room between the.....that's the retaining wall area and there's just not enough room for vegetation for parking lot screening.

Whitney Hodges said I am here representing the applicant. *PowerPoint attached hereto as Exhibit No. 12.* I happen to also have been part of the original rezoning. We agree with a lot of the things that have come out of the Staff Report and will be able to provide those by Planning Commission. We've kind of put those up of what we can agree to. The elevations are slightly a bit of a challenge, but we will have something to the Planning Commission by the 27th. There are two owners to this parcel. There's always been two owners to the parcel. When it was originally developed it was under one contract. It is not that way now so we're trying to kind of maneuver through that and make sure that everybody is on the same page because when you enter into a conditional district rezoning you kind of enter in together as a partnership and we want to make sure that everybody understands what was originally approved and then how we move forward. That's where we'll provide some clear definitions with that phasing plan. And then we are committed to addressing NCDOT's TIA recommendations.

Commissioner Walsh said there were a couple of and you may have mentioned that you're going to figure it out, but these two buffer issues, the one with the slopes and one that's the 30' buffer at the rear of the buildings and it's dropping 10' or 15' and I think it's a maximum of 3:1 slope and I guess what I think of is that going up, some plants being there and then a year later after some of the rains stuff washing the parking lots and going hey, there's not much we can do about it, so that would be a concern of mine.

Ms. Hodges said I would agree with that. I could have our engineer talk more about that.

Brian Upton said I'm the civil engineer for the project and yes, we are aware and will be providing some details as to how to establish the plantings. We're actually working through softening that slope up so that it's no longer 2:1, try to get it more 3:1, it might require some retaining walls along the edge of the parking lot in order to help achieve that but we are working through some details to be able to establish the plantings in that buffer to hopefully help prevent them from washing away.

Commissioner Walsh said I would encourage you to work with staff to make them comfortable with that.

Mr. Upton said yes.

Commissioner Walsh said the phasing questions, I know staff would like the buildings to look the same and you sort alluded to the fact that might be difficult but.....

Ms. Hodges said I shouldn't say that it's difficult, we just need to make sure that the Houston's who are the other property owners can also agree to that, so that we can make sure that that is there. I would love to tell you as one person, yes they can, but I want to make sure as a signed applicant that they understand what that means, too.

Commissioner Walsh said would you guys commit.....I know somewhere in the Staff Report it talks about the Phase 1, Phase 2, the full side path build-out being done prior to Phase 1 certificate of occupancy. I think they want the roads in and all the with the buildings.....

Ms. Hodges said I think that's one thing that the two landowners need to still negotiate.

Commissioner Walsh said I would encourage you to work with staff on that.

Ms. Hodges said definitely by final action.

Commissioner Walsh said what about the tree save. It says, I guess it's supposed to be 30 percent, but the rezoning plan saves no specimen trees.

Ms. Hodges said because there is a lot grading for this site, I think that there will be some tree mitigation that will be necessary. Again, with two owners, I want to make sure that they understand what happens between that mitigation so that staff is very comfortable with how that mitigation plan goes and so I think we just need a little bit more time to sort those details out.

Commissioner Dumas said I notice in your image here that there's a turn-lane coming down the street. Who is responsible for....do you plan to do the construction on that turn-lane and add a turn-lane in there?

Ms. Hodges said yes.

Commissioner Dumas said I'm going to ask the same question. Would you consider solar panels on the buildings?

Jeff Moflehi said if it's doable we will do it. Basic economics and basic functionality and we're looking into it. If anything of that nature would work, we'll definitely adapt it.

Commissioner Dumas said we're currently being asked to approve this with one building.....we wouldn't know anything about the design or occupancy or anything like that.

Ms. Hodges said this is the public hearing, so we're also collecting from the public and taking that back so that when the final action comes, you guys can make better decisions. What we are asking at the public hearing is we really think that the buildings can look very compatible but we just want to make sure that we can get that commitment into writing on the plan and so that would be coming back to you at final action.

Mr. James said I think part of that, too, so what they have asked for is Buildings 2 and 3 that they are a use that is compatible with Highway Commercial zoning and staff is comfortable with that. We just want to know what the elevation of the building would look like as compared with the development.

Commissioner Dumas said so, that's Buildings 2 and 3, so there's a gas station and then Buildings 2 and 3 and so we have.....

Ms. Hodges said the second building is the building we control. The third building is on a piece of property that the applicant has signed the application so they're a part of the application. I just want to make sure everybody agrees to the suggestions because this is a gateway into Huntersville and we really much understand that the elevations need to be on par with what has been established in a lot of planning efforts for a couple of decades. That is just something that we just need to make sure.....I want to make sure the other owner's representative in the room, too, and so I want to make sure he's okay with that, too.

Commissioner Dumas said but we don't know what it could be in those other two buildings.

Ms. Hodges said the original rezoning limited the uses and so that's really one of the reasons that we are here is because one of the uses was for a drug store with a drive-through and we would like to change it to a convenience store. So that limitation of uses still remains. We're not changing any of that, so it didn't open it up to all Highway Commercial uses. It did have some limitations.

Commissioner Dumas said that's Building 1?

Ms. Hodges said all the buildings. The whole plan contains all of those restrictions. Those are not changing. In 2008 when the plan was originally approved it limited the uses. There were some uses that came out, but one of the uses specific was a building that said a drug store. That one building we would like to change to a convenience store. Everything else in the original plan remains the same.

Commissioner Dumas said what can go in those other two buildings?

Ms. Hodges said retail and commercial uses.

Commissioner Quarles said you guys will be coming back to us. Across the street from this proposed project there's a retail shopping area and I know that there's a police tower that constantly stays in that area because of crime in the area and you go further down to Mt. Holly-Huntersville Road and Harris Boulevard there's a commercial area there with a gas station and I'm pretty sure they said that gas station had been robbed about three times in the last four months. When you guys get back with us will you give us some type of report from the City of Charlotte because those are on the Charlotte side of Mt. Holly-Huntersville Road versus Huntersville, so I'm very concerned with the crime in that area, bringing the Charlotte crime into Huntersville.

Ms. Hodges said I will do my best effort to get that to you.

Mr. Moflehi said the stores we develop are state of the art stores. We build the latest and newest Circle K designs. We have two developed sites we just opened less than 6 months ago in the City of Charlotte. You are welcome to take a look at them. We've been awarded as the top franchisee of Circle K in the country, so we are proud of what we do and we do it right and make sure the sites are clean, well lit, secured and it's not going to be a crime scene at all.

Commissioner Quarles said I appreciate that, but I do know that there are some teenagers doing circles right in the intersection of Beatties Ford and Mt. Holly-Huntersville Road, so a nice facility like that could bring on additional traffic and that would be my concern, if you could give me some type of crime report from Charlotte in that same area.

Mr. Moflehi said we'll try to get you that, but I just want to make comparison we keep it well secured, overstaffed all the time, open 24 hours, minimum shift is 4 to 5 people working there, monitoring the store inside and out, cleaning trash.....lights and that deters bad behavior.

Commissioner Bergsman said I'm glad to hear that it seems like you are very amenable to working with the staff recommendations and trying to meet this as much as possible, so that's fantastic because I pretty much agreed with everything staff said in their report. The only thing that hasn't been asked yet that I'm really curious about is when looking at.....there's two entrances – one off of Beatties Ford Road and one off of Mt. Holly-Huntersville. When oil tankers or you know.....come in to replenish gasoline would they be using the one on Mt. Holly-Huntersville.

Ms. Hodges said this is the delivery truck template of how that would work because that question actually came up in our neighborhood meeting and so we wanted to make sure that we had that there for you.

Mr. Upton said the plan would be for the truck to enter in off the Beatties Ford Road driveway, circulate in through the site and then it could exit out through onto Mt. Holly-Huntersville Road. Because of the improvements we're having to do, left-turn access is going to be restricted leaving the property on both Beatties Ford Road and Mt. Holly-Huntersville Road so it sort of necessitates the truck being able to get back to the intersection so it has two driveways to be able to get back so it can get back to where it's got to go.

Commissioner Bergsman said thank you for explaining that because just looking at that I still don't understand. I just kind of want to clarify a point from earlier. Did I hear you say that in regards to the buffer and the slope that you think that there's a possibility of getting it closer to the 3:1 versus the 2:1?

Ms. Hodges said that's what I heard from Brian, so that's what we are going to try to work for. I had some other slides about some examples of urban open space that we want to make sure.....just some examples of what we would envision kind of the urban open space.

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

Petition #TA24-06. Mayor Clark called to order public hearing on Petition #TA24-06 "Farmhouse Cluster Changes," a text amendment request by the Town of Huntersville Planning Department to amend Article 3.2.1(e), 3.2.2(e), 3.2.1(d)3(c), 3.2.2(d)3(c), and 12.2.1 "Open Space" of the Huntersville Zoning Ordinance to make changes to Farmhouse Clusters and Open Space.

Nathan Farber, Senior Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 13.*

I will be discussing TA24-06 Farmhouse Cluster Changes. To start I just want to do a quick background on Farmhouse Clusters. They are only allowed in the Rural and Transitional Residential zoning districts. They allow a max six lots on a minimum of 10 acres, and we do allow two farmhouse clusters to be developed together. They are only allowed using privately maintained driveways and they require 50 percent open space to be set aside. They are also considered a minor subdivision.

The 2040 Community Plan says that the purpose of Farmhouse Clusters is to create subdivisions that sensitively integrate with the Rural environment and currently the Zoning Ordinance requires that Farmhouse Clusters shall maintain a generally rural appearance from public roads. Historically, we have interpreted this to mean that a buffer along the road should be provided, though it is not required, and we have also usually been able to get at least a 60' buffer with all of our past Farmhouse Clusters.

Staff is proposing to require an 80' buffer for Farmhouse Clusters. This change is to remove any subjectivity and make it easier to communicate to applicants on what is exactly expected. This proposal is also to help ensure that the Rural and Scenic natures of many of our roads are preserved. We are also going to propose to add greater flexibility to the design of the buffer, to better reflect the rural nature of the development. To do this we are proposing that if there's any existing vegetation then the buffer may not be disturbed. If there is no existing vegetation then you may either plant a buffer made up of the required planting, which you can see the requirements for highlighted in yellow or you can use the existing Meadows or Fields with a mix of softscape or hardscape elements to enhance the existing rural scenic roads. Some of these examples include stone walls, split rail fences and vegetation. Up on the

screen you'll see a couple examples of this from existing properties within the town. Here's one with split rail fences and another one with a rural farm and a stone wall. If this road is used, all the homes would have to be screened using a semi-opaque screening.

Now moving on to open space and tree save. Open space and tree save can currently be located within private buildable lots within Farmhouse Clusters. On the right you can see an example of an approved plan for a Farmhouse Cluster where the natural open space and the tree save is located in the rear of private buildable lots. The problem that staff has been running into is that this often results in open space and tree save being disturbed. This has created an enforcement issue as well as the unfortunate loss of mature vegetation. On the left is another example of a Farmhouse Cluster where the open space delineation can be quite confusing especially if you owned one of those lots, everything outside of the yellow is undisturbed open space and as you can see based on the photo to the right, that open space has been disturbed and here's the before and the after.

Often homeowners assume that the property that they own they can do whatever they want within it. Unfortunately, in Farmhouse Clusters a lot of the open space and the tree save is placed inside their lots so they may not realize that they can't clear their lot to their liking or build their dream pool or future project.

Staff is proposing to remove the ability to place tree save and open space within the private buildable lots and again the purpose is to make it easier for homeowners to understand what they can do within their own lot and it's also to better save our tree save and open space and provide that higher quality that the 2040 Plan calls for.

Along with this text amendment, we are also proposing to remove Farmhouse Cluster from the Open Space definition so that it better aligns with all of the previous changes I've discussed.

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

Petition #TA24-07. Mayor Clark called to order public hearing on Petition #TA24-07 Accessory Dwelling Units in General Residential, a request by the Town of Huntersville Planning Department to amend Article 3.2.3(c) of the Huntersville Zoning Ordinance to remove the family-only occupancy requirement from the General Residential zoning district regulations to achieve consistency with the rules governing ADU's in other residential zones.

Patrick Patterson, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 14.*

Quickly, what an ADU is in case no one knows. An ADU is an Accessory Dwelling Unit. It's a smaller, independent residential dwelling unit located on the same lot of a standalone single-family home. Here are a couple of examples of the most common that you would see.

Accessory Dwelling Units are permitted by right with conditions in every residential district in the Town of Huntersville. In the General Residential zoning district, though, the Zoning Ordinance states the following about ADU's. They are permitted by use of a related person. This is the only zoning district that has that caveat, so staff is proposing to remove the language that limits ADU's to related persons in order to be consistent across all residential districts. The text amendment will include striking "or use by related person(s)" in order to align with all the residential districts in Huntersville.

Commissioner Hunt said can you or Brian talk about how ADU'S chip away at the problem of missing middle housing?

Brian Richards, Planning Director, said it's just a tool that can be utilized. We don't see it too often in Huntersville, but there is a real challenge out there, folks being able to find affordable housing in the Charlotte market and it's going to continue to grow. Again, this is just something that we can utilize to try to help affect that small chip. We will be introducing other language throughout the year to help combat that. Right now, this is just one of those things that we can do that's low hanging fruit – pretty easy.

Commissioner Hunt said do we expect there to be like an influx of ADU's, like people coming forward to say I want to build an ADU on our property? Are you expecting an influx of that if this change were to go through?

Mr. Richards said no, we've allowed these since 1996 and there's just not a whole lot of them out there. I would not anticipate this one change bringing on a large influx of these units.

Commissioner Hunt said can you maybe talk about some individuals who would benefit from ADU's – any particular age groups or even the landowners themselves?

Mr. Richards said typically what you will see is elderly parents moving back in, kids coming back from college that don't want to move in the house, you can do that. You don't see too many short-term rentals in town, especially with this. I know that was a concern from some folks throughout this process, but really young couples starting out that can't afford to buy a home but do want to live in Huntersville or they work here or nearby – school teachers, nurses.

Commissioner Hunt said so it's just creating more housing diversity – more options for people.

Mr. Richards said correct and again staff does not anticipate you're going to see a lot of these come in. You'd still have setback restrictions, HOA's can regulate these things as well, impervious restrictions throughout town, there are a lot of limiting factors, so again I don't think you'll see this on a widescale everybody's going to build an ADU. They're very prevalent in other areas of the country – California, Portland, those type areas in lands restricted. It's very difficult to develop here. We still have a lot of greenfield development, so again we do not anticipate a large influx of these, but they are options.

Commissioner Hunt said it also helps to combat the problem of like suburban sprawl.

Mr. Richards said correct, every little bit counts.

Commissioner Bergsman said I was kind of surprised when I learned that this is written this way because I have lived in a lot of places and I had never heard of it being restricted to folks in their family only. I just wanted to check because this went before the HOAB and was that a 7-1 vote in support.

Mr. Patterson said correct.

Commissioner Bergsman said that's all.

Mayor Clark called for public comments.

Lee Hallman (Amy Hallman yielded her time) said I'm speaking to you as a resident of the GR zoned neighborhood Sherwood Forest. Let's talk about the staff's recommendation to modify accessory dwelling unit restrictions in General Residential zoning. When I first saw this, it was like ADU's aren't

something I get passionate about, but when I saw the reason given for the modification, attainable housing, my dog whistle ears went up. I was going to get up here and just rift, but the more I thought about it, the more I had to say and I figured I needed to write this down so get ready for a monotone speech.

There's a reason we have several different residential zoning districts and it should be that the rules vary between them, otherwise we'd only need one.....you know, diversity. Let's test why the use of ADU's in GR are restricted to primary owners' families while they are not in the other residential zoning districts. I suspect this was intentional due to the vulnerabilities in GR that don't exist in some of the other zoning districts for the following reasons. GR is the oldest residential zoning district in Huntersville. Most of the neighborhoods in GR are at least 30 years old. Many are 40-50 years old, long before HOA's were prevalent. Many HOA's have governance around ADU's and rentals. GR neighborhoods intentionally have lower densities than new neighborhoods with most of the lots being one-half to one full acre, plenty of room to add ADU's.

TR neighborhoods contain housing stock with the nearest level of attainability due to the age and often smaller size. I would guess the average resale price of a house in GR is lower than the overall town average. I know this to be the case in my neighborhood, in Greenfield Park and in Shepherds Vineyard. When ADU language was added, I suspect some or all of these points were considered when adding the language to prevent rentals in GR and I'll bet Jack had something to do with it.

Now on to attainable housing. First, I need to propose that rental property, while part of our housing stock, is not the target of the attainable housing issue. Home prices are, specifically entry level home prices. Most families starting out would like to see their home expenses build equity in something in order to avoid working for the rest of their lives. If the rentals are part of the attainable housing issue, then we need to address rental rates. Will ADU rents be less than apartments? Maybe, if they are low quality, I guess. Is that what I should expect to see from my backyard. What should be asked is does this adversely affect the quality of life of Huntersville residents – you know, those living here.

Yes, I admit, I'm literally pitching to you NIMBY. This looks to me like a backdoor way to put multi-family in single-family residential zoning. I can see a developer lacing a few of these properties together then going to Home Depot and buying a few barns and window units and opening a compound. Planning staff has long salivated over the possibilities of freeing up space in GR neighborhoods to grow density in those areas. I get it, planners be planning and I'm sure the intention is to allow some retired couple to build a structure in their backyard that they can rent out and supplement their social security income yet fairly innocuous but unintended consequences. We know that no good opportunity goes unexploited especially in the real estate world. You've now converted residential property into commercial with a revenue stream. By adding the ADU structure, you've increased the property value, pushing it out of the attainable level and by adding the revenue stream you've invited corporate and absentee landlords to participate.

I've got no solution to the attainable housing issue, but I do know the cause and it's not the housing stock shortage that followed the 2008 crash. This goes back to wage suppression, corporate greed. With the exception of this one example, my first job 50 years ago was working at McDonald's for minimum wage, \$1.80 an hour. The average inflation rate over those past 50 years is 3.8 percent per the Bureau of Labor Statistics. Escalating the minimum wage by only the inflation rate says that the minimum wage today should be \$12 an hour. Instead, you know it's \$7.25. If you extrapolate that disparity across all the entry level jobs for young adults, then the problem is obvious. Everything costs more except labor. That's wage suppression. Where did that missing value go. And we know due to the communicative powers of laws of value, I made that up, it winds up in the pocket of corporations leaving stock buy backs

which promotes the transfer of wealth to the executives and shareholders. Yes, it's in your 401K and it's in my retirement account, but it bleeds across into the government, too, seen by the workforce housing problem. Sorry, but our tax rates are too low, they are artificially low due to underpaid police, fire and teachers etc. So yes, it's a big problem. It's going to take a big global level solution.

This is not Adam Smith's capitalism, but it is where capitalism has led us to full blown corporate capitalism. Attainable housing is not something Huntersville can fix and I get it, this is an attempt to do something rather than nothing. This has the potential to cause more problems before it can do any good. However, being a nationwide problem there are a lot of municipalities out there with a lot of good ideas that we need to explore. In doing so, we need to run it through one filter. Does this protect and improve the quality of life for the residents of Huntersville. Deny this text amendment.

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

Petition #TA24-08 Family Care Home. Mayor Clark called to order public hearing on Petition #TA24-08 "Family Care Home," a request by the Town of Huntersville Planning Department to amend Article 12, Section 12.2.1 of the Huntersville Zoning Ordinance to update the language to specify where a Family Care Home's one-half mile radius distance is measured from.

Patrick Patterson, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 15.*

Here's a definition from our Zoning Ordinance of the Family Care Home. The first sentence kind of defines it. It's a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six residents with disabilities. It then goes on to list what that is.

Family Care Homes are permitted in any district which allows residential use. No new Family Care Home is permitted within a one-half mile radius of an existing Family Care Home per our ordinance. The proposed text is just looking to clarify where that exclusive radius is measured from. Staff is proposing to update the definition to specify where that Family Care Home exclusive radius is measured from, as well as some updates to some of the language in the definition.

Here's our current Family Care Homes in Huntersville. In red are the active ones and we still have some of the inactive ones in black.

Commissioner Bergsman said I'm going to throw a curveball out because one of the things I've been thinking about with this is that state law gives us the option to put in the restrictions, like the one-half mile radius, but it's not a requirement, so I've been wondering why are we doing that to begin with.

Brian Richards, Planning Director, said I was not here when that was put in place, but I would imagine it's just to limit so you wouldn't have too many of those in consecutive lots, those types of things. That's just pure speculation.

Commissioner Bergsman said Family Care Homes don't involve folks who have a past history of violence or anything like that, so I mean it's just something I kind of want to throw out there for the rest of the Board. I don't see any issues, especially with the language changes in what you've proposed to clarify, but I would like to have some further thought on whether or not we need to have that restriction to begin with.

Mr. Richards said we'd be more than happy to go get a survey of other communities and see what their restrictions are and then we can give you guys a comparison.

Commissioner Walsh said how do we currently measure them and how is the new one done?

Mr. Patterson said I believe currently we measure them from a point created on the home, I believe it's the master bedroom. We're not looking to move it to where the property lines can join. Property lines don't, a home could be placed anywhere on the property, so we just wanted to have it from property line to property line.

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

Petition #TA24-09, Building Separation. Mayor Clark called to order public hearing on Petition #TA24-09 Building Separation, a request by the Town of Huntersville Planning Department to amend Article 8.10 and Article 12.2.1 of the Huntersville Zoning Ordinance to closer align our rules regarding building separation to North Carolina Building Code Standards and North Carolina Residential Code Standards.

Patrick Patterson, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 16.*

This is a text amendment regarding how we define building separation in our Zoning Ordinance. Currently, building separation is defined as the following. We have a minimum building separation of 10' between detached principal structures and a 4' building separation between accessory structures or detached accessory structures.

One of the origins of this text amendment is we were looking to figure out what the origins of this 10' and 4' were and we also wanted to compare with what other people are doing. One of the biggest comparisons is Building Code standards. We have our Zoning Ordinance and then there's the Building Code as well that regulates these things. We found that these weren't necessarily matching up. While Building Code standards did have much more of a robust standard set, ours seemed to be a little bit more arbitrary. Staff is looking to revise the building separation section of the Zoning Ordinance to align with Building Code standards. It's also going to allow us to be a little bit more adaptable to future changes so as the building code updates, we can update automatically as they do and it also helps streamline a little bit of the permitting process as they will have to align with Building Code standards currently and onwards and so in the future they would just have to align with Building Code standards.

I'll do a quick little high level teaching lesson on what the building standards define as building separation. They don't necessarily have a set definition of building separation. They define it as fire separation distance. The easiest way to think about it is they use a scaling method. The closer the building, the higher rated firewalls you will need. Fire class rating is generally to stop the spread of fire. It's going to have your main three components that you are going to look at – proximity to the buildings, construction material, and then what they define as the occupancy or the use. Certain uses in buildings are going to be more flammable. If an industrial building has some sort of flammable material, there may be a higher fire rated construction needed. There won't be any sort of need to have any sort of fire rated construction if the buildings are placed appropriately, so fire separation distance is also required between principal dwellings and accessory structures. If you have a small 10x10 shed, there isn't a need for a fire rated construction with that. ADU's and garages, though, do require some sort of separation or fire rated construction for that.

There's a quick table kind of describing what I just spoke about. This is in the Building Code. This is what building inspectors and building reviewers will generally use to figure out whether something needs fire rated construction or not. This proposed language will simplify our Zoning Ordinance by deferring to Building Code standards. We can be consistent with the state building codes. It allows us to be a little bit more flexible in site design. It's uniform so there's only one standard that applicants are going to have to worry about which is the Building Code standard which can help streamline some of this permitting process as well.

I also wanted to quickly discuss what this proposed language will not do. This does not remove setbacks for structures. Single-family homes are still going to have side setbacks which means they'll still maintain at least a 5' separation between lot lines, so you're most likely still going to get that artificial building separation from those setbacks. Accessory structures still have a 5' setback from rear property lines and have to be outside of that side setback, so it's not removing zoning requirements, as well as setbacks will still exist. Mecklenburg County currently and will in the future still review and inspect all structures for applicable fire separation distance, so they either review it and inspect it or inspect it throughout the building process to make sure that it is compliant. We are also adding the definition of fire separation distance to our ordinance to closer match Building Code language regarding building separation.

Commissioner Walsh said back a few slides it said no fire separation distance is required between a principal dwelling and accessory structure on the same lot, so if somebody had a detached porch or something like that, there's no longer a minimum separation with those if we adopt this.

Mr. Patterson said a detached porch or any sort of detached structure, so yes a small 10x10 shed would not require any sort of fire rated construction, but there is no distance minimum.

Commissioner Walsh said but currently we have one of 4'.

Mr. Patterson said 4'.

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

Petition #TA24-12. Mayor Clark called to order public hearing on Petition #TA24-12: Proposed text amendment to modify or remove uses requiring a Special Use Permit, affecting Articles 3 and 9 of the Huntersville Zoning Ordinance

Brad Priest, Assistant Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 17.*

Petition #TA24-12 is in regard to special use permit uses and applying to modify some of the uses to other review processes.

Just a quick background. Quasi-judicial review is done by the Town Board. There's certain uses and things that are done by the Town Board to review, special use permits is one of them. Back in August 2022 the Town Board took the action of changing major subdivision from being reviewed by the Town Board being quasi-judicial reviews, having a subdivision hearing, for the lack of a better word, to approve subdivisions. They changed that and made that a staff review only, so there's kind of been an effort for a few years now to kind of reduce the amount of quasi-judicial reviews, major subdivisions that were done by the Town Board.

So why is that. Quasi-judicial review processes are regulated by the North Carolina General Statutes and because of that it's very specific on what can take place and what cannot take place in that review. That causes some complex interactions between staff, the Board and applicants. When you have a quasi-judicial review, only information and evidence at the hearing of the Town Board can be considered for the decision. For instance, if the applicant wanted to come to the Town Board and say I'm thinking about this project, what do you guys think about it, that wouldn't be permitted. Or if adjacent property owners are saying did you hear about this thing coming next to my property, I want to talk to you about it, that's probably not appropriate either. It's very specific, very confined, and so the Town Board back in the day said let's try to go away from those types of review when we can. An example of that is the hotel process that we just went through in regard to the special use permit and even the Planning Board's recommendation, there was a lot of confusion about what can the Planning Board say, what is the Town Board going to consider in regard to the Planning Board. Some people were saying what are we doing here because the Town Board can't talk about it, so there was just a lot of confusion.

Staff is looking to try to reduce the amount of special use permits that come before the Town Board so we can reduce those awkward processes as much as possible. If we're looking at our ordinance, special use permits are really given to uses that have a greater than normal effect on adjacent properties. Traditionally things like landfills, airports, wind energy facilities, things that are going to produce noise, things that are going to produce smoke, things that are going to really need an additional level of review, so it's not just staff looking at it, it's elected officials looking at it. That's generally the purpose of special use permits. But going through our ordinance and looking at what is required for special use permit process, we see other things that may not need that type of scrutiny and that type of high review – dormitories, school in the Corporate Business zoning district, country inn developments, hotels.....things that may need some review, but not to the affect that something like a landfill or an airport or wind energy facility would.

This application is a three-fold request from staff to kind of go through and cut some of the special use permit uses and we do it in three ways. Number one is take some of those less extensive uses, ones that do require some review but get it out of the quasi-judicial review system and change it to a conditional rezoning district review. It's still required to be looked at by the Town Board, but not quasi-judicial, so that opens things up a little bit. This is not an extensive list of all the changes, but it gives a good example of the different ones, so again hotels, the ordinance says that if you're less than 250' from residential zoning you need to get a special use permit. Staff would change that to say you need to get a conditional district rezoning and then the Town Board would be able to look at it that way. The same for the height requirement. So that's one principal that we are asking for.

Number two, if you go into the ordinance, you see a lot of uses that are permitted with conditions and in Chapter 9 those conditions are extensive. There's 20. Sometimes there's 30. A whole bunch of requirements that those uses have to meet and you have to go get a special use permit. The thought process is that's kind of redundant. If they meet all those conditions, is there really a need to go through that special use permit process and have that confined process. Our answer would be no, let's change that and just let the conditions do the job and they would protect adjacent properties. That would be true with communication towers in the Rural district, banquet facilities in Rural and those temporary schools in CB.

Number three, there are some uses that text amendments were approved back in the day for specific uses in mind. Those uses were never used. They never came. They never got a special use permit, so let's just get rid of those and remove them. For instance, Par 3 or a commercial driving range in Rural. That was never done, so we're proposing to get rid of that.

An example, here's 9.45 of the ordinance. Down at the bottom where it says currently a special use permit is needed if you're less than that 250' from residential property, we just switched that out to conditional rezoning, as easy as that.

What you would see in the ordinance that we drafted, there are a whole lot of uses in Transit Oriented Development that were uses permitted with conditions and one of those conditions was if you're over these requirements, for instance if you're over 15,000 sq. ft. gross floor area, if you don't meet the minimum floor area ratio that far, if you're over 8,000 sq. ft. government building, you need to get a special use permit. Again, our idea is just put that as a use permitted by right, the conditions themselves; the square footages are already in the use description, just put that as a by-right thing and if you can't meet those square footages, if you want bigger then you go the conditional rezoning route and you ask for a modification of that because remember we just did a text amendment that allowed more flexibility for the uses and things like that. We just did that text amendment a few months ago, so now we have greater flexibility so now if someone wants to do a very interesting TOD, big uses, they want modification, they can come to the Town Board and ask.

In summary, we are trying to cut down those uses that the Town Board has to look at, but at the same time keep that higher level of review through the conditional rezoning process. The HOAB did look at this last month and recommended approval unanimously.

Commissioner Walsh said there were two that you're going to eliminate, a Par 3 and then I'm sure I'm the only one up here who doesn't know what a country inn development is. What is that?

Mr. Priest said the country inn development was almost like a banquet facility for TR. It was a hotel/event facility and there were a whole bunch of conditions to it. It was very specialized. It was an idea that somebody wanted to do. The text amendment was approved, but it never went forward, so it's just been in the ordinance for years.

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

OTHER BUSINESS

Labor Contract – Electrical Construction Work. David Lucore, Electric System Manager, said for your consideration this evening staff solicited formal bids for underground directional boring and underground services for labor for FY2525 and we are requesting approval to the low bidder, River City Construction.

This contract is basically a not to exceed. It's a unit contract, so the contractor only gets paid for whatever they actually put in, so we have a list of all the projects we expect to occur in FY25 and that's the basis for this amount. If projects are delayed and the contractor doesn't put everything in, they won't get paid the full amount. They only get paid for what they put in. We had three bids – Lamberts Cable and Splicing, Lee Electrical and River City Construction. River City Construction was the low bidder at \$2,380,961.

Commissioner Walsh made a motion to approve the contract for electric construction for FY25 with River City Construction in the amount of \$2,380,961 and authorize the Town Manager to execute the contract documents.

Commissioner Dumas seconded the motion.

Motion carried unanimously.

Contract attached hereto as Exhibit No. 18.

Parks and Recreation Commission Appointment. Consider appointing one member to the Parks and Recreation Commission to a partial 3-year term expiring 12/31/2024 due to vacancy from Tiege Chiesa resignation.

Mayor Clark called for nominations.

Commissioner Rivers nominated Patty Reich.
Commissioner Walsh nominated Patty Reich.
Commissioner Dumas nominated Patty Reich.
Commissioner Hunt nominated Patty Reich.
Commissioner Quarles nominated Patty Reich.
Commissioner Bergsman nominated Patty Reich.

Commissioner Bergsman made a motion to appoint Patty Reich to the Parks and Recreation Commission.

Commissioner Rivers seconded the motion.

Motion carried unanimously.

Town Attorney Employment Agreement. Mayor Clark said before you, as we have previously reviewed, we have the Town Attorney Employment Agreement. This is to establish a contract for our Town Attorney, Emily Sloop, who previously did not have that and we have made that contract in compliance with other contracts that employees have in this town.

You will see that Emily Sloop did receive a salary increase and that was consistent with the pay study that was done previously, and we followed the same general guidelines as other employees.

Commissioner Bergsman said the North Carolina League of Municipalities puts out their salary survey, I think it's every year, so I looked at that before this meeting and I just wanted to share some stats that I got from that because it has the attorney salaries for most of the municipalities that have an attorney on staff. The Town Attorney's salary in Gastonia is at \$221,581. In Chapel Hill, which is actually smaller than Huntersville in population size, the salary for the Attorney is \$201,250. In Kannapolis, which is also smaller than Huntersville, the Attorney salary is \$243,255. I was just looking at that because there were some questions with the compensation study and it seems like we're right in line.

Commissioner Walsh said Ms. Sloop has done an outstanding job supporting this Board and giving us direction. She's an asset to our town and our team. I'm very happy that we were able to agree on a contract with her so she can continue to serve the Town of Huntersville.

Commissioner Quarles said I truly believe we have the best Town Attorney in the state of North Carolina, so I make a motion to approve the Town Attorney Employment Agreement with the following modification: the first word of Section 16 on Page 5 should be amended to Employer.

Commissioner Hunt seconded the motion.

Motion carried unanimously.

Employment Agreement attached hereto as Exhibit No. 19.

CLOSING COMMENTS

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

Approved this the 3rd day of September 2024.